

1 HAEGGQUIST & ECK, LLP
2 ALREEN HAEGGQUIST (221858)
3 alreenh@haelaw.com
4 AARON M. OLSEN (259923)
5 aarono@haelaw.com
6 ANNA C. SCHWARTZ (346268)
7 annas@haelaw.com
8 225 Broadway, Suite 2050
9 San Diego, CA 92101
10 Telephone: (619) 342-8000
11 Facsimile: (619) 342-7878

12 Attorneys for Plaintiff Rose Tagnesi

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN DIEGO

15 ROSE TAGNESI, an Individual,

16 Plaintiff,

17 v.

18 GROSSMONT UNION HIGH SCHOOL
19 DISTRICT;
20 GROSSMONT UNION HIGH SCHOOL
21 DISTRICT BOARD OF TRUSTEES;
22 and DOES 1-25, Inclusive,

23 Defendants.

Case No.:

COMPLAINT FOR COMPENSATORY
DAMAGES AND EQUITABLE RELIEF

DEMAND FOR JURY TRIAL

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1 Plaintiff Rose Tagnesi (“Ms. Tagnesi” or “Plaintiff”), by her attorneys, brings this action on
 2 behalf of herself against Grossmont Union High School District (“GUHSD”), Grossmont Union
 3 High School District Board of Trustees (“the GUHSD Board”), and DOES 1-25 (collectively,
 4 “Defendants”). Ms. Tagnesi makes the following allegations upon information and belief (except
 5 those allegations as to Ms. Tagnesi or her attorneys which are based on personal knowledge), based
 6 upon an investigation that is reasonable under the circumstances, which allegations are likely to
 7 have evidentiary support after a reasonable opportunity for further investigation and/or discovery.

8 **NATURE OF THE ACTION**

9 1. School board elections, once considered minor ballot races by voters, have taken
 10 on new significance in recent years. With monetary backing and grass roots efforts, a growing
 11 number of extreme conservative and religious action groups have been targeting their efforts at local
 12 school board elections. Their aim is to gain control of school systems to fight against diversity
 13 policies and teachings in public education on sexuality, gender identity, and race. This fringe, anti-
 14 diversity ideology has gotten so out of control that on September 25, 2023, California’s Governor
 15 signed into law Assembly Bill (“AB”) 1078, preventing school boards from banning books based
 16 on their inclusion of content related to LBGTQ¹ and requiring school boards to take affirmative
 17 action in creating an equitable learning environment where all pupils and staff, including LGBTQ,
 18 feel welcome.²

19 2. Unfortunately, the anti-diversity virus reared its ugly head in San Diego County
 20 and has taken root in GUHSD’s Board. Three of the GUHSD Board members, who constitute the
 21 majority, are staunch believers in and vocal advocates of “East County Values,” which they have
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 25 ¹ “LGBTQ” is an abbreviation for lesbian, gay, bisexual, transgender, queer or questioning,
 26 intersex, asexual, and more. These terms are used to describe a person’s sexual orientation or gender
 identity or expression.

27 ² See Office of Governor Gavin Newsom, “California Bans Book Bans and Textbook
 28 Censorship in Schools (Sept. 25, 2023), <https://www.gov.ca.gov/2023/09/25/california-bans-book-bans-and-textbook-censorship-in-schools/> (last visited May 9, 2024).

1 unequivocally defined as being anti-LGBTQ and “anti-woke.”³ Meaning, even though California
 2 has clear anti-discrimination laws, the majority board members believe they are above the law and
 3 can impose an anti-LGBTQ agenda on GUHSD’s students and staff. The majority board members
 4 are Gary Woods, Jim Kelly, and Robert Shield – who are white males with strongly-held Christian
 5 and anti-diversity beliefs (the “Anti-LGBTQ Majority Board”).

6 **Anti-LGBTQ Majority Board Members**

7 **Gary Woods**



7 **Jim Kelly**



7 **Robert Shield**



14 3. Mr. Kelly, Mr. Shield, and Dr. Woods, have unashamedly displayed their anti-
 15 LGBTQ views in open public board meeting sessions, through their words and actions.⁴ In violation
 16 of anti-discrimination laws, the Education Code, and GUHSD’s own policies, the Anti-LGBTQ
 17 Majority Board embarked on a discriminatory campaign, which included, *inter alia*, banning books
 18 that included LGBTQ content, severing a long-held relationship with a mental health provider solely
 19 because the provider offered specialized services to the LGBTQ community, cancelling programs
 20 because they included LGBTQ-related material, interfering in hiring decisions and refusing to hire
 21 persons who support LGBTQ or who appear too “woke,” and taking adverse actions against staff,
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23
24 ³ “Anti-woke” is a term used by opponents of anti-discriminatory social movements to
 25 mockingly imply that “wokeness” is insincere performative activism. The term is used to mock the
 26 pro-diversity community for being “woke” on social injustice as if discrimination, prejudice, and
 27 social injustice in the United States is artificial.

28 ⁴ Lest there be any doubt of their discriminatory bias, one need only watch the videotaped
 board meetings on July 20, 2023, August 14, 2023, and August 30, 2023, among others. *See* GUHSD
 Board Meeting Videos, <https://vimeo.com/user19457081> (last visited May 9, 2024). Board meetings
 generally are to be open to the public. Cal. Gov’t Code §54954.3.

1 including Ms. Tagnesi, who identify as members of the LGBTQ community and/or who support
2 members of the LGBTQ community.

3 4. Ms. Tagnesi, a proud member of the LGBTQ community who served GUHSD for
4 over 28 years in exemplary fashion, was one of the many victims of the Anti-LGBTQ Majority
5 Board's discriminatory campaign. Not only has Ms. Tagnesi been harmed by the Anti-LGBTQ
6 Majority Board's discriminatory actions, but so have other educators, student-pupils, applicants,
7 vendors, and the community at large.

8 5. Because of her sexual orientation and because she opposed the Anti-LGBTQ
9 Majority Board's discriminatory conduct, Ms. Tagnesi faced discrimination, harassment, and
10 retaliation, culminating in the loss of her 28-year career with GUHSD. To make matters worse,
11 GUHSD and the GUHSD Board failed to comply with Ms. Tagnesi's due process rights when it
12 took adverse employment actions against her.

13 6. To redress the harms suffered, Ms. Tagnesi brings claims against Defendants for:
14 (1) Discrimination and constructive discharge in violation of the Fair Employment and Housing Act
15 ("FEHA"), Government Code §12940(a); (2) Harassment in violation of the FEHA, Government
16 Code §12940(j); (3) Failure to prevent discrimination, retaliation, and harassment in violation of the
17 FEHA, Government Code §12940(k); (4) Discrimination in violation of Government Code §11135;
18 (5) Retaliation in violation of Labor Code §1102.5; (6) Failure to provide due process in violation
19 of the Ralph M. Brown Act ("Brown Act"), Government Code §54957; (7) Failure to provide due
20 process in violation of the California Constitution; and (8) Declaratory relief under Code of Civil
21 Procedure §1060.

22 JURISDICTION AND VENUE

23 7. The Superior Court of the State of California has jurisdiction over this action
24 pursuant to Article VI §10 of the California Constitution because this case is a cause not given by
25 statute to other trial courts. Federal jurisdiction does not exist in this case because there is no federal
26 question implicated and because there is not complete diversity of citizenship.

27 8. This Court has personal jurisdiction over Defendants because Defendants do
28 business in, and conduct a substantial amount of business within, the State of California. During the

1 relevant period, Defendants did sufficient business in, had sufficient contacts with, and intentionally
2 availed themselves of the laws and markets of California through the operation of GUHSD, as to
3 render exercise of jurisdiction by California courts permissible. The violations of law described
4 hereinafter were carried out within the County of San Diego, State of California.

5 9. Venue is proper in the County of San Diego in accordance with Code of Civil
6 Procedure §§395 and 395.5 because Defendants hired Ms. Tagnesi to work in this County, and many
7 of the acts and practices giving rise to Ms. Tagnesi’s claims occurred in this County.

8 THE PARTIES

9 Plaintiff Rose Tagnesi

10 10. Rose Tagnesi is a natural person, over 18 years old, residing in San Diego County,
11 California. Ms. Tagnesi was an employee of GUHSD from on or about August 1993, until her
12 constructive discharge on or about February 22, 2024, during which time Ms. Tagnesi was a resident
13 of and performing services for GUHSD and the GUHSD Board in the County of San Diego, State
14 of California. Ms. Tagnesi, a lesbian, is a member of a protected class within the meaning of the
15 FEHA, Government Code §12940, *et seq.*, because of her sex, sexual orientation, and protected
16 activity.

17 11. At relevant times, Ms. Tagnesi was a certificated “public school employee” within
18 the meaning of the Educational Employment Relations Act (“EERA”), Government Code
19 §3540.1(j). At the beginning of her employment, Ms. Tagnesi was a member of the Grossmont
20 Education Association (“GEA”) Bargaining Unit.

21 Defendants

22 12. Defendant GUHSD is a “public school employer” within the meaning of the
23 EERA, Government Code §3540.1(k), with its principal place of business at 1100 Murray Drive, El
24 Cajon, California, 92020. GUHSD receives funds directly by the state, and/or receives financial
25 assistance from the state. GUHSD is subject to Title 2 of the Education Code, §§33000-650001.
26 During the relevant period, GUHSD was an “employer” of Ms. Tagnesi within the meaning of the
27 FEHA, Government Code §12926(d) (employer includes “the state or any political or civil
28 subdivision of the state, and cities”). At relevant times, GUHSD had an agreement with GEA for the

1 certificated bargaining unit as certified by the Educational Employment Relations Board (the “GEA
2 Bargaining Unit”). The President of GEA was James Messina. GEA acted as the representative of
3 the certificated employees of GUHSD within the meaning of EERA, Government Code §3540.1(e).

4 13. Defendant GUHSD Board is a “public school employer” or “employer” within the
5 meaning of EERA, Government Code §3540.1(k), and the FEHA. Every school district shall be
6 “under the control of a board of school trustees or a board of education,” and the “governing board
7 of each school district shall prescribe and enforce rules *not inconsistent with the law.*” Cal. Educ.
8 Code §35010(a), (b) (emphasis added). Further, the governing board of any “school district may
9 initiate or carry on any program, activity, or may otherwise act in any manner *which is not in conflict*
10 *with or inconsistent with*, or preempted by, *any law* and which is not in conflict with the purposes
11 for which school districts are established.” Cal. Educ. Code §35160 (emphasis added); *see also* Cal.
12 Educ. Code §§35160.1, 35161, 35166. The “governing board may sue and be sued.” Cal. Educ.
13 Code §35162; *see Essah v. Governing Bd. of the L.A. Unified Sch. Dist.*, No. EDCV 20-2628-FWS
14 (AGR), 2023 U.S. Dist. LEXIS 114461, at *8-9 (C.D. Cal. Feb. 23, 2023) (“California law makes
15 clear that the Board is the District for the purposes of litigation.”) (citation omitted). At relevant
16 times, the GUHSD Board included: (1) Robert Shield (President, Area 4 Trustee), (2) Dr. Gary
17 Woods (Vice-President, Area 3 Trustee), (3) Jim Kelly (Clerk, Area 5 Trustee), (4) Chris Fite
18 (Member, Area 1 Trustee), and (5) Elva Salinas (Member, Area 2 Trustee). The GUHSD Board
19 members were “supervisors” of Ms. Tagnesi within the meaning of the FEHA, Government Code
20 §12926(t), because they had the authority, in the interest of GUHSD and the GUHSD Board, to hire,
21 transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline Ms. Tagnesi or
22 the responsibility to direct her, or to adjust her grievances, or effectively to recommend that action.
23 In connection with the foregoing, the exercise of that authority was not of a merely routine or clerical
24 nature, but required the use of independent judgment. The Anti-LGBTQ Majority Board were
25 responsible for taking harassing, discriminatory, and retaliatory adverse employment actions against
26 Ms. Tagnesi.

27 14. Defendants engaged in the acts alleged herein and/or condoned, permitted,
28 authorized, and/or ratified the conduct of their employees, subcontractors, and agents, and are

1 vicariously liable for the wrongful conduct of their employees, subcontractors, and agents alleged
2 herein.

3 15. Ms. Tagnesi does not know the true names and capacities of defendants DOES 1
4 through 25, inclusive, and therefore sues them by these fictitious names. Ms. Tagnesi will amend
5 this Complaint to include their names and capacities once they are known. Ms. Tagnesi is informed
6 and believes, and on that basis alleges, that each of the defendants designated as a DOE is legally
7 responsible in some manner for the occurrences alleged in this Complaint, and unlawfully caused
8 the injuries and damages to Ms. Tagnesi as alleged in this Complaint.

9 16. Ms. Tagnesi is informed and believes, and thereon alleges, that each defendant is,
10 and at all times mentioned was, the agent, employee, or representative of each other defendant. Each
11 defendant, in doing the acts, or in omitting to act as alleged in this Complaint, were subsequently
12 ratified and adopted by each other defendant as principal.

13 EXHAUSTION OF REMEDIES

14 17. On May 30, 2024, Ms. Tagnesi filed a charge of discrimination with the California
15 Civil Rights Department (“CRD”) against GUHSD and the GUHSD Board. That same day, the CRD
16 closed Ms. Tagnesi’s case against GUHSD and the GUHSD Board and issued a Right-to-Sue letter.
17 *See* Exhibit 1 attached hereto. Therefore, Ms. Tagnesi has exhausted her administrative remedies
18 under the FEHA.

19 18. On June 3, 2024, Ms. Tagnesi filed her claims against GUHSD and the GUHSD
20 Board in compliance with the requirements of the California Tort Claims Act (Government Code
21 §§810-996.6). GUHSD and the GUHSD Board was given more than 45 days to review Ms.
22 Tagnesi’s claims and take action. On July 18, 2024, the Anti-LGBTQ Majority Board rejected Ms.
23 Tagnesi’s claims. As such, Ms. Tagnesi exhausted any administrative duties under the California
24 Government Claims Act, entitling her to pursue all her claims in Court.

25 FACTS COMMON TO ALL CAUSES OF ACTION

26 **About the Grossmont Union High School District (GUHSD)**

27 19. GUHSD is a public school district in eastern San Diego County, California, and
28 serves high school, adult school, and regional occupational programs to students in the cities of El

1 Cajon, Lemon Grove, and Santee, as well as several unincorporated communities (e.g., Alpine, Casa
 2 de Oro, Crest, Dehesa, Dulzura, Jamul, Lakeside, Mount Helix, Rancho San Diego, Spring Valley,
 3 and parts of La Mesa and San Diego). GUHSD is overseen by a five-member governing board and
 4 operates 13 high schools. The day-to-day operations are run by the Superintendent, who is appointed
 5 by the board. With more than 2,300 employees, plus hundreds of more hourly and/or contract staff,
 6 GUHSD is the largest employer in eastern San Diego County.

7 20. Appointed in July 2022, Mary Beth Kastan was the Superintendent of GUHSD
 8 until recently. The Superintendent shall be “the chief executive officer of the governing board of the
 9 school district.” Cal. Educ. Code §35035(a); *see also* Cal. Educ. Code §§35124, 35160.1(b).

Mary Beth Kastan



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 17 21. Before Ms. Kastan, Theresa Kemper served as the GUHSD Superintendent from
 18 about July 2020 to July 2022. Prior Superintendents included Tim Glover (2016-2020) and Ralf
 19 Swenson (2010-2016).

About Ms. Tagnesi

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 21 22. Ms. Tagnesi has been an educational leader for over three decades, helping develop,
 22 implement, and evaluate special education programs. She graduated from Oklahoma State
 23 University in 1990 with a Bachelor of Science degree in Special Education and obtained a Master
 24 of Education, Counseling, degree from the University of San Diego in 1992. Ms. Tagnesi holds
 25 several professional credentials and certifications related to her area of expertise.

26 23. GUHSD hired Ms. Tagnesi on or about August 1993, as an Education Specialist at
 27 Homestead High School and West Hills High School in the Grossmont Union High School District.
 28 Through her exceptional work performance, Ms. Tagnesi received several promotions throughout

1 her career with GUHSD. After serving as an Educational Specialist, in 2004 Ms. Tagnesi was
2 promoted to Assistant Director of Special Education, a position in which she served until 2010.
3 From 2010 until her wrongful constructive discharge on or about February 22, 2024, Ms. Tagnesi
4 served as the Director I, Special Education. At the time of her wrongful constructive discharge, Ms.
5 Tagnesi was earning \$198,317.28 per year (\$16,526.44 per month). At relevant times in this
6 Complaint, Ms. Tagnesi was a “permanent” employee within the meaning of Education Code
7 §§44929.21 and 44929.28.

8 24. GUHSD provided Ms. Tagnesi with written annual performance evaluations,
9 which evaluated her in several categories. Throughout her lengthy career, GUHSD provided Ms.
10 Tagnesi with the highest performance rating in most, if not all, categories in every performance
11 evaluation. The comments Ms. Tagnesi received from her supervisors in her performance
12 evaluations were resoundingly positive. For example, in one of her most recent performance
13 evaluations, her supervisor commented that her performance was “extraordinary given the unique
14 challenges placed on special educators as a result of so many students being distance learning and
15 trying to meet their individual needs as required by law.” “Rose should be commended for the work
16 she did this year under perhaps the most adverse set of challenges educators have ever faced.” The
17 year prior, her supervisor commented how Ms. Tagnesi “continues to do an outstanding job as
18 Director I, Special Education,” and again commended Ms. Tagnesi for meeting goals, completing
19 projects, and being vital in providing input and collaboration. In her prior review, Ms. Tagnesi’s
20 supervisor commented how she is a “relationship-oriented leader” who is “diplomatic and
21 empathetic.” Ms. Tagnesi “is always open to suggestions and perspective and is flexible when
22 necessary,” she “advocates tirelessly for students, staff, and programs,” and she “is a respected
23 leader outside of our district” and “well known for her exceptional work and expertise in the field
24 of special education.” These are just some of the many glowing comments about Ms. Tagnesi’s
25 exceptional work performance. Ms. Tagnesi’s other performance evaluations are also overflowing
26 with similar positive comments.

27 25. But Ms. Tagnesi’s climb to the Assistant Director, Special Education position was
28 not without discriminatory hurdles. In 2004, during the process of trying to be promoted to Assistant

1 Director, Special Education, Ms. Tagnesi’s boss, Marilyn LeResche, who was the then Director I,
 2 Special Education, advised that Ms. Tagnesi had to keep a low profile because if the board members
 3 found out she was gay they would not approve promoting Ms. Tagnesi. As such, Ms. Tagnesi kept
 4 the fact of her sexual orientation from public view so the GUHSD Board would not find out she was
 5 a member of the LGBTQ community until after her promotion.

6 26. Unfortunately, as set forth below, after the Anti-LGBTQ Majority Board learned of
 7 Ms. Tagnesi’s sexual orientation and perceived her as having an LGBTQ agenda, Ms. Tagnesi got
 8 caught in the Anti-LGBTQ Majority Board’s web of discrimination, retaliation, and a hostile work
 9 environment.

The Majority of the GUHSD Board Is Anti-LGBTQ

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 11 27. As set forth above, Jim Kelly, Gary Woods, and Robert Shield, who make up the
 12 majority of the board, are anti-LGBTQ. They are staunch believers in and vocal advocates of “East
 13 County Values,” which they have unequivocally defined as being anti-LGBTQ and “anti-woke.”
 14 Based on information and belief, the Anti-LGBTQ Majority Board are part of grassroots efforts,
 15 including in churches, to fight against diversity policies and teachings in public education on
 16 sexuality, gender identity, and race.

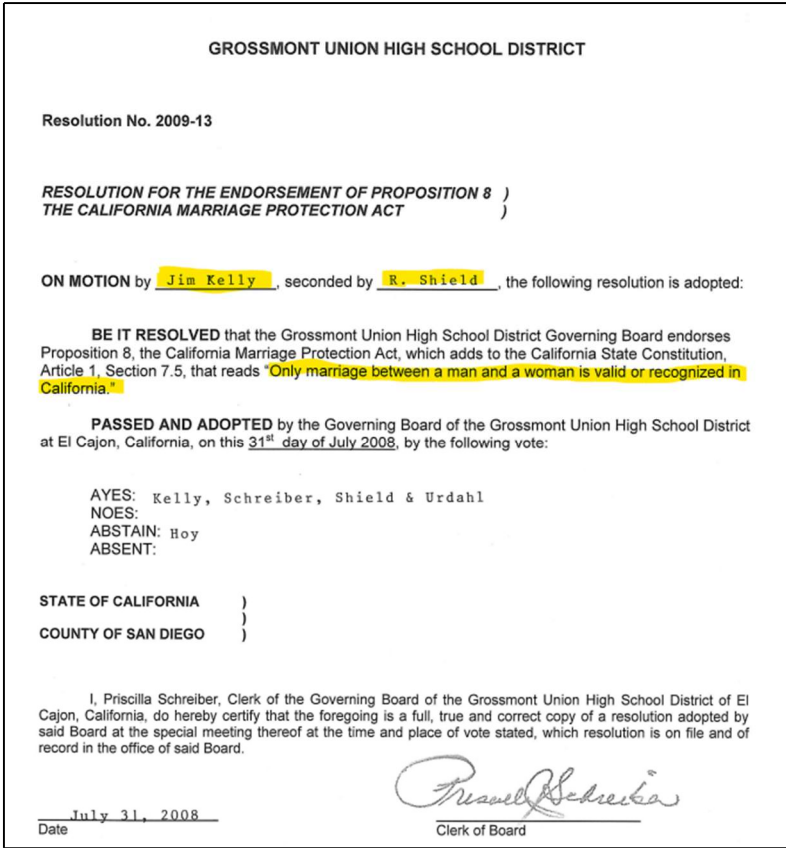
17 28. Mr. Kelly, who is anti-LGBTQ, is a member of the Skyline Church, which is an
 18 evangelical Christian megachurch known for its leading role in organizing conservative religious
 19 groups to support California Proposition 8, which banned same-sex marriage in California before
 20 the Supreme Court’s holding in *Obergefell v. Hodges* (which held that the 14th Amendment requires
 21 all states to license marriages between same-sex couples and to recognize all marriages that were
 22 lawfully performed out of state). On motion by Mr. Kelly and Mr. Shield, the GUHSD Board
 23 endorsed Proposition 8, to add to the California State Constitution a provision that reads: “Only
 24 marriage between a man and woman is valid or recognized in California.”

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29. In supporting Proposition 8, Mr. Kelly said “‘we need family-friendly schools.’ If same-sex marriage is allowed, then ‘once you start that game, why is it two people? Why can’t it be more people? *Why can’t it be animals?* You destroy the institution.’”⁵ In other words, Mr. Kelly compared gay couples to animals. Mr. Kelly openly opined that if gay marriage was allowed, then “state curriculum[s] are certain to follow” where children could learn about such rights. Further, based on information and belief, Mr. Kelly and Mr. Shield joined a federal lawsuit challenging an anti-discrimination bill applicable to public schools signed into law by California’s Governor in October 2007. These board members were actively working with conservative groups to overturn anti-discrimination laws aimed to tighten protection for LGBTQ members.

⁵ See Jessica Garrison, “School boards are prodded to take a stance in gay marriage debate,” L.A. TIMES (Aug. 18, 2008), <https://www.latimes.com/local/la-me-board18-2008aug18-story.html> (last visited May 22, 2024) (emphasis added).

1 30. Dr. Woods, who is anti-LGBTQ, is the Executive Director of Equip Biblical
2 Institute, which provides so-called “leadership development” in biblical studies, based out of El
3 Cajon, California, and is affiliated with the Shadow Mountain Community Church, a Baptist
4 megachurch located in El Cajon, California.⁶ His religion believes that gender hierarchy was God’s
5 original intention, with women being subject to men, and that marriage can only be between a man
6 and woman.

7 31. As for Mr. Shield, Superintendent Kastan has noted to other leaders that Mr. Shield
8 is anti-LGBTQ “with the other two” (referring to Mr. Kelly and Dr. Woods) when it comes to his
9 beliefs toward the LGBTQ community. As discussed above, along with Mr. Kelly, he fought against
10 anti-discrimination laws designed to provide protections to the LGBTQ community.

11 32. In addition, relevant to this Complaint, attorney John Wayne Howard (SBN 80200),
12 an older white male, on informed and belief, is a good friend and personal advisor of board member
13 John Kelly. Based on information and belief, attorney Howard holds many of the same political and
14 religious views as Mr. Kelly.⁷ The Anti-LBGTQ Majority Board, have a historical precedent of using
15 attorney Howard to carry out their political and religious agendas, including by threatening legal
16 action against staff members if they do not submit to the Anti-LGBTQ Majority Board’s views.

17 33. Unfortunately, as set forth more fully below, the Anti-LGBTQ Majority Board has
18 proven to be unable to set aside its discriminatory bias. Their religious and political views conflict
19 with the Anti-Discrimination Laws (defined below) and GUHSD’s policies. The Anti-LGBTQ
20 Majority Board knowingly sided with their personal discriminatory views, at the expense of their
21 duties as board members and in violation of the Anti-Discrimination Laws. In the process, Ms.

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24 ⁶ Shadow Mountain Community Church, “What We Believe,”
25 <https://shadowmountain.org/about/what-we-believe> (last visited May 9, 2024).

26 ⁷ Attorney Howard is known for filing lawsuits supporting his “anti-woke,” right-wing
27 agenda, including by (1) representing a white male challenging hiring practices by a business that
28 hires diverse employees such as LGBTQ, (2) representing plaintiffs in a lawsuit brought by Donald
Trump against Twitter relating to censorship of Mr. Trump, and (3) filing several cases promoting
his anti-Covid vaccination and anti-masking views.

1 Tagnesi, students, GUHSD staff, vendors, and the community at large, particularly the LGBTQ
2 community, have been harmed.

3 **California Has Robust Anti-Discrimination Laws that**
4 **Apply to GUHSD and the GUHSD Board**

5 34. “It is the policy of the State of California to afford all persons in public schools,
6 regardless of their . . . sexual orientation . . . equal rights, and opportunities in the educational
7 institutions of the state.” Cal. Educ. Code §200. In fact, “California’s public schools have an
8 ***affirmative obligation*** to combat racism, sexism, and other forms of bias, and a responsibility to
9 provide equal educational opportunity.” Cal. Educ. Code §201(b) (emphasis added); *see also* Cal.
10 Educ. Code §202(c). “There is an urgent need to teach and inform pupils in the public schools about
11 their rights, as guaranteed by the federal and state constitutions, in order to increase pupils’
12 awareness and understanding of their rights and the rights of others, with the intention of promoting
13 tolerance and sensitivity in public schools and in society as a means of responding to potential
14 harassment and hate violence.” Cal. Educ. Code §201(e). GUHSD and the GUHSD Board did not
15 afford all persons in its district equal rights and opportunities, namely, persons who are members of
16 the LGBTQ community.

17 35. Under California law, “California schools ***must create*** an equitable learning
18 environment where all pupils, including ***lesbian, gay, bisexual, transgender, queer, and***
19 ***questioning (LGBTQ)*** pupils . . . feel welcome, including through . . . the diversity of gender and
20 sexual orientation that reflects the lived reality of those pupils.” Cal. Educ. Code §202(c) (emphasis
21 added); *see also* Cal. Educ. Code §220 (“No person shall be subjected to discrimination on the basis
22 of . . . gender identity, gender expression, [or] sexual orientation . . . in any program or activity
23 conducted by an educational institution that receives, or benefits from, state financial assistance, or
24 enrolls pupils who receive state student financial aid.”); Cal Educ. Code §234(b); Cal. Const., Art.
25 I, §28(a)(7). In addition to school site resources to support LGBTQ, California school districts are
26 required to have access to local “physical and mental health providers with experience in treating
27 and supporting LGBTQ youth.” Cal. Educ. Code §218(c)(2)(B).
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1 36. As set forth below, several persons at GUHSD, including Ms. Tagnesi, were
2 subjected to discrimination based on their sexual orientation, gender identity, and/or gender
3 expression, and GUHSD and the GUHSD Board intentionally restricted access to local health
4 providers with experience in treating and supporting LGBTQ youth. Any “efforts to categorically
5 exclude topics related to . . . sexual orientation, or other protected characteristics . . . from . . .
6 curricula . . . constitute censorship that violates California law and policy.” Cal. Educ. Code §202(e).
7 Unfortunately, GUHSD and the GUHSD Board did just that.

8 37. Moreover, the “Superintendent and other state officials and agencies have the
9 authority to enforce federal and state laws that protect pupils from unlawful discrimination . . . and
10 that require local education agencies to create an equitable learning environment for all pupils,
11 regardless of . . . sexual orientation.” Cal. Educ. Code §202(f). “This authority includes the power
12 to ensure that local educational agencies comply with laws supporting pupils’ right to receive
13 accurate and inclusive education in California’s schools.” *Id.* Similarly, the “governing board of a
14 school district shall have the primary responsibility for ensuring that school district programs and
15 activities are free from discrimination . . . and for monitoring compliance with any and all rules and
16 regulations” promulgated under the Government Code. Cal. Educ. Code §260. The Superintendent
17 and the GUHSD Board failed to ensure GUHSD complied with the Anti-Discrimination Laws and
18 failed to ensure pupils had the right to receive inclusive education. Rather, GUHSD and the GUHSD
19 Board intentionally took steps to ensure pupils did not receive inclusive education.

20 38. The California Education Code’s anti-discrimination laws as outlined above are to
21 be “interpreted consistent” with, *inter alia*, California Government Code §§11135, *et seq.*, Title VI
22 of the Civil Rights Act of 1964 (42 U.S.C. §1981, *et seq.*, 34 C.F.R. Part 100), Title IX of the
23 Education Amendments of 1972 (20 U.S.C. §1681, *et seq.*), the federal Equal Educational
24 Opportunities Act (20 U.S.C. §1701, *et seq.*), the Unruh Civil Rights Act (Cal. Civ. Code §§51, 53),
25 and the FEHA (Gov’t Code §12940, *et seq.*). *See* Cal. Educ. Code §201(g). These laws are herein
26 referred to as the “Anti-Discrimination Laws.”

27 39. In addition, GUHSD has several affirmative action and anti-discrimination
28 policies, including, without limitation, (1) Affirmative Action Board Policy, Nos. BP 4111.1, 4211.1,

1 and 4311.1, (2) Nondiscrimination in Employment Board Policy, Nos. BP 4030 and AR 4030(a), (3)
2 Nondiscrimination in District Programs and Activities Board Policy, No. BP 0410, and (4) Civil and
3 Legal Rights Board Policy, No. BP 4119.1, among others. Rules and regulations adopted by the
4 GUHSD Board are, in effect, a part of Ms. Tagnesi's employment contract and she is entitled to their
5 enforcement. *Am. Fed'n of Tchrs. v. Oakland Unified Sch. Dist.*, 251 Cal. App. 2d 91, 97 (1967).

6 40. Unfortunately, as outlined in this Complaint, GUHSD, through its Anti-LGBTQ
7 Majority Board, violated the Anti-Discrimination Laws and GUHSD's anti-discrimination policies,
8 in ways that harmed not only Ms. Tagnesi, but other educators, student-pupils, vendors, and the
9 community at large.

10 **The Anti-LGBTQ Majority Board's Anti-LGBTQ Agenda Infected GUHSD**

11 41. The discriminatory animus toward the LGBTQ community, including Ms. Tagnesi,
12 is evidenced through several overt acts by the Anti-LGBTQ Majority Board, which culminated in
13 Ms. Tagnesi unlawfully being the target of a manufactured investigation (aka "witch hunt"),
14 discriminatory demotion, and ultimately a wrongful constructive discharge in violation of the Anti-
15 Discrimination Laws. Due to their strongly held religious and political beliefs, several of the Anti-
16 LGBTQ Majority Board's overt actions to carry out its Anti-LGBTQ agenda were on public display.

17 42. With the Anti-LGBTQ Majority Board, GUHSD suffers from systemic
18 discrimination which created a discriminatory atmosphere that was directed at Ms. Tagnesi.
19 Evidence of the "discriminatory atmosphere" "'add[s] "color" to the employer's decision making
20 process and to the influences behind the actions taken with respect to the individual plaintiff.'" *Ercegovich v. Goodyear Tire & Rubber Co.*, 154 F.3d 344, 356 (1998) ("Circumstantial evidence
21 establishing the existence of a discriminatory atmosphere at the defendant's workplace in turn may
22 serve as circumstantial evidence of individualized discrimination directed at the plaintiff.") (citation
23 omitted).

24 43. The following series of events evidence the Anti-LGBTQ Majority Board's
25 discriminatory motive.

26 44. First, as briefly discussed above, during the process of promoting Ms. Tagnesi to
27 the position of Assistant Director, Special Education, in 2004, the then acting Director I, Special
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1 Education, Ms. LeResche, instructed Ms. Tagnesi to keep a low profile because if the board
2 members found out she was gay, the board would not approve the promotion.

3 45. Based on information and belief, the facts of Ms. Tagnesi's sexual orientation and
4 LGBTQ views were not apparent to the Anti-LGBTQ Majority Board until around 2015. In 2015,
5 Ms. Tagnesi's sexual orientation came into focus to the Anti-LGBTQ Majority Board during the
6 handling of a personnel matter involving an employee, Barbara Schmidt, at the Viking
7 Center/ELITE Academy ("ELITE Academy").⁸ In 2013, Ms. Schmidt was hired as the
8 Administrative Coordinator for the ELITE Academy. Ms. Schmidt's direct supervisor at the time
9 was Jennifer Hunt, Director II, Special Education, who directly reported to Ms. Tagnesi. Due to
10 serious alleged performance issues, Ms. Hunt, with the support of Ms. Tagnesi and several teachers,
11 moved to either release or non-elect Ms. Schmidt from the position for the following school year.
12 However, Ms. Schmidt, who is believed to have a personal relationship with attorney Howard,
13 received unjustified protection from Jim Kelly and attorney Howard. Mr. Kelly, who had no day-to-
14 day knowledge regarding Ms. Schmidt's performance or ability to fulfill the duties of the position,
15 directed the HR Director to ensure Ms. Schmidt's name was *not* on the non-elect list. Shortly
16 thereafter, Mr. Kelly's good friend attorney Howard started representing Ms. Schmidt, who sent a
17 hostile letter in September 2015 to then Superintendent Swenson and HR Assistant Superintendent,
18 Steven Sonnich. It was during this process that it is believed Ms. Tagnesi's sexual orientation
19 became known by the Anti-LGBTQ Majority Board.

20 46. At this point, the demeanor and attitude by the Anti-LGBTQ Majority Board
21 toward Ms. Tagnesi and those associated with her changed. Soon thereafter, teachers at ELITE
22 Academy were instructed to not speak to Ms. Hunt, effectively making it difficult, if not impossible,
23 for Ms. Hunt to fulfill her job duties. The then Assistant Superintendent advised Ms. Hunt to apply
24 for a position outside of Special Education. Without Mr. Kelly's knowledge, Ms. Hunt was offered
25 a position as the Director I, Human Resources. On the day she was supposed to formally start the
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28 ⁸ The Viking Center, a school in the district, was moved to a new facility in August 2014 and
renamed the ELITE Academy.

1 position, she was advised that Mr. Kelly would not allow the board to pass a vote approving her for
2 the position. It was then announced that Ms. Hunt would be replaced by a white male for the Director
3 I, Human Resources position.

4 47. During this process, Mr. Kelly made disparaging comments that Ms. Hunt was not
5 qualified for the job and that she only got the job because “she is hot” and Ms. Tagnesi is a lesbian,
6 suggesting that is why Ms. Tagnesi hired Ms. Hunt. Mr. Kelly began to discriminatorily refer to Ms.
7 Hunt and Ms. Tagnesi as “witches” who are part of an LGBTQ “coven.” Attorney Howard and Mr.
8 Kelly made it known they wanted GUHSD to fire both Ms. Hunt and Ms. Tagnesi.

9 48. In 2016, Mr. Kelly successfully pushed Ms. Hunt out of GUHSD, after which she
10 filed a lawsuit against GUHSD and Mr. Kelly for, *inter alia*, gender discrimination in violation of
11 the FEHA, constructive discharge in violation of public policy, and violations of the Education
12 Code. *See Jennifer Hunt v. Grossmont Union High School District, et al.*, No. 37-2017-00016426-
13 CU-OE-CTL (San Diego Superior Court). After Mr. Kelly successfully pushed Ms. Hunt out of
14 GUHSD, attorney Howard sent Mr. Sonnich, the then HR Assistant Superintendent, a text message
15 saying “One down and one to go” – referring to Ms. Tagnesi as being the next employee that the
16 Anti-LGBTQ Majority Board was targeting.

17 49. In January 2022, several books were submitted to the GUHSD Board for approval,
18 however, the Anti-LGBTQ Majority Board failed to approve books including gay or non-binary
19 characters, even though the books were highly rated and otherwise satisfied all criteria for use in the
20 academic setting.

21 50. As another example, in November 2022, a group of students broke into a teacher’s
22 classroom at Granite Hills High School, stole a PRIDE⁹ flag, and set the flag on fire. The GUHSD
23 leadership expelled the student who was responsible for the act and, among other things, identified
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27 ⁹ “PRIDE” is an integral cultural concept within the LGBTQ community, representing
28 solidarity, collectivity, and identity, as well as resistance to discrimination and violence.

1 his actions as a hate crime. The Anti-LGBTQ Majority Board, however, subsequently reopened the
2 case and erased labeling the act as a hate crime.¹⁰

3 51. While the Anti-LGBTQ Majority Board was pursuing its Anti-LGBTQ campaign,
4 Ms. Tagnesi continued to persevere through the discriminatory environment. Teachers and
5 organizations continued to recognize Ms. Tagnesi’s outstanding work performance. For example, in
6 May 2022, Ms. Tagnesi was honored with the 2022 Administrator of the Year in Special Education
7 award from the Association of California School Administrators.

8 52. After Mr. Kelly, Dr. Woods, and Mr. Shield won re-election on November 4, 2022,
9 to the GUHSD Board for the next four years, however, their anti-LGBTQ agenda began to ramp up.
10 Being re-elected, apparently, led them to believe they had community support for their anti-diversity
11 “values,” and they began to pursue their Anti-LGBTQ campaign more aggressively and publicly.

12 53. First, at the December 13, 2022 board meeting, a motion was made by Mr. Kelly,
13 which was seconded by Mr. Woods, to award a contract to Mr. Kelly’s friend, attorney Howard, to
14 suddenly conduct a “confidential independent investigation for the Governing Board,” whereby the
15 GUHSD Board could use attorney Howard “at any time for any reason” during the period of
16 December 14, 2022 through June 30, 2023.¹¹ The Anti-LGBTQ Majority Board could now use
17 public funds to secretly and illicitly carry out their anti-LGBTQ agenda.

18 54. The “confidential independent investigation” was used, *inter alia*, to conduct a
19 witch hunt of Ms. Tagnesi to discriminatorily find any reason the Anti-LGBTQ Majority Board
20 could to push Ms. Tagnesi (and other personnel who did not align with the so-called “East County
21 Values”) out of GUHSD. Colin McGlashen, a member of the same church as Mr. Kelly, was “asked
22 to help facilitate the work of the investigator [attorney Howard].”

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26 ¹⁰ A “hate crime” is a criminal act motivated by prejudice against a person or group based on
27 protected characteristics, such as LGBTQ.

28 ¹¹ See GUHSD’s December 13, 2022 Board Meeting Agenda, Item N.1.,
<https://go.boarddocs.com/ca/guhSD/Board.nsf/vpublic?open> (last visited May 16, 2024).

1 55. Ms. Tagnesi immediately met with Superintendent Kastan, then later with Terry
2 Stanfill, Assistant Superintendent of HR, and reported her concerns that hiring attorney Howard was
3 a conflict of interest, an act of retaliation, and due to her being gay. Ms. Tagnesi’s grievance was
4 protected activity. However, no investigation regarding the discrimination, retaliation, or conflict of
5 interest was opened, in violation of, *inter alia*, Board Policies BP 4030 and AR 4030(a). Rather,
6 Superintendent Kastan and Dr. Stanfill simply apologized and said there was nothing they could do.

7 56. Rather, on February 17, 2023, Ms. Kastan followed up by sending Ms. Tagnesi an
8 email advising her she was to cooperate in the so-called “investigation.” The investigation was
9 initiated under the guise of reopening an investigation into a student-related incident that occurred
10 in or around December 2020 that, based on information and belief, had been resolved almost a year
11 earlier in or around May 2022 (referred to herein as the “Finn Matter”). At the time, GUHSD and
12 the GUHSD Board, with the assistance of its General Counsel, conducted a complete internal
13 investigation into the Finn Matter. Ms. Tagnesi had virtually no involvement in the incident as she
14 was not directly involved, and there was no wrongdoing found concerning Ms. Tagnesi.

15 57. Notwithstanding, the case was reopened and used as a means for the Anti-LGBTQ
16 Majority Board to pretextually pursue its discriminatory and retaliatory witch hunt of Ms. Tagnesi.
17 *See Yanowitz v. L’Oreal USA, Inc.*, 36 Cal. 4th 1028, 1062 (2005) (defendant’s “active solicitation
18 of negative information concerning [the plaintiff] in the spring of 1998 strongly suggests the
19 possibility that her employer was engaged in a search for a pretextual basis for discipline, which in
20 turn suggests that the subsequent discipline imposed was for purposes of retaliation”).

21 58. In response, on February 23, 2023, through her lawyer, Ms. Tagnesi let GUHSD
22 know she would arrange for any interviews needed and if it became necessary, she would contact
23 witnesses to “assist in revealing the truth to any allegations” and she would not engage in any
24 intimidation or retaliation of any possible witnesses.

25 59. On March 24, 2023, attorney Howard sent a scathing letter in response to Ms.
26 Tagnesi’s lawyer, letting Ms. Tagnesi know she had “no right, under the law, to legal representation
27 during the conduct of our investigation or during any interviews we intend to conduct with them.”
28 Attorney Howard also grossly threatened Ms. Tagnesi’s lawyer that she did not “have any right to

1 contact any witness, potential witness or staff member with respect to this investigation.” And
2 should she make any attempt to even contact a witness, attorney Howard was “authorized [by the
3 GUHSD Board] to immediately file suit against you and your law firm,” for which he threatened
4 criminal prosecution under Penal Code §148 (which pertains to resisting, delaying, or obstructing
5 arrest or discharge of duties by a public or peace officer).¹²

6 60. Meanwhile, evidencing the discriminatory environment at GUHSD impacting not
7 only Ms. Tagnesi but other district employees, the Anti-LGBTQ Majority Board started interfering
8 with hiring decisions to ensure LGBTQ members and/or those with perceived LGBTQ/“woke”
9 agendas did not get hired. For example, around June/July 2023, the hiring panel and leadership
10 cabinet selected a female candite for the Vice Principal position at Santana High School. The Anti-
11 LGBTQ Majority Board, however, with the assistance of Superintendent Kastan, refused to approve
12 the hiring because they perceived her as having an LGBTQ/“woke” agenda. The Anti-LGBTQ
13 Board ended up approving a male, who did not have adequate qualifications, for the position. A
14 similar incident occurred in or around June/July 2023 with the hiring of the Vice Principal of
15 Valhalla High School. Ms. Tagnesi was on the hiring panel, and leadership selected a female for the
16 position. The Anti-LGBTQ Majority Board, however, refused to approve the hiring. With interviews
17 reopened, this time, contrary to historical practice, Dr. Woods inserted himself into the interview
18 panel and was observed writing that a female candidate was “too woke.”

19 61. The Anti-LGBTQ Majority Board’s discriminatory motive continued to impact the
20 workplace environment surrounding Ms. Tagnesi in other ways. After a several decades-long
21 relationship with non-profit San Diego Youth Services (“SDYS”), which had contracted with
22 GUHSD to provide licensed therapists and other mental health programs to its campuses, the Anti-
23 LGBTQ Majority Board abruptly ended GUHSD’s contract with SDYS on July 20, 2023.¹³ The
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25 ¹² Notably, pursuant to the California Rules of Professional Conduct, Rule 3.10, a “lawyer shall
26 not threaten to present criminal, administrative, or disciplinary charges to obtain an advantage in a
27 civil dispute.”

28 ¹³ See July 20, 2023 Board Meeting (<https://vimeo.com/user19457081>) (last visited May 3, 2024).

1 reason was admittedly discriminatory. The substantial motivating reason why the Anti-LGBTQ
2 Majority Board made this decision is that SDYS provides services to LGBTQ students involving
3 gender-affirming care.

4 62. Indeed, the decision stemmed from a public comment by Cajon Valley Union
5 School District board member, Anthony Carnevale, during the July 20, 2023 GUHSD board
6 meeting.¹⁴ Mr. Carnevale requested the GUHSD Board not renew its contract with SDYS after he
7 learned that SDYS was providing services to LGBTQ students involving gender-affirming care.¹⁵
8 He then made a point to specially call out how “happy” he was that Mr. Kelly, Dr. Woods, and Mr.
9 Shield were re-elected to GUHSD’s board (he did not name the other two board members). Notably,
10 the California State Department recently found Cajon Valley Union School District’s sexual health
11 curriculum violates the law because it discriminates against LGBTQ people.¹⁶

12 63. Board member Jim Kelly stalled the meeting to write down the two agenda item
13 sections about the services provided by SDYS, then said to Mr. Carnevale, “I appreciate you
14 bringing that to our attention.” Near the close of the session, Mr. Kelly then made a special motion
15 for the GUHSD Board to take an *immediate* vote on the contract renewal even though the Board did
16 not have any of the due diligence information regarding SDYS (and/or on any other mental health
17 service providers).¹⁷ GUHSD Board member Elva Salinas abstained from voting to cancel the
18 contract and adamantly requested the Board first conduct appropriate due diligence before making
19 the decision. After GUHSD Board member Gary Woods referred to Mr. Carnevale as the “honorable
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22 ¹⁴ *See id.*

23 ¹⁵ *Id.*

24 ¹⁶ *See* Kristen Taketa, “East County school district scrubbed mention of LGBTQ people from
25 its sex-ed curriculum, violated the law, state says,” THE SAN DIEGO UNION TRIBUNE, July 14, 2024,
26 [https://www.sandiegouniontribune.com/2024/07/14/east-county-school-district-scrubbed-mention-
of-lgbtq-people-from-its-sex-ed-curriculum-violating-the-law-state-says/](https://www.sandiegouniontribune.com/2024/07/14/east-county-school-district-scrubbed-mention-of-lgbtq-people-from-its-sex-ed-curriculum-violating-the-law-state-says/) (last visited July 15,
27 2024).

28 ¹⁷ Superintendent Kastan was in possession of and/or had access to some due diligence
information regarding SDYS and other mental health service providers.

1 Carnevale,” he said he wanted to stop the contract renewal “now” and made a motion for a vote.
2 With Board member Chris Fite absent, the Anti-LGBTQ Majority Board voted to not renew the
3 contract with SDYS based solely on the discriminatory narrative touted by Mr. Carnevale, without
4 any of the due diligence regarding the contract and/or services.

5 64. In response to why the Anti-LGBTQ Majority Board voted to end its contract with
6 SDYS, Gary Woods openly admitted, “We need to look for alternatives that best reflect our East
7 County Values,” which meant one thing: an alternative that did not involve a GUHSD partner that
8 served the LGBTQ community.¹⁸

9 65. If that were not evidence enough of the GUHSD Board’s discriminatory bias,
10 Christina Wilde, the Principal at Granite Hills High School, was subjected to hostile and harassing
11 treatment by Gary Woods because she selected an openly gay student advisor to the Associated
12 Student Body (“ASB”). Dr. Woods also harassed Ms. Wilde because she has a “woke” agenda
13 because her daughter is gay. Dr. Woods was seen visiting the Granite Hills High School campus
14 inquiring whether Ms. Wilde “had an LGBTQ agenda.” Speciously, a resource center planned for
15 Granite Hills High School had its development suddenly halted without any stated rationale after
16 the Anti-LGBTQ Majority Board formed a belief that Principal Wilde had an LGBTQ agenda. On
17 August 4, 2023, Ms. Wilde confided in Ms. Tagnesi about this discrimination and harassment during
18 a back-to-school administrator training.

19 66. Worse, through Superintendent Kastan, the Anti-LGBTQ Majority Board,
20 continued to create a discriminatory learning environment that was anything but welcoming of the
21 LGBTQ community, in violation of, *inter alia*, Education Code §202(c). Specifically, GUHSD’s
22 “August Learning Launch” was scheduled for August 11, 2023, which the Director of Learning &
23 Innovation, Dan McDowell, along with other administrators, teachers, and counselors, had been
24 planning since the spring of 2023. The event was for certificated staff and instructional aids and was
25 to include opening remarks by Superintendent Kastan, a “keynote address” by a special guest,
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28 ¹⁸ See July 20, 2023 Board Meeting (<https://vimeo.com/user19457081>) (last visited May 3, 2024).

1 several breakout sessions, and parallel sessions organized by Ms. Tagnesi. Two of the break-out
2 sessions pertained to inclusivity and were titled: (1) “From Surviving to Thriving/Safe is Not
3 Enough – Create a LGBTQ Inclusive Classroom”; and (2) “The LGBTQ+ Friendly Classroom.”

4 67. Mr. McDowell shared the final schedule of events, which included the two sessions
5 regarding inclusivity of the LGBTQ student population, with Superintendent Kastan and the
6 Assistant Superintendent of Educational Services, Mike Fowler, on July 27, 2023. Two days later,
7 on July 29, 2023, Mr. Fowler directed Mr. McDowell to remove access to the final schedule of
8 events from all the presenters before it was sent out to all staff because the two sessions related to
9 LGBTQ were being “reviewed.” On August 4, 2023, Superintendent Kastan and Mr. Fowler met
10 with Mr. McDowell, wherein Superintendent Kastan immediately made clear they had to remove
11 the two LGBTQ-related sessions. Superintendent Kastan expressed serious concerns because two
12 members of the Anti-LBGTQ Majority Board, Jim Kelly and Gary Woods, may attend the event,
13 and/or staff members might report to them that the sessions included LGBTQ-related content.
14 Superintendent Kastan also advised that Board member Robert Shield is “with the other two” when
15 it comes to “LGBTQ” and “there is no openness to exploring these topics at GUHSD.” As such,
16 GUHSD canceled all the break-out sessions for the event so it could avoid offering LGBTQ-related
17 sessions.

18 68. GUHSD then had its Director of Communications, Mr. McGlashen, who as stated
19 above is a member of the Skyline Church with Mr. Kelly, dictate a staff-wide message regarding
20 why the breakout sessions were canceled at the last minute. The chosen reason was there were
21 allegedly “logistical issues.” This was patently false. Mr. McDowell’s team had all the logistical
22 facets of the event prepared and ready with no issues. The last-minute change was because of
23 intentional discrimination in violation of, *inter alia*, Education Code §§100, 201(b), 202(c), and
24 202(e) (any “efforts to categorically exclude topics related to . . . sexual orientation, or other
25 protected characteristic[] . . . from . . . curricula . . . constitute[s] censorship that violates California
26 law and policy”).

27 69. During the limited August Learning Launch event that went forward on August
28 11, 2023, Ms. Tagnesi wore an LGBTQ lanyard around her neck as a form of protest and to stand in

1 solidarity with the LGBTQ community. Mr. McGlashen observed Ms. Tagnesi wearing her lanyard
2 in protest.

3 70. Following this event and the abrupt discriminatory cancellation of the SDYS
4 contract, the community overwhelmingly showed up at the GUHSD Board's next meeting on August
5 14, 2023, in opposition to the Anti-LBGTQ Majority Board's actions, with several news outlets
6 highlighting the discriminatory conduct.¹⁹ At the board meeting, several members of the public
7 spoke out against the Anti-LBGTQ Majority Board's action, including the President of GEA, James
8 Messina, who represents 900+ administrators in the district. GUHSD teacher, Tiffany Jokers, a
9 teacher with GUHSD, correctly pointed out during the meeting, that if you have any doubt about
10 the board's reckless behavior, watch the video of the July 20, 2023 board meeting "to watch a single
11 individual with an anti-LBGTQ plus narrative be given the power to wipe out an \$850,000 contract
12 with our mental health consultant."²⁰ "I sincerely believe that you acted on your values, which you
13 now have placed in plain view."²¹ "Understand that placing your own political values above the
14 wellbeing of teachers and students is a reckless move that has our attention."²² The Anti-LBGTQ
15 Majority Board ignored the public outcry, as well as GUHSD's policies and the Anti-Discrimination
16 Laws, and went forward with its discriminatory actions.²³

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19 ¹⁹ See NBC 7 San Diego (<https://www.nbcsandiego.com/news/local/grossmont-union-high-school-district-ends-decades-long-relationship-with-nonprofit-over-lgbtq-views/3284704/>) (East County school district splits with nonprofit over LGBTQ+ views, halting student mental health services); KPBS (<https://www.kpbs.org/news/local/2023/08/31/grossmont-union-school-board-reaffirms-decision-to-change-mental-health-provider>); Fox 5 San Diego (<https://fox5sandiego.com/news/local-news/concern-raised-over-mental-health-provider-swap-at-grossmont-union-high-school-district/>); San Diego Union Tribune (<https://www.sandiegouniontribune.com/news/education/story/2023-10-05/how-san-diego-school-districts-are-reacting-to-lgbt-pressure>), plus several other news outlets.

24 ²⁰ See <https://vimeo.com/user19457081> at minute 12:35-13:00 (last visited May 3, 2024).

25 ²¹ *Id.*

26 ²² *Id.*

27 ²³ An outpouring of community members also attended an August 30, 2023 special board
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1 71. Based on information and belief, after the August 14, 2023 board meeting, in a
2 closed session, the Anti-LGBTQ Majority Board decided to formally take discriminatory and
3 retaliatory adverse employment action against Ms. Tagnesi. Indeed, just three days later, on August
4 17, 2023, Superintendent Kastan instructed Ms. Tagnesi to meet with her. Through tears, and visibly
5 choked up, Ms. Kastan provided Ms. Tagnesi with a letter and advised her that she was being placed
6 on administrative leave. The letter stated Ms. Tagnesi was placed on paid administrative leave
7 effective immediately (August 17, 2023) until further notice, pending the outcome of a (pretextual)
8 investigation “related to your conduct and performance.”

9 72. In an act inconsistent with historical practice and policy, Ms. Tagnesi was ordered
10 to immediately clean out her office, turn in her badge, and turn in district-issued devices. Based on
11 information and belief, no employee in a similar circumstance of being placed on paid administrative
12 leave has ever been treated with such hostility as Ms. Tagnesi by being required to clean out their
13 office and turn in all district property while an “investigation” that has not substantiated anything is
14 pending.

15 73. When Ms. Tagnesi met with the Assistant Superintendent of Educational Services,
16 Mike Fowler, to clean out her office, Mr. Fowler cried inconsolably and told Ms. Tagnesi that she
17 was loved as she left.

18 74. On August 27, 2023, the Assistant Principal at Granite Hills High School emailed
19 Ms. Tagnesi. She confirmed that the Granite Hills High School Principal was being “targeted” for
20 making a change regarding who would be the ASB advisor (who was openly gay). She advised that
21 Dr. Woods has been seen on at least two occasions at the campus with the staff member who was
22 replaced by the gay ASB advisor. She further advised that Ms. Tagnesi suddenly being pushed out
23 “does not feel coincidental in any way” after the numerous anti-LGBTQ events (described above),
24 including Ms. Tagnesi wearing an LGBTQ lanyard at the August 11, 2023 event.

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28 meeting to hotly protest the Anti-LGBTQ Majority Board’s discriminatory decision to cancel the
SDYS contract. The Anti-LGBTQ Majority Board refused to budge in its discriminatory stance.

1 75. Just prior thereto, on August 25, 2023, Ms. Tagnesi’s lawyer requested a copy of
 2 her personnel file, and copies of all materials upon which her placement on administrative leave was
 3 based, including any complaints, charges, and/or allegations that had been made against Ms.
 4 Tagnesi. GUHSD refused to comply.

5 76. Rather, in response, while admitting that a so-called “investigation” was still
 6 ongoing, on August 30, 2023, attorney Howard responded by saying no information pertaining to
 7 complaints, charges, and/or other allegations would be made available to Ms. Tagnesi.
 8 Notwithstanding, the Anti-LGBTQ Majority Board’s discriminatory witch hunt had a pre-ordained
 9 conclusion, which was revealed by attorney Howard’s August 30, 2023 letter. Mr. Howard wrote
 10 that he “anticipates” the investigation will result “in *formal charges* against Ms. Tagnesi and a
 11 recommendation to the Governing Board for her discharge for cause pursuant to *Education Code*
 12 §44932.” This bold statement was made before the investigation was completed and before any
 13 conclusive findings were made concerning the so-called investigation.

14 77. Meanwhile, the handout below, which identified Ms. Tagnesi (who openly
 15 identifies as a member of the LGBTQ community) being placed on an indefinite leave as part of the
 16 Anti-LGBTQ Majority Board’s discriminatory campaign, was circulated at the September 12, 2023
 17 board meeting.

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DID YOU KNOW...

The GUHSD Learning Launch was a professional development event planned to kick-off the 2023-24 school year. The event included over 20 teacher-led professional development sessions. **The GUHSD Superintendent canceled the 'Learning Launch' just three days before the event, reportedly because two of the sessions focused on supporting LGBTQ+ students.**

There are reports that **Gary Woods, GUHSD Board Member, visited a campus asking if the principal at that site "had an LGBTQ agenda"**

A Resource Center was planned for Granite Hills High School. Suspiciously, the development of **the Granite Hills Resource Center was halted suddenly earlier this year without any stated rationale.**

In late August, **the GUHSD Director of Special Education, who openly identified as a member of the LGBTQ+ community, was put on indefinite leave** in a closed session meeting of the board.

In January 2022, several books were submitted for board approval. Some of the books submitted have already been approved. However, **two books submitted for approval - *The 57 Bus* and *Simon vs The Homo Sapiens' Agenda* - have yet to be approved, both of which include gay or non-binary characters.** Both books are rated at 4-5 stars by Common Sense Media.

During a holiday break in November 2022, a group of students broke into a teacher's classroom, stole a PRIDE flag, and one of them set it on fire. District leadership expelled this student and identified the actions as burglary, destruction of property, and a hate crime. However, **the GUHSD board later removed hate crime from the accusations of the student who burned the stolen PRIDE flag.**

78. In a blatant effort to do an end run around Ms. Tagnesi’s constitutional due process rights for its pre-ordained pretextual discipline of Ms. Tagnesi, the Anti-LGBTQ Majority Board, with the assistance of Superintendent Kastan, used Education Code §44951 to cloak its disciplinary action against Ms. Tagnesi. Specifically, on October 12, 2023, Superintendent Kastan issued a letter notifying Ms. Tagnesi that she may be “released from [her] current administrator position and reassigned to a position within the scope of [her] teaching credential for the 2024-2025 school year, pursuant to Education Code §44951.”

79. Generally, Education Code §44951 allows a school board, with proper notice, to release an administrator for the following school year without cause (but not for unlawful reasons). However, where, as here, the school board pursues disciplinary action against an employee for cause, albeit pretextual and discriminatory, the minimum due process requirements afforded by the Constitution are required. *See Steele v. Bd. of Educ.*, 204 Cal. App. 3d 558, 562-63 (1988) (finding where an employee was “transferred” to another position for “cause,” the minimum due process

1 requirements must be met). Yet, GUHSD and the GUHSD Board refused, despite her request, to
2 provide Ms. Tagnesi with the reasons for the proposed action, or a copy of the materials upon which
3 the action was based. GUHSD and the GUHSD Board refused to even provide an explanation or
4 rationale to Ms. Tagnesi for the adverse action.

5 80. On January 4, 2024, HR Director, Robin Ballarin, met with Ms. Tagnesi and
6 advised her that no employee has ever been treated in a disciplinary manner like Ms. Tagnesi without
7 the HR Directors being involved. Ms. Tagnesi also learned Assistant Superintendent of HR, Terry
8 Stanfill, had previously notified the executive leadership that their hostile treatment of Ms. Tagnesi
9 was violating labor practices. The leadership did not care. As a result, Mr. Stanfill advised he refused
10 to attend any portion(s) of the executive cabinet meetings wherein Ms. Tagnesi was a subject on the
11 agenda.

12 81. Similarly, on January 10, 2024, HR Director, Randy Montesanto, advised Ms.
13 Tagnesi that in all his years as the HR Director, he had never seen an employee treated the way the
14 Anti-LGBTQ Majority Board was treating Ms. Tagnesi. Ms. Tagnesi was also advised that Ms.
15 Ballarin and Mr. Stanfill met with attorney Howard and that attorney Howard could not find any
16 wrongdoing by Ms. Tagnesi relating to the Finn Matter they were re-investigating, but attorney
17 Howard said he would find something on Ms. Tagnesi to get her fired.

18 82. On January 23, 2024, Superintendent Kastan sent Ms. Tagnesi a letter stating the
19 GUHSD Board was going to meet on January 25, 2024 in a “closed session” to “consider the results
20 of an investigation concerning a student matter that occurred at Santana High School on or about
21 December 15, 2020” (aka the Finn Matter). The letter also advised, because Ms. Tagnesi’s “conduct
22 was reviewed as part of this investigation, you have rights under the Brown Act.” The letter,
23 however, never advised Ms. Tagnesi she was the subject of specific complaints or charges brought
24 against her, even though she was the subject of specific complaints or charges, albeit discriminatory
25 and pretextual, brought against her by the Anti-LGBTQ Board. Based on information and belief, at
26 one or more closed board meetings, the Anti-LGBTQ Majority Board considered specific
27 complaints against Ms. Tagnesi without providing her with any notice of the same in violation of
28 Government Code §54957.

1 83. On January 25, 2025, Mr. Kelly, Mr. Shield, and Dr. Woods voted to release Ms.
2 Tagnesi from the Director I, Special Education position effective June 30, 2024, and reassigned her
3 to a classroom teaching position or other non-management certificated position. The other two non-
4 Anti-LGBTQ board members, Mr. Fite and Ms. Salinas, voted against this discriminatory action.
5 Again, Ms. Tagnesi was not afforded her constitutional due process rights.

6 84. The Anti-LGBTQ Majority Board's adverse action in retaliating against Ms.
7 Tagnesi, conducting a discriminatory and pretextual investigation of Ms. Tagnesi, subjecting Ms.
8 Tagnesi to a discriminatory environment, and demoting Ms. Tagnesi, was not based on any
9 legitimate reasons. Rather, it was because Ms. Tagnesi is a lesbian, engaged in protected conduct,
10 and was the victim of the Anti-LGBTQ Majority Board's discriminatory campaign.

11 85. Ms. Tagnesi was subjected to working conditions that violated public policy, the
12 FEHA, the Education Code, GUHSD's anti-discrimination policies, and the Anti-Discrimination
13 Laws. The Anti-LGBTQ Majority Board intentionally created and knowingly permitted these hostile
14 working conditions. Their conduct made it difficult, if not impossible, for Ms. Tagnesi to fulfill any
15 job position at GUHSD without facing an overtly hostile workplace of discrimination and
16 retaliation. The workplace environment was so infected with discrimination in almost every facet
17 that touched upon Ms. Tagnesi's employment, that the working conditions were so intolerable a
18 reasonable person in Ms. Tagnesi's position would have had no reasonable alternative except to
19 resign. As such, on February 22, 2024, Ms. Tagnesi was left with no choice but to resign from
20 GUHSD because of the hostile working conditions – she was constructively terminated.

21 86. The Anti-LGBTQ Majority Board knew or reasonably should have known that
22 their discriminatory actions taken against Ms. Tagnesi would violate the constitutional and civil
23 rights of Ms. Tagnesi. They further took the actions with the malicious intention to cause a
24 deprivation of constitutional and civil rights or injury to Ms. Tagnesi.

25 87. As a direct result of the Defendants' conduct, Ms. Tagnesi has suffered, and
26 continues to suffer, lost wages, humiliation, embarrassment, emotional distress, and mental anguish.
27 Ms. Tagnesi is a victim of Defendants' unlawful practices and therefore brings this action to recover
28 damages.

1 to discriminate against the person in compensation or in terms, conditions, or privileges of
2 employment.” Gov’t Code §12940(a).

3 94. Defendants took several discriminatory adverse actions against Ms. Tagnesi,
4 including subjecting her to a pretextual harassing investigation, failing to provide Ms. Tagnesi with
5 her constitutional due process rights, demoting Ms. Tagnesi and releasing her from her position, and
6 engaging in conduct that resulted in Ms. Tagnesi’s constructive discharge. Ms. Tagnesi’s sexual
7 orientation was a substantial motivating reason for Defendants’ adverse employment actions against
8 Ms. Tagnesi.

9 95. Ms. Tagnesi was subjected to working conditions that violated public policy, the
10 FEHA, the Education Code, GUHSD’s anti-discrimination policies, and the Anti-Discrimination
11 Laws. Defendants intentionally created and knowingly permitted these hostile working conditions.
12 Their conduct made it difficult, if not impossible, for Ms. Tagnesi to fulfill any job position at
13 GUHSD without facing discrimination and retaliation. The working conditions were so intolerable
14 that a reasonable person in Ms. Tagnesi’s position would have had no reasonable alternative except
15 to resign. As such, on February 22, 2024, Ms. Tagnesi was left with no choice but to resign from
16 GUHSD because of the hostile working conditions – she was constructively terminated. A
17 “constructive discharge is legally regarded as a firing rather than a resignation.” *Mullins v.*
18 *Rockwell Int’l Corp.*, 15 Cal. 4th 731, 737 (1997) (citation omitted). Constructive discharge occurs
19 when the employer creates “working conditions that are intolerable under an objective standard, or
20 by failing to remedy objectively intolerable working conditions that actually are known to the
21 employer.” *Id.* In other words, “an employer may, in an attempt to avoid liability for wrongful
22 termination, ‘refrain from actually firing an employee, preferring instead to engage in conduct
23 causing him or her to quit.’” *Vasquez v. Franklin Mgmt. Real Estate Fund, Inc.*, 222 Cal. App. 4th
24 819, 826-27 (2013) (citation omitted). “If the employer’s conduct ‘effectively forces an employee
25 to resign,’ this is a constructive discharge, and is ‘legally regarded as a firing rather than a
26 resignation.’” *Id.* at 827 (citation omitted).

27 96. As a proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered,
28 and continues to suffer, substantial losses in earnings, earning capacity, and other benefits of

1 employment, all in an amount to be determined according to proof at the time of trial. Ms. Tagnesi
 2 will also suffer tax consequences due to Defendants’ failure to pay Ms. Tagnesi money owed, which
 3 will come due in a lump sum in the future. Accordingly, Ms. Tagnesi is entitled to an additional
 4 amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus
 5 interest.

6 97. As a further proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has
 7 suffered, and continues to suffer, humiliation, embarrassment, emotional distress, and mental
 8 anguish all in an amount to be determined according to proof at the time of trial.

9 98. Plaintiff is also entitled to attorneys’ fees and costs pursuant to Government Code
 10 §12965(c)(6), because of Defendants’ wrongful conduct.

11 **SECOND CAUSE OF ACTION**

12 **Harassment**
 13 **In Violation of the FEHA, Government Code §12940(j)**
 14 **(Against All Defendants)**

15 99. Ms. Tagnesi realleges and incorporates herein by reference each allegation in the
 16 preceding and subsequent paragraphs.

17 100. It is unlawful for an employer, or another person, to harass an employee because
 18 of her sexual orientation. Gov’t. Code §12940(j). “Loss of tangible job benefits shall not be
 19 necessary in order to establish harassment.” *Id.* Also, the “existence of a hostile work environment
 20 depends upon the totality of the circumstances and a discriminatory remark, even if not made
 21 directly in the context of an employment decision or uttered by a nondecision maker, may be
 22 relevant, circumstantial evidence of discrimination.” Gov’t Code §12923(c). “A single incident of
 23 harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work
 24 environment if the harassing conduct has unreasonably interfered with the plaintiff’s work
 25 performance or created an intimidating, hostile, or offensive working environment.” Gov’t Code
 26 §12923(b).

27 101. In violation of the FEHA, GUHSD and the GUHSD Board, through its managing
 28 agents, including the Anti-LGBTQ Majority Board, subjected Plaintiff to unwanted harassment

1 because of her sexual orientation by, among other things: creating a severe and pervasive hostile
2 workplace, making discriminatory comments, taking discriminatory actions, making Plaintiff the
3 subject of a discriminatory and harassing pretextual investigation, sending her abusive letters, and
4 taking adverse employment actions against her, including demoting her. The harassing conduct was
5 severe and pervasive. *Matthews v. Superior Court*, 34 Cal. App. 4th 598, 605 (1995) (“When the
6 workplace is permeated with discriminatory intimidation, ridicule and insult that is “sufficiently
7 severe or pervasive to alter the conditions of the victim’s employment and create an abusive working
8 environment,” the law is violated.”) (citation omitted).

9 102. Plaintiff considered the work environment to be hostile, intimidating, offensive,
10 oppressive, and abusive, and a reasonable person in Plaintiff’s circumstances would have had the
11 same consideration. The harassing conduct sufficiently offended, humiliated, and distressed
12 Plaintiff, and disrupted her emotional tranquility in the workplace. It affected Plaintiff’s ability to
13 perform her job as usual, and otherwise interfered with and undermined Plaintiff’s personal sense
14 of well-being.

15 103. Plaintiff’s supervisors, including, without limitation, Superintendent Kastan and
16 the Anti-LGBTQ Majority Board, engaged in the harassing conduct. In addition, GUHSD, the
17 GUHSD Board, and its managing agents, knew or should have known of the conduct and failed to
18 take immediate and appropriate corrective action.

19 104. As a proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered
20 and continues to suffer economic harm including substantial losses in earnings and job benefits, and
21 potential career opportunities, in an amount to be determined according to proof at the time of trial.
22 Ms. Tagnesi will also suffer tax consequences due to Defendants’ misconduct, which will come due
23 in a lump sum in the future. Accordingly, Ms. Tagnesi is entitled to an additional amount of damages
24 to offset the tax consequences of a lump sum award for lost earnings, plus interest.

25 105. As a proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered
26 and continues to suffer non-economic harm including humiliation, embarrassment, loss of
27 enjoyment of life, emotional distress, and mental anguish, all in an amount to be determined
28 according to proof at the time of trial.

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106. Plaintiff is also entitled to attorneys’ fees and costs pursuant to Government Code §12965(c)(6), because of Defendants’ wrongful conduct.

THIRD CAUSE OF ACTION

**Failure to Prevent Discrimination, Retaliation, and Harassment
In Violation of the FEHA, Government Code §12940(k)**

(Against All Defendants)

107. Plaintiff realleges and incorporates herein by reference each allegation in the preceding and subsequent paragraphs.

108. Government Code §12940(k) makes it unlawful “[f]or an employer . . . to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.” Gov’t Code §12940(k).

109. At all relevant times, Defendants were aware of the discriminatory, retaliatory, and harassing conduct toward Plaintiff and failed to take reasonable steps to prevent and/or correct such conduct from occurring. Thus, Defendants violated Government Code §12940(k).

110. As a proximate result of Defendants’ wrongful conduct, Plaintiff has suffered, and continues to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Ms. Tagnesi will also suffer tax consequences due to GUHSD’s failure to pay Ms. Tagnesi money owed, which will come due in a lump sum in the future. Accordingly, Ms. Tagnesi is entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

111. As a further proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered, and continues to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

112. Ms. Tagnesi is also entitled to attorneys’ fees and costs pursuant to Government Code §12965(c)(6), because of Defendants’ wrongful conduct.

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FOURTH CAUSE OF ACTION

Discrimination in Violation of Government Code §11135

(Against All Defendants)

113. Ms. Tagnesi hereby incorporates by reference the foregoing allegations as if fully set forth herein.

114. “No person in the State of California shall, on the basis of . . . sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.” Gov’t Code §11135. “This article and regulations adopted pursuant to this article may be enforced by a civil action for equitable relief, which shall be independent of any other rights and remedies.” Gov’t Code §11139; *see Donovan v. Poway Unified Sch. Dist.*, 167 Cal. App. 4th 567, 594 (2008) (a victim of discrimination “need not pursue administrative or any other remedies prior to, or instead of, bringing an action for equitable relief, nor would any victim be required to elect one remedy”) (quoting Assem., 3d reading analysis of Assem. Bill No. 677 (2001–2002 Reg. Sess.) as amended Apr. 25, 2001, p. 3).

115. Defendants’ programs and activities are conducted, operated, and/or administered by the state or by a state agency, and/or they are funded directly by the state, and/or receive financial assistance from the state.

116. Plaintiff suffered severe, pervasive, and offensive harassment and discrimination because of her sexual orientation which effectively deprived Plaintiff of the right of equal access to educational benefits and opportunities. Defendants had actual knowledge of the harassment and discrimination, but acted with deliberate indifference in the face of such knowledge.

117. As a proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered, and continues to suffer, substantial losses in earnings, earning capacity, and other benefits of employment. As a further proximate result of Defendants’ wrongful conduct, Ms. Tagnesi has suffered, and continues to suffer, humiliation, embarrassment, emotional distress, and mental anguish.

1 “appointment, employment, evaluation of performance, discipline, or dismissal of a public
2 employee or to hear complaints or charges brought against the employee” unless the employee
3 requests a public session. Gov’t Code §54957(b)(1). However, a “condition of holding a closed
4 session on specific complaints or charges brought against an employee by another person or
5 employee, the employee shall be given written notice of his or her right to have the complaints or
6 charges heard in an open session rather than a closed session, which notice shall be delivered to the
7 employee personally or by mail at least 24 hours before the time for holding the session.” Gov’t
8 Code §54957(b)(2). “If notice is not given, any disciplinary or other action taken by the legislative
9 body against the employee based on the specific complaints or charges in the closed session shall
10 be null and void.” *Id.*

11 130. Based on information and belief, the Anti-LGBGT Majority Board held one or
12 more closed sessions on specific complaints and charges against Plaintiff.

13 131. Plaintiff was not given written notice of her right to have the “complaints or
14 charges” heard in an open session rather than a closed session.

15 132. Because Defendants violated Government Code §54957(b)(2), the actions taken
16 against Plaintiff are null and void.

17 SEVENTH CAUSE OF ACTION

18 Failure to Provide Due Process 19 In Violation of the California Constitution

20 (Against All Defendants)

21 133. Plaintiff hereby incorporates by reference the foregoing allegations as if fully set
22 forth herein.

23 134. Similar to the Fourteenth Amendment to the United States Constitution, the
24 California constitution provides that no person may be “deprived of life, liberty, or property without
25 due process of law or denied equal protection of the laws.” Cal. Const. art. I, §7, subd. (a). Public
26 school employees have a constitutional property interest in their jobs. “[I]n cases of public
27 employment, the employee is entitled to due process in matters involving contemplated discipline.”
28 *Bollinger v. San Diego Civil Serv. Comm’n*, 71 Cal. App. 4th 568, 575 (1999) (citation omitted).

1 135. “Minimal standards of due process require that a public employee receive, prior
 2 to imposition of discipline: (1) Notice of the action proposed, (2) the grounds for discipline, (3) the
 3 charges and materials upon which the action is based, and (4) the opportunity to respond in
 4 opposition to the proposed action.” *Id.* at 575-76 (quoting *Williams v. Cnty. of L.A.*, 22 Cal. 3d 731,
 5 736 (1978); *Skelly v. State Pers. Bd.*, 15 Cal. 3d 194, 215 (1975)). “To be meaningful, the right to
 6 respond must afford the employee an opportunity to present his side of the controversy before a
 7 reasonably impartial and noninvolved reviewer who possesses the authority to recommend a final
 8 disposition of the matter.” *Id.* at 576 (citation omitted).

9 136. Defendants subjected Plaintiff to disciplinary action, including demoting Plaintiff,
 10 without providing Plaintiff with notice of the action proposed, grounds for discipline, charges and/or
 11 materials upon which the action was allegedly based, and/or the opportunity to respond in opposition
 12 to the proposed action.

13 137. Because Defendants violated Plaintiff’s due process rights, the adverse
 14 employment actions taken against Plaintiff are null and void.

EIGHTH CAUSE OF ACTION
Declaratory Relief
Code of Civil Procedure §1060
(Against All Defendants)

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 18 138. Plaintiff hereby incorporates by reference the foregoing allegations as if fully set
 19 forth herein.

20 139. Any person interested under a written instrument or contract, or who desires a
 21 declaration of his or her rights concerning another may, in cases of actual controversy relating to the
 22 legal rights and duties of the respective parties, bring an original action in the superior court for a
 23 declaration of his or her rights and duties. Code Civ. Proc. §1060. Plaintiff may ask for a declaration
 24 of rights or duties and the court may make a binding declaration of these rights or duties. *Id.* The
 25 declaration may be affirmative or negative in form and effect, and the declaration shall have the
 26 force of a final judgment. *Id.* This declarative remedy is cumulative, and shall not be construed as
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1 restricting any remedy, provisional or otherwise, provided by law for the benefit of any party to the
2 action. Code Civ. Proc. §1062.

3 140. Here, there exists an actual controversy relating to the legal rights and duties of the
4 respective parties regarding the legality of Defendants’ demotion of Plaintiff and whether
5 Defendants failed to provide Plaintiff with her constitutional due process rights.

6 141. Plaintiff seeks an order from the Court declaring Defendants’ act of releasing Ms.
7 Tagnesi from the position of Director I, Special Education, effective June 30, 2024, was unlawful
8 and void.

9 **PRAYER**

10 WHEREFORE, Ms. Tagnesi seeks judgment as follows:

- 11 A. For compensatory damages, including unpaid wages (past and future), loss of wages
12 and benefits (past and future), and emotional distress damages (past and future) according to proof
13 at trial;
- 14 B. For attorneys’ fees and costs of suit pursuant to Government Code §12965(c)(6),
15 Code of Civil Procedure §1021.5, Labor Code §1102.5(j), and any other applicable provision for
16 attorneys’ fees and costs;
- 17 C. For pre-judgment and post-judgment interest to the extent allowable by law;
- 18 D. For restitution and injunctive and declaratory relief; and
- 19 E. For such other and further relief as the Court deems just and proper.

20 **DEMAND FOR JURY TRIAL**

21 Ms. Tagnesi demands a trial by jury on all applicable claims.

22
23 Dated: August 14, 2024

HAEGGQUIST & ECK, LLP
ALREEN HAEGGQUIST (221858)
AARON M. OLSEN (259923)
ANNA C. SCHWARTZ (346268)

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28 AARON M. OLSEN

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225 Broadway, Suite 2050
San Diego, CA 92101
Telephone: (619) 342-8000
Facsimile: (619) 342-7878

Attorneys for Plaintiff Rose Tagnesi

EXHIBIT 1



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 30, 2024

Aaron Olsen
225 Broadway, Suite 2050
San Diego, CA 92101

RE: Notice to Complainant's Attorney
CRD Matter Number: 202405-24914830
Right to Sue: Tagnesi / Grossmont Union High School District et al.

Dear Aaron Olsen:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 30, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202405-24914830

Right to Sue: Tagnesi / Grossmont Union High School District et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

May 30, 2024

Rosemary (Rose) Tagnesi
4751 Panorama Dr.
San Diego, CA 92116

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202405-24914830
Right to Sue: Tagnesi / Grossmont Union High School District et al.

Dear Rosemary (Rose) Tagnesi:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective May 30, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Rosemary (Rose) Tagnesi

CRD No. 202405-24914830

8 Complainant,

9 vs.

10 Grossmont Union High School District
11 1100 Murray Drive
12 El Cajon, CA 92020

13 Grossmont Union High School District Board of
14 Trustees
15 1100 Murray Drive
16 El Cajon, CA 92020

17 Respondents

18 **1. Respondent Grossmont Union High School District is an employer subject to suit under**
19 **the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).**

20 **2. Complainant is naming Grossmont Union High School District Board of Trustees**
21 **business as Co-Respondent(s).**

22 **3. Complainant Rosemary (Rose) Tagnesi, resides in the City of San Diego, State of CA.**

23 **4. Complainant alleges that on or about February 22, 2024, respondent took the**
24 **following adverse actions:**

25 **Complainant was harassed** because of complainant's sex/gender, gender identity or
26 expression, sexual orientation, other.

27 **Complainant was discriminated against** because of complainant's sex/gender, gender
28 identity or expression, sexual orientation, association with a member of a protected class
and as a result of the discrimination was forced to quit, suspended, demoted, other, denied
work opportunities or assignments, denied or forced to transfer.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was forced to quit, suspended, demoted, other, denied work
opportunities or assignments, denied or forced to transfer.

4 **Additional Complaint Details:** School board elections, once considered minor ballot races
5 by voters, have taken on new significance in recent years. With monetary backing and grass
6 roots efforts, a growing number of extreme conservative and religious action groups have
7 been targeting their efforts at local school board elections. Their aim is to gain control of
8 school systems to fight against diversity policies and teachings in public education on
9 sexuality, gender identity, and race. This fringe, anti-diversity ideology has gotten so out of
10 control that on September 25, 2023, California’s Governor signed into law Assembly Bill
11 (“AB”) 1078, preventing school boards from banning books based on their inclusion of
12 content related to LBGTQ and requiring school boards to take affirmative action in creating
13 an equitable learning environment where all pupils and staff, including LBGTQ, feel
14 welcome.

15 Unfortunately, the anti-diversity virus reared its ugly head in San Diego County and has
16 taken root in GUHSD’s Board. Three of the GUHSD Board members, who constitute the
17 majority, are staunch believers in and vocal advocates of “East County Values,” which they
18 have unequivocally defined as being anti-LBGTQ and “anti-woke.” Meaning, even though
19 California has clear anti-discrimination laws, the majority board members believe they are
20 above the law and can impose anti-LBGTQ agenda on GUHSD’s students and staff. The
21 majority board members are Gary Woods, Jim Kelly, and Robert Shield – who are white
22 males with strongly-held Christian and anti-diversity beliefs (the “Anti-LBGTQ Majority
23 Board”).

24 Mr. Kelly, Mr. Shield, and Dr. Woods, have unashamedly displayed their anti-LBGTQ views
25 in open public board meeting sessions, through their words and actions. In violation of anti-
26 discrimination laws, the Education Code, and GUHSD’s own policies, the Anti-LBGTQ
27 Majority Board embarked on a discriminatory campaign, which included, inter alia, banning
28 books that included LBGTQ content, severing a long-held relationship with a mental health
provider solely because the provider offered specialized services to the LBGTQ community,
cancelling programs because they included LBGTQ-related material, interfering in hiring
decisions and refusing to hire persons who support LBGTQ or who appear too “woke,” and
taking adverse actions against staff, including Ms. Tagnesi, who identify as members of the
LBGTQ community and/or who support members of the LBGTQ community.

Ms. Tagnesi, a proud member of the LBGTQ community who served GUHSD for over 28
years in exemplary fashion, was one of the many victims of the Anti-LBGTQ Majority
Board’s discriminatory campaign. Not only has Ms. Tagnesi been harmed by the Anti-

1 LGBTQ Majority Board’s discriminatory actions, but so have other educators, student-pupils,
2 applicants, vendors, and the community at large.

3 Because of her sexual orientation, gender, gender identity, association with others who are
4 gay, and because she opposed the Anti-LGBTQ Majority Board’s discriminatory conduct,
5 Ms. Tagnesi faced discrimination, harassment, and retaliation, culminating in her being
6 discriminatorily released from her position and the loss of her 28-year career with GUHSD.
7 To make matters worse, GUHSD and the GUHSD Board failed to comply with Ms. Tagnesi’s
8 due process rights when it took adverse employment actions against her.

9 Defendants took several discriminatory adverse actions against Ms. Tagnesi, including
10 subjecting her to a pretextual harassing investigation, failing to provide Ms. Tagnesi with her
11 constitutional due process rights, demoting Ms. Tagnesi and releasing her from her position,
12 and engaging in conduct that resulted in Ms. Tagnesi’s constructive discharge. Ms.
13 Tagnesi’s sexual orientation was a substantial motivating reason for Defendants’ adverse
14 employment actions against Ms. Tagnesi.

15 To redress the harms suffered, Ms. Tagnesi brings claims against Defendants for, inter alia:
16 (1) Discrimination and constructive discharge in violation of the Fair Employment and
17 Housing Act (“FEHA”), Government Code §12940(a); (2) Harassment in violation of the
18 FEHA, Government Code §12940(j); (3) Failure to prevent discrimination, retaliation, and
19 harassment in violation of the FEHA, Government Code §12940(k); (4) Discrimination in
20 violation of Government Code §11135; (5) Retaliation in violation of Labor Code §1102.5;
21 (6) Failure to provide due process in violation of the Ralph M. Brown Act (“Brown Act”),
22 Government Code §54957; (7) Failure to provide due process in violation of the California
23 Constitution; and (8) Declaratory relief under Code of Civil Procedure §1060.

1 VERIFICATION

2 I, **Aaron Olsen**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On May 30, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **San Diego, California**

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