

**Resolution to Establish
A Public Forum-California Ethnic Study Model Curriculum (ESMC)
Sparks and Williams**

Whereas, there are 92 non-English languages and ethnicities in the state, with the primary languages being Arabic, Armenian, Cantonese, Korean, Russian, Spanish, Tagalog, and Vietnamese; and

Whereas, pre-existing law requires the State Board of Education, with the assistance of the Superintendent of Public Instruction, to establish a list of textbooks and other instructional materials that highlight the contributions of minorities in the development of California and the United States; and

Whereas, the Ethnic Study Model Curriculum (ESMC) was created by the passage of AB 2016 in 2016, and subsequently signed into law by the governor; and

Whereas, the Ethnic Study Model Curriculum (ESMC) was approved March 18, 2021, by the California State Board of Education (SBE). It is currently an optional curriculum for school districts in California with another current state bill assigned in committee that would create it to be a state mandate; and

Whereas, the Orange County Board of Education (OCBE) recognizes previous U.S. Supreme Court and California courts and legislative intent, regarding certain rulings recognizing parents possess a fundamental right to direct the upbringing and education of their children (*Troxel v. Granville*, 530 U.S. 57, 65 (2000); *In re Marriage of Harris*, 34 Cal. 4th 210, 223 (2004)); and

Whereas, the OCBE upholds that principle that students do not “*shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*” (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)). As a result, students cannot be compelled to engage in expression with which they disagree; and

Whereas, this board upholds traditional government and community standards and believes while government and/or their institutions or public schools can provide guidance and recommendations, but cannot command students to use words, pronouns, or engage in other world views that may conflict with their family, cultural, religious values and beliefs; and

Whereas, the OCBE desires to follow all state laws, and that all schools be free of racism and prejudice, and remain safe places for all students. Also, the OCBE desires that all students are treated with dignity and respect, regardless of ethnic background, creed, race, religion, gender preference and sexual orientation; and

Whereas, community members, leaders, parents, and many people of the Orange County Community attended earlier OCBE publicly held meetings, and expressed deep concerns of the curricular materials and samples proposed in ESMC; and

Whereas, the Orange County Board of Education at the March and April board 2021 board meetings heard public comments from constituents articulating their concerns about ESMC. These references are found in the transcripts publicly documented from the March and April 2018 Orange County Board of Education meetings; and

**Resolution to Establish
A Public Forum-California Ethnic Study Model Curriculum (ESMC)
Sparks and Williams**

Whereas, at the April 07, 2021, board meeting, Chief Academic Officer Jeff Hittenberger presented a public summary of the newly state approved ESMC; and

Whereas, the OCBE desires to: 1) Obtain additional academic opinions, 2) Further evaluate and obtain knowledge of the precise proposed curricular content and materials ESMC, 3) Understand the legal ramifications as to the constitutional rights of parents and students, 4) Demonstrate due diligence to obtain additional information in terms of what curricula will be removed and replaced with the ESMC curricula; and

Whereas, in our rich American history filled with love of country, patriotism, and fairness to all, public forums and town hall meetings have been treasured historically as one of the best approaches for transparency of issues to the community including needed public dialogue and input on public policy and governance, and

Therefore, the OCBE will hold two (2) evening special community meetings in July and August, 2021 to obtain additional evidence and facts from state officials and/or experts on implementation of ESMC. The meeting will use a similar format of earlier community forums sponsored by the OCBE regarding procedures, protocols, practices, respect and civility; and

Therefore, this special board meeting or public forum will be entitled, Ethnic Study Model Curriculum (ESMC)-*A Public Community Forum*. The public meeting will be held at the OCDE board room unless other larger facilities are located and continued COVID civil restrictions are in effect. A special committee assigned by the board President will request input from each board member for the experts recommended by the individual board member, to be seated on the expert panel. The expert shall provide testimony, give evidence, and offer critical information that will be of educational, legal and academic value to the board.

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, **Ken L. Williams, D.O.**, President, Board of Education of Orange County, California hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 5th day of May 2021.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 5th day of May 2021.



Ken L. Williams, D.O.
President, Orange County Board of Education