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CARDIFF SCHOOL DISTRICT

8
9 UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
11

12 SAVE THE PARK AND BUILD THE
SCHOOL,

13 Plaintiff,

14 v.
15

16 NATIONAL PARK SERVICE; DAVID
L. BERNHARDT, in his official
capacity as Secretary of the United
17 States Department of the Interior;
DAVID VELA, in his official capacity
18 as Director of the National Park Service;
LISA MANGAT, in her official capacity
19 as Director of the California Department
of Parks and Recreation; and CARDIFF
20 SCHOOL DISTRICT,

21 Defendants.
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Case No. 20-cv-1080-LAB-AHG
Judge: Hon. Larry Alan Burns

CARDIFF SCHOOL DISTRICT'S
UPDATE ON REOPENING OF
SCHOOLS

Date: September 8, 2020
Dept.: Courtroom 14A (14th Fl.)

Complaint Filed: June 12, 2020

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The purpose of this filing is to update the Court regarding Defendant Cardiff School District’s (“District”) reopening plan for Cardiff School and the return of approximately 200 Kindergarteners and First Graders to the campus for in-person instruction. The District’s governing board held a special meeting on Friday, September 4, 2020, to discuss the status of the above-captioned action, including the District’s pending request for reconsideration of the Amended Order of Preliminary Injunction. In light of the Court’s Order of August 31, 2020, deferring its ruling on the reconsideration application until at least September 11, 2020, (Doc. 39), and the District’s ongoing inability to complete critical safety improvements, namely the remainder of the parking lot and off-street student drop-off/pick-up zone, and the ADA path of travel needed to access the majority of the classrooms and only student restrooms, the District’s Board of Trustee’s determined that Cardiff School cannot reopen for in-person instruction as planned on September 14, 2020. A copy of the District’s announcement of the Board’s decision issued on September 5, 2020, is attached as Exhibit “A” hereto. The public interest in at least modifying the current injunction to allow for completion of the parking lot and student drop-off/pick-up area and ADA walkway is now more critical than ever so that students can return to Cardiff School for in-person instruction as soon as possible.

Dated: September 8, 2020

BEST BEST & KRIEGER LLP

By: /s/ Tyree K. Dorward
TYREE K. DORWARD
MATTHEW L. GREEN
LINDSAY D. PUCKETT
Attorneys for Defendant
CARDIFF SCHOOL DISTRICT

EXHIBIT A



FOR IMMEDIATE RELEASE

LAWSUIT INTERFERES WITH CARDIFF SCHOOL REOPENING PLANS

CARDIFF BY THE SEA (September 5, 2020) Cardiff School District (“District”) announced late yesterday that it must postpone a return to in-person instruction for the kindergarten and first grade students at Cardiff School. The difficult decision was reached as a result of the District being prevented from constructing essential safety measures on a portion of the Cardiff School campus, due to an injunction requested by “Save the Park” (STP). STP is the same small group of neighbors who received a \$500,000 payout in a settlement from a previous superior court lawsuit against the District. Their current federal lawsuit names the National Park Service (NPS), California Department of Parks and Recreation (DPR), and the District.

A federal judge granted the injunction on the old Land and Water Conservation Fund 6(f)3 grant boundary area of the school’s playfields on July 24, 2020. The District filed a motion for reconsideration to lift and/or modify the injunction in an effort to help the Court understand the impacts that the injunction is having on the District’s ability to safely reopen the campus for students. Unfortunately, the Court’s decision has been deferred until NPS provides the judge with a response to STP’s request for reconsideration of the unconditional approval that NPS gave the District in April for the 6(f)3 boundary adjustment. Meanwhile, the injunction remains in place.

In a final effort to advance essential improvements required to allow for a safe return to school on September 14th, the District approached STP directly to request allowance of the minimal work needed to ensure the safety of students. This request was denied.

The essential safety measures prevented from being completed under the injunction include the entry driveway and fire lane, student drop-off/pick-up area, and the only ADA accessible walkway to access 8 of the ten current classrooms and the only set of student restrooms currently available on campus. These major safety components were originally scheduled to be completed during the summer of 2020. The District had not performed any of the demolition or construction on these essential areas until receiving unconditional approval from both DPR and NPS back in April 2020. The inability to

finish these areas creates an unsafe and untenable situation at this time for students to physically return to campus.

“We are disappointed that STP continues to persist in its mission to use expensive litigation to obstruct the will of the voters who passed the Measure GG bond in 2016 and who eagerly await completion of the entire school, including the safer drop-off/pick-up area, new play areas and enhanced playfields,” said Cardiff School Principal Julie Parker.

The District anticipates further response from the Court within the next few weeks. The Court and NPS will be made aware of the significant negative impact that further delays in completion of these critical safety components has had. The District will continue to advocate for its position that the injunction be lifted or modified so the contractors can complete the required work on the entry driveway and fire lane, student drop-off/pick-up area, and ADA accessible walkway so that students can safely return to campus.

“STP will claim that it’s the District’s own actions that put us here, but in reality the District obtained the required approvals and permits from applicable agencies including the City of Encinitas, various state agencies, and NPS prior to commencing the relevant work on the various components of the project,” said Siena Randall, Cardiff School District Board President.

“STP has continued to leverage this old grant agreement to advance its personal agenda. Their first lawsuit alleged, among other things, an improper lack of advanced approval from NPS. This new lawsuit challenges the very approval that NPS has now granted the District after a two-year process. Now, major safety components are left unfinished and we are unable to safely operate our own campus, the primary purpose of which is education. It’s devastating that the interests of four neighbors could unimaginably be placed over the educational needs of the community’s children,” continued Randall.

At this time, Cardiff School Kindergarten and first grade students will continue in a distance learning model. The District’s second through sixth grade students will begin attending class in-person in a hybrid model at Ada Harris School as planned on September 14. The District has been working diligently for months with the ever changing COVID-19 guidelines in anticipation of reopening schools for in-person learning. All District students have been learning virtually since the first day of school, August 25, 2020.

For more information and background on Measure GG and the lawsuits that have been filed against the District by this small group of neighbors, please visit our [website](#).

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1 Save the Park, et al. v. National Park Service, et al.
2 United States District Court, Southern District of California,
3 Case No. 20-cv-1080 –LAB-AHG

4 **PROOF OF SERVICE**

5 I, Wendy Connor, declare:

6 I am a citizen of the United States and employed in San Diego County,
7 California. I am over the age of eighteen years and not a party to the within-entitled
8 action. My business address is 655 West Broadway, 15th Floor, San Diego,
9 California 92101. On September 8, 2020, I served a copy of the within
10 document(s):

11 **CARDIFF SCHOOL DISTRICT’S FURTHER BRIEF ON**
12 **REOPENING OF SCHOOLS;**

- 13 **By Electronic Service.** Pursuant to CM/ECF System, registration as a
14 CM/ECF user constitutes consent to electronic service through the
15 Court’s transmission facilities. The Court’s CM/ECF system sends an e-
16 mail notification of the filing to the parties and counsel of record who
17 are registered with the Court’s EC/ECF system.

18 I declare that I am employed in the office of a member of the bar of this court
19 at whose direction the service was made.

20 Executed on September 8, 2020, at San Diego, California.

21 

22 _____
23 Wendy Connor

LAW OFFICES OF
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