

STEVEN P. DINKIN A Path Forward

NEW SCHOOLYARD BRAWL: IT'S ADULTS WHO ARE FIGHTING

We all remember the schoolyard brawls of our childhoods: fights in the playground between students, often chalked up as a rite of passage by parents, teachers and school administrators. “Kids will be kids,” they said, tacitly condoning the behavior.

Now it's the adults who are fighting. School board meetings around the country have been disrupted by angry parents whose grievances include everything from mask mandates and vaccine policy to curriculum matters.

Their tactics go beyond sign waving and shouting at meetings. While many parents are turning to social media to express their anger, others have gotten in the face of school board members — literally. Family members and neighbors have been intimidated, too.

In Brevard County, Fla., school board member Jennifer Jenkins recently shared her story, with reluctance. “I don't reject people coming here and speaking their voice,” Jenkins said. “I reject them following my car around. I reject them saying that they're coming for me, that I need to beg for

mercy.” Jenkins' daughter was examined by the Florida Department of Children and Families following a bogus abuse claim.

The National School Board Association, which represents more than 90,000 school board members, sent a letter to President Joe Biden on Sept. 29 that described the violence and threats against public school officials as a form of domestic terrorism, equivalent to hate crimes.

Attorney General Merrick Garland responded, instructing the FBI and U.S. Attorneys to meet in the next 30 days with federal, state and local enforcement agencies to discuss strategies to combat the troublesome situation. In a Department of Justice memo, Garland wrote that “while spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats or violence or efforts to intimate individuals based on their views.” The threats, he said, are illegal — and they run counter to our nation's core values.

Garland's actions have been maligned by some government

officials, media outlets and educational organizations as an effort to intimidate concerned parents for their views. Asra Nomani, vice president of investigations and strategy at Parents Defending Education, accused the attorney general of “criminalizing parenting” and said that Garland owes the American people “a swift apology.”

Those are mighty strong words. Even still, I can't help but wonder whether the federal government is indeed overreaching. There is nothing that feels more local than school board matters. And every parent has the right to voice their concerns about public schools.

Writer Ruben Navarrette has a different perspective. In a recent column that appeared in the Daily Beast, Navarrette justified DOJ involvement, citing three factors: the harassment and intimidation of elected officials, which erodes civil order; the displays of inappropriate behavior in inappropriate places, like outside the homes of school officials; and the origin of the request for help — in this case, the National School Board Association.

We can never equate spirited debate with threats of violence. The people who work in our schools, or help run them, shouldn't have to worry about their personal safety.

I'm reminded of the “Code of Civil Discourse” that was created by the National Conflict Resolution Center in 2015 to guide communications by and between elected officials and community members. The code was formally adopted by the Del Mar and Chula Vista city governments. It was based on a belief we still hold dear: that differing viewpoints enrich political dialogue and move us toward solutions that meet the best interests of the community. Properly handled, conflict is a powerful catalyst for positive change.

The “Code of Civil Discourse” sets out communication guidelines that would be useful for school boards and their constituents. It affirms the right to freedom of expression — but within the parameters of courtesy, sensitivity and respect. The code asks elected officials and community members to:

- Explain their position and how they came to it, from a logical and ethical framework
- Ask questions to understand the position of others
- Avoid personal attacks and a condescending attitude
- Assume good faith on the part of all involved, even with differing viewpoints
- Keep an open mind about other perspectives

If we can't find our way back to civil discourse, I worry: Who will fill the void and step up to serve as school board members? And for that matter, who will teach our children? We can't hope to attract and retain the best and brightest teachers at schools where the culture is acrimonious and distrustful.

Nobody wins this schoolyard brawl — least of all, our students. It's time to put our focus back where it belongs.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCR's programming, visit ncrconline.com.



CAROL SONSTEIN

From left, Audrey S. Geisel Managing Director Timothy J. Shields, Gala co-chairs and board members Jennifer Greenfield and Sheryl White, and Erna Finci Viterbi Artistic Director Barry Edelstein.

SCENE

'Celebrate' at the Globe Gala

“Celebrate” was the theme of the 2021 Globe Gala, held Sept. 25 at The Old Globe's Copley Plaza and Lowell Davies Festival Theatre. The event helps fund The Old Globe's arts engagement and artistic programs and recognizes the philanthropists who supported the Globe during its 15 months of closure during the pandemic.

Globe Board members Jennifer Greenfield and Sheryl White served as co-chairs, and Darlene Marcos Shiley was the honorary gala chair.

The evening began with cocktails by Snake Oil Cocktail Company and hors d'oeuvres on Copley Plaza. That was followed by a musical performance by Tony Award-nominated Broadway star Joshua Henry (“Carousel,” “The

Scottsboro Boys,” the U.S. tour of “Hamilton”) in the Lowell Davies Festival Theatre. After the performance, guests enjoyed dinner catered by Hyatt Regency La Jolla at Avenue and by dancing to the music of The Cowling Band.

If your organization has held a philanthropic event, you're welcome to email a high-resolution photo along with information on the event to society@sduniontribune.com. Please clearly identify those in the photo, make them aware their image might appear in print and online, include the photographer's name and be sure to include the who, what, where, when and why information on the event.

U-T STAFF



RITA CORONA PHOTOGRAPHY UNIONTRIBUNE

Andrea Myers (past president), Joni Flaherty (past president), BJ Williams (past president and donor), Shauna Sliwkanich (president), and Libby Hawkins (executive vice president) at the grand reopening.

SCENE

Junior League reopening

The Junior League of San Diego recently held a ribbon-cutting to celebrate its reopened historic headquarters at 210 Maple St. in Bankers Hill following a long-awaited renovation.

The project cost \$750,000. It was primarily funded by past and present league members to provide space for its 1,000 volunteer members, 120 community partners and 1,200 youth exiting foster care.

The building was built in 1917 and designed in the style of Irving Gill by the acclaimed architect's

nephew and partner, Louis Gill.

Present at the ribbon-cutting and grand reopening ceremony were Paul Baribault, president and chief executive officer of San Diego Zoo Wildlife Alliance; Dan McAllister, San Diego County treasurer; and Mara Elliott, San Diego city attorney.

The Junior League is a women's organization that focuses on community development, volunteerism and mentorship.

U-T STAFF

FENCE • Transit district proposes alternatives to chain-link for 1.7-mile stretch

FROM B1 problems they say they want to solve,” she said. “And it will be terrible to lose this last stretch of accessible coastal bluff in San Diego County with its vistas and trails.”

The district announced in October 2020 that by the end of the year it would build a 6-foot chain-link fence at the edge of the right-of-way on both sides of the track from Coast Boulevard to the North Torrey Pines bridge, about 1.7 miles.

Del Mar residents were outraged, and the plan stalled for further negotiations with the city. Hundreds of people wrote letters to the NCTD board of directors opposing the fence. So far no contract has been awarded to build the fence, and construction is unlikely until at least next year.

Earlier this year the transit district announced plans to reduce the overall length of the fence from 12,960 feet to 5,698 feet, lower some sections from 6 feet to 4 feet tall, and replace some sections of the chain-link style with a lower and more aesthetically pleasing post-and-cable design. The revisions also moved the chain-link fence off parts of the upper

bluff and down to the track level where it will be out of sight from the coastal homes.

NCTD's consultants will present the latest information on the fence at Monday's Del Mar City Council meeting and again at Thursday's NCTD board meeting.

The most recent plan has 4-foot-tall, four-strand, post-and-cable fence instead of the chain-link barrier along the top of the bluff east of the track for almost a mile from Ninth Street south to Fourth Street.

“That fencing is not needed,” Gaasterland said. “No one has fallen from the upper bluff where the trail is wide and dense vegetation provides a natural delineation.”

Transit officials say the fence will improve safety and reliability as trains on the route continue to increase. The Coaster commuter service runs an average of 22 trains each weekday between Oceanside and San Diego, a total that is expected to increase to 44 trains each weekday by 2025, according to a district staff report.

Adding to the need for security, the district purchased new Coaster locomo-

tives that went into service this year and are quieter, more fuel efficient and potentially faster than the previous 30-year-old engines. That makes the trains more difficult to hear coming, especially around a curve on the bluffs in Del Mar and when the locomotive is pushing instead of pulling the train.

Amtrak passenger and BNSF freight trains also plan to increase service on the only rail link between San Diego and Los Angeles.

Orange County's Metrolink commuter train, which now only goes as far south as Oceanside, could begin trips to San Diego for special events under a recent agreement with NCTD. In all the San Diego County rail corridor could handle 100 trains per day by 2030, according to NCTD.

Encinitas Councilmember Tony Kranz, chairman of the NCTD board, said the agency has gone the extra mile to satisfy Del Mar residents and still keep the railroad safe.

“We took a step back ... and made a smart investment to show we can work with a community to address their concerns,” Kranz said Friday. “The new design

does just that.”

The revised plan has less effect on views and allows people to continue using the trails that run parallel to the railroad tracks, yet still improves safety, he said.

“There is no question there is a different threshold of safety that comes with each height and material,” Kranz said. “The safest approach would be to build a 50-foot-tall cinder block wall. Even then some surfer would come along with his 50-foot ladder.”

Walking on the tracks or the adjacent right-of-way is considered trespassing by the transit district, although tickets are rarely if ever issued.

The only long-term solution is to move the railroad off the coast, Kranz said.

NCTD is working with the San Diego Association of Governments on a plan for an inland tunnel through Del Mar, but construction is at least a decade away and will cost billions of dollars. Preliminary studies are under way, but so far no money has been allocated for construction.

Until there's a new route, the agencies will try to keep the tracks safe where they are.

“The modified fencing plan provides a safety barrier that doesn't currently exist, while minimizing the visual impact and maintaining access,” NCTD Executive Director Matt Tucker said by email Thursday.

“It represents a significant safety improvement and provides a barrier for trail users that they should not trespass,” Tucker said. “This is one part of comprehensive effort along the corridor to promote rail safety and reliability. We have worked to be responsive to the concerns of Del Mar community and the California Coastal Commission as we make significant safety improvements.”

The transit district received a \$1.3 million grant from the Federal Railroad Administration in 2018 to install additional fencing as a strategy to reduce trespassing, injuries, fatalities and train delays. The average delay when a train stops for a “significant event” such as a fatality is two hours, according to a district staff report.

Train traffic has been increasing for decades with the growth of San Diego County's commuter rail system, along with pedestrian fatalities, injuries and near-

misses. Del Mar averaged one train-related death per year from 2016 through 2020, according to the district. In one instance a person was hit while walking along the tracks wearing headphones, and in another a person was struck by a freight train while trying to take a “selfie” on the bluffs.

The train tracks are fenced off in most parts of San Diego County. Del Mar, where the tracks are closest to the ocean, is one of the few areas that still has no barrier.

Construction of the fence normally would require things such as building permits to be approved by the city, the Coastal Commission and other jurisdictions.

In an attempt to head off any problems with those approvals, the transit district filed a “petition for declaratory order” with the federal Surface Transportation Board in August 2020 asking the board to waive state and local permits for the project.

Del Mar and the Coastal Commission both opposed the request, and so far the board has made no decision on the petition.

philip.diehl@sduniontribune.com

LAWSUIT • Claims police better trained, should have prevented further restraint

FROM B1 attorneys would respond to the allegations in court.

The death, on Oct. 15, 2019, came six months before George Floyd was similarly killed by a police officer in Minnesota. However, the details surrounding Zapata Hernandez's death were not publicly disclosed until a year and a half later, when the settlement was announced in April 2021.

Zapata Hernandez had been diagnosed with schizophrenia in 2017 and had battled drug addiction. But, his family said during a

previous news conference, he was treating his mental condition with medication and in recovery for substance abuse. His toxicology report showed marijuana but no illegal drugs.

He had told his mother, Claudia Hernandez, that he was going to go to a store near their Linda Vista home on the day of his death.

Zapata Hernandez was first contacted by an MTS code compliance inspector after being spotted wandering along the railroad tracks north of the Santa Fe Depot. He ran away when an Allied

Universal security guard arrived, but both officers chased after him and caught him.

The MTS officers were concerned he was under the influence of drugs and may harm himself, according to the District Attorney's Office, which reviewed the incident.

The officers got Zapata Hernandez on the ground on his stomach, according to body-worn camera footage released by authorities. The security guard put his knee on Zapata Hernandez's back while the MTS officer

put his knee on Zapata Hernandez's neck.

Zapata Hernandez yelled and appeared to struggle at first but grew quiet and motionless.

The San Diego police officers arrived minutes into the restraint, and Quinones directed the trolley officers to maintain their holds, according to the lawsuit and video footage.

When it became apparent that Zapata Hernandez was not breathing, the officers rolled him over and called for medics.

The lawsuit claims

Belchamber, despite his training and previous employment as an emergency medical technician, failed to give Zapata Hernandez CPR in a timely manner.

Zapata Hernandez was pronounced dead at a hospital. The Medical Examiner's Office declared the cause of death to be cardiopulmonary arrest while he was held prone on the ground, and also said an underlying heart condition played a role.

The District Attorney's Office declined to charge the officers involved following an

investigation.

“Unlike MTS Code Compliance officers and security guards, the S.D.P.D officers are peace officers, who are better trained, better paid, and better equipped than the MTS personnel,” the lawsuit states.

“Both defendants had an affirmative legal duty to prevent the use of excessive and deadly force. Instead of intervening, they ordered the continued imposition of excessive force,” the suit adds.

kristina.davis@sduniontribune.com