



Ethnic Studies Model Curriculum Background

May 2020

The Ethnic Studies Model Curriculum (ESMC) is being developed because of AB-2016, passed in the 2015-2016 legislative session, and signed into law in September 2016 by Governor Brown.¹ It requires the development of an Ethnic Studies Model Curriculum for California. In 2019, the drafting process was approved. In spring 2019, the ESMC draft was written and approved by the writers and the advisory committee and sent to the Instructional Quality Commission (IQC) which approved the draft for public comment at its May meeting. After the IQC received over 20,000 comments on the draft, many with concerns, the IQC returned the draft to the California Department of Education for revision. AB 114, signed by Governor Newsom in October 2019, extended the timeline for completion of the curriculum to March 2021. A second draft will be released for public comment, perhaps in the summer 2020.

The process of revising and adopting the Ethnic Studies Model Curriculum is a combination of legal requirements, public meeting dates and agendas of the bodies involved, and the usual procedures of the staff of the California Department of Education when they develop curriculum frameworks and model curriculum documents.

CDE offers more detail on this page of FAQs: <https://www.cde.ca.gov/ci/cr/cf/esmcfaqs.asp>.

As noted on the CDE's FAQ page: "The state is responsible for ensuring that the model curriculum meets the requirements of [AB 2016](#) (the law that directed the development of the model curriculum) and follows the [guidelines](#) established by the State Board of Education."

Legal Requirements of AB-2016

The key passage of AB-2016 from the 2015-2016 session states:

"51226.7. (a) The Instructional Quality Commission shall develop, and the state board shall adopt, modify, or revise, a model curriculum in ethnic studies to ensure quality courses of study in ethnic studies." The text of the law can be found

here: https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160AB2016.

While the IQC has the main responsibility to write, revise, and modify the curriculum, the State Board of Education (SBE) may also "modify or revise" the curriculum. In practice, the IQC creates the wording of the Model Curriculum, and the SBE retains the power to modify it if necessary.

Ethnic Studies Model Curriculum Guidelines

The following guidelines are based on requirements in the authorizing statute (AB-2016), feedback collected from the public at the Webinar held on January 9, 2018, and other public comment.

According to the CDE website: “These guidelines, approved by the State Board of Education (SBE) at its meeting on July 11–12, 2018, will direct the work of the contracted primary writer(s) and the Model Curriculum Advisory Committee when it convenes in February–April 2019 to create a first draft of the curriculum. The model curriculum will undergo a public review and editing by the Instructional Quality Commission prior to being recommended to the SBE.”¹

The guidelines require that:

- “The model curriculum shall be written as a guide to allow school districts to adapt their courses to reflect the pupil demographics in their communities.”

In addition, the Guidelines lay out expectations for the draft including that it will:

- “Include accurate information based on current and confirmed research”
- “Be written in language that is inclusive and supportive of multiple users”
- “Encourage cultural understanding of how different groups have struggled and worked together, highlighting core ethnic studies concepts such as consciousness raising and knowledge building, identity development and self-determination, justice and social change, and love, respect”
- “Be inclusive by creating space for all students regardless of race, ethnicity, class, gender, sexuality, or citizenship to learn different perspectives”

JCRC Concerns with the First Draft of the Ethnic Studies Model Curriculum

The Model Curriculum (MC) Guidelines state that the MC shall “be written in language that is inclusive and supportive of multiple users.” However, despite scholars agreeing that Jews are both an ethnic and a religious group, the MC does not acknowledge Jewish Americans as an ethnic group.

1. Though the MC specifies the importance of studying hate crimes, bias, prejudice, and discrimination, and rightly includes racism and Islamophobia, antisemitism is omitted, despite attacks on Jews dramatically increasing (the FBI reports that 58.1 percent of religiously biased hate crimes in America in 2017 were motivated by anti-Jewish bias).
2. The MC contains denigrating references to Jews and Israelis
 - While the MC guidelines are clear that there should be positive coverage of ethnic groups, and this is largely followed with those groups that are included, of the few references to Jews in Chapter 2, half (2) are in a negative context, one on Arab stereotypes: “drive the Jews into the sea” and another hip hop song which perpetuates harmful stereotypes about Jews and Israelis: “For every free political prisoner, an Israeli colony is expanded. For each greeting, a thousand houses were demolished. They use the press so they can manufacture...” This latter line traffics on a trope about Jews controlling the media.
 - California’s Education Code sections 60044 and 51500 explicitly prohibit instructional materials and instruction that reflect or promote discriminatory bias on “the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation,

¹ <https://www.cde.ca.gov/ci/cr/cf/ethnicguidelines.asp>. Accessed May 13, 2020.

occupation.” The first draft of the ESMC may violate both sections of the Education Code.

3. Inclusion of the Boycott, Divestment, and Sanctions movement (BDS) in the MC is highly problematic:

- BDS is an international strategy to delegitimize Israel. It is outside the disciplinary boundaries of American ethnic studies, which focuses on the experiences of ethnic groups in the U.S.
- BDS is not inclusive, is purposely divisive, presents a single viewpoint on a complex international political land dispute, calls for actions that violate the First Amendment rights of those with a different perspective, and creates a hostile environment for people who do not share its political positions.
- Jewish and Israeli American students (and teachers) will be put in an untenable position, which is at odds with Education Code sections 60044 and 51500.

4. There is general definitional murkiness, lack of rigor, and inconsistent application of standards. For example, the first draft lacks sufficiently strong definitions of race and ethnicity, core concepts for a course in Ethnic Studies. The draft also conflates race and ethnicity, which are not interchangeable or synonymous.

5. There are some pedagogically inappropriate activities including one that asks students to step forward if any women in their family have been sexually harassed. This could be humiliating and potentially retraumatizing for students who have been sexually abused.

Beyond JCRC’s concerns, as CDE noted, it received over 20,000 comments, “the overwhelming majority of which called for revisions.”² CDE’s curriculum experts are overseeing the revision process to ensure it meets the statutory requirements of AB-2016 and the ESMC Guidelines.

² <https://www.cde.ca.gov/ci/cr/cf/esmcfaqs.asp>. Accessed May 13, 2020.