

**From:** Paul Kujawsky  
**Sent:** Friday, February 19, 2021 4:35 PM  
**To:** Ethnic Studies  
**Subject:** [EXTERNAL] Ethnic studies model curriculum

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California Department of Education  
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To the California Department of Education:

The recent draft of the ethnic studies model curriculum is a decided improvement over the first effort. However, a fatal flaw remains: it is still infused with critical race theory. The resulting “critical ethnic studies” is prone to advocating radical activism rather than cultivating independent thought. By positing that racism is the master key that unlocks the meaning of American history and American society, it creates a caricature of our country that most parents would not recognize, and would not want taught to their children.

More specifically, the axiom that the United States is ruled by systemic racism means that every student is positioned, willingly or unwillingly, either as oppressed or oppressor. Students are viewed as representatives of their racial or ethnic group, their individuality ignored or blighted. This inevitably leads to racial tensions, as students are forced to play the roles of “privileged” or “underprivileged” based on skin color.

This neo-racism is not merely bad pedagogy. Because critical ethnic studies divides students by race, it is of questionable legality under several provisions of California law:

Article I, section 31, subdivision (a) of the California Constitution states: “the State shall not discriminate against, or grant preferential treatment, to any individual or group on the basis of race . . . , ethnicity or national origin in the operation of . . . public education.” This includes a school district. (Subdivision (f).)

California Education Code section 220 states: “No person shall be subjected to discrimination on the basis of . . . nationality, race or ethnicity, religion . . . in any program or activity conducted by an educational institution that receives, or benefits, from, state financial assistance . . . .”

Education Code section 233.5, subdivision (a) states: Each teacher shall endeavor to impress upon the minds of the pupils . . . the promotion of harmonious relations . . . .”

Education Code section 51500 states: “A teach shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bais on the basis of race or ethnicity . . . religion . . . nationality . . . .”

Education Code section 51501 states: “The state board and any governing board shall not adopt any . . . instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity . . . religion . . . nationality . . . .”

Education Code section 60044 states: “A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contain (a) any matter reflecting adversely upon persons on the basis of race or ethnicity . . . religion . . . nationality . . . .”

Education Code section 60045 states: “All instructional materials . . . shall be . . . accurate, objective, and current and suited to the needs and comprehension of pupils.”

A critical race theory-based ethnic studies curriculum would be a lawsuit waiting to happen. No, a multitude of lawsuits at the state level and in every school district and school that adopted it.

In fact, California’s future, if the current model curriculum is approved, may be glimpsed in *Clark v. State Public Charter School Authority* (2:20-cv-02324), a case filed in December, 2020 in the federal district court for Nevada. In it, parents and child sued educational agencies, teachers, and principal, alleging that educators directed the plaintiff “to reveal his [racial] identities in a controlled, yet non-private setting, to scrutiny and official labeling . . . coercing him to accept and affirm politicized and discriminatory principles and statements that he cannot in conscience affirm.” There’s more—it would be worth your while to read the complaint.

Please do not approve a critical race theory-based ethnic studies curriculum.

Sincerely,  
Paul Kujawsky