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Dear Governor Newsom, Superintendent Thurmond, Chief Deputy Superintendent Gregson, and Instructional Quality Commission Members,

We were surprised and disappointed to see last night's posting by the California Department of Education (CDE), literally on the eve of the first public hearing by the Instructional Quality Commission, (IQC) to review the Ethnic Studies Model Curriculum (ESMC)'s public comments, announcing new recommendations including that there be included in the ESMC a not yet developed lesson on Arab American Studies. As you know, the Arab American section of the first draft of the Model Curriculum was laden with material highly objectionable to the California Jewish Community.

After the first draft, each of you publicly committed that there would be no repetition of the same in the next draft, which is to be voted on later today. Similar assurances have been made repeatedly to California's Jewish community over many months while new curriculum was being developed. We are not blind to the fact that there are forces still at work within the Ethnic Studies movement pushing strongly in Legislative circles, with the CDE and the IQC, and before local school boards throughout the state for inclusion of the materials that were so offensive to our community in the last draft. Yet, we were and still are told to trust that our concerns are being respected. When trust is asked for, transparency and fair process become paramount.

Despite our ongoing concerns about process and transparency over the course of the year (several examples from our communications to the CDE about this are included at the end of this letter), we were stunned when we received notice last night of these substantive changes to CDE's recommendations less than 24 hours before the IQC's August 13 meeting which were not added to the IQC's official agenda but simply emailed to listserv subscribers. The only reason CDE gave for the necessity of these late changes is that it had "continued to engage in positive and productive dialogue with stakeholders who share our goals."

Our concerns are heightened by the fact that, though CDE's email indicates that it will be recommending to the IQC today that "a sample lesson on Arab American Studies" be added to the agenda, no content was provided. We were told instead that the content would be provided "in the near future," in other words, after today's hearing. This latest action of CDE is, unfortunately, reminiscent of our experience with CDE last year and raises reasonable concerns that new promises it makes will be broken too.

AJC strongly objects to this effort to short-circuit ordinary procedure. We therefore object to consideration at today's public IQC hearing of any of CDE's recommendations and materials mentioned in last night's email, which would appear to violate California Government Code's Bagley Keene public meeting notice requirements. The recommendations CDE shared last evening, if they are to be

considered at all, should go through the IQC review and approval process set out in AB 2016 – the same official 45-day comment period as was provided for the other portions of the curriculum. The point of a public comment period is to protect against capture of administrative process (or curriculum design as the case here) by one or the other special interest groups. That is precisely what appears to have happened with last night's posting. Such an effort to thwart the public comment process should not be tolerated. That is exactly what led to last year's ill-conceived result, a result that cannot be repeated. We underscore that the items posted last night had no material for the IQC to review. As a result, we also have concern that the IQC has no legal authority to consider CDE's recommendations under California Education Code Section 60204 which requires that the IQC evaluate "materials."

We further reiterate our demand, as expressed many times before, for a broadly inclusive, pluralistic model curriculum that, as promised repeatedly, will be focused on the American experience and not be used as a vehicle for anti-Israel, anti-Zionist or other anti-Semitic advocacy. In light of the reasonable grounds for insecurity raised by last night's actions, AJC cannot and will not support the Model Curriculum until the final version emerges after the full public comment period is complete.

To be clear, AJC does not object to the inclusion of additional lesson materials, or in particular a lesson plan, focusing on Arab Americans and their experience of Islamophobia in California. We welcome it and have said so publicly. We remain perplexed why the same considerations that call for inclusion of the Arab American experience would not call for the inclusion of the Jewish American experience and lessons about the dramatically rising anti-Semitism in California, especially when a significant portion of Jewish Californians are of Middle Eastern and North African descent.

Very truly yours,



Serena Eisenberg
AJC Northern California Director



Richard S. Hirschhaut
AJC Los Angeles Director

cc. State Board of Education President Linda Darling-Hammond
Senator Ben Allen (Legislative Jewish Caucus)

Previous AJC correspondence with the CDE regarding transparency and process concerns:

October 10, 2019 (not responded to) and **November 1, 2019** letters which noted CDE's lack of transparency and no qualification and application process in selecting its Ethnic Studies experts, as well as giving the public only four days' notice for the expert presentation. We wrote that "*we hope that the process going forward will be transparent and inclusive, and conclude with a non-discriminatory curriculum that reflects and embraces the diversity of California's students.*" Several questions we posed in that letter went unanswered.

We followed up on **November 4** again seeking more transparency and less political bias in both the development of the curriculum and the appointment of individuals to the relevant bodies involved in the process.

On December 2, frustrated with CDE's responses, we wrote to Governor Newsom about the ESMC revision process urging him to press the CDE to develop this curriculum in the same open and transparent manner it does for all other instructional materials. We enumerated each area we felt CDE fell short, starting in June 2019 when CDE posted the draft ESMC in a place almost impossible to find -- on a webpage embedded 4 levels into its website -- and did not inform the public that it was seeking comments -- no press release, no notice in the "What's New" section of its website, and no Tweet about it in its social media feed -- until after critical piece was published about it in week 6 of its 8 week public comment period.

We advised Governor Newsom that:

- *"It is unfortunate that the CDE has employed a process that differs so substantially from its own instructional materials transparency and procedural rules. That, along with ignoring your direction and the 20,000+ comments that detail why the draft ESMC deeply concerns Californians, will most assuredly produce a flawed revised ESMC draft.*
- *We urge you to press that the CDE treat the ESMC as seriously as it does the adoption of all other instructional materials -- with open and full transparency regarding its selection of experts and advisors and with open deliberations, ethical walls placed between the ESMC writers and its reviewers, published dates and deadlines, and videotaped sessions that are publicly available.*
- *California high school students deserve an opportunity to learn the role of ethnicity, race, and religion in the life of all its citizens, including the backgrounds of the children whom the ESMC writers and advisory committee members ignored in the first ESMC draft.*
- *Our students need a model curriculum in a subject as vital as this that has multicultural competency and nuance, does not advance a narrow scope of study, and does a service to California's diverse population.*
- *CDE's current path will not address these deficiencies unless action is taken now."*

On **December 18**, Shanine Coats assured us that CDE would "report out on the [West Ed] findings in the spring" that inform the ESMC revisions. She did not do so. On **January 9, 2020**, State Board of Education President Linda Darling-Hammond assured us that the timeline we had inquired about "will be publicly shared once available." A detailed timeline was not provided until July 2020.

On **February 27, 2020**, we wrote to Governor Newsom, Superintendent Thurmond, and Dr. Darling-Hammond concerned about the CDE's recommendation to exclude many California ethnic minorities which was inconsistent with AB 2016 and contrary to California and federal law.

- *We support the ESMC effort to fully address the historic and present-day experience of African American, Asian American, Chicano and Latino and Native Americans. This is especially so given the past and ongoing experience of these groups with systemic racism and marginalization, including in mainstream high school curricula. But, fully addressing these issues should not come at the expense of, and by marginalizing, other ethnic groups. Based on a review of the legislative record with the support of counsel, we believe that inclusivity was a vital principle of the legislature's intention when they passed AB 2016. As you know, AB 2016 calls for the state's educational standards to be "guided by core values of equity, inclusiveness, and universally high expectations" and notes the objective of preparing pupils "with an appreciation for the contributions of multiple cultures." Signed by a coalition that included the Hindu American Foundation, the American Hellenic Council, the Armenian Assembly and Armenian National Committee, the Assyrian American Association, the Korean American Coalition, and Faith and Community Empowerment Organizations.*

Most recently, **on July 21, 2020**, a letter written by AJC student interns and signed by almost 400 students was sent to the CDE:

- *"We write today to express our firm support for an ethnic studies curriculum in California K-12 schools. Following the traditional framework for ethnic studies, this instruction should center upon the history and oppression of the African American, Latinx/Chicanx, Asian American and Native American communities. Now more than ever, education must be used to shine a light on the ongoing experiences of these groups with systemic racism and marginalization, including in mainstream high school curricula.... The Arab American studies course outline, which we strongly support, includes detailed, high-quality lesson plans about Arab immigration to the United States, the challenges of Arab and Muslim Americans in contemporary social/political contexts in the United States and Islamophobia... However, ... to be genuinely inclusive and accurate, the curriculum should discuss the rich history of Jews in the United States... This is particularly important because the ESMC stresses that curriculum content should be representative of the local population; there are over 1.18 million Jews in California, representing 2.96 percent of the state's population. Further, the substantial diversity within California's Jewish population ought to be reflected in public education; an estimated 11.2 percent of American Jews are people of color."*