

1 Lori Lowenthal Marcus (*Pro Hac Vice to be filed*)
THE DEBORAH PROJECT, INC.
2 P.O. Box 212
Merion Station, PA 19066
3 Tel.: (610) 880-0100
Email: lorilowenthalmarcus@deborahproject.org

4 David A. DeGroot, Cal. Bar No. 168073
5 DEGROOT LEGAL
161 29th Street
6 San Francisco, California 94110
Tel.: (415) 824-4662
7 E mail: david@degrootlegal.com

8 Attorneys for Plaintiff
THE DEBORAH PROJECT, INC.

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
05/05/2023 at 11:53:27 AM
By: Darnekia Oliver,
Deputy Clerk

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA

12
13 THE DEBORAH PROJECT, INC., a
Maryland non-profit corporation,

14 Petitioner-Plaintiff,

15 v.

16 HAYWARD UNIFIED SCHOOL DISTRICT,

17 Respondent-Defendant.
18

Case No. 23CV032707

**PETITION FOR WRIT OF MANDATE
OR, IN THE ALTERNATIVE,
COMPLAINT FOR DECLARATORY
RELIEF AND INJUNCTIVE RELIEF**

19 **INTRODUCTION**

20 1. Pursuant to Government Code §§ 7920.000 et seq., Petitioner-Plaintiff The
21 Deborah Project, Inc. (“Petitioner” or “The Deborah Project”) petitions this court for declaratory
22 relief and a writ of mandate requiring Respondent Hayward Unified School District
23 (“Respondent” or “HUSD”) to promptly and substantively respond to requests made by Petitioner
24 for certain public records and provide responsive records as required under the California Public
25 Records Act (Gov. Code § 7920.000 et seq.) (“CPRA”). Petitioner also seeks issuance of a writ
26 under those provisions of the California Constitution securing public access to government
27 documents and records. See Cal. Const., Art 1 § 3(b)(1).
28

1 **NATURE OF THE ACTION**

2 2. This Petition, and the Public Records Act requests enforced by this Petition, are
3 brought to secure HUSD’s compliance with its duty to publicly disclose documents revealing what
4 is actually being taught in HUSD’s publicly financed public schools relating to the subject of
5 Ethnic Studies in general, and about the Jewish commitment to Zionism, and Israeli-Americans, in
6 particular.

7 3. HUSD has signed a contract obliging it to pay tens of thousands of dollars of public
8 money to an entity—the Liberated Ethnic Studies Model Curriculum Consortium (“LESMCC”)—
9 which promotes the teaching of a uniquely antisemitic view about the Jewish commitment to Zion,
10 and which also promotes the practice of *hiding* the teaching of these views from parents, the
11 public, and any supervisory school employees who might be opposed to the teaching of this view.
12 On July 28, 2022, a newspaper reported that HUSD had contracted to pay \$35,395 to LESMCC.¹

13 4. LESMCC’s teaching on these subjects is barred by California law: not only by its
14 general provisions proscribing the teaching of bias on the basis of nationality, ethnicity and
15 religion, but also by the specific provisions of Assembly Bill 101, which was adopted in 2021 by
16 the California legislature, and signed by Governor Newsom, specifically because it had been
17 modified to explicitly bar the teaching of the position about the Jewish State which is advocated
18 by LESMCC. California’s A.B. 101 requires that all California public high school students must
19 have completed at least one three credit ethnic studies course in order to graduate. Cal Ed. Code
20 §51225.3.

21 5. LESMCC has publicly admitted this fact, and publicly proclaimed its intention to
22 violate the state-imposed ban on LESMCC’s promotion of this antisemitic material.

23 6. Thus Cecily Myart-Cruz, an advocate for the use of LESMCC’s materials, stated at
24 an April 13, 2021, public meeting, that the inclusion of all cultures, ethnicities, nationalities, and
25

26 _____
27 ¹ Gabe Stutman, *Hayward schools sign contract with ‘Liberated’ ethnic studies group*, J. - THE
28 JEWISH NEWS OF NORTHERN CALIFORNIA (July 28, 2022),
<https://jweekly.com/2022/07/28/hayward-schools-sign-contract-with-liberated-ethnic-studies-group/>.

1 religions in ethnic studies courses is wrong and that “authentic” ethnic studies is “*not cultural*
2 *diversity*” and “*not multiculturalism.*” Myart-Cruz said then that the curricular material and
3 position on the content of Ethnic Studies as adopted by the State of California is “*not actually*
4 *ethnic studies.*”

5 7. At the same session, Theresa Montaña, LESMCC’s Secretary, said that ethnic
6 studies is *not* about empowering *all* students but only those from the four “racialized” groups
7 recognized by LESMCC. It explicitly condemns as wrong—and proclaims the need and its
8 intention to reverse or circumvent—the decision by the government of California to remove
9 antisemitic and anti-Zionist material from the Ethnic Studies Curriculum. LESMCC complains in
10 materials on its website that California’s government, by stripping those materials and references,

11 [t]he ESMC [Ethnic Studies Model Curriculum] that the state Board of
12 Education approved in March 2021 bears so little relation to the original
13 draft that every member of the ESMC demanded that their name be
removed.

14 LESMC Story (<https://www.liberatedethnicstudies.org/lesmc-story.html>), attached hereto
15 as Exhibit A at 4.

16 8. LESMCC explicitly teaches that the decision made by the California government to
17 alter the ethnic studies curriculum that they drafted was caused by “[t]he state’s submission to
18 rightwing demagogues and lobbyists.” *Id.* at 5.

19 9. LESMCC explicitly instructs teachers using its curriculum and teaching materials
20 to hide what they are doing from the public, parents, and School District supervisors. LESMCC
21 teaching materials advise teachers to ask themselves: “if you tell [others] about your plans,” is the
22 teacher’s “administration likely to be supportive?” if not, teachers are advised that they may well
23 be “better off trying to fly under the radar.” Teach Palestine², Exhibit. B at 8.

24 10. Similarly, LESMCC materials advise teachers to teach Liberated Ethnic Studies in
25 secret if that is the course most likely to allow such teaching at all: “Be Strategic!” Teach Palestine

26
27 _____
28 ² This material was removed from the LESMCC website some time during 2022, but was
retrieved using the Wayback Machine, a digital archive of the World Wide Web.

1 Exhibit. B at 7. Perhaps, LESMC recommends, teachers should take as role models other
2 “educators” “who shut their doors and teach their students liberatory [sic] curriculum.” Teach
3 Palestine, Exhibit. B at 12.

4 11. On June 23, 2021, the Hayward Unified School District (HUSD) Board of Trustees
5 voted unanimously to approve a new Ethnic Studies policy³ which, in line with the approach
6 promoted by LESMCC, puts into the public school curriculum exactly the material whose removal
7 was mandated by the State of California in A.B. 101. Hayward’s description of its curriculum
8 states that “[t]he District unequivocally values the inclusion of material particularly in light of the
9 State’s removal of these narratives from the CA Model Ethnic Studies Curriculum in 2021.”⁴

10 12. As more fully alleged below, Petitioner has served upon Respondent sets of Public
11 Record Act requests which, among other things, call for the production of documents relating to
12 the terms of the contract between HUSD and LESMCC; the formation of that contract; and the
13 actions taken by HUSD and LESMCC pursuant to that contract. The above facts make clear that
14 HUSD necessarily has documents responsive to Petitioner’s requests.

15 13. Alameda County is home to a substantial population of Israeli-Americans and a
16 substantial population of Jewish Americans. These citizens of California are fully entitled to
17 ensure that the public schools of this County do not preach bias against them on the basis of their
18 nationality, ethnicity, or religion. And they are fully entitled to know whether that right is being
19 fulfilled by the public schools of this County.

20 14. As more fully alleged below, Respondent has failed to respond to Petitioner’s PRA
21 requests and has produced absolutely nothing in response to it—thereby preventing Petitioner, and
22 the public—including the parents of children enrolled in HUSD—from learning what HUSD is
23 actually teaching on these topics, and whether HUSD is complying with the mandates of
24

25 ³ Press release, *HUSD Board of Trustees vote to approve Ethnic Studies Policy*, HUSD (June 25,
26 2021), available online at [https://www.husd.us/pf4/cms2/news_themed_](https://www.husd.us/pf4/cms2/news_themed_display?id=1624611250631)
27 [display?id=1624611250631](https://www.husd.us/pf4/cms2/news_themed_display?id=1624611250631) (archived version at [https://web.archive.org/web/](https://web.archive.org/web/20220115161220/https://www.husd.us/pf4/cms2/news_themed_display?id=1624611250631)
[20220115161220/https://www.husd.us/pf4/cms2/news_themed_display?id=1624611250631](https://www.husd.us/pf4/cms2/news_themed_display?id=1624611250631)).

28 ⁴ *HUSD Ethnic Studies Board Policy*, unanimously adopted June 23, 2021, available at
<https://drive.google.com/file/d/1c9HnygNvHSrsmzEJfRA8L0OMknvWm8/view>.

1 California law barring the teaching of antisemitic material and material that discriminates against
2 Israeli-Americans and against the Jewish commitment to Zion.

3
4 **PARTIES**

5 15. Petitioner-Plaintiff The Deborah Project, Inc. is a non-profit, tax-exempt
6 organization recognized under Section 501(c)(3) of the Internal Revenue Code and organized
7 under the laws of the state of Maryland, dedicated to uncovering, publicizing, and dismantling
8 antisemitic abuses in educational systems.

9 16. The Deborah Project is a member of the public under the CPRA, Gov. Code
10 § 7920.520.

11 17. The Deborah Project is beneficially interested in the outcome of these proceedings
12 and has a clear, present, and substantial right to the relief sought herein and has no adequate
13 remedy at law apart from that sought in this Petition.

14 18. Respondent-Defendant Hayward Unified School District is and at all relevant times
15 has been a “local agency” as that term is defined in Gov. Code § 7920.510. HUSD operates public
16 schools in (part of) Alameda County, California. Respondent is the legal custodian of the records
17 at issue in this lawsuit. HUSD maintains its primary administrative offices at 24411 Amador
18 Street, Hayward, California 94544, is a legal resident of Alameda County, California, and is
19 amenable to service of process in Alameda County.

20 **JURISDICTION AND VENUE**

21 19. This Court has jurisdiction over this matter pursuant to Section 10 of Article VI of
22 the California Constitution, Code of Civil Procedure sections 1060 and 1085, and Gov. Code
23 §§ 7923.000 -7923.115.

24 20. Venue is proper in this Court as Respondent and the public records at issue are
25 located within the County of Alameda, and events giving rise to the claims occurred in the County
26 of Alameda.

1 **FACTUAL ALLEGATIONS**

2 27. On January 6, 2023, The Deborah Project sent an email inquiry to Respondent
3 HUSD, asking to whom a public records inquiry to HUSD should be directed. Later that same day
4 Hector Garcia, HUSD’s Director of Curriculum, Instruction and Assessment, Educational
5 Services, responded to The Deborah Project directing: “Inquiries regarding any PRA requests can
6 be made to our Public Information Director, Michael Bazeley (mbazeley@husd.k12.ca.us).” (A
7 copy of The Deborah Project’s January 6 inquiry and HUSD’s answer from the same date are
8 attached to this Petition-Complaint as Exhibit “C”).

9 28. By cover email dated January 13, 2023, The Deborah Project submitted a written
10 CPRA request to HUSD seeking the disclosure of four (4) categories of public records. Following
11 Mr. Garcia’s instruction, the CPRA inquiry was directed to the email address of HUSD’s Public
12 Information Director, Michael Bazeley, at mbazeley@husd.k12.ca.us. (A copy of Petitioner’s
13 January 13 cover email and request letter is attached to this Petition-Complaint as Exhibit “D”).

14 29. As set forth in the request letter, the requests sought the following documents from
15 January 1, 2020, until the present:

- 16 a. “All public records relating to teaching about or preparing to teach about
17 Israel, Palestine, and/or Palestinians in your school district.
- 18 b. “Public records sufficient to show the identity of all persons responsible for
19 determining the content of your district’s teaching materials about or relating
20 to ethnic studies, Israel, Palestine, and/or the Palestinians.
- 21 c. “All public records relating to the consultation by employees of your school
22 district with any non-school district employees regarding the teaching of or
23 preparing to teach ethnic studies, Israel, Palestine, and/or the Palestinians.
- 24 d. “Documents sufficient to show any compensation or financial consideration
25 paid or transferred to any entity or individual relating to the development of
26 materials used in, or consultation services regarding, teaching or training
27 teachers to teach about Israel, Palestine, and/or the Palestinians.”

28 30. On February 16, 2023, which was well past the ten day period during which HUSD
was required under the CPRA to respond but had failed to do so, The Deborah Project reached out
to HUSD asking it to confirm receipt of the request and to provide a response. (A copy of The
Deborah Project’s February 16 email is attached to this Petition-Complaint as Exhibit “E”).

1 31. Also on February 16, The Deborah Project received what appears to be an
2 automatic response from Bazeley to its February 16 follow-up. HUSD’s February 16 email stated:

3 I will be out of the office on leave into the first week of March. I will check email on
4 a very limited basis. I encourage you to take advantage of the information below as
I may not respond or a response may be significantly delayed....

5 For public records requests, please contact Lisa Cote at lcote@husd.k12.ca.us

6 (A copy of Bazeley’s February 16 response email is attached to this Petition-Complaint as Exhibit
7 “F”.)

8 32. On that same date, February 16, The Deborah Project sent an email to HUSD’s
9 designated employee Lisa Cote, forwarding its January 13 requests to her. (A copy of The
10 Deborah Project’s February 16 cover email to Cote is attached to this Petition-Complaint as
11 Exhibit “G”, at 2.)

12 33. Cote responded by email on February 16. In her response she wrote: “I will work
13 with the department that can obtain the records as requested.” (A copy of Cote’s February 16
14 response email is attached to this Petition-Complaint as Exhibit “G”, at 1.)

15 34. On February 24, The Deborah Project sent a revised CPRA request to HUSD via
16 email to Cote. (A copy of The Deborah Project’s February 24 request letter is attached as Exhibit
17 “I”.)

18 35. As set forth in The Deborah Project’s February 24 CPRA letter (Exhibit I), the
19 requests sought the following documents from January 1, 2018, to the present:

20 a. All public records relating to teaching about, or preparing to teach about, any
21 of the following: “Ethnic Studies,” “Zionism,” “Zionists,” “Israel,”
22 “Palestine,” “Palestinians,” “Arabs,” “Arab-Americans”, including but not
23 limited to all training materials presented and/or distributed to HUSD
teachers and other employees.

24 b. Public records sufficient to show the identity of all persons responsible in
25 whole or in part for determining the content of your district’s teaching
26 materials about or relating to any of the following: “Ethnic Studies,”
27 ”Zionism,” “Zionists,” “Israel,” “Palestine,” “Palestinians,” “Arabs” and
“Arab-Americans,” and how those persons were selected for this task,
including any previous connection to and/or knowledge about the field of
28 ethnic studies.

1 c. All public records relating to the consultation by your district and/or
2 employees of your school district with any non-school district employees
3 regarding the teaching of or preparing to teach about any of the following:
4 “Ethnic Studies,” “Zionists,” “Zionism,” “Israel,” “Palestine,”
5 “Palestinians,” “Arabs” and “Arab-Americans.”

6 d. All public records relating to the determination of and any compensation or
7 financial consideration paid or transferred to any entity or individual relating
8 to the development of materials used in, or consultation services regarding,
9 teaching or training teachers to teach about any of the following: “Ethnic
10 Studies,” “Zionism,” “Zionists,” “Israel,” “Palestine,” “Palestinians,”
11 “Arabs,” and “Arab-Americans.”

12 36. It has been more than nine weeks since the delivery to HUSD of Petitioner’s last set
13 of PRA requests. Nine weeks is shockingly beyond the length of time which a public agency such
14 as HUSD is required under the CPRA to respond to a request made pursuant to that Act. The
15 Deborah Project has received no communication whatsoever from the Hayward United School
16 District since the one sentence reply sent on its behalf on February 16. The HUSD has neither
17 informed The Deborah Project whether the records it requested are disclosable; nor, if so, has it
18 provided an estimated date and time when the requested records will be made available, as
19 required by California Government Code section 7922.535.

20 37. Aside from having a legal right to a response to its requests, The Deborah Project
21 has strong reason to believe HUSD has responsive documents.

22 38. The documents referenced in footnotes 1 and 2, *supra*, demonstrate that HUSD
23 indeed has records responsive to each of the four categories requested, including but not limited
24 to: the contract or contracts with LESMCC, any change orders, and payment records; records of
25 HUSD’s actual consultation with LESMCC (and any other consultants) including assistance in the
26 development of lesson plans, curriculum content and source material; records identifying all
27 persons responsible for determining the content of HUSD’s teaching materials about ethnic
28 studies, Israel, Zionism, Palestine, and/or the Palestinians; and also including but not limited to
records relating to the curriculum HUSD has developed or bought that teaches about Israel,
Zionism, Palestine, and/or Palestinians, as well as actual course syllabi.

1 adequate remedy at law. There are no material issues of fact necessary to the resolution of this
2 matter that are or can be disputed.

3 44. Section 10 of Article VI of the California Constitution provides that superior courts
4 and their judges have original jurisdiction in proceedings for extraordinary relief in the nature of
5 mandamus, certiorari, and prohibition. California Government Code section 7923.000 permits any
6 person to institute proceedings for injunctive or declaratory relief or writ of mandate to enforce his
7 or her right to inspect or to receive a copy of any public record under the CPRA. Code of Civil
8 Procedure section 1085 authorizes the Court to issue a writ of mandate to Hayward Unified School
9 District to compel the performance of the aforementioned mandatory duties under the CPRA.

10 **SECOND CAUSE OF ACTION**

11 **(Declaratory Judgment and Injunctive Relief)**

12 45. The Deborah Project incorporates by reference the allegations contained in
13 paragraphs 1 through 44 above as though fully set forth at length herein.

14 46. An actual controversy exists between The Deborah Project and Hayward Unified
15 School District regarding HUSD's mandatory duties under the CPRA.

16 47. Hayward Unified School District's failures to perform its clear duties under the
17 CPRA is a violation of that statute.

18 48. The Deborah Project is being irreparably harmed by Hayward Unified School
19 District's failure to perform its duties under the CPRA, and The Deborah Project will continue to
20 be irreparably harmed unless HUSD is compelled to comply with the law.

21 49. The Deborah Project has no plain, speedy, and adequate remedy at law.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, The Deborah Project respectfully prays that this Court:

24 1. Issue a writ of mandate ordering Hayward Unified School District to provide all
25 records responsive to Petitioner's CPRA requests as set forth above;

26 2. Alternatively, if the Court does not immediately order production of the records
27 requested, that it order Respondent to show cause why the records should not be released and to
28

1 prepare a log of withheld records, and that it thereafter issue a writ of mandate and injunction
2 ordering the requested records to be disclosed;

3 3. For an Order declaring declarative and injunctive relief, including but not limited to,
4 declaring that the withheld materials are public records as defined by Government Code section
5 7920.530, subdivision (a) in that they contain information relating to the conduct of the people's
6 business, prepared, owned and retained by Respondent, and are subject to disclosure as writings of
7 a public agency under Article 1, § 3(b) of the California Constitution, and declaring that Respondent
8 violated the CPRA by failing to promptly respond to The Deborah Project as it is required by law
9 to so do, and also by failing to produce the requested responsive documents to The Deborah Project
10 and the public; and enjoining HUSD to provide the requested records;

11 4. For a finding that Petitioner is the prevailing party in this action;

12 5. For an award of attorney fees and costs to Petitioner pursuant to Government Code
13 section 7923.115 or any other applicable law;

14 6. For judgment accordingly; and

15 7. For such other and further relief as the Court may deem just and proper.

16 Dated: May 5, 2023

17 THE DEBORAH PROJECT, INC.

18 DEGROOT LEGAL

19
20 By



21 DAVID A. DEGROOT
22 Attorneys for Plaintiff
23 THE DEBORAH PROJECT, INC.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I am an officer of the Petitioner-Plaintiff in the above-entitled action.

I have read the foregoing Petition for Writ of Mandate, or, in the Alternative, Complaint for Declaratory and Injunctive Relief and know its contents. The same is true of my own knowledge, except as to those matters which are therein stated upon information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 5th day of May 2023, at Penn Valley, Pennsylvania.


LORLOWENTHAL MARCUS

The Deborah Project

EXHIBIT to ayward PR Petition

The Deborah Project

The Deborah Project

Our LESMC Story

The LESMC Story Liberated Ethnic Studies Model Curriculum Coalition

Ethnic Studies rose from the ashes of civil unrest. In the late 1960s, Chicano high school students echoed anti-Vietnam War activists, declaring “our struggle is not in Vietnam but in the movement for social justice at home,” and joined with the Black, Native American and Asian American liberation movements to improve the quality of life for the nation’s communities of color. Educational justice was a critical component of the movements. High school students and communities of color demanded a rapid, revolutionary, and liberatory reconstruction of the public education system, and called for their historical, cultural and linguistic knowledge to become a central part of the curriculum. For more than 50 years, communities of color have advocated for Ethnic Studies as a critical academic discipline, holding hunger strikes, rallies and sit-ins.

Numerous scholars have documented the importance of Ethnic Studies in K-12 education and explained that “standards-based curricula and test-driven teaching are missing the mark” (Tinsango-Cubales, Kohli, Sacramento, Agarwal-Ragunath & Sletter, 2014). When students of color see themselves in the curriculum, they have an improved sense of belonging, are better able to handle institutionalized racial microaggressions, and do better in school in measurable ways (Cabera, Miley & Marx, 2012; Camuza, 2017; Dee & Penner, 2017; Montano, 2020; Sletter, 2011). A historical study (Sletter, 2011) commissioned by the NEA concluded that the academic achievement and social well-being of all students improves with the implementation of an “academically rigorous” Ethnic Studies curriculum. A similar study found that Ethnic Studies classes increased school attendance by 21 percent, GPA by 1.4 grade points and credits

earned by 23. An Arizona study found that students were more likely to graduate from high school and pass standardized exams (Cabrera, 2014).

In early 2019, Ethnic Studies activists were hopeful that California would develop and approve an authentic Ethnic Studies curriculum. AB 331 (Medina), which required the California Department of Education (CDE) to construct an Ethnic Studies framework, was seen as a prerequisite to the adoption of Ethnic Studies as a high school graduation requirement. To that end, the CDE selected 19 Ethnic Studies expert practitioners to staff the California Ethnic Studies Model Curriculum (ESMC). Many current members of the Liberated Ethnic Studies coalition joined that effort.

The Coalition Erupts

The expert developers of the Ethnic Studies Model Curriculum Advisory Committee (ESMAC), who represented every region of California, met four times, laboring to develop a curriculum that captured the silenced, hidden, and often forgotten voices of Californians of color. Three educator-writers captured their wisdom and expertise. They developed a framework that included an introduction and overview, course outlines including lesson plans (Introduction to Ethnic Studies, African American Studies, Chicano and Latinx Studies, Asian American Studies, and Native American Studies); a listing of Ethnic Studies courses meeting A-G requirements; and a glossary. The ESMAC debated, discussed, and developed, understanding that districts could use what they desired, add missing components, and develop relevant curriculum for their specific context. The framework was developed with fidelity to the need, situated in the struggles of people of color against racism and colonialism, and directed toward liberatory education.

The ESMAC was composed primarily of educators of color who spoke their truths. When that happens, privileged voices rise in opposition. In Summer 2019, rightwing political lobbyists

The ESMAC was composed primarily of educators of color who spoke their truths. When that happens, privileged voices rise in opposition. In Summer 2019, rightwing political lobbyists organized an "all lives matter" movement, implicitly and explicitly attacking the Critical Race Theory that underlies Ethnic Studies as a discipline. The proposed ESMAC was heavily attacked. The *Wall Street Journal* attacked the document for critiquing capitalism. *Breitbart* added its voice to the chorus. California Jewish Legislative Caucus argued against that the social vilified a social movements lesson that included the BDS (Boycott, Divestment and Sanctions) movement,

2

Other conservative members of the Jewish community argued against the inclusion of important Arab leaders (Edward Said, Rashida Taha, Ilhan Omar). Zionist organizations and media leveled accusations of anti-Semitism at ESMAC members.

Bowing to rightwing pressure, the CDE disbanded the ESMAC and shut them out of the process. The ESMAC that the state Board of Education approved in March 2021 bears so little relation to the original draft that every member of the ESMAC demanded that their name be removed. For example, the critical edge of Ethnic Studies has been sanitized by removing or redefining such critical terms as capitalism and revolution. The African American lesson on the Black Lives Matter movement, fails to depict the true causes of police brutality, the significance of ongoing

... Movement fails to depict the true causes of police brutality, the significance of ongoing anti-racist struggle in African American communities and the impact BLM has had on all communities of color. All mention of Palestine has been erased. The current ESMC is a watered-down version of multicultural United States history.

Birth of the Liberated Ethnic Studies Model Curriculum Coalition

The state's submission to rightwing demagogues and lobbyists has emboldened the Ethnic Studies movement. More than 50 Ethnic Studies educators and activists from throughout California, committed to contesting white supremacist notions of academic knowledge, convened to develop and implement a Liberated Ethnic Studies Model Curriculum (LESMC).

The LESMC coalition first convened in April 2020. Participants included former members of the ESMAC, other Ethnic Studies scholars and educators, teacher union activists and curriculum developers. Teachers from the following school districts attended: Los Angeles, San Diego, Oakland, Alhambra, Sacramento, San Mateo, Fresno, and Tucson (AZ). The higher education members of the team hailed from CSU Sacramento, CSU Northridge, Woodland Community College, and CSU Chico. The team included specialists in the following disciplines: African American Studies, Asian American Studies (including Pacific Islander, Pilipino and Arab American Studies), American Indian and Native American Studies, Chicano/Latina Studies, Southwest Asian and North African Studies, and Comparative Ethnic Studies. More recently, LESMC has added members from CSU San Marcos and Los Angeles Unified School District, Alisal

School District, and San Lorenzo Unified School District, and added members from the Sikh, Korean, and other communities missing from the original ESMC team.

The Liberated Ethnic Studies Model Curriculum Vision

The purpose of the LESMC is to promote the advancement and implementation of well-designed Ethnic Studies courses and programs for the purpose of advancing students' academic achievement, educational equity, community activist scholarship, and community leadership skills.

We will accomplish our vision by:

1. Building our capacity to collaborate with educators, school districts, and teacher preparation programs committed to Ethnic Studies, social change and educational equity.
2. Providing the best learning practices for a standardized Ethnic Studies programs in public education rooms in the fields of African American Studies, Asian American Studies, Chicano/Latino Studies, and American Indian Studies.
3. Honoring ancestral knowledge, strategies, and friendship built in solidarity with educators, parents, and historically discriminated youth belonging to low-income communities.
4. Equipping Black, Chicano/Latino, Asian American, American Indian/Native American and low-income youth with skills to participate in community advancement, social justice, and transformative change.
5. Acting as a resource for educators to engage in professional development and implementation of Ethnic Studies that embeds models of social change with fidelity to the discipline.
6. Operationalize the tools, concepts and best teaching practices/curriculum development protocols in order to effectively implement well-designed Ethnic Studies programs in public education.

LESMC Definition of Ethnic Studies

Ethnic Studies is the interdisciplinary study that centers Asian Americans & Pacific Islanders, Chicana/Latina, American Indian/Naive Americans, and Africana/Black/African Americans

who have experienced, survived, and resisted settler colonialism, racism, and hegemonic systems and structures of oppression. Using Ethnic Studies epistemology, content and pedagogy, Ethnic Studies aims to educate students to be socially, politically, and economically conscious of their personal connections to local and transnational histories. Students in these courses study topics through the intersectional lenses of race, ethnicity, culture, gender, sexuality, ability, language, immigrant status, and class. They analyze imperialism, white supremacy, oppression, privilege, and decolonization, and work toward empowering themselves as anti-racist leaders who engage in social justice activism. Reflection, Naming, Dialogue, and Action drive the learning and support the belief that each person has important narratives, stories, and a voice to share. Students will have the opportunity to cultivate intersectional solidarity with groups of people, locally and (trans)nationally, to foster active community responsiveness, social engagement, radical healing, and critical hope.

Chapters

Chapters

The LESMC curriculum is divided into six chapters.

- Introduction to Ethnic Studies (History, Definition and Pedagogy)
- Black Studies
- Asian American Studies (including Pacific Islander, SWANA and Arab American Studies)
- American Indian and Native American Studies
- Chicano/Latino Studies
- Intersectionalities and Comparative Ethnic Studies

Guiding Principles: "The Seven C's"

These Guiding Principles are foundational concepts and pedagogical practices embedded in all LESMC lesson plans and units. They lay the basis for Ethnic Studies as a discipline distinct from multicultural education. Based on work by ESMAC co-chairs Alysén Tintinco-Cubaes and R. Talleeka Cumbutin and modified by the ESMAC, they have been adapted by the LESMC.

The Deborah Project

1. Cultivate empathy, community actualization, cultural perpetuity, self-worth, self-determination, and the holistic well-being of all participants, especially Native Peoples and people of color (POC).
2. Celebrate and honor Native Peoples of the land and communities of color by providing a space to share their stories of struggle and resistance, along with their intellectual and cultural wealth.
3. Center and place high value on pre-colonial, ancestral, indigenous, diasporic, feminist, and marginalized knowledge.
4. Critique empire and its relationship to white supremacy, racism, patriarchy, heteropatriarchy, capitalism, ableism, anthropocentrism, and other forms of power and oppression at the intersections of our society.
5. Challenge imperialist/colonial hegemonic beliefs and practices on the ideological, institutional, interpersonal, and internalized level.
6. Connect ourselves to past and contemporary resistance movements that struggle for social justice on the global and local levels to ensure a true democracy.
7. Conceptualize, imagine, and build new possibilities for post-imperial life that promotes collective narratives of transformative resistance, critical hope, and radical healing.

Themes: "The Five S's"

Each chapter develops lessons on the following themes:

1. **Self:** The story of my racialized intersectional identity.
2. **Stories:** The collective narratives of my people.
3. **Systems:**
 - The experiences of my people with systems of power and oppression
 - The analysis of systems of oppression as a vehicle to imagine a better world.

The Deborah Project

4. Social Movements: The resistance and resilience of my people in organizing against injustice.
5. Solidarity: The transformative solidarity between my people and other communities in constructing a better world.

6



Professional Development and Support

The LESMC Coalition's scholars, activists and practitioners are available for professional development, curriculum development and guidance on course/district implementation of Ethnic Studies. Our goal is to provide access to quality, aligned and liberatory Ethnic Studies to as many educators as humanly possible. More in the future, we continue to advocate for an anti-racist, anti-colonial, liberatory Ethnic Studies for all students in California and throughout the United States.

The Deborah Project

EXHIBIT B to Hayward PRA Petition

The Deborah Project

15 captures
9 Aug 2021 - 29 Jan 2022

<http://www.liberalstudies.org/teach-palestine.html>

NOV 29 2022

Preparing to Teach Palestine: A Toolkit

The Digital Project



Understanding Zionist Backlash

Given the attacks on teaching about Palestine, it's important for us as

Given the attacks on teaching about Palestine, it's important for us as educators to understand the nature of the attacks and where they're coming from. These aren't spontaneous protests from random individuals; they are led, organized and financed by Zionist organizations in the United States and Israel.

Zionism is a nationalist, colonial ideology that, from the late 19th century on, has called for the creation and expansion of Israel as a Jewish state in historic Palestine by any means necessary. As support for Palestine and criticism of Israel's apartheid policies have grown in the US and internationally, Zionist organizations have stepped up their efforts to silence discussion of Palestine/Israel in movement circles, on college campuses, and now in K-12 education.

The Anti-Defamation League (ADL), the Jewish Community Resource Council (JCRC), and Simon Wiesenthal's Museum of Tolerance are some of the most active Zionist organizations fighting against Palestine curriculum

the most active Zionist organizations fighting against Palestine curriculum K-12. All three organizations have tried to position themselves as advocates and experts on anti-bias education.

Both the ADI and the Museum of Tolerance have enormous influence in the construction and dissemination of what they call anti-bias curriculum in California's public schools. However, as Zionist organizations, their primary goal is to stunt the development of authentic anti-racist curriculum to ensure an Israel-friendly analysis. They want to prevent teachers and students from making connections between the US and Israel as white settler states, or apartheid-era South Africa and the current apartheid in Israel. They also want to prevent an understanding of Islamophobia that reveals the connections between anti-Arab racism, Islamophobia, and US imperial wars in Southwest Asia and North Africa. Attacks on teachers who bring Palestine into their classrooms or advocate for staff development on the history of Palestine and Israel usually take the form of accusations of antisemitism. Zionists argue that any discussion of Palestine or critique of Israel creates an "unsafe climate" for Jewish students.

Palestine or critique of Israel creates an "unsafe climate" for Jewish students.

It's important to be clear:

- Critical pedagogy about Israel's role in Palestine is not antisemitic.
- Antisemitism is discrimination against, violence towards, or stereotypes of Jews for being Jewish. Criticism of Israel's policies of apartheid and oppression of Palestinians is not antisemitism.
- False accusations of antisemitism that rely on the conflation of the State of Israel with Jewish identity are an explicit strategy of Zionists, who portray Palestinians as motivated by antisemitism or irrational hatred rather than resistance to oppression.
- Zionists claim to speak for all Jews, but Zionism is distinct from Judaism. Growing numbers of Jews are critical of Israel's settler colonialism and support teaching Arab-American studies and Palestine.
- Claims that discussion, or even mention, of Palestine makes

- Claims that discussion, or even mention, of Palestine makes classrooms “unsafe” for Jewish or Israeli American students are racist, just like claims that discussion of slavery or Jim Crow makes classrooms unsafe for white students. Students are empowered by exploring accurate history, looking beneath rightwing myths to face what’s really going on in the world. Recognizing patterns of continuing colonialism and the long history of resistance and resilience is freeing for all of us. That’s how our youth will be able to build the relationships and structures necessary to create a better world.
- Safety comes through solidarity. Antisemitism—like anti-Asian, anti-Black, anti-Palestinian, and Islamophobic attacks and rhetoric—exists in every community, but it is fostered and exploited by rightwing movements in the US and around the world that gain power by keeping us divided.

Be Strategic!

If you've taught controversial curriculum—LGBTQ history and rights, sex-positive sex ed, prison abolition, US imperialism/militarism, anti-racist resistance, reproductive justice—the issues around planning aren't very different. You want to be a courageous educator, but you also want to be strategic and think long-term. Here are a few factors to consider:

- Are there other teachers at school or in your union you can strategize and collaborate with? Even one or two other teachers who will have your back and help you think things through makes an enormous difference.
- Think about who you are and the situation you're in. When issues come up, it's not all equal. For example, white privilege provides protection. If you're tenured, you're more protected, especially if you're in a public school and you're in a union. Those factors may give you the ability—and the responsibility—to take more risks to do the right thing.
- Who is in your classroom? If your classroom is a mirror and window, if you're giving students tools that they can see are useful to them—

- Who is in your classroom? If your classroom is a mirror and window, if you're giving students tools that they can see are useful to them—they are going to be your strongest allies, especially in middle and high school. Are there student clubs where progressive students are already organized?
- What about parents and other members of the community? If there's a PTA, does it support social justice teaching? Are parents or the local community organized in support of progressive causes that will make them likely to support your work? On the other hand, are the ICRC, the ADL, the Jewish Federation and/or other Zionist organizations active and likely to create problems? If so, how can you build support before you begin so you're in a strong position to withstand potential attack?
- Is the administration likely to be supportive if you tell them about your plans? Or are you better off trying to fly under the radar or growing strong enough as a group to pressure them? You know your situation best, but administrators usually hate controversy, so it's a lot easier for them to say no or institute a process that delays your work forever rather than support you moving forward. On the other hand, if you have grassroots support and are doing teaching that

they are going to be your strongest allies, especially in middle and high school. Are there student clubs where progressive students are already organized?

- What about parents and other members of the community? If there's a RTA, does it support social justice teaching? Are parents or the local community organized in support of progressive causes that will make them likely to support your work? On the other hand, are the JCRC, the ADL, the Jewish Federation and/or other Zionist organizations active and likely to create problems? If so, how can you build support before you begin so you're in a strong position to withstand potential attack?
- Is the administration likely to be supportive if you tell them about your plans? Or are you better off trying to fly under the radar or growing strong enough as a group to pressure them? You know your situation best, but administrators usually hate controversy, so it's a lot easier for them to say no or institute a process that delays your work forever rather than support you moving forward. On the other hand, if you have grassroots support and are doing teaching that your students love, the administrator can see that they will have problems if they shut you down.

Base Strong Curriculum in Strong Pedagogy

- As always with social justice curriculum, start by building community in your classroom. Your students need to know it's safe for them to speak from their hearts, tell their stories, be vulnerable, have feelings, and make mistakes—that your classroom is a nurturing place for opening up and changing.
- Think carefully as you create your curriculum. Start with your students' lives. What issues are most resonant for them? How can you connect Palestine? You might want to center gentrification and forced relocation, criminalization of youth, or hip-hop as resistance. Maybe you want to take a deep dive into the Native American history in your area and connect that to settler colonialism in Palestine.
- Take advantage of resources and curriculum that already exist. See the resources list at the end of this toolkit.
- Integrate Palestine into your curriculum so it's not a "multicultural add-on" but an illuminating comparison. A few examples: impact of continuing colonial control on water resources at the US/Mexico border and in Gaza, using statistics to look at forced removals in your city and East Jerusalem, impact of ideology comparing Manifest

- Integrate Palestine into your curriculum so it's not a "multicultural add-on" but an illuminating comparison. A few examples: impact of continuing colonial control on water resources at the US/Mexico border and in Gaza, using statistics to look at forced removals in your city and East Jerusalem, impact of ideology comparing Manifest Destiny to the Promised Land, efforts to bury history and the struggles to resurface those histories.
- Then, make sure you can justify your curriculum with your state standards.

Organize Your School! Organize Your District!

There have always been teachers who shut their doors and teach their students liberatory curriculum. That's an incredibly important contribution to the emotional health of our students and to the struggle for racial and social justice. Many of us trace our own politics back to one of those teachers. Other teachers are interested in organizing on a schoolwide, districtwide, statewide or national level.

If you're interested in broader organizing in your educational setting, it will be important to create a support system for this incredibly important collective work. Locate a space to be visible, encourage one another, strategize and be your authentic selves. Make sure you have a site of activism and healing on your school site, in your union and with the community.

Never take on this work alone; make time to meet with others on a regular basis to collectively strategize your plans for education and action. Many unions have racial justice and/or human rights committees already actively engaged in issues like Defunding the Police, Black Lives Matter, Immigrant



engaged in issues like Defunding the Police, Black Lives Matter, Immigrant Rights and other just causes. Connect with these union activists.

You may want to form a Palestine affinity caucus. Forming a caucus will help in educating union members and passing important initiatives in support of Palestine. However, if the existing racial justice or human rights committee is open to explicit support of Palestine, a separate caucus may not be necessary.

Either way, create a space inside your school and within the union to engage in this critical work. Remember, it is important to educate. Often even your most seasoned activists are not well-versed on the subject of Palestine or prepared for Zionist backlash. Build community, folks

Inevitably, you will need to engage with activists outside of the union to support, co-sponsor, engage in mutually supportive projects and also, to help one another negotiate the treacherous waters of white supremacy.

The community can help you with resources, pedagogical tools, and help secure people to assist in your endeavors. Community is important, whether you are organizing in your classroom, your school site, in the union, or in the district. Community members engaged in this work are

Inevitably, you will need to engage with activists outside of the union to support, coordinate, engage in mutually supportive projects and, also, to help one another negotiate the treacherous waters of white supremacy. The community can help you with resources, pedagogical tools, and help secure people to assist in your endeavors. Community is important, whether you are organizing in your classroom, your school site, in the union, or in the district. Community members engaged in this work are unafraid, experienced, knowledgeable and, the level of solidarity and unity from joining with community members is healing, spirit-uplifting and awesome. Always remember, you are not alone.



The Deborah Project

Introduction

The past year has seen an enormous shift in the landscape for teachers who want to include Palestine in their curriculum. In California, attacks by Zionist and other right-wing organizations on the inclusion of Arab American studies—and specifically Palestine—in the CA Ethnic Studies Model Curriculum (ESMC) have shone a spotlight on Palestine and importance of including it in ethnic studies curriculum. Many educators who have taught ethnic studies for years without thinking about Arab

American history are reflecting on their curriculum, learning new content, and making revisions. Discussions about the pedagogical importance of comparing and contrasting settler colonialism in the US and Palestine have been central to that process. The vicious attacks that equate any mention of Palestine with antisemitism have pushed teachers, unions, and districts to understand that honest discussion of Israel's role in the oppression of Palestinians is not antisemitism.

Another factor has been the shift in public opinion in light of Israel's May 2021 bombing attacks on Gaza, their efforts to forcibly expel longtime Palestinian residents of Sheikh Jarrah and Silwan in Jerusalem, and their

Another factor has been the shift in public opinion in light of Israel's May 2021 bombing attacks on Gaza, their efforts to forcibly expel longtime Palestinian residents of Sheikh Jarrah and Silwan in Jerusalem, and their violent suppression of Palestinian resistance. Even media as blindly loyal to Israel as the New York Times have carried front page stories on the children murdered by Israeli bombs in Gaza and home demolitions in Silwan. As the violence dominated the news, students pushed their teachers to explain what was happening, and to make space for classroom discussion of the issues.

So we are seeing an upsurge in interest in learning about and teaching Palestine, often within an ethnic studies framework. At the same time, Zionists are organizing to police curriculum on Palestine. They often try to isolate and attack individual teachers to scare other educators away.

That's not a reason not to teach about Palestine, just as attacks on Black Lives Matter in Schools isn't a reason not to teach Black history. Teaching the truth about the history of the US is a liberatory act, for teachers and for students. Teaching the truth about Palestine is also a liberatory act, for teachers and for students. It's a political decision. But, as much as possible,

That's not a reason not to teach about Palestine, just as attacks on Black Lives Matter in Schools isn't a reason not to teach Black history. Teaching the truth about the history of the US is a liberatory act, for teachers and for students. Teaching the truth about Palestine is also a liberatory act, for teachers and for students. It's a political decision. But, as much as possible, you want to be strategic. The goal is for your anti-racist teaching to be sustainable, and to be part of a large movement. This is a road we're making by walking, but this toolkit provides a brief framework for thinking about how to approach teaching about Palestine.

The Deborah Project

A Few Resources

Understanding Zionism and Zionist Organizations #Drop the ADL. The

ADL Is Not An Ally. A Primer. 2021

Jewish Voice for Peace. "Our Approach to Zionism."

Sokolower, Jody. "Promoting Zionism Is Not 'Education to End Hate,'"

Mondoweiss, September 29, 2020

International Jewish Anti-Zionist Network. The Business of Backlash: The

Attack on the Palestinian Movement and Other Movements for Justice.

2015.

"Jewish Educators Say Yes to Liberatory Ethnic Studies" (webinar)

Curriculum Resources

Liberated Ethnic Studies Model Curriculum Institute

Middle East Children's Alliance. Teach Palestine Project

Visualizing Palestine 101

US Campaign for Palestinian Rights. Together We Rise: Palestine As a

Model of Resistance.

"Arab American Studies, Palestine, and the Fight for Ethnic Studies"

(webinar)

EXHIBIT C
to Hayward
PRA
Petition

The Deborah Project

From: Garcia, Hector hgarcia@husd.k12.ca.us
Subject: Re: Public Records Act (PRA) Request
Date: January 6, 2023 at 2:59 PM
To: Tiye Wisdom twisdom@deborahproject.org



Hi Mr. Wisdom,

Inquiries regarding any PRA requests can be made to our Public Information Director, Michael Bazeley (mbazeley@husd.k12.ca.us).

Thanks,

Hector
Hayward Unified School District

Hector Garcia
Director of Curriculum, Instruction and Assessment, Educational Services

24411 Amador Street
Hayward, CA 94544
T 510.784.2618
www.husd.us



On Fri, Jan 6, 2023 at 11:38 AM Tiye Wisdom <twisdom@deborahproject.org> wrote:

Hello,

My name is Tiye Wisdom. I am a looking for someone to get in contact with pertaining to a Public Records Act (PRA) Request. Please forward me to the best point of contact regarding this matter.

Thank you,

Tiye Wisdom

EXHIBIT D
to Hayward
PRA
Petition

The Deborah Project



Friday, January 13, 2023

To:
Hayward Unified School District
24411 Amador Street
Hayward, CA 94544

Subject: Public Records Act (PRA) Request for Hayward Unified School District

To Whom It May Concern:

Pursuant to the California Public Records Act (Government Code Section 6250 et seq.). I hereby request copies of the records identified below from January 1, 2020, to the present, and that they be sent to the email address in the signature block below:

- All public records relating to teaching about or preparing to teach about Israel, Palestine, and/or Palestinians in your school district.
- Public records sufficient to show the identity of all persons responsible for determining the content of your district's teaching materials about or relating to ethnic studies, Israel, Palestine, and/or the Palestinians.
- All public records relating to the consultation by employees of your school district with any non-school district employees regarding the teaching of or preparing to teach ethnic studies, Israel, Palestine, and/or the Palestinians.
- Documents sufficient to show any compensation or financial consideration paid or transferred to any entity or individual relating to the development of materials used in, or consultation services regarding, teaching or training teachers to teach about Israel, Palestine, and/or the Palestinians.


As required by law, please provide a resolution to this request within ten days of your receipt of this letter.

Thank you for your time and attention to this matter.

Sincerely,
Lori Lowenthal Marcus, Esq.
lorilowenthalmarcus@deborahproject.org
The Deborah Project
P.O.Box 212
Merion Station, PA 19066

EXHIBIT E
to Hayward
PRA
Petition

The Deborah Project

From: Tiye Wisdom twisdom@deborahproject.org 
Subject: Public Records Request
Date: February 16, 2023 at 11:14 AM
To: mbazeley@husd.k12.ca.us



Good Morning,

I'd like to confirm that you received the letter attached to this email that was previously sent on January 13, 2023.

Thank you,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Tiye Wisdom
Sent: Friday, January 13, 2023 2:56 PM
To: mbazeley@husd.k12.ca.us <mbazeley@husd.k12.ca.us>
Subject: From the Desk of Lori Lowenthal Marcus, Esq.: Public Records Request

Good Afternoon,

My name is Tiye Wisdom, and I am the administrative assistant at Deborah Project. We are requesting public records for the items attached to the letter in this email. The requested documents can be returned to our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org. The public records must be obtained within ten days of receiving this letter to move forward with the request on time.

If you have any questions regarding this request, please get in touch with Lori Lowenthal Marcus directly at the contact information listed above and in the letter.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

.. . . .

The Deborah Project

EXHIBIT F
to Hayward
PRA
Petition

The Deborah Project

From: Bazeley, Michael mbazeley@husd.k12.ca.us
Subject: I am unavailable Re: Public Records Request
Date: February 16, 2023 at 11:14 AM
To: twisdom@deborahproject.org

MB

Greetings,

I will be out of the office on leave into the first week of March. I will check email on a very limited basis. I encourage you to take advantage of the information below as I may not respond or a response may be significantly delayed.

For issues related to internal communications (newsletters, etc.), social media, or media relations, please reach out to Lauren McDermott at lm117@husd.us.

For issues related to the district or school web sites, please contact Daniel Calvo at dc871@husd.us.

For issues regarding flyers or Peachjar, please contact Ruth Valencia at rv235@husd.us.

For public records requests, please contact Lisa Cote at lcote@husd.us

Thanks,

Michael

--

Michael Bazeley
Director, Public Information and Governmental Relations
Hayward Unified School District

24411 Amador Street

510-784-2617

Hayward, CA 94544

www.husd.us

EXHIBIT G
to Hayward
PRA
Petition

The Deborah Project

From: Tiye Wisdom twisdom@deborahproject.org
Subject: Fw: Public Records Request
Date: February 16, 2023 at 11:18 AM
To: lcote@husd.us



Good Morning,

I previously sent a public records request on January 13, 2023, to Michael Bazeley. I reached out to follow up on the request and I received an email directing me to send all public records request to this email. Please confirm receipt of this request.

We are requesting public records for the items attached to the letter in this email. The requested documents can be returned to our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org.

If you have any questions regarding this request, please get in touch with Lori Lowenthal Marcus directly at the contact information listed above and in the letter.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Tiye Wisdom <twisdom@deborahproject.org>
Sent: Thursday, February 16, 2023 11:14 AM
To: mbazeley@husd.k12.ca.us <mbazeley@husd.k12.ca.us>
Subject: Public Records Request

Good Morning,

I'd like to confirm that you received the letter attached to this email that was previously sent on January 13, 2023.

Thank you,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Tiye Wisdom

Sent: Friday, January 13, 2023 2:56 PM

To: mbazeley@husd.k12.ca.us <mbazeley@husd.k12.ca.us>

Subject: From the Desk of Lori Lowenthal Marcus, Esq.: Public Records Request

Good Afternoon,

My name is Tiye Wisdom, and I am the administrative assistant at Deborah Project. We are requesting public records for the items attached to the letter in this email. The requested documents can be returned to our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org. The public records must be obtained within ten days of receiving this letter to move forward with the request on time.

If you have any questions regarding this request, please get in touch with Lori Lowenthal Marcus directly at the contact information listed above and in the letter.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

Hayward Unified
School...RA.pdf

EXHIBIT H
to Hayward
PRA
Petition

The Deborah Project

From: Tiye Wisdom twisdom@deborahproject.org
Subject: Re: Fw: Public Records Request
Date: February 24, 2023 at 1:36 PM
To: Cote, Lisa lcote@husd.k12.ca.us
Cc: Lori Marcus lorilowenthalmarcus@deborahproject.org



Good Afternoon,

Please see the letter attached to this email. In addition, if you have any questions regarding this request, please contact our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Cote, Lisa <lcote@husd.k12.ca.us>
Sent: Thursday, February 16, 2023 11:27 AM
To: Tiye Wisdom <twisdom@deborahproject.org>
Subject: Re: Fw: Public Records Request

Good Morning,

Thank you for your email. I will work with the department that can obtain the records as requested.

Thank You.

On Thu, Feb 16, 2023 at 8:18 AM Tiye Wisdom <twisdom@deborahproject.org> wrote:

Good Morning,

I previously sent a public records request on January 13, 2023, to Michael Bazeley. I reached out to follow up on the request and I received an email directing me to send all public records request to this email. Please confirm receipt of this request.

We are requesting public records for the items attached to the letter in this email. The requested documents can be returned to our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org.

If you have any questions regarding this request, please get in touch with Lori Lowenthal Marcus directly at the contact information listed above and in the letter.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Tiye Wisdom <twisdom@deborahproject.org>
Sent: Thursday, February 16, 2023 11:14 AM
To: mbazeley@husd.k12.ca.us <mbazeley@husd.k12.ca.us>
Subject: Public Records Request

Good Morning,

I'd like to confirm that you received the letter attached to this email that was previously sent on January 13, 2023.

Thank you,

Tiye Wisdom
Administrative Assistant
The Deborah Project

From: Tiye Wisdom
Sent: Friday, January 13, 2023 2:56 PM
To: mbazeley@husd.k12.ca.us <mbazeley@husd.k12.ca.us>
Subject: From the Desk of Lori Lowenthal Marcus, Esq.: Public Records Request

Good Afternoon,

My name is Tiye Wisdom, and I am the administrative assistant at Deborah Project. We are requesting public records for the items attached to the letter in this email. The requested documents can be returned to our Legal Director, Lori Lowenthal Marcus, via email at lorilowenthalmarcus@deborahproject.org. The public records must be obtained within ten days of receiving this letter to move forward with the request on time.

If you have any questions regarding this request, please get in touch with Lori Lowenthal Marcus directly at the contact information listed above and in the letter.

Thank you for your time and assistance.

Sincerely,

Tiye Wisdom
Administrative Assistant
The Deborah Project

--

Hayward Unified School District

Lisa M. Cote
Coordinator of Benefits and Risk Management

24411 Amador Street
Hayward, CA 94544
T 510.784.2600 ext. 72680
www.husd.us



Made in
Hayward

Hayward Unified
School...15.pdf
55 KB

The Deborah Project

EXHIBIT I
to Hayward
PRA
Petition

The Deborah Project

Friday, February 24, 2023

To:

Hayward Unified School District
24411 Amador Street
Hayward, CA 94544

Subject: California Public Records Act Requests for Hayward Unified School District

Dear Ms. Lisa Cote,

Pursuant to the California Public Records Act ("CPRA"), Cal Gov't Code §§ 7920.000 *et seq.* (previously codified at §§ 6250.00 *et seq.*). The Deborah Project requests of the Hayward Unified School District production of all responsive disclosable public documents within the categories defined below.

An earlier set of requests under the CPRA was sent to you on January 13, 2023, and The Deborah Project sent to you a follow-up email on February 16. We verified in phone calls that you are the appropriate individuals to receive our requests and Ms. Lisa Cote confirmed receipt of that set of requests. However, your school district has failed to respond to our January 13, 2023 Request in any way. The refined set of requests below supplants the ones sent on January 13, 2023.

Please provide copies of the records identified below from January 1, 2018 to the present:

- All public records relating to teaching about, or preparing to teach about, any of the following: "Ethnic Studies," "Zionism," "Zionists," "Israel," "Palestine," "Palestinians," "Arabs," "Arab-Americans", including but not limited to all training materials presented *and/or* distributed to HUSD teachers and other employees.
- Public records sufficient to show the identity of all persons responsible in whole or in part for determining the content of your district's teaching materials about or relating to any of the following: "Ethnic Studies," "Zionism," "Zionists," "Israel," "Palestine," "Palestinians," "Arabs" and "Arab-Americans," and how those persons were selected for this task, including any previous connection to and/or knowledge about the field of ethnic studies.
- All public records relating to the consultation by your district and/or employees of your school district with any non-school district employees regarding the teaching of or preparing to teach about any of the following: "Ethnic Studies," "Zionists," "Zionism," "Israel," "Palestine," "Palestinians," "Arabs" and "Arab-Americans."
- All public records relating to the determination of and any compensation or financial consideration paid or transferred to any entity or individual relating to the development of materials used in, or consultation services regarding, teaching or training teachers to teach about any of the following: "Ethnic Studies," "Zionism," "Zionists," "Israel," "Palestine," "Palestinians," "Arabs," and "Arab-Americans."

Please note that under the CPRA, the definition of “all public records” includes
“any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical forms or contacts,” §7920.530.

And “writing” is defined as:
“means any handwriting, typewriting, printing, photostating, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” §7920.540.

Please also note that while The Deborah Project is seeking the production of individual persons’ names and titles where relevant, we are not seeking home or personal telephone numbers, social security numbers, or other personal identifying information, the disclosure of which would constitute an invasion of privacy.

As required by law, please provide a response to this request within ten days of your receipt of this letter.

Thank you for your time and attention to this matter.

Sincerely,
Lori Lowenthal Marcus, Esq.
lorilowenthalmarcus@deborahproject.org
Legal Director
The Deborah Project
P.O.Box 212
Merion Station, PA 19066