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June 7, 2023

SENT VIA E-MAIL

Dr. Jodi McClay, Superintendent
Dr. Joseph Komrosky, Board President
Temecula Valley Unified School District Board of Education
31350 Rancho Vista Road
Temecula, CA 92592
Email Address: jmcclay@tvusd.us
Email Address: jkomrosky@tvusd.us

**RE: Information Request Regarding May 16, 2023 Board Action Rejecting
Elementary Social Science Curriculum**

Dear Superintendent McClay and Board President Komrosky:

We write to express our serious concern regarding the Temecula Valley Unified School District Board of Education (“Board”)’s vote on May 16, 2023 to reject district staff’s recommendation to adopt *Social Studies Alive* for use as a history-social science program for grades 1 through 5. Consistent with the June 1, 2023 joint letter that Governor Newsom, Attorney General Bonta, and Superintendent of Public Instruction Thurmond sent all local educational agencies on this topic, a copy of which is enclosed for ease of reference, we request that you provide the Department of Justice with information related to the basis for the Board’s action, as detailed below.

Social Studies Alive is a State Board of Education-adopted social studies curriculum program. As Temecula Valley district staff advised the Board, the program complies with the FAIR Act, which, as explained in the June 1 letter, requires local educational agencies to administer a representative social sciences curriculum that provides instruction on “the role and contributions of specified groups, which include gay, bisexual, and transgender Americans to the development of California and the United States and “the role of these groups in contemporary society.”¹

Moreover, state law prohibits discrimination on the basis of protected characteristics, which include sexual orientation.² A local educational agency’s decision to remove or reject curriculum materials on the basis that the materials discuss or reflect these characteristics and identities may constitute unlawful discrimination.

¹ Ed. Code, § 51204.5.

² Ed. Code, § 220.

June 7, 2023

Page 2

We are particularly concerned about statements made by Board members during the May 16 meeting, which included allegations about Harvey Milk, whose life is discussed in supplemental materials included in *Social Studies Alive*. Not only could such statements reflect that the decision was motivated by a desire to erase from the history taught to students the contributions of a prominent and respected gay rights activist and leader, but they also suggest that the Board's action may have been tainted by discriminatory animus. Moreover, the invocation of a long-standing, but discredited, trope designed to demonize members of the LGBTQ community is likely to contribute to creating (if not intended to create) a hostile environment for LGBTQ students and staff, in violation of their civil rights.

To better understand the basis for the Board's rejection of *Social Studies Alive* as an adopted curriculum program and to determine whether the Constitution or laws of the state have been violated, you are requested to provide to the Attorney General's Office by June 22, 2023, the following materials:

- All policies and procedures for the assessment and adoption of instructional materials, including assessments of their suitability for students;
- All policies and procedures related to the removal or discontinuation of instructional materials;
- Documents and communications related to the proposed adoption of *Social Studies Alive*, including the materials shared as part of the public review period and any comments or feedback received during the public review period;
- Documents and communications reflecting the basis for the Board's rejection of *Social Studies Alive*, including any briefing materials provided to Board members about agenda item O.5 of the May 16 Board meeting, any notes or other materials prepared by Board members regarding the agenda item, and any communications between Board members and members of the public about *Social Studies Alive* and/or the agenda item; and
- Any complaints received related to *Social Studies Alive*, including complaints received related to statements made during the May 16 Board meeting or the Board's rejection of *Social Studies Alive*.

If you have any questions regarding these requests, please do not hesitate to reach out to the undersigned.

Sincerely,



Michael L. Newman
Senior Assistant Attorney General
Civil Rights Enforcement Section

For ROB BONTA
Attorney General

Encl. June 1, 2023 letter, entitled "Educational Rights and Requests to Remove Instructional Materials"