



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

December 6, 2022

Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95811-4213

Emailed and submitted to <https://public.ctc.ca.gov/Meetings/PublicComment/Submit/17>

Re: December 9, 2022 Agenda Item 1H

Dear Commissioners:

The Foundation Against Intolerance & Racism (FAIR) is a non-profit, nonpartisan organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. We have more than eighty chapters and tens of thousands of members nationwide, including throughout California.

We write regarding the Commission's proposed regulation that would add Section 80096(b) to Title 5 of the California Regulations. In summary, we request that the Commission:

- (i) Revise the proposed regulation as set forth in Section I below; and
- (ii) Establish a Work Group or Advisory Panel to study the provisions we have removed, and return with recommendations, pursuant to Section 490 of the Commission's [Policy Manual](#). As provided in the Policy Manual, Work Group or Advisory Panel members' deliberations should be transparent and disclose documentation. The Commission also should ensure that no group or panel member has a conflict of interest.¹ See Appendix A (CSU faculty working with private, fee-based K-12 Ethnic Studies consulting firms).

I. Proposed Revisions

In its current form, the proposed regulation Sections 80096(b) and (b)(9) read as follows:

When reviewing official transcripts for subject matter competency for a Single Subject Credential under section 44259(b)(5)(A)(iv)(I) of the Education Code, a major in one of the subject areas in which the commission credentials candidates shall mean that the name of the credential is in the name of the major or degree and the following: ... (9) For

¹ California law prohibits public employees from influencing governmental decisions when their economic interests could be affected. Cal. Gov't Code § 87100. An "economic interest" includes an income source from which the employee receives \$500 or more. <https://www.calstate.edu/csu-system/administration/general-counsel/Documents/ConflictofInterestHandbook.pdf>

the single subject area of Social Sciences, a major in history, ethnic studies, or any other major with a focus on the study of one or more related ethnicities.

FAIR requests that the proposed regulation be revised to read as follows:

When reviewing official transcripts for subject matter competency for a Single Subject Credential under section 44259(b)(5)(A)(iv)(I) of the Education Code, subject matter competency for a credential in a subject listed in Education Code Section 44257(a) shall mean the successful completion of the following major or degree: ... (9) For the single subject area of Social Sciences, a major in history.

We explain each of those proposed changes, in turn, below.

II. Reasoning

A. Removal of “a major...and the following”

FAIR requests that the Commission remove the following text:

a major in one of the subject areas in which the commission credentials candidates shall mean that the name of the credential is in the name of the major or degree and the following:...

and replace it with:

subject matter competency for a credential in a subject listed in Education Code Section 44257(a) shall mean the successful completion of the following major or degree:...

With the passage of AB 130, prospective teachers may establish competence in a single subject by majoring in that same subject while in college or university, as long as it is among the subject areas recognized by the Legislature. Cal. Educ. Code § 44259(b)(5)(iv) (a teacher may establish subject matter competence by “[s]uccessful completion of a baccalaureate or higher degree from a regionally accredited institution of higher education with the following, as applicable: (I) For single subject credentials, a major in one of the subject areas in which the commission credentials candidates.”). There are fifteen subject areas authorized by the Legislature: Agriculture, Art, Business, Dance, English, World Language, Health Science, Home Economics, Industrial and Technology Education, Mathematics, Music, Physical Education, Science, Social Science, and Theater. Cal. Educ. Code § 44257(a). AB 130 does not authorize the Commission to expand the subjects beyond those listed in Section 44257(a).

However, as written, the proposed regulation would allow the Commission to issue competence certification in the name of the major. As such, it effectively amends and expands Section 44257 of the Education Code, which is a task only for the Legislature. Should the Commission desire new credential subjects, it should submit a proposed amendment to the Legislature to expand the listed subjects, or specify specialty credentials or authorizations. *See, e.g.*, AB 2235 (2022) (Assemblymember Medina’s bill

for a new Ethnic Studies authorization). FAIR’s proposed replacement language would help ensure the regulation is consistent with Section 44257(a) of the Education Code.

B. Removal of “or any other major...related ethnicities”

Additionally, FAIR requests that the Commission delete “or any other major with a focus on the study of one or more related ethnicities.” Section 44257(a) requires the Commission to specify “a major” for single subject credentials. *See also* Cal. Educ. Code § 44253.9 (Commission’s regulations must “make specific” the requirements of credentials). The above-referenced clause specifies no major and is, therefore, inconsistent with the Education Code.

Instead, the Commission should establish a Work Group or Advisory Panel, as it is authorized to do under its Policy Manual, and propose to that group or panel the specific “related” majors the Commission desires to include. The Commission should also provide the group or panel with evidence that each major it wishes to add requires the coursework covering each of the Commission’s Social Science [domains](#). The domains for Social Science are World History, United States History, California History, Principles of American Democracy, Principles of Economics, and Principles of Geography. A prospective teacher should not receive a blanket pass from learning those domains simply because of his or her major.

C. Removal of “ethnic studies”

FAIR also asks that the Commission delete the term “ethnic studies” from the proposed regulation. As explained below, the State Board of Education has not approved K-12 Ethnic Studies standards, and the entire discipline is still in development. Moreover, Ethnic Studies is not a subdiscipline of Social Science. Additionally, because the mandate of AB 101 is not yet in effect, there is no present need to bring Ethnic Studies teachers into K-12 classrooms.

1. There Are No State-Approved K-12 Ethnic Studies Standards

Before an academic subject can be implemented and taught at the K-12 level, there should be state-approved standards for that subject. *See* Cal. Educ. Code § 44259(b)(5)(B) (the Commission must “ensure that subject matter standards and examinations are aligned with the academic content and performance standards for pupils adopted by the state board.”). The State Board of Education, however, has not approved (let alone considered) academic content or standards for Ethnic Studies. Nor do any national Ethnic Studies standards exist.

The State Board of Education’s 2021 Ethnic Studies Model Curriculum (ESMC) is, per the Education Code, not standards. It is a *guide* that districts are free to use, modify, or ignore. Cal. Educ. Code § 51226.7(b) (“the model curriculum shall be written as a guide....”). Moreover, the original draft of the ESMC (which was prepared with input from university faculty) garnered over 100,000 comments from the public tagging it [inappropriate for K-12 students](#). It was [rejected](#) by Governor Newsom, who called it “offensive” and vowed it would “never see the light of day” in California’s K-12 classrooms. State Board of Education President Linda Darling-Hammond also [criticized](#) the draft. Among the objections were that

the draft did not comply with State Board of Education guidelines or Education Code; many of California’s historically and currently marginalized groups were not included; it advanced political and ideologically-bound “liberated” Ethnic Studies tenets; and it embedded discriminatory content, including antisemitic tropes.

As a result, State Board of Education members, when voting on the final ESMC more than a year after its initial release, were clear: even the final ESMC remained a work in progress. Most members issued qualified endorsements with their vote.² A subject that as yet has no accepted standards should not be used to establish competence for public school Social Science teachers.

2. The Commission Cannot Evaluate Ethnic Studies Programs Because They Are Still in Development

Without state standards, it is not possible for the Commission to determine whether Ethnic Studies majors are appropriate for automatic competence certification. California law requires K-12 subject matter programs offered by an accredited institution to be “based on *standards*...consistent with the assessments and examinations of subject matter knowledge and competence adopted by the commission.” Cal. Educ. Code § 44311 (emphasis added); *id.* § 44282(a) (“the commission shall adopt examinations and assessments to verify the subject matter knowledge and competence of candidates for the single subject teaching credentials”).

K-12 Ethnic Studies is new and still being developed, with a current mismatch between what is taught at the college level and what the State has signaled is appropriate for California’s K-12 students. The State Board of Education addressed this disparity in the ESMC: “At the college and university level, Ethnic Studies and related courses are sometimes taught from a specific political point of view. In K-12 education, it is imperative that students are exposed to multiple perspectives, taught to think critically, and form their own opinions.” *See* Final ESMC, Ch. 1, p. 11. Put differently, K-12 disciplines center on objective and accurate information. *See* Cal. Educ. Code § 60045 (“all instructional materials adopted by a governing board for use in schools shall be...accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels”); *id.* § 60044 (“a governing board shall not adopt any instructional materials for use in the schools” that “contain (a) any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion...(b) any sectarian or denominational doctrine or propaganda contrary to law.”).

In contrast, universities advance “liberated” Ethnic Studies, which its proponents (such as CSU Northridge’s Professor Theresa Montano and UC Santa Cruz and UC San Diego faculty member Tricia Gallagher-Geurtsen) acknowledge is a political movement. Professor Montano, who served on the ESMC Advisory Committee, has been clear about her Ethnic Studies strategy and desired student outcomes. She calls upon teachers to “construct an activist agenda for what we need to do,” which is “Ethnic Studies... changing the social and political conditions of the community” by “deconstruct[ing] settler colonialism

² <https://www.youtube.com/watch?v=FeCwzcEij0I> (hour 6:30 to 6:54).

and hegemony.”³ Her business partner, Gallagher-Geurtsen, is specific: “[O]ur work is about destabilizing and changing the system from the ground up....”⁴

Liberation-based Ethnic Studies content and pedagogy are formed around critical race and liberation theories. Both theories are embedded throughout the California State University’s [core Ethnic Studies competencies](#): four ethnic groups; “self-determination, liberation, decolonization...settler colonialism”; the “intersection of race [as it] relate[s] to ... religion, spirituality, national origin”; “struggle, resistance, racial and social justice, solidarity, and liberation”; and the expectation that students “actively engage with anti-racist and anti-colonial issues,” “practices,” and “movements.”

California universities’ K-12 Ethnic Studies training and certification programs promote liberation theory as well. State university faculty have developed at least three such programs:

- CSU Northridge Professors Montano and Buenavista’s “Ethnic Studies Education Pathway Project,” which advances the principles of the private, fee-based Liberated Ethnic Studies Model Curriculum Coalition (LESMC).⁵
- San Diego State Professor Dominguez’s “K-12 Ethnic Studies Teaching Certificate Program,” which uses LESMC tenets.⁶
- University of California Santa Cruz Lecturer Gallagher-Geurtsen’s “The Struggle for K-12 Ethnic Studies,” a for-credit course based on LESMC.⁷

See Appendix B.

LESMC was co-founded by Professor Montano and CSU Long Beach’s Guadalupe Cardona. All four CSU faculty members above—Montano, Buenavista, Dominguez, and Gallagher-Geurtsen—are LESMC leaders. See Appendix A. Their liberation theory-based K-12 Ethnic Studies movement is entering its second decade with little to show for its efforts. Their need for their work to gain traction in K-12 schools is not lost on the CSU faculty promoting it. As one San Diego State Ethnic Studies professor admitted, colleges not being allowed to define K-12 Ethnic Studies will have “huge implications and threaten to completely undermine...our disciplines [throughout] the nation...it’s critical that we intervene.”⁸ Thus far, the State of California has rebuffed repeated attempts to advance liberated Ethnic Studies in primary and secondary school classrooms. In 2019, the State rejected the liberation-influenced ESMC draft. And earlier this year, the UC’s liberation-based Ethnic Studies admissions proposal failed.⁹

³ See <https://www.facebook.com/pyfcsantamonica/videos/224396713082888> (min 58) and “Ethnic Studies Student Activism” at the Fresno State “K-12 Ethnic Studies and Teacher Preparation Summit” on May 28, 2020 (hour 1:02-03).

⁴ See “Beautiful White Co-Conspiratorship” <https://www.youtube.com/watch?v=dRMTY8jwp1c>.

⁵ LESMC also centers on four specific ethnic groups, rather than on all marginalized communities. It emphasizes resistance over inclusivity and diversity; limited rather than multiple perspectives; and anti-imperialism and decolonization rather than tolerance and acceptance. See [Multicultural vs. Ethnic Studies - Liberated Ethnic Studies Model Curriculum Consortium - LESMCC](#).

⁶ Its focus is on “power and oppression” with aims “to cultivate educators marked by their ideological clarity and critical commitments...whose pedagogies are liberatory” with lenses that are based in “decolonial theory, critical theory, critical race theory, and sociocultural theory.”

⁷ Her CRES 121/EDUC 121 class provides students a “critical analysis of the movement for K-12 Ethnic Studies...with a particular focus on the Liberated Ethnic Studies Model Curriculum.”

⁸ Dominguez at [A Chicana and Chicano Studies Perspective on “Ethnic Studies” in CA Public Education](#) (min. 15-16).

⁹ [Debate Turns Hot Over UC Proposal To Set Criteria For High School Ethnic Studies | LAist](#).

College and K-12 Ethnic Studies are not interchangeable. As Professor James Fabionar of University of San Diego advised the California Assembly Oversight Committee on Ethnic Studies, “[S]chools and school districts were not meant to do the work that [college] Ethnic Studies tries to do.”¹⁰ Until and unless Ethnic Studies at the K-12 level are developed with accepted standards, college Ethnic Studies majors should not be automatically deemed competent to teach K-12 Social Science classes.

3. Ethnic Studies Is Not a Social Science Subdiscipline

Allowing Ethnic Studies majors to be deemed competent to teach all high school Social Science classes (including Economics and Civics) does not comply with the Education Code. AB 130 requires that a candidate’s actual coursework be “related to the content area of the credential.” *See* AB 130 Preamble (The Legislature’s intent when enacting AB 130 was to allow college students who wish to become K-12 teachers “to demonstrate [their] subject matter competence by *completing higher education coursework* in the subject matters *related to the content area of the credential*”) (emphasis added); *see also* Cal. Educ. Code § 44280(a) (“the adequacy of subject matter preparation...shall be determined by the *successful demonstration* of subject matter competence...”) (emphasis added).

Ethnic Studies is not a subdiscipline of Social Science. It is an interdisciplinary major. College students who graduate with an Ethnic Studies degree could complete their degree *without taking a single class* that aligns with, or even closely resembles, the six domains required for Social Science teaching credentials.¹¹ *See* Appendix C (sample Ethnic Studies major coursework at a California State University and University of California campus). Instead of being automatically credentialed, students with degrees in Ethnic Studies can and should be required to submit their transcripts to establish that their coursework focused on those domains.

4. There Is No Immediate Need for Ethnic Studies Majors in K-12 Classrooms

Nor is there a present need to bring Ethnic Studies majors into K-12 classrooms. Few such positions are available. According to EdJoin job listings, there are only [five](#) open positions for K-12 Ethnic Studies teachers statewide. As the Dean of CSU San Bernardino’s College of Education testified in October 2022, “I cannot say that the demand [for K-12 Ethnic Studies teachers] has gone up.”¹²

The mandate of AB 101 is not yet operative. According to its own terms, AB 101 does not become effective until it is funded by separate legislation. *See* AB 101 (the legislation “shall become operative only upon an appropriation of funds by the Legislature for purposes of these amendments in the annual Budget Act or another statute”); Cal. Const. Art. XIII B, § 6 (regarding state education mandates). The estimated cost to fund AB 101 is \$276 million per year, ongoing.¹³ *See* Cal. Senate Approp. Rpt. (Aug.

¹⁰ CA Assembly’s Higher Education Committee’s Oversight Hearing on Ethnic Studies (October 26, 2022 at 2:51, 2:58-59).

¹¹ Those six domains are World History, United States History, California History, Principles of American Democracy, Principles of Economics, and Principles of Geography.

¹² [Assembly Internet](#) (October 26, 2022 at hour 2:17).

¹³ The California Department of Finance [opposed](#) AB 101 due to its high cost.

13, 2021). Given the dire state of California's economy, with an estimated [\\$25 billion budget reduction next year alone](#), it is unlikely AB 101 will become operative soon or, potentially, ever.

Looking forward, AB 101 may make Ethnic Studies a graduation requirement starting with the high school graduation class of 2030. Should it take effect, local education agencies will need qualified teachers to teach those courses.

5. The Academic Benefits of Ethnic Studies Have Not Been Established

Proponents of K-12 Ethnic Studies often cite a Stanford/UC Irvine study purporting to show the academic benefits of teaching Ethnic Studies. However, a 2022 [peer review](#) by UCLA and University of Pennsylvania professors found those claims to be unsupported. As they concluded, "Far from demonstrating the value of ethnic studies courses, these studies merely demonstrate how easy it is in our overheated political environment to subvert statistical analyses for political purposes."

III. Conclusion

FAIR respectfully requests that the Commission proceed cautiously by (1) modifying the proposed regulation as set forth in Section I, and (2) convening a Work Group or Advisory Panel to study the removed provisions. The group or panel members should work in an open and transparent manner and have no conflict of interest. Transparency will preserve the public's trust in the Commission and its work. Such trust is critical, given the many public university faculty members who formed and work for private Ethnic Studies consulting firms and who stand to gain financially should the Commission approve a proposal that any Ethnic Studies major they design will serve as proof of K-12 Social Science subject matter competence. *See* Appendix A. That raises serious conflict of interest issues that are best avoided.

The quality of a student's education in California's public schools rests, as always and as it should, on the Commission's high standards, integrity, and care.

We thank you for your consideration.

Respectfully submitted,

The Foundation Against Intolerance & Racism

cc: Ann Patterson, Governor Newsom's Legal Affairs Secretary
Mary Vixie Sandy, CTC Executive Director
David DeGuire, CTC Professional Services Division Director
Erin Skubal, CTC Certification Division Director