

Over 1,600 Members and Supporters of the Jewish Community Urge California Legislative Jewish Caucus to Clarify if AB 101 is Operative, and if Not Operative, Defund Until Serious Problems Adequately Addressed

August 1, 2023

Dear Members of the California Legislative Jewish Caucus,

We are 1,627 members and supporters of the California Jewish community - 1,165 California residents representing 34 different California counties and 206 California school districts, with 38 K-12 teachers, 47 rabbis, and nearly 400 working in the Jewish professional world - who are deeply concerned about the spread of anti-Jewish and anti-Zionist sentiment and behavior in California classrooms following the enactment of [AB 101](#) mandating an ethnic studies high school graduation requirement. We are writing to ask for your help in addressing this problem, in light of the recent release of a [memorandum](#) that raises considerable doubt about whether the graduation requirement is currently operative.

As you likely know, last month the Jewish Public Affairs Committee of California (JPAC), a large coalition made up of the California Jewish Federations, JCRCs and other Jewish organizations in the state, sent a [letter](#) to Governor Gavin Newsom, Attorney General Rob Bonta, and Superintendent of Schools Tony Thurmond highlighting the problem. The groups wrote:

“Unfortunately, in recent months, Jewish communities across our state have discovered discriminatory content in several school districts, in which antisemitic and/or anti-Israel biases are being adopted in ethnic studies curricula. This comes at a time when rising antisemitism is impacting Jewish students throughout California. Many additional districts are partnering with ethnic studies contractors affiliated with the authors of the rejected, antisemitic first draft of the model curriculum. We believe these contractors are subverting the final state-approved model curriculum, and the number of districts with problematic content is likely to grow. The districts our community organizations are deeply concerned about are geographically and demographically diverse, such as Jefferson Union High School District (San Mateo County), Hayward Unified, Castro Valley Unified, and Santa Ana Unified. Furthermore, these challenges have led our

community organizations to invest thousands of hours towards ensuring ethnic studies courses will not promote bias, bigotry, or discrimination against Jewish and Israeli students. This diverts resources away from core Jewish community needs and services.”

The JPAC letter calls on state officials to enforce the “guardrails” written into AB 101, which were intended to ensure school districts would not adopt the first-draft Ethnic Studies Model Curriculum (ESMC), rejected because of antisemitic content, or other curricular materials promoting “bias, bigotry and discrimination.” However, given the growing number of school districts that, despite AB 101’s “guardrails,” have chosen to adopt ethnic studies materials with antisemitic biases or entered into contracts with the authors of the antisemitic first-draft ESMC, it seems clear that **the “guardrails” will have little or no impact on stopping the rapid spread of an anti-Jewish, anti-Zionist “liberated” version of ethnic studies throughout the state.**

It's also important to mention that "liberated" ethnic studies curricula and teacher training are being aggressively marketed to school districts across the state by highly influential educator-consultants. These consultants have strong ties to the CA teachers' unions and ethnic studies higher education community, which greatly amplify their influence. In addition, several “liberated” proponents are CSU and UC faculty responsible for ethnic studies teacher training, and some have even lobbied legislators to draft legislation whose goal is to ensure that a “liberated” version of ethnic studies be the standard used for certifying all ethnic studies teachers in the state.

Considering the influence and reach of these proponents, we believe the Jewish community does not have the bandwidth or resources to keep an antisemitic “liberated” version of ethnic studies out of the hundreds of school districts frantically trying to comply with the presumed deadlines of AB 101.

However, as the recent memorandum compellingly argues, **the AB 101-mandated graduation requirement may not in fact be operative, allowing school districts and the state time to re-evaluate whether and how to move forward with an ethnic studies requirement.**

The memorandum focuses on a last-minute amendment to AB 101, which stipulates that the bill is “operative only upon an appropriation of funds by the Legislature for purposes of [the] amendments.” The addition of such a fail-safe amendment after all of the guardrails had already been amended to the bill strongly suggests that legislators, too, were not confident the guardrails would work, and wanted a way to prevent the requirement from moving forward if it

became clear that a biased, bigoted and discriminatory version of ethnic studies could not be kept out of California classrooms.

Although some money – a fraction of the estimated \$275 million per year price tag of the graduation requirement -- was earmarked for ethnic studies in a bill ([AB 130](#)) signed into law more than 6 weeks *prior* to the addition of the “operative only upon an appropriation” amendment, **no funds have been allocated for AB 101 since the bill was passed by the legislature and signed into law by the Governor.**

If the state-mandated ethnic studies graduation requirement is currently inoperative, as it appears to be, we concur with the memorandum that there are several reasons it should remain so. Against the backdrop of a \$31.5 billion budget deficit and students who have been severely impacted by post-pandemic education losses and mental health concerns, now is *not* the time for Legislators to fund an exorbitant ethnic studies requirement for which there are no state or federal educational standards (unlike every other state-mandated subject), and which is quite likely to promote the “bias, bigotry and discrimination” explicitly rejected by state lawmakers in their formulation of AB 101.

We therefore ask you:

1. **Please clarify for the Jewish community whether the ethnic studies graduation requirement mandated by AB 101 is operative or not;**
2. **If the bill is not currently operative, please ensure that the bill is not funded until these serious problems - especially the likelihood that many schools will adopt an antisemitic “liberated” curriculum - are adequately addressed by the Legislature.**

Thank you.

Sincerely,

*The undersigned 1,627 members and supporters of the California Jewish community, which includes 1,165 California residents (marked with *) representing 34 different California counties and 206 California school districts:*

[Names removed in online version]