

From: joe.nalven2

Sent: Thursday, January 21, 2021 6:26 PM

To: Ethnic Studies

Subject: [EXTERNAL] Comment on ESMC - YOUTH PARTICIPATORY RESEARCH PROJECTS

Dear Members of the California State Board of Education:

It is always important for school district administrators and teachers, who are responsible for students' safety, to vet and oversee non-district people and programs students associate with on school projects, on and off campus.

The recent lawsuit (attached) involving a Santa Barbara Ethnic Studies teacher and leader of the Ethnic Studies Now Coalition underscores the need for districts to set firm parameters on Youth Participatory Research Projects in Ethnic Studies classes before assigning them to students and to monitor students' interactions while working on those assignments.

See "Embattled Santa Barbara Unified Teacher Stripped of Credential," <https://www.independent.com/2021/01/20/embattled-santa-barbara-unified-teacher-stripped-of-credential/> (January 20, 2021)("an ex-Santa Barbara Unified teacher has been banned from teaching ever again following multiple allegations of misconduct and abuse toward students over the past 15 years or so [yet he] has been spotted as a representative for Ethnic Studies Now!, a grassroots community effort that aims to get ethnic studies classes as a high school graduation requirement.") The full lawsuit can be found [here](#).

As a result, please insert the following in

Appendix A immediately after line 534 (page 23):

Note: Ethnic Studies content in this model curriculum might prompt students to engage in activities that harm themselves or others. For example, students inspired by "Occupied America" by Rudolfo Acuna, called out in Chapter 1 as an Ethnic Studies intellectual thought "pioneer," notes that "youth, as we have seen [are] important because they added the possibility of violence" to the Chicano movement. ("Occupied America," Chapter 9 at page 244 (1st edition)).

Since YPAR projects may have students working with individuals outside of school without district supervision, school district administrators should seek advice from legal counsel before teachers assign YPAR projects.

Legal counsel should advise the school district on:

- (i) Its obligation to pre-vet individuals whom students involve in their YPAR projects such as fingerprinting, running criminal background checks including through the Megan's Law database, and TB testing,
- (ii) Its obligation to supervise students engaging in YPAR projects, and
- (iii) Restrictions to be placed on student outreach and actions, if any.

See e.g. CA Education Code Sections 35021, 35021.1, and 45349 and Penal Code 290.95.

Thank you,
Joe Nalven, Ph.D. JD
Poway, California 92064