

No. G064332

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION THREE**

MAE M., *ET AL.*,
Plaintiffs-Appellants,

v.

JOSEPH KOMROSKY, *ET AL.*,
Defendants-Respondents.

Appeal from an Order of the Superior Court, Riverside County
The Honorable Eric Keen, Case No. CVSW2306224

***AMICUS CURIAE* BRIEF OF
CALIFORNIA POLICY CENTER IN
SUPPORT OF DEFENDANTS-
RESPONDENTS**

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**STATEMENT OF INTEREST
OF *AMICUS CURIAE***

California Policy Center, Inc. is an educational non-profit 501c(3) organization working for the prosperity of all Californians by eliminating public-sector barriers to freedom. California Policy Center’s primary areas of focus are education reform, workplace freedom, government transparency, and governance. California Policy Center educates, supports and advises local elected officials and members of the public on constitutional governance issues including free speech and equal protection, and engages in strategic litigation to accomplish its mission.

This brief brings to the Court’s attention California law and policy regarding social justice orthodoxy in public education and contextualizes the resolution and policy at issue. The underlying case involves school district policies that attempt to balance the relentless push for social justice orthodoxy by the State of California and government unions. The protection of free speech, equal treatment of all people regardless of race, and excellence in education is of great concern to *amicus*, which has extensive knowledge of education law and policy in California and provides critical context to assist the Court in reaching a decision in this case.

California Policy Center seeks to fulfill the “classic role of *amicus curiae* by assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the Court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Lab. & Indus. Mont.*, 694 F.2d 203, 204 (9th Cir. 1982) (citations omitted). The purpose of an *amicus curiae* is “to call the court’s attention to law or facts or circumstances in a matter then before it that may otherwise escape its consideration.” 4 Am. Jur. 2d *Amicus Curiae* § 6 (2004).

Counsel for California Policy Center is familiar with all of the briefing filed in this case to date. California Policy Center’s brief will assist the Court by exploring issues neither party has addressed.

No party to this action has provided support in any form regarding the authorship, production, or filing of this brief.

INTRODUCTION

Plaintiffs-Appellants seek review of the lower court’s denial of their request for a preliminary injunction as to Resolution No. 2022-23/21, enacted by Defendants-Respondents to limit instruction on the subject of critical race theory to a subordinate role within a larger instructional framework (“Resolution”) and Board Policy 5020.1 (“Policy”), which requires notification of parents when their child adopts a new identity at school. (6 Clerk’s Transcript (“CT”) 1669-77 (“Opinion”).)

This brief explains the infusion of social justice ideology into California public schools and the relentless push by the State of California (“State”) and teachers unions to impose a political viewpoint and establish an orthodoxy on social justice issues.

The lower court correctly found that the theories prohibited by the Resolution “lack any legitimate pedagogical concern and would not be reasonably related to legitimate educational concerns” and are “incongruous with the Legislature’s clear intent found in California Education Code 233.5.” (6 CT 1692). Defendants-Respondents’ use of the Resolution to balance the State’s orthodoxy on social justice issues, especially when the material at issue lacks pedagogical value and conflicts with Education Code section 233.5, is a perfectly appropriate and constitutional exercise of Defendants-Respondents’ broad discretion in the management of school affairs. (*Island Trees Sch. Dist. v. Pico by Pico* (1982) 457 U.S. 853, 863.).

There is rich irony in Plaintiffs-Appellants' contention that, by prohibiting instruction of certain racist and divisive theories, Defendants-Respondents attempted to "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." (Opening Brief ("Op. Br."), p. 24). In fact, it is the State and teachers' unions that impose rigid and exclusive indoctrination of children with divisive race and gender theories, and Defendants-Respondents who have adopted policies to mitigate the orthodoxy imposed by those entities. The State and teachers unions relentlessly compel school districts to adopt an orthodoxy for inculcating their narrow view of social justice and punish any attempt to adopt a more balanced pedagogical approach through coercive measures such as recall elections, administrative fines, and lawsuits, among other tactics.

The party seeking to establish an orthodoxy is the State of California and its union allies, as demonstrated by their relentless push for radical social justice programming and elimination of local control over curriculum decisions. And their efforts are not limited to the single school district involved in this lawsuit. As seen below, the State and its union allies have spread their orthodoxy far and wide using their immense power against anyone who dares to stand in their way.

Racial ideology has become a dominant theme in California public education. Since 2017, California has instituted a radical and divisive program of "ethnic studies" through legislative and administrative means.¹ The California Teachers Association ("CTA"), which represents approximately 310,000 public school teachers in California, has become

¹ Dr. Wenyuan Wu, *A Diverse Bipartisan Effort Against California's Divisive Critical Ethnic Studies Curriculum*, Philanthropy Roundtable (October 13, 2021), <https://www.philanthropyroundtable.org/a-diverse-bipartisan-effort-against-california-s-divisive-critical-ethnic-studies-curriculum/>.

increasingly focused on social justice activism in schools.² From June 30 through July 2, 2024, the National Education Association (“NEA”), CTA’s parent organization, held its annual Conference on Racial and Social Justice. That conference hosted 71 sessions³ to prepare America’s public school teachers “for a new era of engagement and activism within the context of a rapidly changing educational landscape.”⁴ Plaintiff-Appellant Temecula Valley Educators Association is a local affiliate of CTA and NEA. (1 CT 20-21).

At the urging of CTA, school districts across California have embraced the revolutionary paradigm of critical or liberated ethnic studies through teaching intersectional identity politics to third graders; training white teachers to “embrace diversity” and atone for “spirit murdering black children”; and priming students to become “anti-racist activists.”⁵

ARGUMENT

1. Plaintiffs-Appellants and/or Their Allies Pursued Administrative and Political Relief Against Defendants-Respondents Following the Lower Court’s Decision

Two months after failing to obtain the judicial relief they sought

² California Teachers Association, *WE MUST ACT: RACIAL JUSTICE NOW! Black Lives Matter*, <https://www.cta.org/our-advocacy/social-justice/black-lives-matter>.

³ NEA Conference on Racial and Social Justice, Sessions & Descriptions, <https://www.nea.org/sites/default/files/2024-05/24-session-titles-and-descriptions.pdf>.

⁴ NEA Conference on Racial and Social Justice, Conference History <https://www.nea.org/professional-excellence/conferences-events/conference-racial-social-justice/history>.

⁵ Orange County Board of Education, *Special Community Forums on “California’s Ethnic Study Model Curriculum,”* (Jan. 2022) p. 13, <https://ocbe.us/Documents/Board%20Updates/Policy%20Paper%20on%20Ethnic%20Studies%20and%20Critical%20Race%20Theory%20in%20California.pdf>.

from the lower court in this case, Plaintiffs-Appellants, and/or their allies, sought to override the lower court’s decision by filing an administrative complaint with the California Department of Education (“CDE”) against Defendants-Respondents. The CDE quickly issued an administrative order finding that paragraphs (1)(a) and (b) of the Policy, on their face, fail to comply with Education Code Section 220’s prohibitions against discrimination, and ordered corrective action including sending “written notification to all District employees, parents/guardians and students” that Temecula Valley Unified School District “will not implement paragraphs (1)(a) and (b) of Board Policy 5020.01.”⁶ In other words, when Plaintiffs-Appellants failed to obtain the relief sought through the judicial process in this case, they (and/or their allies) obtained the same relief administratively from the State, placing Defendants-Respondents at risk of losing funding or facing new litigation despite having prevailed in the instant litigation.⁷

On the same day the CDE complaint was filed against Defendants-Respondents, the Los Angeles Times published an interview with attorney for Plaintiffs-Appellants Amanda Mangaser Savage, in which she explained that “the success of the teachers’ complaint with state officials [against Murrieta Valley Unified School District] could suggest a roadmap for elsewhere.”⁸ Ms. Mangaser Savage continued, “[w]hat we’re likely to see... is other educators submitting CDE complaints, which CDE would

⁶ California Department Of Education, Direct Investigations Office Investigation Report, Case Matter No. 2024-0065, p. 7, available at <https://www.tvusd.k12.ca.us/cms/lib/CA02208611/Centricity/Domain/9886/TVUSD%20CDE%20Investigation%20Report.pdf>.

⁷ *Id.*, p. 12.

⁸ Howard Blume, *Murrieta Valley board defies California, will keep policy to tell parents about LGBTQ+ transitioning*; Los Angeles Times, April 19, 2024; available at <https://www.latimes.com/california/story/2024-04-19/murrieta-schools-defy-state-order-ending-parent-notice-about-social-transitioning>.

then handle similarly.”⁹ Perhaps it was mere coincidence that Ms. Mangaser Savage’s prophecy was published on the same day the CDE complaint was filed against Defendants-Respondents, and sheer luck that her prediction came true and CDE handled the complaint against Defendants-Respondents the same way they handled the complaint against Murrieta Valley Unified School District.

In addition to using an administrative agency to trump the adverse judicial ruling, Plaintiff-Appellant Temecula Valley Educators Association used another coercive avenue to enforce its orthodoxy: three months after their claim was rejected by the lower court in this case, the union’s political action committee funded a recall campaign against Defendant-Respondent Joseph Komrosky, buoyed by \$36,300 from the CTA.¹⁰ According to Plaintiffs-Appellants, their recall campaign succeeded. (Reply Brief, p. 8, FN 1).

2. The California Government is Spreading a Prescribed Racial Ideology in Public Schools

For the last decade, social justice activism has been infused into public education. Ethnic studies courses in California embrace a political agenda under the pretense of advancing “racial justice” and combating omnipresent “systemic racism.”¹¹ For example, third graders from Cupertino, California participated in a math class where they “deconstructed” their racial and social identities based on “power and

⁹ *Id.*

¹⁰ *E.g.*, Temecula Valley Educators Association Political Action Committee, California Form 460, from 1/1/2024 through 6/30/2024, at pp. 5, 9-11; available at [https://cal-access.sos.ca.gov/PDFGen/pdfgen.prg?filingid=2920942&amendid=1](https://cal-access.sos.ca.gov/PDFGen/pdfgen.prg?filingid=2920942&amendid=1;);

¹¹ Dr. Wenyuan Wu, *Should I Get Canceled for Telling the Emperor He Has No Clothes On?* Minding the Campus (March 1, 2021), <https://www.mindingthecampus.org/2021/03/01/should-i-get-canceled-for-telling-the-emperor-he-has-no-clothes-on/>.

privilege.”¹² Their teacher directed the students to create an “identity map,” listing their race, class, gender, religion, family structure, and other characteristics.¹³ The teacher explained that the students live in a “dominant culture” of “white, middle class, cisgender, educated, able-bodied, Christian, English speaker[s],” who “created and maintained” this culture in order “to hold power and stay in power.”¹⁴

Glassbrook Elementary in Hayward Unified School District spent \$250,000 in federal funds on a program called “Woke Kindergarten.”¹⁵ Glassbrook teachers questioned the decision to adopt the program, saying “Woke Kindergarten is rooted in progressive politics and activism with anti-police, anti-capitalism and anti-Israel messages mixed in with the goal of making schools safe, joyful and supportive for all children.”¹⁶

Glassbrook teacher Tiger Craven-Neely was told a primary objective of Woke Kindergarten was to “disrupt whiteness” in the school, and that the sessions were “not a place to express white guilt.”¹⁷ Mr. Craven-Neely questioned Woke Kindergarten’s use of the phrase “so-called United States,” lessons on Woke Kindergarten’s website offering “Lil’ Comrade Convos,” and positing a world without police, money or landlords.¹⁸ Another teacher told the San Francisco Chronicle that Woke Kindergarten offered only one

¹² Christopher F. Rufo, *Woke Elementary*, City Journal (Jan. 13, 2021) <https://www.city-journal.org/article/woke-elementary>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Jill Tucker, *This Bay Area school district spent \$250,000 on Woke Kindergarten program. Test scores fell even further*, San Francisco Chronicle (Feb. 3, 2024)

<https://www.sfchronicle.com/bayarea/article/woke-kindergarten-glassbrook-hayward-18635504.php>; *see also* Woke Kindergarten, <https://www.wokekindergarten.org>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*; *see also* Woke Kindergarten, Lil Comrade Convos, available at <https://www.wokekindergarten.org/lilcomradeconvos>.

perspective on issues and that there was no tolerance for questions, and requested anonymity for fear of retaliation at the school.¹⁹ Within days of Mr. Craven-Neely's questions about Woke Kindergarten appearing in the San Francisco Chronicle, Mr. Craven-Neely was suspended from teaching at Glassbrook elementary.²⁰

San Diego Unified School District hired critical race theorist Bettina Love to provide the keynote address at the district's Principal Institute and district-wide training on how to "challenge the oppressive practices that live within the systems and structures of school organizations."²¹ Public school teachers in San Diego subsequently underwent "white privilege" training sessions during which they acknowledged indigenous land rights and atoned for "spirit murdering black children."²²

In July 2023, the California Department of Education approved its

¹⁹ Jill Tucker, *This Bay Area school district spent \$250,000 on Woke Kindergarten program. Test scores fell even further*, San Francisco Chronicle (Feb. 3, 2024)

<https://www.sfchronicle.com/bayarea/article/woke-kindergarten-glassbrook-hayward-18635504.php>.

²⁰ Bethan Sexton, *Woke Kindergarten whistleblower is SUSPENDED by failing Bay Area school: Gay teacher bullied at tense meeting after revealing bosses spent \$250K on 'disrupting whiteness' curriculum despite appalling math and reading scores*, The Daily Mail (Feb. 10, 2024), <https://www.dailymail.co.uk/news/article-13068069/Woke-Kindergarten-whistleblower-SUSPENDED-glassbrook-school.html>.

²¹ Christopher F. Rufo, *Radicals in the Classroom* (Jan. 5, 2021) <https://christopherrufo.com/p/radicals-in-the-classroom> (Source document, Bettina Love's San Diego Powerpoint, linked in the article).

²² Dr. Wenyuan Wu, *Should I Get Canceled for Telling the Emperor He Has No Clothes On?* Minding the Campus (March 1, 2021) <https://www.mindingthecampus.org/2021/03/01/should-i-get-canceled-for-telling-the-emperor-he-has-no-clothes-on/>; Christopher F. Rufo, *Radicals in the Classroom*, City Journal (Jan. 5, 2021) <https://www.city-journal.org/article/radicals-in-the-classroom>; Bettina L. Love, *How Schools Are 'Spirit Murdering' Black and Brown Students*, Education Week (May 23, 2019) <https://www.edweek.org/leadership/opinion-how-schools-are-spirit-murdering-black-and-brown-students/2019/05>.

“2023 Mathematics Framework for California Public Schools,” an “equity” and “social justice” focused math education framework that education experts from across the political spectrum warn will increase achievement gaps and decrease learning among lower income and minority students.²³

Unions representing public school educators reinforce and promote the government-prescribed orthodoxy on racial ideology. The 71 sessions offered at NEA’s 2024 annual Conference on Racial and Social Justice included discussions about “White Supremacy Culture”²⁴ and “Decolonization,”²⁵ among other ideologically charged topics.

This obsessive focus on theories such as “an individual is inherently morally or otherwise superior to another individual because of race or sex,” or that “individuals are either a member of the oppressor class or the oppressed class because of race or sex,” or “an individual, by virtue of his race or sex, is inherently racist and/or sexist” is the true orthodoxy in California public schools, and is incongruous with the Legislature’s clear intent found in California Education Code section 233.5. It is entirely appropriate, proper, and legally necessary for local school districts to limit

²³ Kenneth Shrup, *Bipartisan backlash against California's 'equity' and 'social justice' math framework*, The Center Square (Jul. 21, 2023), https://www.thecentersquare.com/california/article_469e017c-281c-11ee-8274-cf1730f7da4c.html; *see also* 2023 Mathematics Framework, California Department of Education, <https://www.cde.ca.gov/ci/ma/cf/>.

²⁴ NEA Conference on Racial and Social Justice, Sessions & Descriptions, <https://www.nea.org/sites/default/files/2024-05/24-session-titles-and-descriptions.pdf>, *e.g.* Session C11: Fear or Not: Leading Racial and Social Justice Work in a Culture of Fear; Session C21: Understanding Power, Privilege, and Oppression; Session C22: Voting Extremists Off Bucks County School Boards.

²⁵ NEA Conference on Racial and Social Justice, Sessions & Descriptions, <https://www.nea.org/sites/default/files/2024-05/24-session-titles-and-descriptions.pdf>, *e.g.* Session A8: Challenges When Moving From “Transforming” to “Decolonizing”; Session B22: Unsettling the Colonial Mindset: Indigenizing Classrooms and Communities.

the avalanche of divisive and harmful rhetoric pouring into children’s classrooms from the State and government unions in order to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence. Cal. Educ. Code § 233.5(b).

3. California Department of Education Ethnic Studies Model Curriculum Promotes Racial Ideology to Elementary School-Aged Children

The California Department of Education’s Model Curriculum for Ethnic Studies (“ESMC”) was officially adopted on March 18, 2021.²⁶ The ESCM focuses on “microaggressions,” which it defines as a “contemporary form of racism—invisible, intentional or unintentional, and subtle in nature; usually outside the level of conscious awareness, but which cumulatively and over time create an uncomfortable or hostile environment for the victim.”²⁷

On October 10, 2021, California Governor Gavin Newsom signed AB101 into law, making ethnic studies a high school graduation requirement and mandating ethnic studies to follow the controversial ESCM.²⁸ See Cal. Educ. Code §§ 51225.3, 51226.7. The ESCM contains such buzzwords as “transformative resistance,” “racial healing and critical hope,” “the four I’s of oppression,” and “counter v. dominant narrative.”²⁹

²⁶ Ethnic Studies Model Curriculum webpage, California Department of Education, <https://www.cde.ca.gov/ci/cr/cf/esmc.asp>.

²⁷ Ethnic Studies Model Curriculum, California Department of Education, Sacramento, 2022, p. 301, available at <https://www.cde.ca.gov/ci/cr/cf/documents/ethnicstudiescurriculum.pdf>.

²⁸ Dr. Wenyuan Wu, *A Diverse Bipartisan Effort Against California’s Divisive Critical Ethnic Studies Curriculum*, Philanthropy Roundtable (October 13, 2021), <https://www.philanthropyroundtable.org/a-diverse-bi-partisan-effort-against-california-s-divisive-critical-ethnic-studies-curriculum/>.

²⁹ *Id.*

These terms emphasize a bifurcated and race-centric structure of oppressor versus oppressed and an activist orientation toward social justice as a collective answer to perceived systemic racism.³⁰

The California Department of Education encourages infusing ethnic studies into elementary school in ESMC Chapter 3, declaring that “[u]nderstanding how race and ethnicity impacts [SIC] society should be an essential core component of every students’ K–12 education experience.”³¹

Chapter Four of the ESMC provides links to sample lessons and topics endorsed by the California Department of Education. One sample lesson is a Southern Poverty Law Center article from “Learning for Justice” called “Bringing Black Lives Matter into the Classroom: Part II.”³² In this resource, educator Jamilah Pitts offers several ways to discuss Black Lives Matter across all grade levels. The document includes a section called “Elementary Applications,” in which teachers discuss how to introduce police violence and the Black Lives Matter movement to elementary school students. A second grade teacher from Oakland, California shares how she “prepares students all year to talk about issues of identity, diversity, justice and action.”³³

The California Department of Education’s links to ESMC Lesson Resources include “Teaching Tolerance,” which “provides free resources to educators—teachers, administrators, counselors, and other practitioners—

³⁰ *Id.*

³¹ Ethnic Studies Model Curriculum Chapter 3, California Department of Education, Sacramento, 2022, p.53, available at <https://www.cde.ca.gov/ci/cr/cf/documents/esmcchapter3.pdf>.

³² ESMC Chapter Four Resources Links, Link 94, <https://www.cde.ca.gov/ci/cr/cf/ch4.asp>; *see also* Jamilah Pitts, *BRINGING BLACK LIVES MATTER INTO THE CLASSROOM | PART II*, SPLC Learning for Justice (Summer 2017), <https://www.learningforjustice.org/magazine/summer-2017/bringing-black-lives-matter-into-the-classroom-part-ii>.

³³ *Id.*

who work with children from kindergarten through high school.”³⁴ The “Topics” page provides resources in areas such as “Race and Ethnicity,” including a “Discussing Whiteness” webinar displaying the following description: “‘Why does whiteness fly beneath the radar?’ Explore this question, and reflect on the role of white privilege and white racial identity formation in anti-racism work.”³⁵

This infusion of racial ideology in K-12 public schools, coupled with the State’s aggressive pursuit of districts that do not adhere to the social justice orthodoxy, results in government-enforced ideological conformity. It is entirely appropriate, proper, and legally necessary for local school districts to limit instruction on the subject of critical race theory to a subordinate role within a larger instructional framework in order to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence. Cal. Educ. Code § 233.5(b).

4. Severe Consequences for Deviation from Government-Prescribed Racial Ideology Orthodoxy

Cancel culture is a social phenomenon that occurs when people ostracize, boycott, or shun someone who has acted or spoken in a way some activists deem unacceptable. When students, teachers, administrators or parents dissent from the obsessive focus on racial and social justice in public schools, even with a well-intentioned question, they are frequently

³⁴ Ethnic Studies Model Curriculum, Published by the California Department of Education, Sacramento, 2022, p. 420, <https://www.cde.ca.gov/ci/cr/cf/documents/ethnicstudiescurriculum.pdf>.

³⁵ *Id.*; ESMC Chapter Five Resources Links, Link 28, <https://www.cde.ca.gov/ci/cr/cf/ch5.asp#link27>; *see also*, SPLC Learning for Justice, “Race & Ethnicity” <https://www.learningforjustice.org/topics/race-ethnicity>.

met with cancellation, including social rejection and professional consequences.

In Vermont, school principal Tiffany Riley was fired for not sufficiently articulating her support for Black Lives Matter.³⁶ In the days leading up to graduation in 2020, community members contacted Ms. Riley to express concerns over the display of an American flag at graduation, intimating “that display of the flag is associated with exclusion of African American citizens from political considerations.”³⁷ Community members shared a link to an opinion piece describing concerns about the American flag as a symbol associated with anti-minority views,³⁸ and demanded that Black Lives Matter be represented at graduation with flags, paintings, and posters.³⁹ Ms. Riley was called “racist” by members of the community for not attending a Black Lives Matter rally and for not hanging a Black Lives Matter sign at her school.⁴⁰ In a series of social media posts, Ms. Riley explained her position, that she agreed with the “Black Lives Matter” message but disagreed with the organization’s coercive measures.⁴¹ Perhaps

³⁶ Bari Weiss, *We Got Here Because of Cowardice. We Get Out With Courage*, Commentary (Nov. 2021), <https://www.commentary.org/articles/bari-weiss/resist-woke-revolution/>.

³⁷ Board of School Directors Mount Ascutney School District Windsor, Vermont, *In Re: Tiffany Riley*, 16 V.S.A. § 243(D), Notice of Decision, p. 5, <https://resources.finalsite.net/images/v1602874734/wsesunet/suwhtgctrdo4xccvlys/Riley-16VSA243dDecision-signed.pdf>.

³⁸ *Id.* (citing Chase Quinn, *I grew up with the American flag. Now, the stars and stripes seem hostile*, *The Guardian* (Jul. 4, 2017) <https://www.theguardian.com/world/2017/jul/04/american-flag-stars-and-stripes-sinister-july-4>).

³⁹ Board of School Directors Mount Ascutney School District Windsor, Vermont, *In Re: Tiffany Riley*, 16 V.S.A. § 243(D), Notice of Decision, p. 6-8, <https://resources.finalsite.net/images/v1602874734/wsesunet/suwhtgctrdo4xccvlys/Riley-16VSA243dDecision-signed.pdf>.

⁴⁰ *Id.* at p. 12.

⁴¹ *Id.* at p. 8.

most offensive to her critics, Ms. Riley said she also supported law enforcement.⁴² Ultimately, the Board of School Directors for Mount Ascutey School District terminated her contract.⁴³ Ms. Riley was punished for failing to abide the new State-issued social justice orthodoxy.

In Hayward, California, elementary school teacher Tiger Craven-Neely was suspended for publicly questioning Woke Kindergarten’s use of the phrase “so-called United States,” lessons on Woke Kindergarten’s website offering “Lil’ Comrade Convos,” and positing a world without police, money or landlords.⁴⁴

The combination of cancel culture coupled with the obsessive focus on racial and social justice ideology in schools means anyone who dares to question the new orthodoxy risks their job and social status. If a teacher or administrator does not adequately punish a child for failing to parrot the exact language expected under the new racial ideology orthodoxy, that teacher or administrator faces potential cancelation. It is entirely appropriate, proper, and legally necessary for local school districts to limit the avalanche of divisive and harmful rhetoric pouring into children’s classrooms from the State and government unions in order to create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence. Cal. Educ. Code § 233.5(b).

⁴² *Id.* at pp. 8, 9.

⁴³ *Id.* at p. 21.

⁴⁴ Jill Tucker, *This Bay Area school district spent \$250,000 on Woke Kindergarten program. Test scores fell even further*, San Francisco Chronicle (Feb. 3, 2024)

<https://www.sfchronicle.com/bayarea/article/woke-kindergarten-glassbrook-hayward-18635504.php>; *see also* Woke Kindergarten, Lil Comrade Convos, available at <https://www.wokekindergarten.org/lilcomradeconvos>.

CONCLUSION

For the foregoing reasons, the judgment of the superior court should be affirmed.

Date: October 2, 2024

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CERTIFICATE OF COMPLIANCE

I, Julie A. Hamill, am counsel for Amicus Curiae California Policy Center Inc., and I certify that the attached brief has a typeface of 14 points or more and contains 3,254 words, as determined by a computer word count.

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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over 18 and not a party to this action. My business address is 904 Silver Spur Road, #287, Rolling Hills Estates, California 90274.

On October 2, 2024, I served the **AMICUS CURIAE BRIEF OF CALIFORNIA POLICY CENTER IN SUPPORT OF DEFENDANTS-RESPONDENTS** on all counsel of record via the Court's electronic filing system, TrueFiling, <https://tf3.truefiling.com>.

I declare that under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 2, 2024, at Rancho Palos Verdes, California.

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