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10 Attorneys for Petitioners and Plaintiffs

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ORANGE

16 LOUIS D. BRANDEIS CENTER FOR  
17 HUMAN RIGHTS UNDER LAW, a nonprofit  
18 organization; and SOUTHERN  
19 CALIFORNIANS FOR UNBIASED  
20 EDUCATION, a membership organization of  
21 the Louis D. Brandeis Center for Human Rights  
22 Under Law,

21 Petitioners and Plaintiffs,

22 v.

23 SANTA ANA UNIFIED SCHOOL DISTRICT  
24 BOARD OF EDUCATION; SANTA ANA  
25 UNIFIED SCHOOL DISTRICT; and DOES  
26 1-50, inclusive,

26 Respondents and Defendants.

Case No.

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

1 **INTRODUCTION**

2 1. Respondent and Defendant Santa Ana Unified School District Board of Education (the  
3 “Board” or “SAUSD Board”) has developed and continues to develop ethnic studies courses to be  
4 taught in its schools. Many of these courses contain controversial and antisemitic content that is—or  
5 would be, if properly made public—deeply disturbing to the local community. The public was  
6 deprived of its legal opportunity to address the content of these courses before the Board approved  
7 them, because the Board failed to give the community the legally required opportunity to learn about  
8 the content and comment on it at public meetings of the Board.  
9

10 2. Notes recently obtained through a Public Records Act (“PRA”) request show that the  
11 committee working to develop the courses was well aware of what it called the “Jewish  
12 question”—i.e., potential objections from the Jewish community to antisemitic content included in  
13 the courses. Instead of talking to the Jewish community, however, the committee chose to get advice  
14 from organizations with a history of antisemitism on how to “handle” the Jews.  
15

16 3. California’s open meeting laws, set forth in the Ralph M. Brown Act, Government  
17 Code § 54950 *et seq.* (“Brown Act”), embody the philosophy that public agencies, including school  
18 districts, exist for the purpose of conducting public business, and the public has the right to know how  
19 its “collaborative decisions” are being made. The Brown Act provides, *inter alia*, that the public has  
20 the right to be notified of items to be considered, to attend board and committee meetings, to have  
21 access to documents distributed to members of the legislative body, to be free from discrimination,  
22 and to provide public comment. All of these open meeting rules have been flouted by SAUSD for  
23 some time, culminating in the resolutions passed at meetings held in April 2023 through the present,  
24 which are the topic of this lawsuit. Because ethnic studies courses approved at meetings held in April,  
25 May, June, July, and August were approved without the requisite notice or opportunity for informed  
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1 public comment, they may not be taught until the Board approves them in keeping with the Brown  
2 Act.

3 4. School districts not only have to follow Brown Act rules, they have additional open  
4 meeting obligations when it comes to creating and approving ethnic studies curricula. When districts  
5 choose to create their own curricula, as SAUSD did here, 2021 California Assembly Bill No. 101  
6 (California 2021-2022 Regular Session) (“AB 101”) requires that they present the proposed course at a  
7 public meeting of the School Board and again at a public meeting at which the public has had the  
8 opportunity to express its views on the proposed course.<sup>1</sup> These rules were not followed here either,  
9 precisely because the Board did not want the community to learn about or object to the antisemitic  
10 content of its courses.  
11

12 13 5. Petitioners and Plaintiffs the Louis D. Brandeis Center for Human Rights Under Law  
14 (“LDB” or the “Brandeis Center”), a nonprofit organization dedicated to advancing the civil and  
15 human rights of the Jewish people nationwide and to promoting justice for all, and Southern  
16 Californians for Unbiased Education (“So-CUE”), a membership arm of LDB comprised of Southern  
17 California residents who support ethnic studies but are opposed to the inclusion of biased materials in  
18 ethnic studies courses (collectively, “Petitioners”), respectfully ask this Court to declare void the  
19 decisions and course approvals reached in violation of the Brown Act and AB 101 and to enjoin the  
20 Board and its members from violating these laws going forward. The law is clear that until the courses  
21 passed in violation of the law are subject to lawful procedures, they should not be taught in SAUSD  
22 schools. Unfortunately, all but one class is currently being taught, so the need for relief is urgent.  
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24 25 6. Petitioners do not object to the ethnic studies requirement or to the teaching of ethnic  
26 studies courses. Nor do they object to lessons about Arab-Americans. Petitioners support multicultural  
27 ethnic studies and believe that California students should be taught about the different ethnicities  
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<sup>1</sup> Cal. Educ. Code § 51225.3(a)(1)(G)(ii)(IV).

1 living in California and the challenges faced and contributions made by each. But they object  
2 strenuously to curriculum being developed in secrecy and to teachings that reflect bias against any  
3 particular group, including Jewish Americans and Israelis, who are the target of much of the biased  
4 teachings included in courses like SAUSD's.

5  
6 **PARTIES**

7 7. Petitioner and plaintiff the Brandeis Center is an independent, unaffiliated, nonprofit  
8 corporation Section 501(c)(3) non-profit organization incorporated in the State of Virginia and doing  
9 business across the country, including in California. The mission of the Brandeis Center is to advance  
10 the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center  
11 engages in research, education, and legal advocacy to combat the resurgence of anti-Semitism on  
12 college and university campuses and K-12, in the workplace, and elsewhere. The Brandeis Center's  
13 membership arm includes Southern California residents who support ethnic studies but are opposed to  
14 the inclusion of biased materials in ethnic studies courses. The Brandeis Center has expended  
15 considerable resources in responding to Respondents' unlawful action, including counseling aggrieved  
16 members of the community, and reviewing public documents to understand Respondent's violations.  
17 Brandeis Center attorneys and staff have been diverted from other work while dealing with these  
18 matters.  
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21 8. Petitioner and plaintiff So-CUE is a membership organization whose members reside or  
22 recently resided in Southern California, and who are concerned about antisemitic content in curricula  
23 being promoted and used in Southern California's K-12 schools. So-CUE's Membership includes  
24 individuals and local nonprofit organizations, as well as students, former students, parents, and  
25 teachers from the local community. Several members of So-CUE were harassed at SAUSD Board  
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1 participate in the decision-making process of local school boards and makes public officials personally  
2 accountable for their actions when they deny the public this right.<sup>2</sup>

3 14. The Brown Act requires public agencies to conduct business, including deliberations,  
4 openly. Accordingly, at least 72 hours before a regular meeting, a legislative body “must post an  
5 agenda containing a brief description of each item of business to be acted upon at the meeting.”<sup>3</sup>  
6 Agencies must provide accurate descriptions of all agenda items that are sufficient to apprise the  
7 public of what will be discussed, and they cannot take action without doing so. This includes  
8 providing the public with more than mere clues from which they must then guess or surmise the  
9 essential nature of the business to be considered by a local agency.<sup>4</sup>

10 15. Before and during the General Board Meetings held by the SAUSD Board on March  
11 28, 2023, April 25, 2023, and June 27, 2023, the SAUSD Board took collective “action,” as defined in  
12 Gov. Code § 54952.6, on matters that were not properly described in the agendas, thereby jeopardizing  
13 the finality of those actions.

14 16. Public meetings, including school board meetings, may not be conducted in a way that  
15 excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex,<sup>5</sup> and  
16 legislative bodies must conduct their meetings “consistent with applicable civil rights and  
17 nondiscrimination laws.”<sup>6</sup> The Board also has its own civility policy.<sup>7</sup> The Board nevertheless failed to  
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22 <sup>2</sup> Cal. Gov. Code § 54950 *et seq.*; *Kolter v. Commission on Professional Competence of Los Angeles Unified School Dist.*,  
23 170 Cal.App.4th 1346 (2009) (the Brown Act applies to school districts); *Chaffee v. San Francisco Library Com'n*, 115  
24 Cal.App.4th 461 (2004); see also *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Sup'rs*, 129  
25 Cal.App.4th 205 (2005).

26 <sup>3</sup> Cal. Gov. Code § 54954.2.

27 <sup>4</sup> *Olson v. Hornbrook Community Services Dist.*, 33 Cal.App.5th 502, 519 (2019) (“[A]genda drafters must give the public a  
28 fair chance to participate in matters of particular or general concern by providing the public with more than mere clues from  
which they must then guess or surmise the essential nature of the business to be considered by a local agency”); *Moreno v.*  
*City of King*, 127 Cal.App.4th 17 (2005).

<sup>5</sup> Cal. Gov. Code § 54961.

<sup>6</sup> Cal. Gov. Code § 54953(h) (“The legislative body shall conduct meetings subject to this chapter consistent with applicable  
civil rights and nondiscrimination laws”).

<sup>7</sup> SAUSD Board Policy No. 1311:

<https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/3975/Board%20Policy%201313%20-%20Civility.pdf>

1 take action when Jewish attendees were harassed and intimidated by other attendees on the basis of  
2 their actual or perceived Jewish identity at the May 23, 2023 General Board Meeting.

3 17. Comments made by members of the public during the May 23, 2023 meeting included  
4 classic antisemitic tropes as well as threatening and violent language against Jews and Israelis.<sup>8</sup>  
5 Furthermore, audience members hissed as the names of Jewish attendees were called, applause broke  
6 out in response to antisemitic slurs, and during a presentation by two Jewish high school students,  
7 Board meeting attendees shouted, “you’re racists” and “you’re killers.”<sup>9</sup> A Jewish student reported  
8 being followed to her car and harassed by a meeting attendee, and that SAUSD’s security was unable  
9 to provide sufficient protection or support.<sup>10</sup>

10 18. The May 23, 2023 Board Meeting video shows attendees telling a Jewish speaker  
11 wearing a yarmulke to “go home” and yelling racial slurs.<sup>11</sup> Due to the SAUSD Board’s insufficient  
12 response, attendees continued to interrupt and heckle Jewish speakers throughout the Meeting.<sup>12</sup>

13 19. Much of the heckling took the form of attacks against the Jewish State of Israel. Many  
14 self-identified antizionists claim they are just asserting political differences with the Israeli  
15 government and its policies, but their rhetoric is not about criticizing Israeli policies the way one might  
16 criticize the policies of any other country. Attacking Israel is antisemitic when it denies, ignores and/or  
17 erases the Jews’ ancestral connection to Israel and falsely paints the Jewish State as a uniquely evil,  
18 “settler colonialist” country that attacks Arab residents indiscriminately. The not-so-subtle implication  
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23 <sup>8</sup> May 23, 2023 Board Meeting:

24 [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2osoiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2osoiea/embed/dynamic).

25 <sup>9</sup> *Id.*

26 <sup>10</sup> June 13, 2023 Board Meeting:

27 [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_nb6cpq3y/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_nb6cpq3y/embed/dynamic).

28 <sup>11</sup> May 23, 2023 Board Meeting:

[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2osoiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2osoiea/embed/dynamic).

<sup>12</sup> *Id.*

1 is that Jewish supporters of the State of Israel, including Jews in the local community, are allies of an  
2 evil enterprise.

3           20.     These types of attacks on Israel are attacks on Jews, who share a common history,  
4 culture, and language that is deeply rooted in the Land of Israel. For most Jews today, recognition of  
5 the Jews’ historic connection to the Land of Israel, expressed as support for the existence of the Jewish  
6 State of Israel, is an integral component of their religious and/or ethnic identity. Today, the term  
7 “Zionist” is broadly used to refer to persons who support the right of Jewish self-determination in the  
8 Jews’ ancestral homeland, believe Israel has a right to exist as a Jewish State, and support Israel’s right  
9 to defend itself from attack. Having a Zionist identity does not mean that one agrees with all of Israel’s  
10 policies.  
11

12           21.     The International Holocaust Remembrance Alliance’s Working Definition of  
13 antisemitism (the “IHRA definition”), cited in the Ethnic Studies Model Curriculum and endorsed by  
14 the U.S. government and over 1,100 government and non-government entities, explicitly recognizes  
15 that language that demonizes, delegitimizes, or applies a double standard to the Jewish State may be  
16 used as evidence that biased conduct is antisemitic.  
17

18           22.     By failing to intervene in the heckling and harassment of Jewish speakers at its Board  
19 Meeting, the Board contributed to creating a hostile environment that prevented Jewish members of  
20 the public from fully exercising their right to participate in SAUSD Board meetings as the Brown Act  
21 requires. Jewish attendees advised the SAUSD Board that they were intimidated by harassment during  
22 General Meetings held on June 13, 2023<sup>13</sup> and June 27, 2023,<sup>14</sup> but the Board did not respond or take  
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26 <sup>13</sup> See June 13, 2023 Board Meeting:  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_nb6cpq3y/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_nb6cpq3y/embed/dynamic).

27 <sup>14</sup> June 27, 2023 Board Meeting:  
28 [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_7f5hxsvk/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_7f5hxsvk/embed/dynamic).

1 appropriate action. Instead, the Board ignored the reports of discrimination and harassment and  
2 continued to conduct its meetings as if the reports had not taken place.

3           23.     The Board’s failure to provide sufficient notice and to protect all members of the public  
4 who wished to participate in the Board process renders the decisions made by the SAUSD Board in  
5 connection with the March 28, 2023, April 25, 2023, and June 27, 2023 meetings invalid.<sup>15</sup>

6           24.     As the result of the foregoing Brown Act violations, a group of concerned citizens,  
7 including Petitioners and those of its members who have experienced antisemitism in California  
8 schools, synagogues, schools, and other nonprofit organizations in and around Santa Ana, parents who  
9 reside within the SAUSD boundaries, current and former SAUSD students, and other concerned and  
10 aggrieved members of the Santa Ana and Orange County communities sent a letter to the SAUSD  
11 Board members asking them to “Cure and Correct” the Brown Act violations (the “Brown Act  
12 Letter”). A true and correct copy of the Brown Act Letter, including the list of concerned and  
13 aggrieved members of the community who signed the letter, is attached hereto as **Exhibit A**.

14           25.     The Brown Act Letter asked the Board to retract its decisions introducing ethnic studies  
15 curriculum without notice on and after April 25, 2023.<sup>16</sup> It further asked the Board to retract the  
16 actions relating to the ethnic studies curriculum that were not properly noticed, such as Information  
17 Item Nos. 10.1, 10.2, 10.3, and 10.4 introduced on March 28, 2023, and Information Item No. 9  
18 introduced on June 27, 2023.<sup>17</sup>

19           26.     In addition, the Brown Act Letter asked the SAUSD Board to cease and desist further  
20 collective Board action until it addressed the harassment and intimidation reported by Jewish meeting  
21 attendees and until it could ensure a safe and bias-free environment for all members of the public.<sup>18</sup>

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<sup>15</sup> Cal. Gov. Code § 54953(c).

<sup>16</sup> March 28, 2023 Board Minutes: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

<sup>17</sup> Exhibit A; April 25, 2023 Board Minutes: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>; June 27, 2023 Board Minutes: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

<sup>18</sup> See Exhibit A.

1           27.     In response to the Brown Act Letter, SAUSD denied that it had committed any Brown  
2 Act violations and declined to take action. A true and correct copy of SAUSD’s response to the Brown  
3 Act Letter (the “Response Letter) is attached hereto as **Exhibit B**.

4           28.     In response to Petitioners’ concerns about harassment, slurs, and stalking during and  
5 after the May 23, 2023 General Board meeting, the Response Letter stated that there was no need for  
6 SAUSD to take any action because “there were strong, heartfelt, and emotional comments by speakers  
7 in favor and opposed to the ethnic studies curriculum” and because the audience was quiet “the  
8 majority of the time.”<sup>19</sup>

9           29.     During the June 27, 2023 General Board Meeting, the SAUSD Board introduced  
10 another Ethnic Studies course for “Information” purposes, Middle Years Program English 9 Honors  
11 Ethnic Studies. The syllabus for the same course on SAUSD’s website is nearly identical to the one  
12 made available to the public on June 27, 2023, even the course materials, but for one key difference –  
13 that the Unit on Arab/Muslim Americans was removed from the syllabus presented to the public. It  
14 was unclear whether this Unit had been removed from the entire curriculum or only from the syllabus  
15 presented to the public, and there was no explanation during the June 27th meeting.

16           30.     The Brown Act Letter therefore asked SAUSD to clarify whether the portion of the  
17 curriculum on Arab/Muslim Americans that was removed from the syllabus presented to the public  
18 would be taught, even though it had not been publicly presented or approved. The Response Letter  
19 said that, “as a natural result of the adoption of the ethnic studies courses, the sections within the  
20 ethnic studies courses discussing the Middle East conflict were adopted as well.”<sup>20</sup>

21           31.     This material on the Middle East was intentionally removed from the syllabus  
22 presented at the June 27, 2023 Board Meeting as part of a pattern of concealing potentially  
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28 <sup>19</sup> See Exhibit B, page 6.

<sup>20</sup> *Id.*



1 necessary. The letter stated that Board members would recite the Board’s new civility policy before  
2 each meeting but did not address the harassment of community members that created a hostile  
3 environment for Jewish citizens attending SAUSD Board meetings.<sup>23</sup>

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5 38. Petitioners have performed any and all necessary conditions precedent to initially filing  
6 this action on September 8, 2023, including filing this action within 15 days of the expiration of the  
7 first cure and correct period.

8 39. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of law,  
9 unless this Court grants the requested writ of mandate or other appropriate relief to require  
10 Respondents to set aside the Board’s actions taken in violation of the Brown Act.

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12 40. In the absence of judicial relief, improperly approved courses, which do not comply  
13 with the state’s ethnic studies guidelines and which contain antisemitic content, will be taught in  
14 SAUSD schools, and the actions of the Board will continue to have a chilling effect on full  
15 participation in its public meetings.

16 **STATEMENT OF FACTS AND PROCEDURAL HISTORY**

17 **CALIFORNIA’S ETHNIC STUDIES REQUIREMENT WAS PASSED TO GIVE**  
18 **STUDENTS AN APPRECIATION OF OTHER CULTURES WHILE OUTLAWING BIAS**  
19 **AGAINST ANY PARTICULAR GROUP**

20 41. In October 2021, California legislators passed a law, AB 101, so that students may  
21 “understand our nation's full history” and “one day build a more just society.”<sup>24</sup> In 2021, and again just  
22 recently, the Governor emphasized the legislation’s guardrails “to ensure that courses will be free from  
23 bias or bigotry and appropriate for all students.”<sup>25</sup> The law, which amended California Education Code  
24 § 51225.3, requires pupils in California, beginning with those in the graduating class of 2029-2030, to

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26 <sup>23</sup> *Id.*

27 <sup>24</sup> Gov. Newsom’s Signing Statement:

28 <https://www.gov.ca.gov/wp-content/uploads/2021/10/AB-101-Signing-Message-PDF.pdf>; see also  
<https://www.gov.ca.gov/wp-content/uploads/2023/08/8.23.23-ethnic-studies-Letter.pdf> (citing Ed. Code §  
51225.3(a)(1)(G)(v)).

<sup>25</sup> *Id.*

1 take at least a one-semester course in “ethnic studies” to obtain a high school diploma. California high  
2 schools must offer ethnic studies courses starting no later than the 2025-2026 school year.<sup>26</sup>

3 42. Ethnic studies is the “interdisciplinary study of race, ethnicity, and other identities,  
4 focusing on people’s lived experiences and perspectives.”<sup>27</sup> According to the Model Curriculum  
5 overview, the focus of AB 101 is to provide students the opportunity to learn about the histories,  
6 cultures, struggles, and contributions to American society of historically marginalized people.<sup>28</sup>

7 43. In 2016, 2015 California Assembly Bill No. 2016 (California 2015-2016 Regular  
8 Session) (“AB 2106”) amended the Education Code by adding § 51226.7, which mandated that the  
9 California State Board of Education develop an Ethnic Studies Model Curriculum (“ESMC”). In  
10 accordance with AB 2016, the legislature contemplated multiple draft ESMC bills between 2019 and  
11 2020, but these draft curricula were so tainted with biased content, including specifically antisemitic  
12 content, that thousands of California citizens strenuously objected, and Governor Newsom ultimately  
13 vetoed them.<sup>29</sup> The Governor agreed to move forward with the next ESMC bill (AB 101) only after  
14 biased and discriminatory content was removed from the final draft of the curriculum.<sup>30</sup> AB 101 was  
15 passed into law on October 8, 2021, and codified at Education Code § 51225.3.<sup>31</sup>

16 44. AB 101 recommends but does not require that school districts use the State Board of  
17 Education’s Model Curriculum. School districts are permitted to draft their own curricula.<sup>32</sup> The  
18 legislature expressly stated its intent, however, that school districts “not use those portions of earlier  
19 draft ESMCs that were removed “due to concerns related to bias, bigotry, and discrimination.”<sup>33</sup> AB  
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24 <sup>26</sup> Ed. Code § 51225.3 subd. (a)(1)(G)(i).

25 <sup>27</sup> See <https://california100.org/ethnic-studies-for-all-californias-new-high-school-requirement/>

26 <sup>28</sup> See *Id.*; ESMC: <https://www.cde.ca.gov/ci/cr/cf/documents/esmcchapter1.pdf> at pp. 7-8.

27 <sup>29</sup> See <https://www.cde.ca.gov/be/pn/nr/yr19sberel01.asp>; see John Fensterwald, “A final vote, after many rewrites, for  
28 California’s controversial ethnic studies curriculum,” EdSource (March 17, 2021), at  
<https://edsources.org/2021/a-final-vote-after-many-rewrites-for-californias-controversial-ethnic-studies-curriculum/651338>.

<sup>30</sup> The current ESMC may be found at <https://www.cde.ca.gov/ci/cr/cf/esmc.asp>.

<sup>31</sup> Ed. Code § 51225.3.

<sup>32</sup> Ed. Code § 51225.3, subd. (a)(1)(G)(ii).

<sup>33</sup> *Id.*, subd. (a)(1)(G)(vi).

1 101 includes an express prohibition against school districts including content that “reflect[s] or  
2 promote[s], directly or indirectly, any bias, bigotry, or discrimination against any person or group of  
3 persons on the basis of any category protected by Education Code Section 220.”<sup>34</sup>

4 45. Education Code § 220, referenced in AB 101, protects groups on the basis of, *inter alia*,  
5 ethnicity, religion, and national origin.<sup>35</sup>

6 46. As stated in the regulations corresponding to Education Code § 200 *et seq.*, ethnicity  
7 “includes the concept of ‘national origin’ as it is used in Title IV and Title VI of the Federal Civil  
8 Rights Act of 1964 [Title IV and Title VI, respectively], commencing at 42 USC § 2000c and 20 USC  
9 § 2000d.” (Cal. Code Regs. tit. 5, § 4910 (h))

10 47. Title VI, which protects students who are attending federally funded schools and  
11 colleges from discrimination and harassment, uses the concept of “national origin” to cover Jewish  
12 students based on their actual or perceived shared ancestry, i.e., their ancestral connection to the Land  
13 of Israel.<sup>36</sup> This understanding of ethnicity is incorporated by reference in the regulations applicable to  
14 the Education Code § 200 *et. seq.* Title VI and the California Education Code also protect Israeli Jews  
15 living in America on the basis of their national origin.<sup>37</sup>

16 48. Just over two weeks ago, on August 23, 2023, and as a part of the “CA v Hate”  
17 initiative addressing rising violence against certain minorities, the Governor’s office wrote to school  
18 leaders, directing them to heed the statutory provision of AB 101 that prohibits content that “reflect[s]  
19 or promote[s], directly or indirectly, any bias, bigotry, or discrimination against any person or group of  
20 persons on the basis of any category protected by Education Code § 220.”<sup>38</sup> The Governor’s letter  
21 directs school leaders to “closely scrutinize” any curriculum or instructional materials for ethnic  
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26 <sup>34</sup> Ed. Code, § 51225.3, subd. (a)(1)(G)(vii).

27 <sup>35</sup> Ed. Code, § 220.

28 <sup>36</sup> See, e.g., <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-antisemitism-20210119.pdf>.

<sup>37</sup> See *Id.*

<sup>38</sup> <https://www.gov.ca.gov/wp-content/uploads/2023/08/8.23.23-ethnic-studies-Letter.pdf>, citing Ed. Code, § 51225.3 subd. (a)(1)(G)(vii); see also <https://www.gov.ca.gov/2023/08/23/california-announces-new-efforts-to-fight-hate-discrimination/>.

1 studies courses before they are selected to ensure they are free from bias, bigotry, or discrimination.  
2 This close scrutiny dovetails with the rules requiring that decisions be made after the public is given  
3 meaningful opportunity to review and comment on ethnic studies course curricula so that biased  
4 materials come to light. Unfortunately, multiple school districts in California have not complied with  
5 these legal requirements.  
6

7 49. SAUSD is one of the districts failing to comply with these rules. Based on the materials  
8 available to the public (and it is unclear whether this is everything), at least five ethnic studies courses  
9 approved by the SAUSD Board, including ethnic studies courses in World History, English, and World  
10 Geography, include one-sided anti-Israel screeds and propaganda that teaches students—falsely—that  
11 Israel is an illegitimate, “settler colonial,” “racist” country that “stole” land from a pre-existing  
12 country called Palestine and engages in unprovoked warfare against Palestinian Arabs.  
13

14 50. As discussed below, the local Jewish community first became aware in May 2023 of the  
15 antisemitic nature of the specific ethnic studies curriculum the board had approved about one month  
16 earlier on April 25, 2023. Had community members been given the opportunity to review the materials  
17 before they were approved, and raise objections publicly as the Brown Act requires, they could have  
18 alerted the district and the community it serves to problematic teachings. They were not.  
19

20 51. The secretive drafting of the problematic curricula discussed in Paragraphs 66-67, and  
21 SAUSD’s approval without properly introducing and voting on these curricula in violation of the  
22 Brown Act, necessitated the filing of this Petition and Complaint seeking an order invalidating the  
23 resolutions passed without this input and action taken without equal access to Board meetings. Going  
24 forward, the Court should direct the Board to give notice, hold its meetings publicly, and provide the  
25 public with all materials available to the Board when considering ethnic studies curricula, as required  
26 by the Brown Act.  
27  
28

1                   **AB 101 INCLUDES A TWO-MEETING REQUIREMENT FOR ETHNIC STUDIES**  
2   **CURRICULA**

3           52.     California Education Code § 51225.3(a)(1)(G)(ii)(IV) (“AB 101”) requires school  
4 districts that do not use the Ethnic Studies Model Curriculum as recommended to make the public  
5 aware of the content of “locally developed” ethnic studies curricula on two separate occasions.<sup>39</sup>

6           53.     Such curricula must “first be presented at a public meeting of the governing board of  
7 the school district or the governing body of the charter school and shall not be approved until a  
8 subsequent public meeting of the governing board or governing body at which the public has had the  
9 opportunity to express its views on the proposed course.”<sup>40</sup> In other words, the law requires that the  
10 public be given two meaningful opportunities to comment on any proposed “locally developed” ethnic  
11 studies course.  
12

13           54.     AB 101’s two-meeting notice requirement gives the public the opportunity to weigh in  
14 on the courses in the context of the statute which requires locally developed “curriculum, instruction,  
15 and instructional materials for a course” to be free from bias or bigotry and appropriate for use with  
16 pupils of “all races, religions, nationalities, genders, sexual orientations, and diverse ethnic and  
17 cultural backgrounds, pupils with disabilities, and English learners.”<sup>41</sup>  
18

19           55.     The public must therefore have access to “curriculum, instruction, and instructional  
20 materials for a course” to have proper notice. The public was deprived of this information before the  
21 SAUSD Board approved its locally developed ethnic studies courses.  
22

23           56.     The SAUSD Board approved locally developed ethnic studies curricula created by a  
24 subcommittee without complying with the Brown Act’s notice and public participation requirements.  
25 As detailed below, that subcommittee excluded disfavored parts of the community from the curriculum  
26

27 \_\_\_\_\_  
<sup>39</sup>Ed. Code, § 51225.3, subd. (a)(1)(G)(ii)(IV).

28 <sup>40</sup> *Id.*

<sup>41</sup> Ed. Code, § 51225.3, subd. (a)(1)(G)(ii)(IV)(1)-(2).

1 development and approval process. The Board then voted on ethnic studies matters that were not  
2 sufficiently described in the Board agendas and included portions of ethnic studies instructional  
3 materials that it intended to use but had hidden from the public.

4 57. Upon information and belief, the SAUSD Board also revised its agendas and  
5 attachments at times that it was not permitted to do so under the Brown Act without notifying the  
6 public.  
7

8 **THE CHALLENGED BOARD ACTIONS WERE THE CULMINATION OF A LONG EFFORT**  
9 **TO CONCEAL CONTROVERSIAL CURRICULAR CONTENT FROM THE PUBLIC**

10 58. Although the conduct challenged in this action independently violates the Brown Act, it  
11 is the culmination of a long effort to conceal from the public the controversial nature of the SAUSD  
12 ethnic studies curricula.  
13

14 59. On June 9, 2020, the SAUSD Board adopted Resolution No. 19/20-3353, establishing a  
15 district-wide ethnic studies requirement for all students starting with the graduating class of 2026 and  
16 tasking the Superintendent of SAUSD schools with creating a task force to draft curricula. Upon  
17 information and belief, that task force was called the Course Curriculum Subcommittee (the  
18 “Subcommittee”).<sup>42</sup> As an advisory board created by a school board, the Subcommittee falls within the  
19 purview of the Brown Act.<sup>43</sup>  
20

21 60. According to Resolution No. 19/20-3353, the Subcommittee was to submit its action  
22 plan for ethnic studies implementation to the SAUSD Board by July 29, 2020.<sup>44</sup> Upon information and  
23 belief, the Subcommittee’s action plan has never been included in any SAUSD Board agenda and has  
24

25 <sup>42</sup> There are also references to a “Steering Committee,” but SAUSD did not produce any Steering Committee notes or  
minutes in response to a request for all documents concerning the ethnic studies curriculum development.

26 <sup>43</sup> See *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal.App.4th 781 (1993) (the school board adopted a formal, written policy  
calling for appointment of a committee to advise the school superintendent, and in turn, the school board with whom the  
27 final decision rested, and this was sufficiently similar to the types of “formal action” listed in § 54952.3 to require the  
meetings to be open to the public).

28 <sup>44</sup> [https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/11278/ethnic%20studies%20Resolution\\_6.9.20\\_](https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/11278/ethnic%20studies%20Resolution_6.9.20_FINAL.pdf)  
FINAL.pdf.

1 never been presented to the public or publicly approved by the SAUSD Board. Upon information and  
2 belief, the public has never had any opportunity to comment on the action plan.

3           61.     The Subcommittee notes from the January 21, 2021-May 2, 2023 meetings, entitled  
4 “SAUSD ES Course Development Agendas,” were produced by SAUSD on August 9, 2023, in  
5 response to a Public Records Act Request (the “Subcommittee Notes”). A true and correct copy of the  
6 Subcommittee Notes produced by SAUSD is attached hereto as **Exhibit C**.

7  
8           62.     Based on the Subcommittee Notes, the Subcommittee began creating its own locally  
9 developed ethnic studies curricula in January 2021. The Subcommittee Notes from a January 21, 2021  
10 meeting state that the purpose of the meeting was to “decide on the guiding pillars and timeline for  
11 course creation... to guide the creation of and implementation of the ethnic studies courses.”  
12

13           63.     Chapter 2 of the California Ethnic Studies Model Curriculum emphasizes the  
14 partnership between school districts and the wider community of stakeholders, including parents and  
15 members of the public. But the steps listed in the February 4, 2021 Subcommittee Notes make no  
16 mention of public disclosure or input. The steps include input only from the director or content expert,  
17 the curriculum specialist, the program specialist, the Board, and the University of California, in that  
18 order.<sup>45</sup>  
19

20           64.     And the Subcommittee Notes from the May 2, 2023 meeting reflect that the  
21 Subcommittee knew “the best practices from the Model Curriculum states that there should be a  
22 community committee that reviews the developed courses,” but decided to flout that practice by failing  
23 to put the work they were doing on the public agenda.<sup>46</sup> The same Notes demonstrate that the  
24 Subcommittee planned to seek the community committee’s input only **after** courses were approved,  
25  
26  
27

28 <sup>45</sup> Exhibit C, page 2.

<sup>46</sup> Exhibit C, page 4..

1 asking “how can we work with the community committee to get their perspectives on our  
2 **pre-approved** courses, the curriculum, and the resources?” (emphasis added).

3 **THE SUBCOMMITTEE SHUT OUT DISFAVORED MEMBERS OF THE COMMUNITY**  
4 **WHILE SOLICITING INPUT FROM GROUPS WITH A RECORD OF ANTISEMITISM**

5  
6 65. The October 4, 2022 Subcommittee Notes include a discussion of “the Jewish  
7 question.” The notes query whether the Subcommittee needs to respond to Jewish members of the  
8 community and reflect the Subcommittee decision to go to groups with a record of engaging in  
9 antisemitism for advice on how to “Address the Jewish Question - do we have to create a response -  
10 consult with XITO, the Ochoas.”<sup>47</sup>

11  
12 66. XITO is a controversial ethnic studies group that vocally defended the rejected versions  
13 of the Ethnic Studies Model Curriculum, and strongly objected to the removal of antisemitic materials  
14 from the final Model Curriculum. XITO’s teachings and materials equate Israel with “settler  
15 colonialism” and call Zionism “a nationalist, colonial ideology” that has called for the “creation and  
16 expansion of Israel as a Jewish state in historic Palestine by any means necessary.”<sup>48</sup> Upon information  
17 and belief, the Ochoas are Gilda and Enrique Ochoa, professors at Pomona College and Cal State Los  
18 Angeles, respectively, who are vocal supporters of the rejected draft model curriculum, including its  
19 antisemitic content.  
20

21 67. Other minority groups were not treated as pariahs but still had to be carefully “vetted”  
22 before providing input. The Subcommittee Notes from its June 27, 2021, meeting say, “Yes [you] can  
23 ask for help from Native American local community, but make sure to vet them.”<sup>49</sup>  
24

25 **THE SAUSD BOARD’S OPEN MEETINGS MAY 18, 2021 APPROVAL OF LOCALLY**  
26 **DEVELOPED CURRICULUM VIOLATED THE BROWN ACT**

27 <sup>47</sup> Exhibit C, page 13.

28 <sup>48</sup> See XITO, Teach Palestine Project; <https://www.xicanxinstitute.org/xito-teach-palestine>; Exhibit C, pages 5, 7, 15, 16, 18.

<sup>49</sup> Exhibit C, pages 18, see also Exhibit C, page 15. .

1           68.     The SAUSD Board started its pattern of approving ethnic studies courses without  
2 providing proper public notice and opportunity to be heard as far back as 2021. As Petitioners learned  
3 after receiving the Subcommittee Notes from SAUSD, the Board relied on the curriculum developed  
4 by the Subcommittee which intentionally denied the public the opportunity to participate. It appears  
5 that the Subcommittee had free reign to create curriculum without public oversight. The February 2,  
6 2021 Subcommittee Notes say “Discuss new courses to create - subcommittee members get first  
7 choice.”<sup>50</sup>

9           69.     The Board approved four ethnic studies courses in the General Meeting held on May  
10 18, 2021: ethnic studies, English 9 ethnic studies, English 9 Honors ethnic studies, and ethnic studies  
11 in the Visual Creative Arts.<sup>51</sup>

13           70.     Upon information and belief, these four ethnic studies courses, which were intended to  
14 fulfill the ethnic studies graduation requirement, were not introduced to the public twice, as required  
15 by AB 101, and based upon the Subcommittee Notes, and on information and belief, there are ethnic  
16 studies courses offered by SAUSD that were never approved at all in a public meeting. Upon  
17 information and belief, they were approved by the SAUSD Board on May 18, 2021, the first public  
18 meeting at which the courses were introduced.<sup>52</sup>

20                   **THE SAUSD BOARD VIOLATED BROWN ACT NOTICE REQUIREMENTS**

21           71.     Prior to and during the General Board Meetings held by the SAUSD Board on March  
22 28, 2023, and April 25, 2023, the SAUSD Board acted on matters that were not adequately described  
23 in the posted agendas for those meetings.

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26 <sup>50</sup> Exhibit C, page 2.

27 <sup>51</sup> See Board Meeting May 18, 2021:

28 [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/39587212/entry\\_id/1\\_ybokubi7/embed/dynamic?](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/39587212/entry_id/1_ybokubi7/embed/dynamic?)

<sup>52</sup> *Id.*

1           72.     The SAUSD Board failed to ensure the public’s right to participate in the approval of  
2 four ethnic studies courses on April 25, 2023 (introduced as an Information Item on March 28, 2023),  
3 and one ethnic studies course introduced on June 27, 2023, by holding non-public meetings, by  
4 providing incomplete and misleading descriptions of agenda materials about these courses, and by  
5 fostering a hostile and intimidating atmosphere for certain members of the public so that they could  
6 not fully exercise their participation rights.  
7

8           73.     Petitioners are informed and believe that members of the SAUSD Board used direct  
9 communications and personal intermediaries, including members of the Subcommittee, to develop a  
10 collective concurrence as to action to be taken on the challenged actions. As a result, the members of  
11 the SAUSD Board reached a collective concurrence as to action to be taken, including the actions  
12 taken on March 28, 2023, April 25, 2023, and June 27, 2023.  
13

14           74.     The Board’s actions did not comply with the Brown Act’s notice or open meeting  
15 requirements. As a result, members of the public were unaware of the true nature of the controversial  
16 resolutions, and additionally denied the opportunity to make informed decisions about participation  
17 prior to the Board’s votes on these items.  
18

19           75.     The Board also ignored its own Civility Policy when it failed to remove disruptive and  
20 abusive members of the public. SAUSD Board Policy No. 1313 recognizes the role of civility in  
21 creating a safe and positive climate and mandates that “community members shall not communicate or  
22 behave in a manner that causes disruption [or] hinders the orderly conduct of district operations,”  
23 including the public’s fair and equitable attendance and participation in Board meetings.<sup>53</sup>  
24  
25  
26

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27 <sup>53</sup> SAUSD Board Policy No. 1311:  
28 <https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/3975/Board%20Policy%201313%20-%20Civility.pdf>.

1           76.     After being notified on June 13, 2023, by members of the public who were harassed at  
2 the May 23, 2023 SAUSD Board meeting, the SAUSD Board failed to respond and never addressed  
3 concerns about equitable access to SAUSD meetings and reports of intimidation and bullying.

4                                   **THE SAUSD BOARD’S MARCH 28, 2023, AND APRIL 25, 2023**

5                                   **GENERAL BOARD MEETINGS FAILED TO COMPLY WITH THE BROWN ACT**

6           77.     The SAUSD Board failed to comply with the Brown Act’s notice requirements with  
7 respect to the four ethnic studies courses read into the record on March 28, 2023, as “Information”  
8 (Item Nos. 10.1, 10.2, 10.3, and 10.4) and approved by the Board on April 25, 2023 (Resolution Nos.  
9 12.8, 12.9, 12.10, and 12.11).<sup>54</sup>

10           78.     Board resolutions must be sufficiently described in the meeting agenda to notify the  
11 public of the true nature of the Board’s decision.<sup>55</sup> The SAUSD Board’s ethnic studies resolutions were  
12 not sufficiently described in the agendas for the March and April 2023 General Board Meetings. The  
13 Board did not present the resolutions in a way that would allow the public to understand their true  
14 nature and deprived the public of the opportunity to express their views as required by law. The  
15 agenda titles and descriptions provided little, if any, information at all about the courses other than  
16 their names which does not comply with the Brown Act or AB 101’s public hearing requirements.<sup>56</sup>

17           79.     By the time the public learned about the curriculum and spoke at the meeting on May  
18 23, 2023, it was too late for the SAUSD Board to take public comment into consideration; the Board  
19 had already voted before giving the public proper and legal notice of the full nature of the agenda  
20 items concerning the ethnic studies curriculum.<sup>57</sup>

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<sup>54</sup> The four ethnic studies courses introduced on March 28<sup>th</sup> and approved by the SAUSD board on April 25<sup>th</sup> were ethnic studies World Histories, ethnic studies World Geography, English 10 Honors ethnic studies, and Chicano/a and Latinx studies.

<sup>55</sup> *Moreno v. City of King*, 127 Cal. App. 4th 17 (2005); Cal. Gov. Code § 54954.2(a)(3).

<sup>56</sup> Cal. Educ. Code, § 51225.3, subd. (a)(1)(G)(ii)(IV).

<sup>57</sup> See Regular Board Meeting May 23, 2023:  
[https://www.sausd.live/media/Regular+Board+Meeting+May+23%2C+2023/1\\_zycbo5kv/69436812](https://www.sausd.live/media/Regular+Board+Meeting+May+23%2C+2023/1_zycbo5kv/69436812).



1 offered a comment on the ethnic studies agenda items during the March 28th meeting due to SAUSD's  
2 insufficient notice.<sup>60</sup>

3 85. Likewise, the agenda for the Board's April 25, 2023 meeting contained the same titles  
4 with vague descriptions that fail to disclose the true nature of the Board's actions.<sup>61</sup>

5 86. The Brown Act requires that an agenda be posted at least 72 hours before a regular  
6 meeting and forbids action on any item not on that agenda.

7 87. The Brown Act also requires that "notice of the essential nature of the matter an agency  
8 will consider" must be "disclosed in the agency's agenda."<sup>62</sup> The SAUSD Board failed to provide the  
9 essential nature of the ethnic studies items in the Board agendas, and it therefore violated its  
10 requirement to "provid[e] the public with more than mere clues from which they must then guess or  
11 surmise the essential nature of the business to be considered by a local agency."<sup>63</sup> Guessing and  
12 surmising was exactly what the public needed to do to learn what the Board had planned on April  
13 25th, and only one interested member of the public appeared for comment. This resulted in prejudice  
14 and harm to members of the community who were deprived of their right to be heard before the Board  
15 made decisions on controversial matters.

16  
17  
18  
19 **THE SAUSD BOARD CONDUCTED PUBLIC BUSINESS AT PRIVATE MEETINGS IN**  
20 **VIOLATION OF THE BROWN ACT**

21 88. The Brown Act prohibits "direct communication, personal intermediaries, or  
22 technological devices that is employed by a majority of the members of the legislative body to develop  
23 a collective concurrence as to action to be taken on an item by the members of the legislative body."<sup>64</sup>

24 Serial meetings involve communication between members of a legislative body that are less than a  
25

26 \_\_\_\_\_  
27 <sup>60</sup> *Id.*

<sup>61</sup> April 25, 2023 Agenda: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

<sup>62</sup> *San Diegans for Open Government v. City of Oceanside*, 4 Cal.App.5th 637 (Cal. Ct. App. 2016).

<sup>63</sup> 67 Ops. Cal. Atty. Gen. 84 (1984).

<sup>64</sup> § 5495.2(b).

1 quorum, but when all participants are considered, it constitutes a majority. In addition, a serial meeting  
2 occurs when intermediaries for board members have a meeting to discuss public issues.<sup>65</sup>

3 89. When the SAUSD Ethnic Studies Curriculum was introduced at the SAUSD General  
4 Board Meeting on March 28, 2023, the proposed course titles were simply read into the record with no  
5 further discussion by the Board about the curriculum, but records produced by SAUSD in response to  
6 a Public Records Act request demonstrate that the Board had already participated in the development  
7 of the curriculum, discussed its content among themselves, and made the decision to submit the  
8 proposed courses to the University of California for approval for the 2023-24 school year.

9  
10 90. The Subcommittee Notes indicate that the curriculum for these four courses was  
11 completed and submitted to and approved by the University of California before the Subcommittee  
12 meeting on February 7, 2023,<sup>66</sup> all without any public notice or opportunity for comment, and that the  
13 final course materials were scheduled to be presented by the Subcommittee to the Board in early  
14 March. No Board agenda, however, ever notified the public of the Board's receipt of the curriculum.<sup>67</sup>

15  
16 91. Yet at the SAUSD General Board Meeting held on April 25, 2023, the Board Members  
17 were sufficiently familiar with the content of the proposed Ethnic Studies curriculum to vote on it  
18 without any discussion or deliberation.<sup>68</sup>

19  
20 92. When a member of the public questioned the Board about the curriculum, Board  
21 Member Dr. Rodriguez acknowledged potential problems in the curriculum. Dr. Rodriguez therefore  
22 suggested tabling the vote to approve the Ethnic Studies World Geography course for two weeks "just  
23

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24 <sup>65</sup> In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, the Court concluded that a series of  
25 telephone conversations conducted by the agency's attorney as an intermediary constituted a meeting within the scope of the  
Brown Act. (See also, 65 Ops.Cal.Atty.Gen. 63 (1982); 63 Ops.Cal.Atty.Gen. 820 (1980)).

26 <sup>66</sup> Exhibit C, page 6 (Notes from February 7, 2021 meeting say, "Ethnic Studies ELA 10 CP was UCOP approved").

27 <sup>67</sup> Exhibit C, page 7 (Notes from February 7, 2021 meeting say, "Planning to go to the Board in February - World History ...  
10th grade ELA Honors ... World Geography ... Chicano/a, LatinX.").

28 <sup>68</sup> April 25, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_i5x  
advnz/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_i5xadvnz/embed/dynamic).

1 to make sure we capture any public comments on this.” Board President Torres disagreed, stating,  
2 “I’m okay with approving this based on my personal opinion, so I’m not going to support tabling it.”  
3 All of the Board members other than Dr. Rodriguez voted to approve the Ethnic Studies World  
4 Geography course on April 25, 2023.<sup>69</sup>

5  
6 93. The Brown Act requires school boards to discuss, deliberate, and act on the public’s  
7 business openly, not behind closed doors or based on previously determined personal opinions.  
8 Evidence produced by SAUSD indicates that its Board took action and communicated about the ethnic  
9 studies courses in private, without notifying the public, and without giving the public the opportunity  
10 to comment, all in violation of the Brown Act.<sup>70</sup>

11  
12 **THE BOARD FAILS TO QUELL DISRUPTIVE AND INTIMIDATING BEHAVIOR**  
13 **AT MAY 23, 2023 GENERAL BOARD MEETING**

14 94. After the ethnic studies curriculum was approved by the SAUSD Board in April, the  
15 community became aware that the approved ethnic studies curriculum included antisemitic and  
16 anti-Israel content. Therefore, dozens of community members attended the General Board Meeting on  
17 May 23, 2023, to give public statements asking the Board to hold off on implementing the curriculum  
18 to allow for public input.

19  
20 95. The SAUSD Board failed to allow equal participation at the May 23, 2023 SAUSD  
21 Board meeting for all members of the public by failing to protect members of the community from a  
22 hostile environment, where some members of the public were made to feel uncomfortable, scared, and  
23 intimidated to the extent that they were unable to fully exercise their participation rights. The Board  
24 could have removed the disruptive members of the public pursuant to the Brown Act Amendment SB  
25

26  
27  
28 <sup>69</sup> *Id.*

<sup>70</sup> Ed. Code § 54954.2(a); § 54954.3(a).

1 1100, (authorizing the Board’s removal of disruptive meeting attendees) but chose not to and allowed  
2 them to further disrupt the meeting.

3 96. Attendees who spoke in opposition to the curriculum, many of whom were Jewish,  
4 encountered a hostile environment. They were harassed and intimidated, both while speaking publicly  
5 before the Board as well as, for some, being followed to their cars and videotaped after the meeting  
6 without their permission.<sup>71</sup>

8 97. Comments made by other members of the public during the May 23rd meeting featured  
9 classic antisemitic tropes as well as threatening and violent language directed at or about Jews and  
10 Israelis. Audience members hissed as the names of Jewish attendees were called, applause broke out in  
11 response to antisemitic slurs, and during a presentation by two Jewish high school students, Board  
12 meeting attendees shouted, “you’re racists” and “you’re killers.”<sup>72</sup> The Board Meeting video shows  
13 attendees interrupting Jewish speakers, applauding loudly when speakers used antisemitic tropes, and  
14 telling a Jewish speaker to “go home.”<sup>73</sup> Jewish community members reported that at least one  
15 attendee referred to a Jewish student speaker as “Jew boy” and others reported attendees “hissing.”<sup>74</sup>

17 98. Despite the Board’s obligation to prevent disruption and ensure compliance with its  
18 civility policy, it did nothing.<sup>75</sup> Due to the Board’s inaction, the attendees’ behavior continued  
19 throughout the Meeting. The harassment of Jewish speakers continued after the meeting. A Jewish  
20 student who spoke at the meeting was followed to her car and harassed by a meeting attendee, and  
21 SAUSD’s security failed to intervene.<sup>76</sup>

23 \_\_\_\_\_  
24 <sup>71</sup> June 13th Board Meeting: <https://www.sausd.us/Page/25975>.

25 <sup>72</sup> *Id.*; May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>; [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o)  
26 [soiea/embed/dynamic](https://www.kaltura.com/soiea/embed/dynamic).

27 <sup>73</sup> *Id.*

28 <sup>74</sup> *Id.*

<sup>75</sup> May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o)  
[soiea/embed/dynamic](https://www.kaltura.com/soiea/embed/dynamic).

<sup>76</sup> June 13th Board Meeting: <https://www.sausd.us/Page/25975>.

1           99.     This harassment and intimidation at the May 23, 2023 meeting deterred some attendees  
2 from fully participating and from attending subsequent meetings about ethnic studies, including the  
3 General Board Meeting held by SAUSD on June 27, 2023, where a fifth ethnic studies course was  
4 introduced for informational purposes.  
5

6           100.    The law prohibits the SAUSD Board from holding public meetings that exclude any  
7 person or persons on the basis of ancestry, religion, or any other protected characteristic.<sup>77</sup> The Brown  
8 Act provides specific direction for public officials to control disruptions to public meetings like those  
9 experienced during the May 23rd meeting.<sup>78</sup> Brown Act Amendment SB 1100 specifically authorizes  
10 the Board to remove disruptive meeting attendees, which the Board did not do.<sup>79</sup>  
11

12           101.    If the SAUSD Board was somehow unaware of what took place before it during the  
13 May 23rd meeting, that was no longer the case following the General Meeting held by the SAUSD  
14 Board on June 13, 2023, at which multiple members of the public spoke about the harassment and fear  
15 they experienced at the previous meeting:<sup>80</sup>  
16

17           *Speaker 1:*

18           *“At the May 23rd Santa Ana District Board Meeting, I saw two Jewish high school students*  
19 *during public comment stating that your students have no knowledge of Jews beyond the*  
20 *antisemitic jokes that they hear and repeat. Those students were mocked by people attending the*  
21 *meeting. For stating that the Santa Ana Unified School District students have no knowledge of*  
22 *Jewish history, have never met a Jewish person, they were taunted by banners stating, ‘Free*  
23 *Palestine.’”*  
24

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25 <sup>77</sup> Cal. Gov. Code §54961.

26 <sup>78</sup> Gov. Code §54954.3(a).

27 <sup>79</sup> May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o)  
soiea/embed/dynamic.

28 <sup>80</sup> See <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_nb6cpq3y/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_nb6cpq3y/embed/dynamic) at 20:36, 23:07, 25:10, 27:26, 30:01, 31:51, 34:06, 39:01, 41:00, 43:19.

1           *“Members of the audience snickered at the Jewish student wearing a kippah, and the young*  
2 *female student speaker was taunted and followed to her car by someone who said he had been*  
3 *sanctioned by the school board to videotape the speakers. The school board was negligent in*  
4 *protecting these students from harassment, as you are legally required to do. Your inaction,*  
5 *unfortunately, gives tacit approval for others to intimidate and bully Jewish students and staff.”*  
6  
7 *“It’s embarrassing that this board accepted the antisemitic public comments such as holding*  
8 *Jews accountable for the actions of a foreign government, ridiculing Jews for wearing articles*  
9 *and artifacts of their cultural identity, and you allowed the audience to make people feel unsafe*  
10 *because of their Jewish heritage, including harassing and following a Jewish speaker.”*

11  
12       *Speaker 2:*

13           *“I came here tonight to personally recognize two of my students and teens who came to the last*  
14 *board meeting sharing their experiences, volunteering, and presenting in 15 SAUSD classrooms*  
15 *this last school year.... My students bravely came and presented to a room [on May 23rd] in*  
16 *which there were posters with very triggering slogans. In addition, they witnessed and heard*  
17 *many comments publicly, and while sitting waiting to speak, there were hostile and very*  
18 *provocative comments, and with all due respect, antisemitic. They courageously and confidently*  
19 *spoke within a space that was predominantly unwelcoming to them as Jews, especially as young*  
20 *Jews who have a personal and very powerful connection to the Land of Israel.”*

21  
22       *Speaker 3:*

23           *“As someone who lives here in Santa Ana and is thinking about having kids and may have them*  
24 *going [here], it really makes me uncomfortable and nervous that we wouldn’t be included in*  
25 *these programs and the antisemitism and hate that was allowed to go on at the previous school*  
26 *board meeting. It’s something that’s really, really concerning to me. And I think it should be*  
27  
28

1           concerning to folks who are promoting the idea that we should stand up for minorities and  
2           minority ethnic groups.”

3           Speaker 4:

4           *“We have witnessed the detrimental effects of such ideologies on our community, resulting in*  
5           *bullying, hatred, harassment, and threats directly towards visible and inherently Jewish*  
6           *students, staff, and families, even under the watchful gaze of this school board at the last*  
7           *meeting [May 23rd]. Ironically, as we approach the vote on new board policy 13.13 which*  
8           *emphasizes civility and the district’s commitment to practicing civil behavior, we have seen how*  
9           *curriculum supporting anti-Jewish ideologies leads to anything but polite, courteous, respectful,*  
10           *and honest conduct. It is essential to acknowledge the behavior exhibited during the meetings as*  
11           *a direct consequence of the harmful rhetoric embedded within the curriculum.”*

12           Speaker 5:

13           *“I was here on May 23rd where speakers were calling me and other Jewish community*  
14           *members colonialists simply because we were asking for accurate inclusion of the Jewish*  
15           *people in ethnic studies. The depiction of Jews as colonizers is not only inaccurate, but it’s*  
16           *antisemitic.”<sup>81</sup>*

17           **INSUFFICIENT AGENDA FOR ITEM INTRODUCED AT THE JUNE 27, 2023 GENERAL**  
18           **BOARD MEETING**

19           102.   At the June 27, 2023 General Board Meeting, the Board committed three additional  
20           violations of the law. It failed to correct the deterrent factor caused by the harassment at the previous  
21           meeting; it provided misleading and insufficient notice of the business to be conducted by removing  
22           from the publicly presented course syllabus only the Unit on Arab/Muslim Americans, which the  
23           Board knew to be controversial because it includes antisemitic content; and it engaged in sham

24           

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25           <sup>81</sup> *Id.*

1 proceedings by purporting to publicly approve a curriculum that already appeared as an available  
2 course on the SAUSD website.<sup>82</sup>

3 103. Rather than explain this omission, SAUSD doubled down in its Response Letter that  
4 even though it did not disclose the entire course curriculum to the public, it planned to teach the  
5 undisclosed material anyway.<sup>83</sup>

7 **CLAIMS FOR RELIEF**

8 **FIRST CAUSE OF ACTION**

9 **WRIT OF MANDATE**

10 **(VIOLATIONS OF THE BROWN ACT, CAL. GOV. CODE §§ 54954.2, 54954.3, 54953)**  
11 **(AGAINST ALL RESPONDENTS)**

12 104. Petitioners hereby reallege and incorporate by reference all of the preceding paragraphs  
13 as if fully set forth here.

14 105. The Brown Act creates specific obligations for legislative bodies like the SAUSD  
15 Board to allow public participation in their meetings and provides for judicial invalidation of actions  
16 taken in violation of the Brown Act that result in prejudice to members of the public.<sup>84</sup>

17 106. Cal. Gov. Code §54954.2.(a)(1) requires a legislative body to post an agenda at least 72  
18 hours before a public meeting containing a brief description of each item of business” to be acted upon  
19 at the meeting. The description must be sufficient to apprise the public of what will be discussed, and  
20 they cannot take action without doing so.<sup>85</sup> This includes providing the public with more than mere  
21 clues from which they must then guess or surmise the essential nature of the business to be considered  
22 by a local agency.<sup>86</sup>

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<sup>82</sup> SAUSD ethnic studies curriculum: <https://www.sausd.us/Page/50204>.

27 <sup>83</sup> Exhibit B, page 6.

28 <sup>84</sup> Cal. Gov. Code § 54954.3(a); Gov. Code § 54960.1(a).

<sup>85</sup> Cal. Gov. Code §54954.2.(a)(1).

<sup>86</sup> *Moreno v. City of King*, 127 Cal.App.4th 17 (2005); Cal. Gov. Code § 54954.2(a)(3).

1           107. Cal. Gov. Code. § 54953's notice provisions require that all meetings of the legislative  
2 body be open and public.

3           108. The SAUSD Board did not comply with the notice provisions of the Brown Act and  
4 took collective "action," as defined in Cal. Gov. Code § 54954.3, on matters that were not properly  
5 described in its agendas.  
6

7           109. Upon information and belief, the SAUSD Board also met privately about public  
8 matters, which had the effect of excluding the public from any discussion on these items before they  
9 were approved by the Board.

10           110. The public, including petitioners, were prejudiced and irreparably harmed by SAUSD's  
11 Brown Act violations and will continue to be prejudiced and harmed absent Court intervention.  
12

13           111. Pursuant to Cal. Gov. Code § 54960.1, any interested person may commence an action  
14 by mandamus or injunction to obtain a judicial determination that an action taken by a legislative body  
15 of a local agency in violation of Brown Act is null and void.

16           112. Petitioners have met all exhaustion and notice requirements before filing this Petition  
17 and Complaint.  
18

19           113. Based upon the facts set forth in this Complaint, the SAUSD Board's decisions  
20 concerning ethnic studies on March 28, 2023, April 25, 2023, and June 27, 2023, must be invalidated.  
21

**SECOND CAUSE OF ACTION**  
**WRIT OF MANDATE**  
**(VIOLATIONS OF THE BROWN ACT, CAL. GOV. CODE § 54960(a))**  
**(AGAINST ALL RESPONDENTS)**

22  
23  
24  
25           114. Petitioners hereby reallege and incorporate by reference all of the preceding paragraphs  
26 as if fully set forth here.  
27  
28

1 115. Public meetings, including school board meetings, must be conducted in a manner that  
2 is “consistent with applicable civil rights and nondiscrimination laws.”<sup>87</sup> SAUSD did not protect the  
3 public, including members of the Jewish community, from harassment and intimidation and did not  
4 make its meetings equally available to all members of the public, as required by the Brown Act.<sup>88</sup>  
5

6 116. In its Response Letter, SAUSD disclaims all responsibility for the intimidation and  
7 harassment experienced by the Jewish community that occurred in the May 26, 2023 General Board  
8 Meeting.

9 117. If SAUSD continues to deny responsibility for and expose the public to harassment  
10 and intimidation at its meetings, or if SAUSD allows members of the public to be deterred from  
11 participation based upon the harassment they experience due to their religion, ethnicity, or national  
12 origin, the public will be irreparably harmed and prejudiced.  
13

14 118. Unless enjoined from further Brown Act violations, and based on its response to the  
15 Brown Act Letter, SAUSD will likely continue to deprive the public of its right to participate in public  
16 meetings.  
17

18 **THIRD CAUSE OF ACTION**  
19 **DECLARATORY AND INJUNCTIVE RELIEF**  
20 **(VIOLATIONS OF BROWN ACT, CAL. GOV. CODE § 54960 ET SEQ.)**  
21 **(AGAINST ALL RESPONDENTS)**

22 119. Petitioners hereby reallege and incorporate by reference all of the preceding paragraphs  
23 as if fully set forth here.

24 120. Because the SAUSD Board did not comply with the Brown Act’s requirements, and  
25 because Brown Act violations are ongoing, Petitioners request that the Court issue a Declaration that

26 <sup>87</sup> Cal. Gov. Code § 54953(h).

27 <sup>88</sup> April 25, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
28 [https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_i5xadvnz/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_i5xadvnz/embed/dynamic); May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o-soiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o-soiea/embed/dynamic); See also June 13th Board Meeting: <https://www.sausd.us/Page/25975>.

1 Respondents have violated the statutory provisions of the Brown Act, and Information Item Nos. 10.1,  
2 10.2, 10.3, and 10.4 introduced by the Board on March 23, 2023, Resolution Nos. 12.8, 12.9, 12.10,  
3 and 12.11, approved by the SAUSD Board on April 25, 2023, and Item 9.1 introduced by the Board on  
4 June 27, 2023, are null and void.

5  
6 121. Petitioners further request that the Court declare that SAUSD has an affirmative  
7 obligation to protect all members of the public from harassment and intimidation at its Board  
8 meetings.

9 122. In addition, Petitioner requests that per Cal. Gov. Code § 54959, the Board is enjoined  
10 from further action on ethnic studies issues until it has taken appropriate measures to address the  
11 matters of harassment and intimidation brought to its attention on May 25, 2023.

12  
13 **FOURTH CAUSE OF ACTION**  
14 **(VIOLATIONS OF ARTICLE 1, § 3 OF THE CAL. CONSTITUTION; PROPOSITION 59)**  
15 **(AGAINST ALL RESPONDENTS)**

16 123. Petitioners hereby reallege and incorporate by reference all of the above paragraphs as  
17 if fully set forth here.

18 124. Proposition 59, Article 1, Section 3 of the California Constitution gives the public the  
19 right to instruct their representatives and access information concerning public business and states that  
20 a statute or rule “shall be broadly construed if it furthers the people’s right of access,” and shall be  
21 “narrowly construed if it limits the right of access.”<sup>89</sup>

22  
23 125. Respondents deprived Petitioners of their constitutional right to access information  
24 concerning public business conducted by SAUSD.

25 **FIFTH CAUSE OF ACTION**  
26 **(VIOLATIONS OF EDUCATION CODE § 51225.3)**  
27 **(AGAINST ALL RESPONDENTS)**

28 \_\_\_\_\_  
<sup>89</sup> Proposition 59, California Constitution, Article 1, Sec. 3 (Right of Access to Government Information).

1 126. Petitioners hereby reallege and incorporate by reference all of the above paragraphs as  
2 if fully set forth here.

3 127. Education Code §51225.3 (a)(1)(G)(ii)(IV) (AB 101) requires school districts that do  
4 not use California’s Ethnic Studies Model Curriculum to make the public aware of the content of  
5 “locally developed” ethnic studies curricula two times before it is approved.  
6

7 128. Locally developed ethnic studies curricula must “first be presented at a public meeting  
8 of the governing board of the school district or the governing body of the charter school and shall not  
9 be approved until a subsequent public meeting of the governing board or governing body at which the  
10 public has had the opportunity to express its views on the proposed course.”<sup>90</sup>  
11

12 129. SAUSD approved locally developed ethnic studies curricula without complying with  
13 AB 101’s two-meeting requirement.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners pray for judgment as follows:

16 1. For a Declaration that Respondents have violated the statutory provisions of the Brown  
17 Act, and that Information Item Nos. 10.1, 10.2, 10.3, and 10.4 introduced by the Board on March 23,  
18 2023, Resolution Nos. 12.8, 12.9, 12.10, and 12.11, approved by the SAUSD Board on April 25, 2023,  
19 and Item 9.1 introduced by the Board on June 27, 2023, are null and void.  
20

21 2. For a Writ of Mandate ordering Respondents to invalidate Information Item Nos. 10.1,  
22 10.2, 10.3, and 10.4 introduced by the Board on March 23, 2023, Resolution Nos. 12.8, 12.9, 12.10,  
23 and 12.11, approved by the SAUSD Board on April 25, 2023, and Item 9.1 introduced by the Board on  
24 June 27, 2023.  
25

26 3. For all court costs and reasonable attorney fees in this matter, pursuant to Cal. Gov.  
27 Code § 54960.5.

28 <sup>90</sup> Ed. Code §51125.3.



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/s/ Marc D. Stern

**AMERICAN JEWISH COMMITTEE**  
Marc D. Stern (*pro hac vice* forthcoming)  
165 East 56th Street  
New York, New York 10022  
Telephone: (212) 891-1480  
sternm@ajc.org

*Attorneys for Petitioners and Plaintiffs*

1 **VERIFICATION**

2 I, Marci Miller, one of the attorneys for Petitioner Louis D. Brandeis Center for Human Rights  
3 Under Law (“the Brandeis Center” or “LDB”), verify this Petition and Complaint.

4 LDB is absent from the county where my offices are located, and I am authorized to make this  
5 verification on its behalf. I have read the foregoing Petition and Complaint and know its contents.  
6

7 I am informed and believe and on that ground allege that the matters stated in the Petition and  
8 Complaint are true.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
10 true and correct. Executed on September 8, 2023, at Newport Beach, California.

11  
12 Dated: September 8, 2023

13   
14 \_\_\_\_\_  
15 Marci Lerner Miller

# EXHIBIT A

# Potomac LAW GROUP

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July 24, 2023

The Santa Ana Unified School District Board of Education  
1601 East Chestnut Avenue  
Santa Ana, CA 92701-6322  
Attn: Mr. Hector Bustos  
Clerk of the Santa Ana Unified School District Board of Education  
[hector.bustos@sausd.us](mailto:hector.bustos@sausd.us)  
VIA HAND DELIVERY, U.S. MAIL AND EMAIL

Dr. Alfonso Alvarez, Ed.D., Vice President  
[Alfonso.alvarez@sausd.us](mailto:Alfonso.alvarez@sausd.us)  
Ms. Katelyn Brazer Aceves, Member  
[katelyn.brazeraceves@sausd.us](mailto:katelyn.brazeraceves@sausd.us)  
Mr. Hector Bustos, Clerk  
[hector.bustos@sausd.us](mailto:hector.bustos@sausd.us)  
Dr. Rigo Rodriguez, Ph.D., Member  
[Rigo.Rodriguez@sausd.us](mailto:Rigo.Rodriguez@sausd.us)  
Ms. Carolyn Torres, President  
[Carolyn.Torres@sausd.us](mailto:Carolyn.Torres@sausd.us)  
VIA U.S. MAIL AND EMAIL

**Re: DEMAND LETTER TO CURE AND CORRECT AND CEASE AND DESIST FROM  
BROWN ACT VIOLATIONS**

To the Clerk of the Santa Ana Unified School District Board of Education and All Members of  
the Santa Ana Unified School District Board of Education:

The purpose of this letter is to call your attention to substantial violations of the Ralph M. Brown Act (the “Brown Act”) which jeopardize the finality of actions taken by the Santa Ana Unified School District’s (“SAUSD”) Board of Education (the “Board”) on March 28, 2023, April 25, 2023, and June 27, 2023, and jeopardize the validity of future Board decisions if action is not taken. On behalf of concerned members of the community, we are requesting that the SAUSD Board cure and correct their actions taken in violation of the Brown Act and protect all members of the public who choose to participate in the Board process. This letter is written on behalf of the Louis D. Brandeis Center for Human Rights Under Law, and those of its members who have experienced antisemitism in California schools, synagogues, schools, and other nonprofit organizations in and around Santa Ana, parents who reside within the SAUSD boundaries, current and former SAUSD students, and other concerned and aggrieved members of the Santa Ana and Orange County communities.

**A list of concerned and aggrieved members of the Santa Ana and Orange County communities is attached hereto as Exhibit A.**

The Brown Act or “Open Meeting Law” was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies. The Brown Act allows the public to fully participate in the decision-making process of local school boards and makes public officials personally accountable for their actions when they deny the public of this right<sup>1</sup>. The Brown Act requires the actions taken by public agencies and their deliberations to be conducted openly.<sup>2</sup> Accordingly, at least 72 hours before a regular meeting, a legislative body “must post an agenda containing a brief description of each item of business to be acted upon at the meeting.”<sup>3</sup> Absent very specific exceptions, agencies must provide accurate descriptions of all agenda items that are sufficient to apprise the public of what will be discussed, and they cannot take action without doing so. This includes providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency.<sup>4</sup>

Prior to and during the General Board Meetings held by the SAUSD Board on March 28, 2023 and April 25, 2023, the SAUSD Board took collective “action” as defined in Gov. Code § 54954.2(b) on matters that were not properly described in the agendas, thereby jeopardizing the finality of those actions. As such, this letter constitutes a “Cure and Correct” demand to the SAUSD Board and its Members with respect to Information Item Nos. 10.1, 10.2, 10.3 and 10.4 introduced at the General Board Meeting held by SAUSD on March 28, 2023 and Resolution Nos. 12.8, 12.9, 12.10, and 12.11, passed at the General Board Meeting held by SAUSD on April 25, 2023, in addition to Information Item No. 9 introduced during the General Board Meeting held by SAUSD on June 27, 2023.

The SAUSD Board also failed to address the harassment and intimidation of members of the public based upon their religion, national origin, and shared ancestry during the General Meeting held on May 23, 2023. During the General Meeting held by the SAUSD Board on June 13, 2023,

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<sup>1</sup> Cal. Gov. Code § 54950 et seq.; *Kolter v. Commission on Professional Competence of Los Angeles Unified School Dist.*, 170 Cal. App. 4th 1346 (2009) (the Brown Act applies to school districts); *Chaffee v. San Francisco Library Com’n*, 115 Cal. App. 4th 461 (2004); See also *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Sup’rs*, 129 Cal. App. 4th 205 (2005).

<sup>2</sup> Cal. Gov. Code § 54950 et seq.

<sup>3</sup> Cal. Govt. Code section 54954.2.

<sup>4</sup> *Moreno v. City of King*, 127 Cal. App. 4th 17 (2005); Cal. Gov. Code § 54954.2(a)(3).

members of the public made the SAUSD Board aware of what took place on May 23<sup>rd</sup>, but it took no corrective action prior to the General Board Meeting held on June 27, 2023. Therefore, this letter is also a “Cease and Desist” demand seeking the prevention of prospective violations by the SAUSD Board and its Members, including the failure to provide equitable access to public Board meetings.

### **Summary of the SAUSD Board’s Violations**

The SAUSD Board failed to ensure the public’s right to participate in the approval of four Ethnic Studies courses on April 25, 2023 and one Ethnic Studies course introduced on June 27, 2023, by holding non-public meetings, by providing incomplete and misleading descriptions of agenda materials about these courses, and by fostering a hostile and intimidating atmosphere for certain members of the public so that they could not fully exercise their participation rights.<sup>5</sup>

In summary, the SAUSD Board violated the law and denied the public their rights under the Brown Act by:

- Providing the public with inadequate and misleading descriptions of Board Resolutions and Information Items involving the SAUSD Ethnic Studies curriculum for the March 28, 2023, and April 25, 2023 Regular Board Meetings, resulting in the failure to inform the public about the nature of these controversial agenda items and denying them of the opportunity to make an informed decision about participation prior to the Board’s vote;
- Failing to allow equal participation at SAUSD Board meetings for all members of the public by failing to protect members of the community from a hostile environment where some members of the public were made to feel uncomfortable, scared, and intimidated to the extent that they were unable to fully exercise their participation rights;
- Failing to address the concerns about equitable access to SAUSD meetings and reports of intimidation and bullying brought to the attention of the SAUSD Board during the General Meeting held on June 13<sup>th</sup>;
- Introducing an additional Ethnic Studies course at the General Meeting held by SAUSD on June 27<sup>th</sup> without having addressed the public concerns about equitable access raised during the June 13<sup>th</sup> General Meeting;
- Failing to act pursuant to the Brown Act Amendment SB 1100 authorizing the Board’s removal of disruptive meeting attendees who willfully interrupted the orderly conduct of SAUSD meetings; and
- Failing to act in accordance with SAUSD Board Policy No. 1313 which recognizes the role of civility in creating a safe positive climate, and mandates that “community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations,” including the public’s fair and equitable attendance and participation in Board meetings.

A more detailed description of these violations is as follows.

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<sup>5</sup> The Ethnic Studies courses include Ethnic Studies World Histories Course, Ethnic Studies World Geography Course, English 10 Honors Ethnic Studies, and Chicano/a and Latinx Studies Course.

## **The SAUSD Board Failed to Post Agenda Items That Gave Adequate Notice of the Matters to be Discussed at the March 28, 2023, and April 25, 2023 General Board Meetings**

The Brown Act ensures that the public receives timely and adequate notice of all agenda items, including those of a controversial or complicated nature. In order to comply with the Brown Act, school boards must post a brief but accurate description of each agenda item to be discussed or transacted, including items to be discussed in closed session.<sup>6</sup> In order to fulfill this requirement, a public agency must describe each agenda item fully enough to allow members of the public to make educated decisions about whether or not to attend and participate in the meeting. First and foremost, agenda item descriptions must not be vague, incomplete, or misleading, so that the public has the fair opportunity to participate.<sup>7</sup>

According to the California Attorney General's guide to the Brown Act, "the purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body." For example, a California Appellate Court found that using the agenda item "flood control" to refer to a discussion on a request to Congress to exempt a certain stream from the Wild and Scenic Rivers Act would be clearly inadequate.<sup>8</sup> Similarly, it was legally inadequate for SAUSD to refer to agenda items simply by listing the proposed names of courses, instead of referring to the controversial curriculum that has been the subject of community interest for several years.

### **SAUSD's Ethnic Studies Curriculum – Initial Discussions and Public Meetings**

On June 9, 2020, SAUSD adopted a district-wide Ethnic Studies graduation requirement, and since that time, the local community has taken great interest in SAUSD's curriculum development.<sup>9</sup> For example, in October of 2022, SAUSD representatives spoke at a Chapman event entitled "Reclaiming Our Voices: The Ethnic Studies Movement at SAUSD." SAUSD representatives at this event included Board Member Torres, Superintendent Almendarez, Bertha Benavides, Principal of Willard Intermediate School, and Linn Lee, history/social science curriculum specialist at SAUSD.<sup>10</sup> The development of SAUSD's Ethnic Studies curriculum was closely monitored by members of the public and press following the Chapman event, and serious concerns continued to be raised by members of the community about any curriculum containing forms of bias expressly prohibited by the state's guidelines. Following the Chapman conference, members of the Jewish community had ongoing conversations with SAUSD representatives about the proposed curriculum, during which SAUSD representatives gave assurances that the

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<sup>6</sup> Cal. Gov. Code § 54954.2(a)

<sup>7</sup> *Olson v. Hornbrook Community Services Dist.*, 33 Cal. App. 5<sup>th</sup> 502, 519 (2019) ("agenda drafters must give the public a fair chance to participate in matters of particular or general concern by providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency"); Cal. Gov't Code § 54954.2.

<sup>8</sup> See 67 Ops. Cal. Atty. Gen. 84 (1984) (construing Bagley-Keene Act).

<sup>9</sup> SAUSD Adoption of Ethnic Studies Requirement:

[https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/11278/Ethnic%20Studies%20Resolution\\_6.9.20\\_FINAL.pdf](https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/11278/Ethnic%20Studies%20Resolution_6.9.20_FINAL.pdf).

<sup>10</sup> <https://news.chapman.edu/2022/10/12/reclaiming-our-voices-the-ethnic-studies-movement-in-santa-ana-unified-school>.

curriculum was still being developed, and that they would be making changes before it was introduced to students.

AB 101 requires any locally developed Ethnic Studies course, like the courses approved by the SAUSD Board on April 25, 2023, to “first be presented at a public meeting of the governing board of the school district or the governing body of the charter school, and [the course] shall not be approved until a subsequent public meeting of the governing board or governing body at which the public has had the opportunity to express its views on the proposed course.” Cal. Ed. Code 51225.3 (a). The SAUSD Board did not present the courses in a way that would allow the public the opportunity to express its views as required by law. The agenda titles and descriptions provided little, if any, information at all about the courses other than their names. The SAUSD Board therefore failed to comply with the Brown Act’s notice requirements with respect to the four Ethnic Studies courses read into the record on March 28, 2023 as “Information” (Item Nos. 10.1, 10.2, 10.3 and 10.4) and approved by the Board on April 25, 2023 (Resolution Nos. 12.8, 12.9, 12.10, and 12.11).

There was overwhelming interest in the Ethnic Studies curriculum at the General Board Meeting held by SAUSD on May 23, 2023, when at least forty-six members of the public spoke about SAUSD’s Ethnic Studies curriculum, and dozens of others came to observe.<sup>11</sup> However, by the time the public learned about the curriculum, it was too late for the SAUSD Board to take public comment into consideration; the Board had already voted before giving the public proper and legal notice of the agenda items concerning the Ethnic Studies curriculum. During SAUSD’s March 28<sup>th</sup> General Board Meeting, when the Ethnic Studies curriculum was introduced as “Information Only,” not one single member of the public addressed the Board about this issue. During SAUSD’s April 25<sup>th</sup> General Meeting, when the curriculum was approved by the SAUSD Board, public attendance was virtually non-existent, with only one member of the public addressing the Board on the topic of Ethnic Studies. The SAUSD Board violated the Brown Act by taking collective action after failing to provide agenda item descriptions that informed the public of the true nature of the Board’s actions.

A recent Court Order reversed a decision made by the San Francisco Board of Education regarding Lowell High School’s admissions policies because the Board acted on a resolution that had not been sufficiently described in the agenda, a violation of the Brown Act.<sup>12</sup> As with SAUSD’s April 25<sup>th</sup> agenda, the “essential nature” of the resolution presented by the San Francisco Board of Education was not disclosed to the public, even though the title of the resolution may have been technically accurate. SAUSD failed to disclose the nature of the Ethnic Studies resolutions in its March and April Meetings, thereby depriving the public of sufficient notice under the Brown Act.<sup>13</sup> The courses and titles were listed, but there was no indication from the face of the agendas that the specifics of the Ethnic Studies curriculum had been finalized and would be approved. This is especially true because SAUSD Board members

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<sup>11</sup> SAUSD Board Meeting Minutes: <https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/133/5-23-23%20Regular%20Board%20Meeting%20Minutes.pdf>.

<sup>12</sup> *Friends of Lowell Foundation v. San Francisco Board of Education*, Case No. CPF-21-517445 (2021): <https://www.scribd.com/document/540725569/11-18-2021-Friends-of-Lowell-Foundation-v-San-Francisco-Board-of-Education-1#>; (“As a remedial statute, “the Brown Act should be construed liberally in favor of openness so as to accomplish its purpose and suppress the mischief at which it is directed,” citing *International Longshoremen’s and Warehousemen’s Union v. Los Angeles Export Terminal, Inc.*, 69Cal.App.4th 287, 294 (1999).

<sup>13</sup> *Id.* at 7.

continued to tell members of the community that they were still revising the curriculum to satisfy their concerns. The message sent by SAUSD was that the curriculum continued to evolve, even though the Board had already decided on the curriculum details. SAUSD hid its intention to approve final curriculum behind vague agenda descriptions and a multitude of links to materials not included in the agenda or 95-page board packet.<sup>14</sup>

### **March 28<sup>th</sup> General Board Meeting – First Introduction of Agenda Item**

Assembly Bill (“AB 2257”) amended Section 54952.2 of the Brown Act to require local governing bodies, including school boards, to post current board meeting agendas online for all board meetings occurring on and after January 1, 2019.<sup>15</sup> The public has online access to the SAUSD Board agendas in three different formats: “Simple,” “Detailed,” and by “Current Agenda Item.” It also has access to Board packets for each meeting.<sup>16</sup>

The Simple descriptions of the March 28, 2023 agenda items for SAUSD’s Ethnic Studies curriculum are as follows:

#### *INFORMATION*

- 10.1 History 10 Ethnic Studies World Histories Course*
- 10.2 Ethnic Studies World Geography Course*
- 10.3 English 10 Honors Ethnic Studies Course*
- 10.4 Chicano/a and Latinx Studies Course<sup>17</sup>*

The Detailed descriptions for the Ethnic Studies courses introduced on March 28, 2023 are also generic and fail to adequately disclose the subject matter. For example, the Ethnic Studies History course is described in the Detailed agenda as follows:

*Through primary and secondary sources, the History 10 Ethnic Studies World Histories Course allows for students to learn about the histories, contributions, experiences, and perspectives of People of Color. This course will fulfill the Ethnic Studies/World History Graduation requirement.<sup>18</sup>*

The same information is included in the 95-page Board packet for the March 28<sup>th</sup> Meeting.<sup>19</sup> The video of the March 28<sup>th</sup> meeting reflects that the following language was read into the record without any further description of the courses or their controversial content:

- 10.1 History 10 Ethnic Studies World Histories Course*
- 10.2 Ethnic Studies World Geography Course*
- 10.3 English 10 Honors Ethnic Studies Course*
- 10.4 Chicano/a and Latinx Studies Course*

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<sup>14</sup> Board Packet: <https://www.sausd.us/cms/lib/CA01000471/Centricity/Domain/133/4-25-23%20Regular%20Board%20Meeting%20Minutes.pdf>.

<sup>15</sup> Cal. Gov’t Code § 54952.2.

<sup>16</sup> Board Materials Library: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

<sup>17</sup> March 28, 2023 Agenda: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

<sup>18</sup> *Id.*

<sup>19</sup> Board Packet: <https://go.boarddocs.com/ca/sausd/Board.nsf/Public>.

The Minutes for the General Board Meeting held by SAUSD on March 28, 2023 say only the following:

*The following items were presented for information only. Ms. Torres explained that the State passed high school requirements after we did our high school requirements, which requires Ethnic Studies Courses to be presented at two Board meetings.<sup>20</sup>*

In the March 28<sup>th</sup> meeting, the SAUSD Board gave the false impression that the courses listed as “Information Items” were based on California’s requirements, when in fact, Ethnic Studies courses of this nature are NOT required in the State of California at this time, and at least two of the courses listed in the March 28<sup>th</sup> agenda contain forms of bias that were expressly removed from the state’s Ethnic Studies guidelines.<sup>21</sup> There was no further discussion on the Ethnic Studies agenda items on March 28<sup>th</sup>, and there was no public comment, because the public did not receive sufficient notice of the nature of these agenda items. This is a controversial topic that has been covered in the press and has been the subject of years of debate by the California legislature and the public, yet not one single member of the public offered a comment on the Ethnic Studies agenda items during the March 28<sup>th</sup> meeting due to SAUSD’s insufficient notice.<sup>22</sup>

#### **April 25, 2023 General Board Meeting – Rushed Board Approval**

Likewise, the agenda for the Board's April 25, 2023 meeting contained the same subject titles and similarly vague descriptions that fail to disclose the true nature of the Board’s actions:

*12.8 Approval of History 10 Ethnic Studies World Histories Course  
Approve the History 10 Ethnic Studies World Histories course, which will fulfill the UCOP College-Preparatory History (A) and the high school Ethnic Studies graduation requirement.*

*12.9 Approval of Ethnic Studies World Geography Course  
Approve the Ethnic Studies World Geography course, which will fulfill the UCOP College-Preparatory Elective (G) and the high school Ethnic Studies graduation requirement.*

*12.10 Approval of English 10 Honors Ethnic Studies Course  
Approve the English 10 Honors Ethnic Studies course, which will fulfill the high school ELA requirement for the 10th Grade, fulfillment of the UCOP College-Preparatory English (B), and the high school Ethnic Studies graduation requirement.*

*12.11 Approval of Chicano/a and Latinx Studies Course*

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<sup>20</sup> March 28, 2023 Minutes: <https://go.boarddocs.com/ca/sausd/Board.nsf/goto?open&id=CQ7SEE7231BA>

<sup>21</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB101](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB101);  
<https://legiscan.com/CA/bill/AB101/2021>;<https://aedn.assembly.ca.gov/sites/aedn.assembly.ca.gov/files/AB%20101%20analysis.pdf>.

<sup>22</sup> March 28, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_l6hgtvwww/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_l6hgtvwww/embed/dynamic).

*Approve the Chicano/a and Latinx Studies course, which will qualify for the UCOP College-Preparatory Elective (G) and fulfill the Ethnic Studies and the College Prep Elective high school graduation requirements.*

These April 25<sup>th</sup> agenda items were vague and misleading in multiple ways. First of all, the agenda failed to provide an accurate description of the business to be transacted or discussed by the Board, i.e., the approval of a finalized curriculum that included similar bias to the draft Ethnic Studies Model Curriculum was thrown out by California in 2019.<sup>23</sup> Keeping the subject matter of the resolutions vague and ambiguous enough to avoid the required public comment, SAUSD Board Member Ms. Torres said only the following when moving for approval at the April 25<sup>th</sup> Board meeting:

*Can I get a motion to approve? I will make the motion. Can I get a second? Any discussion? Let's proceed to vote. Yes, the motion carries.*<sup>24</sup>

During the April 25<sup>th</sup> meeting, Board member Dr. Rodriguez attempted to “table” the discussion relating to Item 12.9 (Ethnic Studies World Geography) in order to “capture any public comment,” but Board Member Torres said she would “not support tabling it,” based on her “personal opinion.”<sup>25</sup> Dr. Rodriguez’ concerns reflected both the complicated nature of the resolutions approving the Ethnic Studies curriculum and the need for a more complete understanding of the curriculum to allow for additional public comment. Despite the fact that the content of the Ethnic Studies courses is known to be controversial, particularly in certain communities, only one single member of the public spoke at the April 25<sup>th</sup> Board Meeting.<sup>26</sup>

The unambiguous statutory language of the Brown Act says that "notice of the essential nature of the matter an agency will consider" must be "disclosed in the agency's agenda."<sup>27</sup> The SAUSD Board failed to provide the essential nature of the ethnic studies items in the Board agenda, and it therefore violated its legal requirement to "provid[e] the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency."<sup>28</sup> Guessing and surmising was exactly what the public needed to do in order to learn what the Board had planned on April 25<sup>th</sup>, and only one interested member of the public

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<sup>23</sup> See *Carlson v. Paradise Unified School Dist.*, 18 Cal.App.3d 196, 199-200 (1971), where the court held that a school board’s agenda gave inadequate notice even though it was not deceitful, because it was misleading and inadequate to show the whole scope of the board’s intended plans. (“In the instant case, the school board’s agenda contained as one item the language ‘Continuation school site change.’ This was entirely inadequate notice to a citizenry which may have been concerned over a school closure. On this point alone, we think the trial court was correct because the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board’s intended plans”); <https://www.cde.ca.gov/ci/cr/cf/esmc.asp>.

<sup>24</sup> April 25, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_i5xadvnz/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_i5xadvnz/embed/dynamic).

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> *San Diegans for Open Government v. City of Oceanside*, 4 Cal. App. Sth 637, 644 (2016).

<sup>28</sup> 67 Ops. Cal. Atty. Gen. 84 (1984).

did so successfully.<sup>29</sup> This resulted in prejudice and harm to members of the community who could not exercise their right to be heard prior to the Board's controversial decisions.

### **May 23<sup>rd</sup> General Board Meeting - Board Allowed Disruptive and Intimidating Behavior by Meeting Attendees**

Public meetings, including school board meetings, may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex.<sup>30</sup>

Due to the SAUSD Board's failure to remove disruptive and uncivil members of the public in compliance with the Brown Act and its own civility policy, Jewish attendees were harassed and intimidated during the May 23<sup>rd</sup> General Board Meeting. The SAUSD Board failed to appropriately intervene and thus fostered an environment that felt unsafe to some members of the public so that they could not equally participate in SAUSD Board meetings as required by law. This was reported to the SAUSD Board by multiple public speakers during the General Meetings held on June 13, 2023 and June 27, 2023, but the Board did not respond or take appropriate action.<sup>31</sup>

After the Ethnic Studies curriculum was approved by the SAUSD Board in April, the Jewish community became aware of curriculum that included antisemitic and anti-Israel content. Therefore, community members attended the General Board Meeting held by SAUSD on May 23, 2023, and they planned to give public statements asking the Board to hold off on implementing the curriculum to allow further input. During the May 23<sup>rd</sup> meeting, however, the Jewish attendees found a hostile environment where they were harassed and intimidated, both while speaking publicly before the Board as well as, for some, being followed to their cars and videotaped after the meeting without their permission.<sup>32</sup>

The law prohibits the SAUSD Board from holding public meetings that exclude any person, or persons, on the basis of ancestry, religion or any other protected characteristic.<sup>33</sup> Amendments to the Brown Act provide specific direction for public officials to control disruptions to public meetings like those experienced during the May 23<sup>rd</sup> meeting.<sup>34</sup> Further, the Board has a detailed non-discrimination and harassment policy, and it recently passed a resolution requiring civility at its meetings, but when disruption and uncivil behavior became obvious on May 23<sup>rd</sup>, the Board failed to protect the attendees.<sup>35</sup>

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<sup>29</sup> April 25, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_i5xadvnz/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_i5xadvnz/embed/dynamic).

<sup>30</sup> Cal. Gov. Code §54961.

<sup>31</sup> June 13, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o soiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o soiea/embed/dynamic).

<sup>32</sup> See June 13, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_nb6cpq3y/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_nb6cpq3y/embed/dynamic).

<sup>33</sup> Cal. Gov. Code § 54961.

<sup>34</sup> <https://www.cacities.org/UploadedFiles/LeagueInternet/a5/a5a2edb5-d348-4dcd-baaa-442df6398c28.pdf>; Cal. Gov. Code § 54954.3(a).

<sup>35</sup> <https://www.sausd.us/domain/5486>; <https://www.sausd.us/Page/48153>.

Comments made by members of the public during the May 23<sup>rd</sup> Meeting included classic antisemitic tropes as well as threatening and violent language against Jews and Israelis.<sup>36</sup> Furthermore, audience members hissed as the names of Jewish attendees were called, applause broke out in response to antisemitic slurs, and during a presentation by two Jewish high school students, Board meeting attendees shouted, “you’re racists” and “you’re killers.”<sup>37</sup> A Jewish student who spoke at the meeting was followed to her car and harassed by a meeting attendee, and SAUSD’s security was unable to provide sufficient protection or support.<sup>38</sup> The Board Meeting video shows attendees telling a Jewish speaker to “go home” and yelling racial slurs.<sup>39</sup> Due to the SAUSD Board’s insufficient response, the attendees’ behavior continued throughout the Meeting, including interruptions, heckling, and other disruptions, and the harassment of Jewish speakers continued after the meeting.<sup>40</sup>

This harassment and intimidation by the Board Meeting attendees at the May 23, 2023 Meeting prevented certain attendees from fully participating and has deterred them from attending subsequent meetings, including the General Board Meeting held by SAUSD on June 27, 2023 where a fifth Ethnic Studies course was introduced for informational purposes.

### **June 13<sup>th</sup> General Board Meeting - Public Speakers Made the SAUSD Board Aware of the Harassment They Experienced**

If the SAUSD Board was somehow unaware of what took place before them during the May 23<sup>rd</sup> Meeting, multiple members of the public spoke during the General Meeting held by the SAUSD Board on June 13, 2023 about the harassment and fear they experienced.<sup>41</sup>

Comments from the public at the SAUSD General Meeting on June 13, 2023 included the following:

#### Speaker 1:

“At the May 23<sup>rd</sup> Santa Ana District Board Meeting, I saw two Jewish high school students during public comment state that your students have no knowledge of Jews beyond the antisemitic jokes that they hear and repeat. Those students were mocked by people attending the meeting. For stating that the Santa Ana Unified School District students have no knowledge of Jewish history, have never met a Jewish person, they were taunted by banners stating, ‘Free Palestine.’”

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<sup>36</sup> May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o-soiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o-soiea/embed/dynamic).

<sup>37</sup> Id.

<sup>38</sup> June 13<sup>th</sup> Board Meeting: <https://www.sausd.us/Page/25975>.

<sup>39</sup> May 23, 2023 Board Meeting: <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_r2o-soiea/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_r2o-soiea/embed/dynamic).

<sup>40</sup> Id.

<sup>41</sup> See <https://www.sausd.us/Page/25975>;  
[https://www.kaltura.com/index.php/extwidget/preview/partner\\_id/2167921/uiconf\\_id/50711712/entry\\_id/1\\_nb6cpq3y/embed/dynamic](https://www.kaltura.com/index.php/extwidget/preview/partner_id/2167921/uiconf_id/50711712/entry_id/1_nb6cpq3y/embed/dynamic) at 20:36, 23:07, 25:10, 27:26, 30:01, 31:51, 34:06, 39:01, 41:00, 43:19.

“Members of the audience snickered at the Jewish student wearing a kippah, and the young female student speaker was taunted and followed to her car by someone who said he had been sanctioned by the school board to videotape the speakers. The school board was negligent in protecting these students from harassment, as you are legally required to do. Your inaction, unfortunately, gives tacit approval for others to intimidate and bully Jewish students and staff.”

“It’s embarrassing that this board accepted the antisemitic public comments such as holding Jews accountable for the actions of a foreign government, ridiculing Jews for wearing articles and artifacts of their cultural identity, and you allowed the audience to make people feel unsafe because of their Jewish heritage, including harassing and following a Jewish speaker.”

Speaker 2:

I come here tonight to personally recognize two of my students and teens who came to the last board meeting sharing their experiences, volunteering, and presenting in 15 SAUSD classrooms this last school year... My students bravely came and presented to a room [on May 23<sup>rd</sup>] in which there were posters with very triggering slogans. In addition, they witnessed and heard many comments publicly, and while sitting waiting to speak, there were hostile and very provocative comments, and with all due respect, antisemitic. They courageously and confidently spoke within a space that was predominantly unwelcoming to them as Jews, especially as young Jews who have a personal and very powerful connection to the land of Israel.”

Speaker 3:

“It’s clear that most of the people sitting at the dais do not know what antisemitism is. And so we have brought a handout describing antisemitism and listing 18 different tropes of antisemitism. Probably the bedrock of antisemitism is the trope of conspiracy theories. For millennia, Jews have been accused of trying to harm humanity for their own well-being. Several days prior to the May 23<sup>rd</sup> meeting, there was a post that was put out on social media. It was a call to action claiming that the Jewish community was attempting to remove the comprehensive Palestinian curriculum from SAUSD Ethnic Studies. This is a conspiracy theory. Because of that conspiracy theory, 90% of the people who came to speak abetted antisemitism on that day [May 23<sup>rd</sup>].”

Speaker 4:

“How many churches in Orange County have security, both visible and invisible? The answer? Almost none. How many synagogues and Jewish organizations have security, both visible and invisible? Every single one. Why? Because as we go about our daily lives as we attend synagogue, as we drop our children off at Jewish preschool, as we head to the Jewish community center, we know that there is a constant threat to our lives and our well-being simply because we are Jews.”

Speaker 5:

“As someone who lives here in Santa Ana and is thinking about having kids and may have them going, it really makes me uncomfortable and nervous that we wouldn’t be included in these programs and the antisemitism and hate that was allowed to go on at the previous school board meeting. It’s something that’s really, really concerning to me. And I think it should be

concerning to folks who are promoting the idea that we should stand up for minorities and minority ethnic groups.”

Speaker 6:

“We have witnessed the detrimental effects of such ideologies on our community, resulting in bullying, hatred, harassment, and threats directly towards visible and inherently Jewish students, staff, and families, even under the watchful gaze of this school board at the last meeting [May 23<sup>rd</sup>]. Ironically, as we approach the vote on new board policy 13.13 which emphasizes civility and the district’s commitment to practicing civil behavior, we have seen how curriculum supporting anti-Jewish ideologies leads to anything but polite, courteous, respectful, and honest conduct. It is essential to acknowledge the behavior exhibited during the meetings as a direct consequence of the harmful rhetoric embedded within the curriculum.”

Speaker 7:

“I was here on May 23<sup>rd</sup> where speakers were calling me and other Jewish community members colonialists simply because we were asking for accurate inclusion of the Jewish people in Ethnic Studies. The depiction of Jews as colonizers is not only inaccurate, but it’s antisemitic.”

**June 27 General Board Meeting - After Failing to Address the Harassment Jewish Attendees Reported on June 13<sup>th</sup>, SAUSD Introduced a Fifth Ethnic Studies Course for the First Time**

Without addressing the concerns raised by the public speakers on June 13<sup>th</sup>, and without taking any measures to ensure safe and equitable public access to SAUSD Board meetings, the SAUSD Board introduced another Ethnic Studies course for “Information” purposes, Middle Years Program English 9 Honors Ethnic Studies. As the SAUSD Board has acknowledged, AB 101 requires this course to be introduced to the public twice before it may be voted on by the Board. At this time, the course has only been introduced once on June 27<sup>th</sup>, but it is listed as an available course on SAUSD’s website and UCOP’s a-g course list. The syllabus for the English 9 Honors Ethnic Studies course on SAUSD’s website is nearly identical to the one linked to the June 27<sup>th</sup> agenda item, even the course materials, but for one key difference – that the Unit on Arab/Muslim Americans has been removed from the syllabus presented to the public. It is unclear whether this Unit has been removed from the entire curriculum or only from the syllabus presented to the public, and there was no explanation during the June 27<sup>th</sup> meeting.

This curriculum cannot be offered to SAUSD students and cannot be submitted for UCOP approval without being presented to the public twice and without allowing all interested members of the public the opportunity to comment. The SAUSD Board must open their general meetings to all members of the public and must make all members of the public feel equally safe before introducing new agenda items. The SAUSD Board must also make the public aware of any changes or additions to the curriculum presented on June 27<sup>th</sup>, including the Unit on Arab/Muslim Americans that was seemingly omitted from the public version.<sup>42</sup>

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<sup>42</sup> See *Santa Barbara Sch. Dist. v. Superior Court*, 13 Cal.3d 315, 335-336. (1975) (the school board’s adoption of a plan that differed radically from what was presented to the public made the board’s agenda “fatally misleading”).

## **Conclusion**

The Brown Act creates specific obligations for legislative bodies like the SAUSD Board to allow public participation in their meetings, and it also allows for judicial invalidation of actions taken in violation of the Brown Act that result in prejudice to members of the public.<sup>43</sup> The SAUSD Board did not comply with these requirements. Therefore, pursuant to California Government Code Section 54960.1, we hereby demand that the SAUSD Board of Education take action to cure and correct the illegally taken actions as follows:

- SAUSD must formally and explicitly reverse Resolution Nos. 12.8, 12.9, 12.10, and 12.11, approved by the Board on April 25, 2023, and provide the full opportunity for informed comment by members of the public on these items before another vote is taken.
- Before any further action is taken by the SAUSD Board, it must formally and explicitly act to protect ALL members of the community from the harassment and intimidation experienced by Jewish members of the public at the May 23<sup>rd</sup> General Board Meeting, so that all members of the public may fully exercise their rights under the Brown Act.
- Because SAUSD introduced the Middle Years Program English 9 Honors Ethnic Studies curriculum June 27<sup>th</sup> after all Board members had been made aware of the harassment and intimidation experienced by Jewish members of the public, Item 9.1 on the June 27<sup>th</sup> agenda must be re-introduced for the first time during a subsequent meeting. It must also be introduced a second time before a Board vote. Any curriculum differences between the syllabus presented and the actual course syllabus must be disclosed to the public prior to the Board approval of the course.

If the Board allows the April 25<sup>th</sup> resolutions and June 27<sup>th</sup> Information Item to remain in place, or if it fails to act to protect the public from harassment and intimidation, the undersigned and other similarly situated members of the public will be irreparably harmed.

As provided by Cal. Gov. Code Section 54960.1, the SAUSD Board shall have 30 days from the receipt of this demand to either cure or correct the challenged actions or inform us of your decision not to do so. If the SAUSD Board fails to cure or correct as demanded, such inaction may leave us with no recourse but to seek a judicial invalidation of the challenged actions pursuant to Section 54960.1, in which case we will also ask the court to order you to pay all court costs and reasonable attorney fees in this matter, pursuant to California Government Code Section 54960.5. In addition, please inform us of your intent to cease and desist collective Board action until you have addressed the harassment and intimidation reported to you by meeting attendees, and until you can ensure a safe and bias-free environment for all members of the public.

This letter shall also act as a formal demand that all evidence which is material to the contents of this letter, including paper and electronic files, messages, social media, and any other evidence, be preserved, whether such evidence is on District-owned, issued, administered devices and/or accounts, or on personal devices and accounts used for Board purposes. Not only does this

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<sup>43</sup> Cal. Gov. Code § 54954.3(a); Gov. Code § 54960.1(a).

evidence constitute information that should be part of the public record, but this evidence must also be preserved because future litigation from this Brown Act violations is reasonably foreseeable.

All relevant public entities will be made aware of the contents of this letter and the fact that SAUSD has failed to respond in a timely manner to the California Public Records Act request made on June 14, 2023, pursuant to Cal. Gov. Code § 7922.525, thwarting our investigation into these issues.

Respectfully yours,



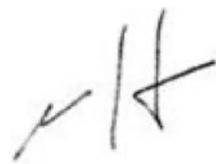
**Marci Lerner Miller**  
Partner, Potomac Law Group, PLLC  
[mmiller@potomacclaw.com](mailto:mmiller@potomacclaw.com)



**James Pasch**  
ADL Senior Director, National Litigation  
[jpasch@adl.org](mailto:jpasch@adl.org)



**Yael Lerman**  
Director, StandWithUs  
Saidoff Legal Department  
[yaell@standwithus.com](mailto:yaell@standwithus.com)



**Marc D. Stern**  
Chief Legal Officer  
American Jewish Committee (AJC)  
[sternm@ajc.org](mailto:sternm@ajc.org)

cc: Orange County District Attorney Todd Spitzer  
VIA U.S. MAIL AND EMAIL

## EXHIBIT A

### CONCERNED AND AGGRIEVED MEMBERS OF THE SANTA ANA AND ORANGE COUNTY COMMUNITIES<sup>44</sup>



#### **Jewish Federation of Orange County**

By: Erik Ludwig, PhD  
President & CEO

#### **Congregation Beth Jacob**

By: Rabbi Yisroel Ciner

#### **Congregation B'nai Tzedek**

By: Cantor Jenna Sagan  
Senior Clergy  
Rabbi Stephen J. Einstein, DHL, DD  
Founding Rabbi Emeritus

#### **Congregation Shir Ha-Ma'a Lot**

By: Rabbi Richard M. Steinberg  
The Rona Perley Memorial Senior Rabbinic Chair  
Rabbi Sarah DePaolo  
Sherman Family Rabbinic Chair  
Co-Presidents Susan Taylor and Kenneth Perlman

#### **Irvine Hebrew Day School (Santa Ana)**

By: Karin Hepner  
Co-Founder  
Allan Gindi  
Board Chair

#### **Reform Temple of Laguna Woods Village**

By: Rabbi Joe Mendelsohn  
Spiritual Director of The Reform Temple of Laguna Woods

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<sup>44</sup> This list is not exhaustive, as additional members of the community, including individuals, nonprofit organizations, and parent groups continue to express their concern.

**Temple Bat Yahm**

By: Rabbi Gershon Zylberman  
Senior Rabbi

**Rabbi Jason Rosner, MLitt., M.A.H.L**

Reform Rabbi  
Temple Beth El of South Orange County

**Rabbi Arnold Rachlis**

**Temple Beth Sholom of Orange County - Santa Ana**

By: Rabbi Sharon L. Sobel  
Senior Rabbi  
Mike Winston  
President

**Temple Judea**

By: Rabbi Dennis Linson

**The Merage Jewish Community Center of Orange County**

By: Scott Braswell  
CEO

**ADDITIONAL INTERESTED MEMBERS OF THE COMMUNITY INCLUDE\*:**

**R.G.**  
**T.G.**  
**J.B.**  
**S.B.**  
**D.V.**

**CURRENT AND FORMER STUDENTS\*:**

**J.G.**  
**S.H.**  
**E.J.**  
**J.R.**  
**I.D.**  
**C.H.**  
**D.L.**

\*These individuals choose to proceed anonymously at this time due to privacy concerns as well as the potential harm that may occur should their identities be disclosed to the public.

# EXHIBIT B

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

20 PACIFICA, SUITE 1100  
IRVINE, CALIFORNIA 92618-3371  
(949) 453-4260

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PASADENA  
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PLEASANTON  
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(951) 683-1122

SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

JRomo@aalrr.com  
(626) 583-3443

August 24, 2023

***VIA EMAIL AND FIRST CLASS MAIL***

Marci Lerner Miller  
Partner  
Potomac Law Group  
26 Corporate Plaza, Suite 150  
Newport Beach, CA 92660

James Pasch  
ADL Senior Director  
National Litigation  
P.O. Box 22185  
Beachwood, OH 44122

L. Rachel Lerman  
Vice Chair General Counsel  
Louis D. Brandeis Center  
1717 Pennsylvania Avenue, Ste 1025  
Washington, DC 20006

**Re: Response to Demand Letter to Cure and Correct and Cease and Desist from Brown Act Violations**

Dear Ms. Miller, Mr. Pasch, and Ms. Lerman:

The purpose of this letter is to respond to your demand letter of July 24, 2023. The Santa Ana Unified School District Board of Education (hereinafter the "Board") denies any violations of the Brown Act occurred and that any cure or correction is necessary. However, the Board does intend to vigorously enforce its policies on civility and orderly conduct at future board meetings.

In your demand letter you allege that the Board provided inadequate and misleading descriptions of Board agenda items for the March 28, 2023, and April 25, 2023, board meetings, that the Board failed to allow equal participation for all members of the public at its board meetings, failed to address the concerns about equitable access to board meetings, introduced an additional Ethnic Studies course at its board meeting on June 27, 2023, without having addressed public concerns about equitable access raised at the June 13, 2023, board meeting, failed to remove disruptive attendees at its board meetings, and failed to act in accordance with its policies on the role of civility in creating a safe positive climate at board meetings.

**AGENDA REQUIREMENTS OF THE BROWN ACT**

**A. Statutory Provisions**

The Brown Act, California's open meeting law applies to local governmental agencies, including school boards.<sup>1</sup> The Brown Act, Government Code section 54954.2(a)(1) requires that at least 72 hours before a regular meeting, the school district must post an agenda containing a general

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<sup>1</sup> See, Government Code sections 54950, et seq.

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description of each item of business to be transacted or discussed at the meeting. A brief general description of an item generally need not exceed 20 words.

Government Code section 54954.2(a)(3) states that no action shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statement made or questions posted by persons exercising their public testimony rights. A board member, on their own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities.

**B. Board Agenda March 28, 2023**

The Board agenda for the March 28 board meeting included the following item:

**10. INFORMATION**

10.1 History 10 Ethnic Studies World Histories Course

10.2 Ethnic Studies World Geography Course

10.3 English 10 Honors Ethnic Studies Course

10.4 Chicano/a and Latinx Studies Course

**C. Board Agenda April 25, 2023**

The Board agenda for the April 25 board meeting included the following item:

**12. REGULAR AGENDA-ACTION ITEMS**

12.8 Approval of History 10 Ethnic Studies World Histories Course

12.9 Approval of Ethnic Studies World Geography Course

12.10 Approval of English 10 Honors Ethnic Studies Course

12.11 Approval of Chicano/a and Latinx Studies Course

**D. Board Agenda June 27, 2023**

The Board agenda item for the June 27 board meeting included the following item:

**9. INFORMATION**

9.1 Middle Years Program English 9 Honors Ethnic Studies Course

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### **E. Case Law-Brown Act Agenda Requirements**

The allegations that the agenda items listed above were inadequate and violated the Brown Act are without merit. The case law set forth below makes it clear that the Brown Act requires the agenda items to be specific enough to alert the public as to what will be discussed at the board meeting (i.e. the March 28 and June 27 agendas) and what will be acted upon (the April 25 agenda).

The March 28 agenda listed each of the courses to be discussed at the board meeting. It is not required to describe every element of the curriculum that is contained in the various ethnic studies courses that were to be discussed (e.g. the references in the curriculum to Israel and the Israel-Palestine conflict). Significantly, in your letter you do not suggest any alternative language that would be more descriptive.

The public was sufficiently alerted that the ethnic studies curriculum was going to be provided to the Board as information and the public had the right to comment on the curriculum. Contained within the ethnic studies curriculum are numerous issues related to a multitude of ethnic groups, yet in your letter you argue that the one topic that you are concerned with (the Israel-Palestine conflict) should have been highlighted on the agenda in some way. As shown by the case law cited below, the specificity that you seek in your demand letter is not required by the Brown Act.

In Moreno v. City of King,<sup>2</sup> the Court of Appeal held that the city's posted agenda item was insufficient to alert the public that the city council was considering the dismissal of its finance director. The agenda item stated, "Public Employee (employment contract)." The Court of Appeal held, "The agenda's description provided no clue that the dismissal of a public employee would be discussed at the meeting."<sup>3</sup> The Court of Appeal noted that the City could have easily avoided the violation of the Brown Act by simply stating "Public Employee Dismissal" on the agenda.<sup>4</sup>

Clearly, the agenda items that appeared on the Board's agenda on March 28, April 25, and June 27, 2023, were sufficient to alert the public that the Board was going to receive information regarding the proposed ethnic studies curriculum and then take action to approve the curriculum. Any member of the public could request copies of the ethnic studies curriculum and come to a board meeting and express their opinion on the contents of the ethnic studies curriculum.

In Carlson v. Paradise Unified School District,<sup>5</sup> the Court of Appeal held that an agenda item that stated, "Continuation School Site Change" was insufficient to allow a school board to close an elementary school and move the continuation school to the elementary school site. The Court of Appeal stated, "Decisions of the local governing bodies of school districts may directly affect

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<sup>2</sup> 127 Cal.App.4<sup>th</sup> 17 (2005).

<sup>3</sup> Id. at 27.

<sup>4</sup> Ibid.

<sup>5</sup> 18 Cal.App.3d 196 (1971).

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parents and teachers alike, as well as the students themselves. Thus, it is imperative that the agenda of the board's business be made public in some detail so that the general public can ascertain the nature of such business. It is a well-known fact that public meetings of local governing bodies are sparsely attended by the public at large unless an issue vitally affecting their interest is to be heard. To alert the public to such issues, adequate notice is a requisite."<sup>6</sup> The Court of Appeal held that the agenda item was misleading and inadequate in that it did not reveal the whole scope of the Board's plan and its impact on the elementary school.<sup>7</sup>

Clearly, the March 28, April 25, and June 27 agenda items were not misleading. The public was told that the ethnic studies curriculum courses listed would be provided as information to the Board on March 28 and June 27, and the courses listed on the March 28 agenda were approved on April 25 as clearly authorized by the April 25 agenda.

In Sierra Watch v. Placer County,<sup>8</sup> the Court of Appeal held that an agenda item that informed the public that the county board of supervisors would consider approving a development agreement that its planning commission had recommended was misleading, where board of supervisors instead considered and then approved a materially revised agreement. In the present case, there was no material revision to the ethnic studies courses listed on the March 28 agenda. The Board approved the ethnic studies courses listed on the March 28 agenda at the April 25 board meeting as authorized by the agenda.

In Olson v. Hornbrook Community Services District,<sup>9</sup> the Court of Appeal held that an agenda item stating "approve bills and authorize signatures," for nine specified payments was insufficient to comply with requirements that the agenda describe each item of business to be transacted or discussed. In contrast, the agenda items in question here were not vague or overly broad but specifically listed the courses that the Board was considering on March 28 and the courses that were being approved on April 25.

In Hernandez v. Town of Apple Valley,<sup>10</sup> the Court of Appeal held that agenda stating, "Wal-Mart Initiative Measure," was insufficient where it did not include notice that the town council was considering approving a memorandum of understanding authorizing acceptance of a gift from Wal-Mart to pay for the special election to pass the initiative measure. In the present case, the agenda clearly listed the ethnic studies courses that were considered on March 28 and the ethnic studies courses to be approved on April 25.

In San Joaquin Raptor Rescue Center v. County of Merced,<sup>11</sup> the Court of Appeal held that an agenda item stating that the planning commission would potentially approve a subdivision

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<sup>6</sup> Id. at 199-200.

<sup>7</sup> Id. at 200.

<sup>8</sup> 69 Cal.App.5th 1, 5 (2021).

<sup>9</sup> 33 Cal.App.5th 502, 521 (2019).

<sup>10</sup> 7 Cal.App.5th 194, 200, 207-209 (2017).

<sup>11</sup> 216 Cal.App.4th 1167, 1170, 1176-1177 (2013).

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application was inadequate because it failed to mention the commission would also consider whether to adopt a mitigated negative declaration concerning the environmental impact of the project. Here, the Board did not consider or approve any courses not listed on the agenda.

In Castaic Lake Water Agency v. Newhall County Water District<sup>12</sup> the Court of Appeal held that the water district's agenda substantially complied with the Brown Act in describing closed session language about initiating litigation. The agency mistakenly cited Government Code section 54956.9(c) instead of Government Code section 54956.9(d)(4). The Court of Appeal held that the agency was in substantial compliance with the Brown Act because it was sufficient to inform the public that the agency would be meeting with its legal counsel, in closed session, to discuss potential litigation.<sup>13</sup> In the present case, there was full compliance since the agenda language listed each of the ethnic studies courses considered and approved.

In San Diegans for Open Government v. City of Oceanside,<sup>14</sup> the Court of Appeal held that the city council agenda adequately informed the public that the city was considering a subsidy to a developer. The Agenda item stated in part, "Adoption of a resolution to approve: 1. An Agreement Regarding Real Property (Use Restrictions) between City of Oceanside and SD Malkin Properties, Inc. to guarantee development and use of the property as a full service resort consistent with the entitlements for the project; 2. An Agreement Regarding Real Property to provide a mechanism to share Transit Occupancy Tax (TOT) generated by the Project..." The City Council then approved a resolution approving the TOT agreement.<sup>15</sup> In a similar manner, the Board listed the ethnic studies courses to be considered on March 28 and June 27 and the list of ethnic studies courses to be approved on April 25.

In Martis Camp Community Association v. County of Placer,<sup>16</sup> the Court of Appeal held that the Board of Supervisors' agenda item complied with the Brown Act. The agenda item stated in part Mill Site Road and Cross Cut Court: "...2. Consider adoption of a Resolution to abandon the public road easement rights to Mill Street Road and Cross Cut Court within the Retreat at Northstar Subdivision. 3. Consider adoption of a Resolution to abandon the public road easement rights to the Mill Site Road and Cross Cut Court within the Retreat Slope and Transit Easements, and an Irrevocable Offer of Dedication..." The Board of Supervisors approved abandonment. The Court of Appeal that the effect of the decision was to overrule the director's prior enforcement letter but that there was no violation of the Brown Act because the director's prior enforcement letters were not a distinct item of business that needed to be included on the agenda.<sup>17</sup>

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<sup>12</sup> 238 Cal.App.4<sup>th</sup> 1196 (2015).

<sup>13</sup> Id. at 1207.

<sup>14</sup> 4 Cal.App.5<sup>th</sup> 637.

<sup>15</sup> Id. at 642.

<sup>16</sup> 53 Cal.App.5<sup>th</sup> 569 (2020).

<sup>17</sup> Id. at 592.

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Similarly, the issue involving the Middle East and the Israel/Palestine dispute is not a separate item of business. The March 28, April 25, and June 27 agendas gave the public notice and an opportunity to be heard on the adoption of an ethnic studies curriculum. There was an informational meeting on March 28 and the resolutions approving the curriculum were adopted at the April 25 board meeting. The listing of each curriculum by name and including the ethnic studies term in the description is descriptive enough to give the public notice of what was going to be discussed by the Board. As a natural result of the adoption of the ethnic studies courses, the sections within the ethnic studies courses discussing the Middle East conflict were adopted as well.

In your letter you do not explain how the agenda items were misleading and inadequate nor did you indicate what language you suggest would be sufficient.

#### **ALLEGED DISRUPTION AT THE BOARD MEETINGS**

In your demand letter you allege that due to disruptions during the meeting, intimidation and bullying occurred and as a result there was not fair and equitable access to the board meeting. We reviewed the videotape of the board meetings in question and we did not see the intimidation and bullying that you allege on the videotape.

We did see a sign that said, "Protect Palestine! Defend Ethnic Studies!" While many people may disagree with the message the sign conveyed, it is not disruptive, intimidating, or bullying. There were a few shout outs from the audience but each time the Board President cautioned the audience to stop shouting. There were strong, heartfelt, and emotional comments by speakers in favor and opposed to the ethnic studies curriculum related to the Israel/Palestine dispute in the Middle East. At one point an audience member yelled, "Go home, colonizer." The Board President immediately admonished the member of the audience.

It is possible that there was inappropriate conduct that occurred outside of the meeting or outside the range of the camera at the meeting. However, based on our review of the videotape of the meeting, while there were a few inappropriate comments made, overall the meeting was orderly and peaceful given the strong emotions on both sides of the discussion related to the Israel/Palestine conflict. The majority of the time, the audience was quiet while speakers spoke and quiet in between speakers.

In summary, the District does not agree with the allegations in your demand letter that the District has failed to adhere to the Brown Act. As a consequence, no further actions will be taken by the District. However, as mentioned, the Board does intend to vigorously enforce its policies on civility and orderly conduct at future board meetings and advise members of the public that shouting and making comments out of order will not be tolerated. See the attached statement the presiding officer shall read prior to public comments.

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

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If you have any questions, please feel free to call me.

Sincerely,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in cursive script that reads "James C. Romo".

James C. Romo

JCR:bym/cmr

attachment

cc: Jerry Almendarez  
Dr. Lorraine Perez

Besides the instructions that are part of the printed Agenda, the Board President will read the following:

The Board President will enforce Board Policy 1313 which imposes rules of decorum and civility in the conduct of this meeting in this facility. Should any member of the audience act in a manner inconsistent with the requirements imposed by that policy or who interrupts a speaker at the podium, makes comments that are deemed derogatory of the speaker and his/her message, or which are threatening in nature, he/she shall be warned to stop such conduct and asked to leave the meeting if it occurs again or will be removed by law enforcement pursuant to Board Bylaw 9323.

Any speaker who has been subjected to such treatment may contact the Office of the Superintendent at (714) 558-5512.

# EXHIBIT C

**Subcommittee Facilitator:** In preparation for the whole group shared out, please select a Reporter & Recorder

<b>Meeting Date and Time: 2/18/21 3-4pm</b>
<b>Name of Subcommittee: Course and Curriculum</b>
<p><b>Members Present:</b> Darren Shimasaki, Rosalind Tuner, Mike Rodriguez, Katy Castellanos, Yuri Lara, Benjamin Vasquez</p> <p><b>Facilitators:</b> Celeste and Katy</p> <p><b>Notetaker:</b> Linn</p> <p><b>Reporter:</b> Yuri</p> <p><b>Time Keeper:</b> Darren</p>
<p><b>Purpose of the meeting?</b> To discuss the timeline and scope of work.</p>
<p><b>Agenda:</b></p> <ol style="list-style-type: none"><li>1. How do you feel on a scale from 1-10?</li><li>2. Working Agreements<ul style="list-style-type: none"><li>• Assume positive intentions</li><li>• Thoughts of the majority of the group will drive decisions</li><li>• Everyone's voice will be heard</li><li>• Come to the meetings prepared (do your homework)</li></ul></li><li>3. <b>Approve Notes from 2/4/21 - minutes approved</b></li><li>4. Review Discuss and Approve <u>Timeline</u>, Course Description, UCOP, Curriculum</li><li>5. Discuss next courses to create - subcommittee members get first choice</li></ol>
<p><b>Notes/Outcomes:</b> Linn reviewed the timeline of the courses Found a World History Ethnic Studies Course to work off of. Are we going to work on PD at the same time we are developing courses?<ul style="list-style-type: none"><li>• Considerations, PD must come after the foundations of a course</li></ul>Introduction to ES then break out into courses taught by the teachers Is there a way we can pilot the Ethnic Studies elective class at every school next year?</p> <p>There is an effort to encourage our students to take extra year of math for CSUs. There's a push to have students take AP classes instead of Ethnic Studies, even though Ethnic Studies</p>

We reviewed the pillars-everyone agreed with the pillars. We will email the steering committee the pillars before the steering committee.

Katy presented how a course is created. In order for a course to be approved by the board. 1. The director or content expert works with the instructor to walk through the process (making sure it is standards aligned), 2. Curriculum specialist presents the course to the director, the director presents it to the board., 3. The content expert then works with the program specialist who creates the course on Aeries in the course catalogue., 4., Submit course for UCOP approval

A-G approval process - the course is submitted to UCOP to determine which subject requirement the course will fulfill and whether or not it will meet the UCOP rigor requirements:

A-History, B - English, C - Math, D - Science, E - Foreign Language, F - Visual and Performing Arts, G - Elective

To review courses - google ucop, 2/8 is when the new course submission window opens. Items needed: Overview, Unit descriptions, Assessments, Resources/materials

We all agree that we need at least 1 ES course in each A-G.

- Look at current ES course to make sure it is aligned with the 5 pillars (Linn)
- ELA 9 course (Yuri)
- ELA 9 Honors (Yuri)
- VAPA course (Rigo and Robyn and teacher from Saddleback?)
- U.S. History (Linn)
- Language other than English (Norma Martinez from Saddleback,

At the same time it is important that we have the teachers that are available at every school site that can teach these courses with fidelity through PD.

**Next Steps:**

**Agenda for next meeting: 2/18/21**

*Subcommittee Facilitator: In preparation for the whole group shared out, please select a Reporter & Recorder*

**Meeting Date and Time: 5/2/23 3:30-5pm**

**Name of Subcommittee: Course and Curriculum / Professional Learning**

**Members Present:** Rosalind Turner, Yuri Lara, Dan Abrams

**Facilitators:** Rosalind Turner

**Notetaker:**

**Reporter:**

**Time Keeper:**

**Purpose of the meeting?**

Updates on course development and professional learning; budget disclosure

**Agenda:**

**Icebreaker question:** How do you feel today?

**Working Agreements:**

- Assume positive intentions
- Thoughts of the majority of the group will drive decisions
- Everyone's voice will be heard
- Come to the meetings prepared (do your homework)

[Review last months notes](#)

1. How can we work with the community committee to get their perspectives on our pre approved courses, the curriculum and resources?
2. Working meeting to create a **website for Curriculum support, i.e. lessons and resources** (we decided at the last meeting to focus on curriculum and to create ways that teachers from other disciplines can view and see what other disciplines are doing, also ways that teachers within the same discipline can share lessons.
  - a. Update of meeting with the Ochoa's on this topic.
3. Update on courses (How is it going?) Below are the notes from the last meeting on each course.
  - a. Ethnic Studies Honors - Roz, Ben, Mike, Carah - Been busy working on the conference. It won't be done by June, the target date will be Aug or Sept. Set up a pull out day.
  - b. Ethnic Studies U.S. History - Mike and Linn are working on this. This should be done by the end of June. They will add another collaboration day to work on this together.
  - c. Math Ethnic Studies Statistics- Work will begin on this after the April 26th conference, the goal is to get it done by the end of June. The Ochoa's are offering some embellishments for this course. Dan, Laily and Jenny are working on this.
  - d. Ethnic Studies Level 2- Carah and Linn and working on this course. Work will continue on

this at the end of May. Linn is optimistic they will get that done by the end of June. This course will be an additional Ethnic Studies class for students who have a desire to continue their Ethnic Studies education after their first Ethnic Studies class in a way that prioritizes community engagement.

4. Due by December

- a. Native American Studies - Linn, Mike, Yuri - Meeting with Moises 5/30 at 10-12am to add the foodways unit.
- b. Asian American Studies - Susan Lee and Vi (Counselor) are helping as well. UCI is creating an Asian American Studies textbook that will be free. Linn would like to wait at least for the outline for this resource to include in this course. The goal is to complete this by December.
- c. ELA 11- First planning meeting on 4/18 at Lorin Griset with Darlene and April. They will start working on the outline. Develop a long list of texts that ELA teachers can choose from, that have Ethnic Studies themes. The feedback we received is that there are not a lot of options in the 9th grade. Optimistic about having the course done by December. It would be good to get input from the community on the curriculum and sources for our courses.
- d. ELA 8 Honors - There is a need to revise the 8th Grade curriculum map for ELA CP first before creating the Honors course. So there is a planning meeting next week for revising ELA 8 Ethnic Studies. Tami is also going to help. Julia Wheatley will also be assisting with this course. Tuesday 4/25 pull out day with currently ELA 8 teachers. After that, we will start working on the honors course.

**Notes/Outcomes:**

1. Yuri: What type of discussions need to be made within the steering committee? Take the notes that are highlighted from our last curriculum meeting and put them on the agenda of the steering committee. The best practices from the Model Curriculum states that there should be a community committee that reviews the developed courses. Yuri would like to put that idea on the steering committee agenda. **Decision: Do not bring it to the steering committee.**
  - a. Dan's response: States that there is the possibility of having community committee members review the curriculum.
2. Dan: This is the last meeting of the year and only the three of us are in attendance.
3. Can we create a **website for Curriculum support, i.e. lessons and resources** (we decided at the last meeting to focus on curriculum and to create ways that teachers from other disciplines can view and see what other disciplines are doing, also ways that teachers within the same discipline can share lessons. Do we have money to pay for a teacher pullout day to work on this website?
4. How does the steering committee fit into the conversation around recruiting CLAS teachers?

- [Timeline](#)
- [Course Matrix](#)

**links to courses:**

- [Ethnic Studies ELA 9 \(finished\)](#)
- [Ethnic Studies ELA 9 Honors \(finished\)](#)
- [Ethnic Studies Elective \(finished\)](#)
- [Ethnic Studies VAPA Visual Arts \(finished\)](#)

- [Course Matrix](#)

**links to courses:**

[\*ethnic Studies ELA 9 \(finished\)\*](#)

[\*ethnic Studies ELA 9 Honors \(finished\)\*](#)

[\*ethnic Studies Elective \(finished\)\*](#)

[\*ethnic Studies VAPA Visual Arts \(finished\)\*](#)

[\*ethnic Studies Music \(unfinished\)\*](#)

**Next Steps:**

**Agenda for next meeting:**

Add to the next agenda

How can we work with the community committee to get their perspectives on for our pre approved courses, the curriculum and resources. How can the Ochoas help us with ideas on how to involve the community to work on these courses.

Working meeting to work on web site.

**Subcommittee Facilitator:** In preparation for the whole group shared out, please select a Reporter & Recorder

**Meeting Date and Time: 2/7/23 3:30-5pm**

**Name of Subcommittee: Course and Curriculum / Professional Learning**

**Members Present:** Linn Lee, Rosalind Turner, Mike Rodriguez, Yuri Lara, Dan Abrams, Rebecca Pianta

**Facilitators:** Linn

**Notetaker:** Rodriguez

**Reporter:**

**Time Keeper:** Dan

***Purpose of the meeting?***

Updates on course development and professional learning; budget disclosure

**Agenda:**

**Icebreaker question:**

What are your plans for winter break?

**Working Agreements:**

- Assume positive intentions
- Thoughts of the majority of the group will drive decisions
- Everyone's voice will be heard
- Come to the meetings prepared (do your homework)

1. Courses/Curriculum

a. Update on courses

- i. 4 Courses going to board, ELA 10 H, World Geography, Chicana/Latina, World History, when Celeste submits, early to mid-March.
  1. "La Raza" was taken out of the Chicana/Latina Studies class
  2. Ethnic Studies ELA 10 CP was UCOP approved

b. Update on timeline

- i. Asian American, Native American and African American Studies, original deadline is March, end of March updated deadline.
- ii. The deadline for the 4th group will be updated to 2023-2024
- iii. ES Course Creation Timeline Updated
  1. <https://docs.google.com/spreadsheets/d/1rQCkApx9waeP3kObPbbbz1pvR5s1tLzqEPutS9R4i-Q/edit?usp=sharing>
- iv. Rebecca is trying to bring Ian Leiby to our district to discuss hip hop

c. Create a chart of sites, teachers and students - Linn will email Celeste to work with R&E to get data, cc Patricia

- d. Working with Tami regarding books for the future courses - adding the core book titles and by the 17th how many copies per school (minimum class set per teacher, can always order more later)
  - i. How do we know how many books we need to order for each site and class?
  - ii. We would like to meet with Tami about ordering books
- 2. Professional Development
  - a. Update on the trainings and pull out days
    - i.
  - b. Discussion on whether or not to have XITO next year
    - i. We need to communicate our wants and needs more effectively with them.
    - ii. We need more help with curriculum development and course outlines
    - iii. It would be great for XITO to get more feedback from us to develop their PD
    - iv. We can discuss building our own introductory PD's with our teachers

Notes from Last meeting

Professional Development

- c. Teachers have to have gone through the 3 day training and are currently teaching the course. For teachers who are trained but not teaching they can attend a pull out day at the end of the semester.
- d. 2/22 - ELA 9 & VAPA
- e. 2/23 - Ethnic Studies High and Middle School
- f. Highly encouraged to participate in the pull out days. Offer make up sessions until we get 100% participation. Google form.
- g. [Native American PD Update](#) - Insurance change goes into effect 7/1/23 (Diana will check and confirm)
- h. Status of the 3 day trainings - how many signed up, what do we need to order for the training in terms of books (work with Tami)
  - i. [Feb/Mar](#)
  - ii. [May](#)
- i. Retaining teachers - process for protected status. Skip criteria.
- j. Can we get an Ethnic Studies Curriculum Specialist position?
- 3. Curriculum updates:
  - a. Planning to go to Board in February:
    - i. World History – Dr. Turner
    - ii. 10th Grade ELA Honors – Yuri
    - iii. World Geography – Paul & Dan
    - iv. Chicano/a, Latinx & La Raza – Linn
  - b. Courses with March 26 Final Draft deadlines:
    - i. Asian American Studies – Susan Lee taking the lead, Linn supporting
    - ii. African American Studies – Darlene Kriesel, Roz, Dan
    - iii. Native American Studies – Linn, Mike and Yuri - Pull out day is set up for 1/18
    - iv. Go through the notes below and write in updates on each item in red.
  - c. Future courses: Who is writing what?
    - i. [Timeline](#)
    - ii. [Course Matrix](#)

**Notes/Outcomes:**

- a. Planning to go to Board in February:
  - i. World History – Dr. Turner
  - ii. 10th Grade ELA Honors – Yuri
  - iii. World Geography – Paul & Dan
  - iv. Chicano/a, Latinx & La Raza – Linn
- b. Courses with March 26 Final Draft deadlines:
  - i. Asian American Studies – Susan Lee taking the lead, Linn supporting
  - ii. African American Studies – Darlene Kriesel, Roz, Dan
  - iii. Native American Studies – Linn, Mike and Yuri - Pull out day is set up for 1/18
  - iv. Go through the notes below and write in updates on each item in red.
- c. Future courses: Who is writing what?
  - i. [Timeline](#)
  - ii. [Course Matrix](#)

### Notes/Outcomes:

- Future Courses:
  - ELA Ethnic Studies: We will see if Darlene Kreisel wants to work on ELA 11 Ethnic Studies or if she's only working on the African American Studies course.
  - Environmental Science: Yuri recommends "Braiding Sweetgrass for Young Adults: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants" as a text for the Ethnic Studies Environmental Studies course.
  - Dance: Dan wants to find a dance teacher to collaborate on the Ethnic Studies Dance course along with Roz.
  - Gender and Sexuality Studies: Dan will work with any teacher interested and available to write the course.
  - Roz suggests that we need to cast a wider net to find specialists to help with the content writing. Celeste will bring this up with the principals of the district in the next principals meeting!
- Budget: We should see if it is possible to fund pull out days for Ethnic Studies teachers to collaborate on model lessons and give feedback on the courses in person since not all teachers have been using the monthly coaching.
  - We will create a google drive that Ethnic Studies teachers can access where they can post their successful lesson plans to share with the other ES teachers in the district.
  - We are trying to create "office hours" that teachers can use to check in with the Ethnic Studies team.

### Notes 1/10/23

- The ELA PD will focus on presenting model lessons for teachers who are currently in the classroom. We'd like to look at training teachers who are not currently teaching ELA ethnic studies in a pull out day at the end of the year.
  - Teachers must have completed the 3 day training for this PD.
- Add into the proposal the budget for the items.
- Roz has created a google form for the 2/23 ES training which will be emailed out so we can get a reliable count for that training.
  - Should this be a mandatory training? There may be some resistance to the term "mandatory".

*Subcommittee Facilitator: In preparation for the whole group shared out, please select a Reporter & Recorder*

**Meeting Date and Time: 12/6/22 3:30-5pm**

**Name of Subcommittee: Course and Curriculum / Professional Learning**

**Members Present:** Yuri Lara, Paul Gayron, Dan Abrams, Roz Turner, Linn Lee

**Facilitators:** Linn

**Notetaker:** Paul

**Reporter:**

**Time Keeper:** Rosalind Turner

***Purpose of the meeting?***

Updates on course development and professional learning; budget disclosure

**Agenda:**

**Icebreaker question:**

What are your plans for winter break?

**Working Agreements:**

- Assume positive intentions
- Thoughts of the majority of the group will drive decisions
- Everyone's voice will be heard
- Come to the meetings prepared (do your homework)

1. **Curriculum updates:**

- a. **Planning to go to Board in February:**
  - i. World History – Dr. Turner
  - ii. 10th Grade ELA Honors – Yuri
  - iii. World Geography – Linn/Dan
  - iv. Chicano/a, Latinx & La Raza – Yuri
- b. **Courses with March 26 Final Draft deadlines:**
  - i. Asian American Studies – Susan Lee taking the lead, Linn supporting
  - ii. African American Studies – Darlene Kriesel, Roz, Dan
  - iii. Native American Studies – Linn, Mike and Yuri - Set up a pull out day - Linn has resources.
- c. **Future courses: Who is writing what?**
  - i. [Timeline](#)
  - ii. [Course Matrix](#)

## 2. Profession Learning:

- a. Ethnic Studies Budget
- b. Update on Trainings:
  - i. Ethnic Studies Teacher Coaching & Collaboration – 2nd Wednesday, monthly
  - ii. Native American Professional Development for Teachers
  - iii. New Teacher Training – (Feb. 28–Mar. 2; May 2–4)
  - iv. Pullout days for teachers to observe others or collaborate?
- c. Office hours?

### **Notes/Outcomes:**

- World History: Dr. T is working on the World History course and is working on reorganizing the units of the course. She is starting to group by region.
- 10th Grade ELA Honors: Yuri thinks that she may get some pushback on the "Parable of the Sower" core text. She wants to add another core text in case some school sites are not comfortable with the "Parable of the Sower". Yuri is asking schools to pick one of three alternates to add as another core text. Yuri will go through the Ochoas feedback to further refine her course outline.
- World Geography: The Geography curriculum needs to clarify the performance tasks! There are some "community engagement" sections that may need to be reworded and clarified. Paul needs to consider more carefully what could be the core texts for the course other than "Consumed". He will consider looking for a book on decolonialism like "Rethinking Globalization". Online resources should be downloaded if possible.
- Chicano/a, Latinx and La Raza: There have been no changes since our last meeting. Might take out the gender section and insert a unit on intersectionality. Linn will work on addressing the Ochoa's comments and critiques to this course on Thursday.
- Asian American Studies: No updates.
- African American Studies: The first semester will be dedicated to African American history. LGBTQ and Afro-Latino issues will be addressed in the second semester.
- Native American Studies: Mike and Linn will be working on this. Yuri wants to work on this after the Winter Break.
- Future Courses:
  - ELA Ethnic Studies: We will see if Darlene Kreisel wants to work on ELA 11 Ethnic Studies or if she's only working on the African American Studies course.
  - Environmental Science: Yuri recommends "Braiding Sweetgrass for Young Adults: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants" as a text for the Ethnic Studies Environmental Studies course.
  - Dance: Dan wants to find a dance teacher to collaborate on the Ethnic Studies Dance course along with Roz.
  - Gender and Sexuality Studies: Dan recommends Tami, Krista, and Yuri to work on the course. Celeste has a concern that these people may be working outside of their "job title". (I.E. Program specialist vs. curriculum specialists.)
  - Roz suggests that we need to cast a wider net to find specialists to help with the content

**Subcommittee Facilitator:** In preparation for the whole group shared out, please select a Reporter & Recorder

**Meeting Date and Time: 11/1/22 3:30-5pm**

**Name of Subcommittee: Course and Curriculum**

**Members Present:** Paul Gayron, Roz Turner, Yuri Lara, Dan Abrams, Linn Lee, Celeste Migliaccio, Diana Ochoas, Patricia Schissel.

**Facilitators:** Celeste

**Notetaker:** Linn

**Reporter:**

**Time Keeper:**

**Purpose of the meeting?**

Update on courses, framework for Ethnic Studies ELA lessons

**Agenda:**

and Acknowledgement

How do you feel on a scale from 1-10? Introductions

Working Agreements

- Assume positive intentions
- Thoughts of the majority of the group will drive decisions
- Everyone's voice will be heard
- Come to the meetings prepared (do your homework)

Curriculum

1. Update on Ethnic Studies Courses: (These courses have been put into a matrix and sent to the Board of Education Administration)
  - a. Due Jan
    - i. [World Geography](#) - Pretty much done - Linn and Dan review tomorrow morning and then send to Paul and then send Ochoas.
    - ii. [Chicano/a/Latinx LaRaza Course](#) - Linn will finish today and send to Ochoas, ask for 1 week turn around
    - iii. [10th Grade ELA Honors](#) - sent to Ochoas for feedback, Yuri will meet Celeste re how to put in sensitive content. April Baxter helped with this course.
    - iv. [World History](#) - share the Chicano/a for the template for how the resources are listed (in alpha order by author), maybe add New Zealand as a case study for biculturalism and decolonization (Māori and British Colonialists through the Treaty of Waitangi)
    - v. Sending to Ochoa's for vetting

- b. Due Spring '23
  - i. Asian American - Linn and Susan will have it more fleshed out by next meeting
  - ii. African American - Roz and Darlene and Dan will begin work in a couple weeks
  - iii. Native American - Linn Mike and Yuri have a skeletal outline with two ucop courses to find resources and create a draft by next meeting.
- c. Due Jan '24 - for all the courses listed below ask those who attend the coaching and collaboration meeting if there is anyone who is interested in helping to write the courses.
  - i. Ethnic Studies Honors - Yuri, Paul, Ben and Carah (ask if anyone in the collaboration coach meeting)
  - ii. Ethnic Studies Level 2 - Linn, Carah
  - iii. Ethnic Studies AP Seminar - Roz
  - iv. Statistics - Dan, Laily, Jenny
  - v. Environmental Science - Lindsey, Shayna, Dan
  - vi. U.S. History - Linn, Mike, Roz
  - vii. Gender/Sexuality - Dan
  - viii. ELA 11 - Yuri and she will ask at the next coach collaboration meeting for a volunteer
- d. Due Spring '25
  - i. World Language - Dan
  - ii. Dance/PE - Dan
  - iii. Music - Dan
  - iv. Government - Roz
  - v. Economics - Roz
  - vi. ELA 12 Hip Hop - ?
  - vii. SAC Ethnic Studies Course - Does it qualify to meet our SAUSD graduation requirement - Talk to Katy about this and ask for a process for approving them.

rofessional Learning

- 2. 3-Day Trainings - dates when and where - Feb 28-March 1, 2, (DO, Villa Library, DO) 2nd training May 2-4 (DO, Villa Library, DO) We will send out google form to all teachers.
  - a. Elementary? Meet with Bianca, can we meet with XITO to see how we can differentiate?
  - b. Have elementary curriculum specialist and CLAS teachers attend who haven't already attended.
- 3. Coaching/Collaboration Meetings - Agenda for next meeting
  - a. Set up office hours

**Notes/Outcomes:**

**links to courses:**

- [thnic Studies ELA 9 \(finished\)](#)
- [thnic Studies ELA 9 Honors \(finished\)](#)
- [thnic Studies Elective \(finished\)](#)
- [thnic Studies VAPA Visual Arts \(finished\)](#)
- [thnic Studies Music \(unfinished\)](#)

**Next Steps:**

Meeting Date and Time: 10/4/22 3:30-5pm

Name of Subcommittee: Course and Curriculum

**Members Present:** Celeste, Patricia, Dan, Yuri, Linn, Mike, Káty

**Facilitators:** Celeste

**Notetaker:** Linn

**Reporter:**

**Time Keeper:**

***Purpose of the meeting?***

Update on courses, framework for Ethnic Studies ELA lessons

**Agenda:**

How do you feel on a scale from 1-10? Introductions

Working Agreements

- Assume positive intentions
- Thoughts of the majority of the group will drive decisions
- Everyone's voice will be heard
- Come to the meetings prepared (do your homework)

1. Address the Jewish question - do we have to create a response - consult with XITO, and the Ochoas. Reexamine how we look at the
2. Curriculum - update on where we are at with the courses. Any issues?
  - a. Final by Nov 1
  - b. World History - Struggling to find core text. Meet with Tami to come up with ideas.
  - c. 10th Grade ELA Honors -Introductory - Things Fall Apart, Chinua Achebe
  - d. World Geography - just needs to be reviewed
  - e. Chicax/Latinx La Raza Course - Next Weds.

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March 26 Final

- f. Asian American Studies - Susan Lee taking the lead, Linn Supporting
  - g. African American Studies - Darlene Kriesel, Roz, Dan Dan
  - h. Native American Studies - Linn, Mike and Yuri - Set up a pull out day - Linn has resources.
3. Curriculum Implementation - There is a concern challenge brought up by a teacher and admin teaching ELA Ethnic regarding the core novel in 8th grade ELA for African American Unit. Talk to

Jason and Tami to get ideas. We may have to pivot but can't in the middle of the year.

- a. ALA - Darren Shimasaki - Celeste Migliaccio will connect and then Linn will follow up.
4. Profession Learning -
- a. Update on Trainings
  - b. Agenda for Collaboration Coaching - send out agenda and ask what needs to be addressed
    - i. XITO Presentation on one of the topics (top 3)
    - ii. Break into subject area - Anita join ELA, Sean join Ethnic Studies,
    - iii. Send out an email ahead of time asking how
    - iv. How can we best utilize Ethnic Studies teachers experts help with the new Ethnic Studies teachers.
    - v. Is there a possibility to do lesson study in Ethnic Studies?
  - c. Set up office hours

Paul - we need lessons - the only assets we have given to the teachers is resources and books. We need to share lessons and do it in person.

He has 3-4 lessons that he could share

Where can we bring in more project based lessons

Yes lets create teams and share lessons together

Collaboration first and Xito Second.

**Notes/Outcomes:**

**Links to courses:**

[Ethnic Studies ELA 9 \(finished\)](#)

[Ethnic Studies ELA 9 Honors \(finished\)](#)

[Ethnic Studies Elective \(finished\)](#)

[Ethnic Studies VAPA Visual Arts \(finished\)](#)

[Ethnic Studies Music \(unfinished\)](#)

**Next Steps:**

**Agenda for next meeting:**

Curriculum Meeting 4/21/22

Mike, Celeste, Katy, Paul, Terry, Dan, Roz, Yuri, Paul, Sergio

Review courses that are on the list.

Native American - add adelia she is ajachemen and meet in san juan capistrano park and was a part of getting the park restored, active in native environmentalism.

Add to the curriculum writers: Susanna Herrera, Kelsy Grose, marley proctor, gary rodebaugh, kathy smith, Nathan Goodrich,

Mike and yuri and Linn added to NA Curriculum, Dan advisor.

Susan Lee - Asian American Studies

Shayna Lathus - Carr

Linn reach out to them to have conversations with them, to see if its something they are amendable to doing.

It's important that they know that they need to be vetted and their writing is also vetted.

When is it the time to look at the curriculum together to get feedback for lessons plans together. There needs to be space to create.

Linn said the thriving wil have time for them to review the course and then start meeting after that. Curriculum working group.

Celeste said that is the plan with the Ochoas - to put something in stone is hard. It is hard content.

We also have to have a space for our ethnic studies teachers to talk about what happens in the classroom.

Rethink using the Tribes book

Add Shayna Lathus as a science teacher.

Add olga and estephany to the training in May.

Add Sofia Cuevas to help with the ELA courses.

We need to add math and science as a priority

Terry hate to see a math course fit it into something that is not - no rush on math until we have the expertise.

If the resources exist,

Celeste - the original steering committee - needs to take a course in every core area. That's a pathway.

In a future meeting we will discuss what it means to achieve and Ethnic Studies pathway. Which includes a sash.

Usually it is 3 courses

2 options - either 3 courses within a discipline or across disciplines.

World History - Talk to the Ochoas to get more resources, also look at the World Geography, bring in Paul. World Hist Standards and Framework and then see where we can pull things out from there. Pull out day in May.

## Update on Ethnic Studies Course development

Paul feels good about his class. Still wants to add links. Always questioning the resources whether it is the absolutely best. Questions one or two resources - very first session how to list with masks. AP Institute Indian reservations in the united states, # of native Americans in each state.

Roz World History - feels shes looking at it differently, wants to ake something really good, but world is difficult because there's. We need to connect to professors in Asia, Africa, Latin American, Pacific Islander. Sign up for racism from a global perspective. Bring in Linn and Paul.

Vikki - since her experience is with social science, all her work is ela oriented. Redonda is doing a lot more ethnic studies stuff. Balancing what she's doing, which is so much more wider than her. No issues, Redonda. 80%. Linn Look at the link

Kamala - Yuri - Course is ready to look at, Linn look at course.

Once a month meetings - 9/15

*Subcommittee Facilitator: In preparation for the whole group shared out, please select a Reporter & Recorder*

**Meeting Date and Time: 6/17/21 3-4pm**

**Name of Subcommittee: Course and Curriculum**

**Members Present:** Redona Contreras, Yuri Lara, Mike Rodriguez, Linn Lee, Celeste Migliaccio

**Facilitators:** Celeste

**Notetaker:** Linn

**Reporter:**

**Time Keeper:** Darren

***Purpose of the meeting?***

Update on courses, framework for Ethnic Studies ELA lessons

***Agenda:***

1. How do you feel on a scale from 1-10? Introductions
2. Working Agreements
  - Assume positive intentions
  - Thoughts of the majority of the group will drive decisions
  - Everyone's voice will be heard
  - Come to the meetings prepared (do your homework)
3. **Approve Notes from 6/3/21 - minutes approved**
4. **Framework for Ethnic Studies ELA Courses**
5. **Native American History/Cultural Studies Support**

Timeline

***Notes/Outcomes:***

Native American Studies - Yes can ask for help from Native American Local community, but make sure to vet them, Yuri will pass onto Linn contacts that she knows.

Update: 8th Grade ELA course - has a huge list of resources, narrowing it down will be the hard part. We are looking at the Study Sync resources, i.e. Gone With the Wind, the Wind Done Gone, add history in the Ethnic Studies course to support it. For example the Emancipation Proclamation needs to be taught which could go along with the Harriet Tubman short stories, Redonda, will shoot Linn primary resources that need to be covered in the Ethnic Studies and 8th Grade U.S. History course.

10th Grade ELA course -only met once, looking at the current ela identifying the parts of the units to embed in the ES class, and will start talking about the core.

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Next meeting will be Thursday, July 15, 3-4pm

For the Middle School Ethnic Studies Course there needs to be an 8th Grade Ethnic Studies U.S. History Class

***Links to courses***

***[Ethnic Studies ELA 9 \(finished\)](#)***

***[Ethnic Studies ELA 9 Honors \(finished\)](#)***

***[Ethnic Studies Elective \(unfinished\)](#)***

***[Ethnic Studies VAPA Visual Arts \(unfinished\)](#)***

***[Ethnic Studies Music \(unfinished\)](#)***

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**Next Steps:**

**Agenda for next meeting:**

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class.

- We will have a meeting with all the curriculum writers to make sure everyone is on the same plane.
- Roz and Linn will review first couple of chapters of State approved Ethnic Studies Model Curriculum to see if there's anything useful to put in presentation for new writers
- At next meeting June 3 Thursday we will invite all course writers, send article by Tingtiangco to the writers, people will review Linn's PPT and give her direction on how to edit it for the meeting, Yuri will review the 5 pillars in the meeting.
- We will also invite the curriculum specialists to meet us and get an intro into Ethnic Studies

**Links to courses**

[\*\*Ethnic Studies ELA 9 \(finished\)\*\*](#)

[\*\*Ethnic Studies ELA 9 Honors \(finished\)\*\*](#)

[\*\*Ethnic Studies Elective \(unfinished\)\*\*](#)

[\*\*Ethnic Studies VAPA Visual Arts \(unfinished\)\*\*](#)

[\*\*Ethnic Studies Music \(unfinished\)\*\*](#)

Question was raised will the ES courses take away from the core course - no because students can take a core ES course and meet both graduation requirements the ES requirement and the Core Course requirement but there is not a credit requirement for Ethnic Studies.

We are putting money aside to hire teachers to help teach these courses. (Master schedule process - starts with course requests)

**Next Steps:**

**Agenda for next meeting:**

**Subcommittee Facilitator:** In preparation for the whole group shared out, please select a Reporter & Recorder

**Meeting Date and Time: 5/6/21 3-4pm**

**Name of Subcommittee: Course and Curriculum**

**Members Present:** Ammy Beltran, Darren Shimasaki, Roz Turner, Linn Lee, Rigo Maldonado, Celeste Iglaccio, Ben Vazquez

**Facilitators:** Katy/Celeste

**Notetaker:** Linn

**Reporter:** Yuri

**Time Keeper:** Darren

**Purpose of the meeting?**

To discuss the timeline and scope of work and proposed writers and deadlines.

**Agenda:**

1. How do you feel on a scale from 1-10?
2. Working Agreements
  - Assume positive intentions
  - Thoughts of the majority of the group will drive decisions
  - Everyone's voice will be heard
  - Come to the meetings prepared (do your homework)
3. **Approve Notes from 4/1/21 - minutes approved**
4. **What are the courses in the phase - brainstorm on who can write the course descriptions, how to get them to write the courses, if we can't find anyone right now then we move it to the next group.**
5. **Are there models for integrating Ethnic Studies with the Content Standards? Create Curriculum Maps, and update curriculum maps and curriculum in Canvas every year.**

[Timeline](#), [CES Course Creation Timeline Course](#) Description, UCOP, Curriculum

**Notes/Outcomes:**

We have submitted 4 courses for board approval, and are now figuring out how to go into the next group and adjusting our timelines accordingly. We have learned that writing these courses add to the fatigue of our teachers so we need to be more thoughtful and adjust our timeline. Updated who will be asked to write course descriptions for next round. Linn Send Ammy Curriculum map please look at Ammys course. Next meeting is 5/20, 6/3, 6/17.