

**From:** Better Ethnic Studies

**Sent:** Thursday, January 21, 2021 11:52 PM

**To:** Ethnic Studies

**Subject:** [EXTERNAL] Re: CRT-based ESMC Violates Multiple Education Codes, State Laws and Federal Laws

I'd like to point out that quite a few school districts have been sued due to their use of CRT-based curriculum that separate people into oppressor and oppressed groups and label certain groups as racist, not based on their actions, but based on their race, ethnicity, religion, income level.

On Thu, Jan 21, 2021 at 11:45 PM Better Ethnic Studies wrote:

From: Better Ethnic Studies

To: [ethnicstudies@cde.ca.gov](mailto:ethnicstudies@cde.ca.gov)

Dear Members of the State Board of Education: State Superintendent Tony Thurmond, and Governor Gavin Newsom,

Since the CRT-based ESMC separates "white" people from "People of Color" and accuses white people as oppressors due to past actions by their ancestors, such Marxist based ideology violates many existing laws. Specifically,

- Federal Law - Title VI of Civil Rights Act of 1964: No discrimination on the ground of race, color or national origin
- Education Code 220 No discrimination on the basis of nationality, race, religion etc.
- Education Code 234 "Safe Place to Learn Act" and
- Education Code 51530 Prohibition of Instruction on Communism Indoctrination

The video below from the Department of Education by the Office of Civil Rights (OCR) points out that "racially exclusive practices" violate Title VI of Civil Rights Act. Please take the time to watch it, especially from 7:12 in the video where the use of "curriculum, training materials, or classes based on racial classification".

OCR Webinar: Racially Exclusive Practices and Title VI (by U.S. Department of Education )

<https://m.youtube.com/watch?v=oXMD43fD1ug>

OCR offers this video to highlight how certain practices may create Title VI violations. OCR is aware of recent concerning reports that schools across the country are discriminating on the basis of race in different ways. Sometimes, these reports have involved schools' purported efforts to promote diversity and equity among students, but are nevertheless prohibited because they violate Title VI. OCR offers this video to highlight how these and other examples may create Title VI violations.

Here are just a few of the existing laws this divisive draft ESMC based on negative stereotyping will violate:

#### **Federal Law - Title VI of Civil Rights Act of 1964**

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”  
(<https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964>)

The CRT-based ESMC would subject any group labeled as privileged or oppressor to discrimination even though each individual student or employee may not be privileged or have behaved in any way to oppress others.

#### **Education Code 220 No discrimination on the basis of nationality, race, religion etc.**

([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=220](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=220))  
220.

**No person shall be subjected to discrimination on the basis of** disability, gender, gender identity, gender expression, **nationality, race or ethnicity, religion**, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

The CRT-based ESMC violates Education Code 220 since some groups or individuals will be discriminated against on the basis of their race, ethnicity, and religion. CRT considers Christians a dominant group and thus Christians today are considered oppressors. This is discrimination based on religion.

#### **Education Code 51530 No teacher shall advocate or teach communism or any preference to communism**

([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=51530&article=4.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=51530&article=4.))

**No teacher** giving instruction in any school, or on any property belonging to any agencies included in the public school system, **shall advocate or teach communism with the intent to indoctrinate or to inculcate in the mind of any pupil a preference for communism.**

In prohibiting the advocacy or teaching of communism with the intent of indoctrinating or inculcating a preference in the mind of any pupil for such doctrine, the Legislature does not intend to prevent the teaching of the facts about communism. Rather, the Legislature **intends to prevent the advocacy of, or inculcation and indoctrination into, communism** as is hereinafter defined, **for the purpose of undermining patriotism for, and the belief in, the government of the United States and of this state.**

For the purposes of this section, **communism is a political theory that the presently existing form of government of the United States or of this state should be changed, by force, violence, or other unconstitutional means**, to a totalitarian dictatorship which is based on the principles of communism as expounded by Marx, Lenin, and Stalin.

The CRT-based ESMC violates Education Code 51530. The many of the Guiding Principles are based on the Marxist ideology. Even though disguised as a way to fight racism, deep down, the CRT-based ESMC is meant to disrupt the existing free-market based economic system by

pitching lower classes against privileged classes. Such ideology is against Education Code 51530.

### **Education Code 234 - Safe Place to Learn Act**

(<http://gamutonline.net/DisplayPolicy/460630/>)

**234.1 ... The department shall assess whether local educational agencies have done all of the following:**

(a) Adopted a **policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code**, including immigration status, **and Section 220 of this code**, and disability, gender, gender identity, gender expression, **nationality, race or ethnicity, religion**, sexual orientation, or association with **a person or group with one or more of these actual or perceived characteristics**. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district.

(c) **Publicized antidiscrimination, anti-harassment, anti-intimidation, and antibullying policies adopted** pursuant to subdivision (a), including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public. The information shall be translated pursuant to Section 48985..

The CRT-based ESMC creates biases and discrimination and harassment on the basis of race, religion, nationality, income, and other personal characteristics. Thus, it violates Education Code 234.1 since some students will not feel safe to learn if any CRT-based idea is taught in schools.

### **California Law AB 2053** (<http://www.eprma.org/pdf/CA-AB-2053.pdf>)

AB 2053 defines “abusive conduct” as “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.”

According to the statute, “abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.”

The CRT-based ESMC would subject employees and students to “abusive conduct” so that many school districts will be subjected to AB 2053 complaints and legal liability.

Thank you for including

Sincerely,

Better Ethnic Studies

<https://better-ethnic-studies.blogspot.com>