



Educators for Excellence in Ethnic Studies

October 29, 2020

VIA EMAIL

Members of the Instructional Quality Commission
Governor Gavin Newsom
State Board of Education President Linda Darling-Hammond
The Honorable Tony Thurmond
Dr. Stephanie Gregson
Shanine Coats

Dear California Officials,

As educators, we support ethnic studies courses that confront racism, develop civic responsibility, and help students develop the 21st century skills that they need to succeed in school, work, and life.

Woven throughout the California Ethnic Studies Model Curriculum (ESMC) are direct and indirect references to "critical race theory," which the ESMC states is a key theoretical framework and pedagogy for ethnic studies instruction (ESMC Chapter 3).

Critical race theory is **not** sound K-12 classroom pedagogy. It divides people into oppressor and oppressed groups, creating a hostile and disempowering classroom environment for students. It is polarizing, not uniting, and makes group identity primary at the expense of individual achievement. Simply put, we are told to teach students to first label people by the color of their skin, and then condemn white people as being racist.

Critical race theory is in opposition to California State Board of Education's obligation to not adopt instructional materials "that contain any matter reflecting adversely upon persons on the basis of race." (CA Education Code Section 51501). California teachers must "impress upon the minds of the pupils ...the promotion of harmonious relations" and not promote "discriminatory bias on the basis of race" in our classrooms. (CA Education Code Sections 233.5(a) and 51500).

As Stanford University Graduate School of Education Professor and Ethnic Studies researcher Thomas Dee states, "high quality ethnic studies model curricula...stress the considerable cultural assets and capacity of historically marginalized people to achieve well." ([KQED interview](#), August 2019, minutes 3 and 22).

Please remove all critical race theory references and race-based pejoratives from the ESMC. See below for our detailed comments.

Sincerely,

Lori Meyers and Joy Shmueli
On behalf Educators for Excellence in Ethnic Studies
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CC: Brooks Allen
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Ethnic Studies Model Curriculum (ESMC) Comment

-- Draft Two --

(September 2020)

Submitter: Educators for Excellence in Ethnic Studies

Date: October 29, 2020

Critical Race Theory

Critical race theory is the theory that race “is a socially constructed concept that is used by white people to further their economic and political interests at the expense of people of colour [and so whites] create the circumstances that give rise to poverty and criminality in many minority communities.... steeped in radical black thought and nationalist thinking.”¹

Our Request

We ask that all references to critical race theory, direct and indirect, be removed from the ESMC.

Laws, Standards, and Guidelines

The following table contains laws, standards, and guidelines related to our request.

Laws, Standards, and Guidelines	Citation
Discrimination Based on Religion/Race/Ethnicity: Not Permitted	<p><u>US Constitution</u> Article I, Section 4: Free exercise and enjoyment of religion without discrimination or preference are guaranteed.</p> <p><u>Federal Civil Rights Act</u> 42 U.S.C. Section 2000d. No person in the United States shall, on the ground of race, color or national origin be subjected to discrimination under any program or activity receiving Federal financial assistance.</p> <p><u>California Constitution</u> Article I, Section 31(a) 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...[(f)...'State' shall include... school district...]</p> <p><u>California Education Code</u> Section 220. No person shall be subjected to discrimination on the basis of ... nationality, race or ethnicity, religion...in any program or activity conducted</p>

¹ Curry, Tommy. “Critical Race Theory.” Essay. In *Britannica*. Amsterdam: Gloude publishing, 2019.
<https://www.britannica.com/topic/critical-race-theory>.

	<p>by an educational institution that receives, or benefits from, state financial assistance...</p> <p>Section 51500. A teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, ...religion...nationality...</p>
<p>Instruction and Instructional Materials: Must Promote Harmonious Relations, Be Accurate, Be Objective, Be Suited to Students' Needs & Not Reflect Adversely on Religion/Race/Ethnicity</p>	<p><u>California Education Code</u></p> <p>Section 233.5 (a) Each teacher shall endeavor to impress upon the minds of the pupils ...the promotion of harmonious relations...</p> <p>Section 60010(h) "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource.</p> <p>Section 51501. 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...</p> <p>Section 60044. 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...</p> <p>Section 60045. All instructional materials ...shall be...accurate, objective, and current and suited to the needs and comprehension of pupils."</p>
<p>The State Board of Education Approved Standards & Guidelines</p>	<p><u>Social Content Standards</u> (<i>approved by the State Board of Education May 2013</i>)</p> <p>"Intended to help end stereotyping in instructional materials by showing diverse people in positive roles contributing to society."</p> <p>"Instructional materials used by students in California public schools should never portray in an adverse or inappropriate way the groups referenced in the laws."</p> <p style="padding-left: 40px;">"Adverse reflection. Descriptions, depictions, labels, or rejoinders that tend to demean, stereotype, or patronize minority groups are prohibited"</p> <p>"The standards enable all students to become aware and accepting of religious diversity while being allowed to remain secure in any religious beliefs they may already have....without displaying bias toward or</p>

	<p>prejudice against any of those beliefs or religious beliefs in general."</p> <p>"Adverse reflection. No religious belief or practice may be held up to ridicule and no religious group may be portrayed as inferior."</p> <p><u>Ethnic Studies Model Curriculum Guidelines</u> (approved by the State Board of Education July 2018)</p> <p>The Ethnic Studies Model Curriculum must:</p> <ul style="list-style-type: none"> • "Include accurate information based on current and confirmed research" • "Encourage cultural understanding of how different groups have struggled and worked together" • "Be inclusive"
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References to Critical Race Theory in the ESMC Draft 2

The following table lists specific references to critical race theory in the ESMC Draft 2.

Chapter/ Appendix	Request	Reasons
Chapter 1 (Footnote 14)	Remove or replace the following source: "Tara Yosso, 2005. 'Whose Culture Has Capital? A Critical Race Theory Discussion of Community Cultural Wealth', in Race, Ethnicity and Education, 8(1), 69–91	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 3 (line 368)	Delete "critical race theory."	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 24-26)	Delete "Brown, Keffrelyn, and Anthony Brown... (May 2010): 139–54"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 97-100)	Delete "Romero, Augustine...(June 2009): 217–33"	Source promotes critical race theory.

		Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 114-116)	Delete "Solorzano...(2001): 308-42""	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 121-124)	Delete "Tintiangco-Cubales ... (March 2015: 104-25"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 125 & 126)	Delete "Ullucci, Kerr...(2011): 561-77"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (Lines 127 & 128)	Delete "Valencia... Routledge, 2010"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Chapter 4 (throughout)	Remove references to "critical theory" in sources throughout the bibliography.	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Appendix A (Lines 858 -860)	Delete the course outline or reference to "and a model for classifying the various ways in which race- and ethnic-based communities have resisted oppression ("Examining Transformational Resistance" by Solorzano and Bernal)."	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Appendix A (Line 867)	Delete the course outline or reference to "Solorzano and Bernal's model of"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)
Appendix A (Line 882)	Delete the course outline or reference to "in terms of Solorzano and Bernal's model (see Unit 5)"	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. (<i>Federal and California law and State Board of Education approved Standards and Guidelines</i>)

Appendix A (Line 898 & 899)	Delete the course outline or reference to “Students analyze the efforts of these movements in terms of Solorzano and Bernal’s model of resistance (see Unit 5). “	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Line 1056 & 1057)	Delete the course outline or reference to “critical theory of power” in “Students will learn about how Ethnic Studies is both “identity-based” and also a “critical theory of power” that interrogates multiple structures of hierarchy and inequality (“Ethnic Studies: Theorizing Multiculturalism, Diversity, and Power” by Marable) in order to understand the links between racism, sexism, homophobia and power.”	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Lines 1108 & 1109)	Delete the course outline or reference to “Students will be introduced to the concept critical race theory...small groups.”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Lines 1364 & 1365)	Delete the course outline or reference to “and critical race theory”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Line 1369-1370)	Delete the course outline or reference to “defining critical race theory,”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Lines 1722-1724)	Delete the course outline or reference to “Solorzano and Bernal - ‘Examining ... in an Urban Context”	Source promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>

“White” Race as a Pejorative

The following table lists specific references to the “white” race as a pejorative in the ESMC Draft 2.

Chapter/ Appendix	Content	Reason
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Preface (Lines 67 & 68)	Delete “race within the context of how white dominated culture impacts”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Chapter 1 (Line 192)	Delete “white supremacy”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Chapter 3 (Line 719)	Replace “white supremacy” with “white supremacists”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Lines 94-211)	Delete course containing the unit “Irish and Jewish Americans: Redefining White and American.” In this unit, students are asked to “write a paper detailing certain events in American history that have led to Jewish and Irish Americans gaining racial privilege. They will be asked to think critically about why and who is allowing this evolution in white identity and how this shift is affecting the identity of Irish and Jewish American.”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix A (Line 3032)	Reference to “Elijah Muhammad and the ‘white devil’” necessitates adding a footnote to inform teachers about their obligation not to discriminate, demean, stereotype or divide students under laws, standards and guidelines.	Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>
Appendix B (page 43)	Replace “Interpersonal racism is what white people do to people of color up close” with “Interpersonal racism is what people do up close”	Promotes critical race theory. Requirement: do not discriminate, demean, stereotype, or divide students. <i>(Federal and California law and State Board of Education approved Standards and Guidelines)</i>