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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF ALAMEDA**  
12

13 CALIFORNIA DEPARTMENT OF EDUCATION,  
14           Petitioner,  
15           v.  
16 OAKLAND UNIFIED SCHOOL DISTRICT,  
17           Respondent.  
18  
19

Case No.

PETITION FOR WRIT OF MANDATE  
PURSUANT TO CALIFORNIA CODE OF  
CIVIL PROCEDURE SECTION 1085 AND  
REQUEST FOR DECLARATORY RELIEF

1 **I. INTRODUCTION**

2 1. Under state law, the California Department of Education (CDE) is empowered to  
3 establish and implement a system for processing complaints alleging unlawful discrimination against  
4 protected groups in any program or activity conducted by an educational institution that is funded  
5 directly by, or that receives or benefits from, any state financial assistance. Cal. Educ. Code  
6 § 33315(a)(1)(F).

7 2. On December 18, 2025, the CDE received an appeal from Marleen Sacks of a December  
8 12, 2025 Investigation Report (IR) by Oakland Unified School District (OUSD) on Ms. Sacks’  
9 complaints of Anti-Semitism in OUSD.

10 3. Pursuant to its statutory and regulatory authority, as set forth in the relevant statutes and  
11 the Uniform Complaint Procedures (UCP), the CDE performed an appellate review of OUSD’s IR,  
12 issued an appeal Decision, and assigned corrective actions to be carried out by OUSD, with evidence of  
13 completion to be submitted to the CDE by March 1, 2026. See Exhibit A hereto (CDE’s Decision);  
14 Cal. Educ. Code §§ 33315(a)(4), (6); Title 5, California Code of Regulations (5 CCR) § 4633.

15 4. OUSD has, at all times, through the date of this Petition, unlawfully refused and failed to  
16 carry out the corrective actions set forth in the CDE’s Decision dated January 23, 2026.

17 5. If a local educational agency (LEA) such as OUSD does not complete the corrective  
18 actions assigned by the CDE, the CDE may seek a court order compelling compliance. 5 CCR  
19 § 4670(a)(3).

20 6. OUSD has a clear, present, ministerial duty to comply with the corrective actions, and  
21 the CDE has a clear, present, beneficial right to require performance of such duty.

22 7. By this petition, the CDE seeks a writ of mandamus to compel OUSD to carry out its  
23 ministerial duty under state law to comply with the corrective actions assigned by CDE pursuant to  
24 CDE’s right and responsibility under Education Code sections 33315(a)(4) and (6) to perform appellate  
25 review of an LEA’s IR regarding allegations that a LEA has discriminated against individuals based on  
26 membership in a protected class, and to assign and enforce corrective actions as appropriate.

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1 **II. JURISDICTION AND VENUE**

2 8. This Court has jurisdiction to grant injunctive relief on behalf of Petitioner pursuant to  
3 Code of Civil Procedure section 1085.

4 9. This Court has jurisdiction to grant declaratory relief on behalf of Petitioner pursuant to  
5 Code of Civil Procedure section 1060.

6 10. Venue lies properly in the Superior Court of the County of Alameda because OUSD is a  
7 LEA that is located in the County of Alameda. Cal. Civ. Proc. Code § 394.

8 11. Petitioner is a public entity and is not required to file a verified complaint in this matter.  
9 Cal. Civ. Proc. Code § 446.

10 **III. PARTIES**

11 12. Petitioner the CDE is the state educational agency with a role in the Uniform Complaint  
12 Procedures that addresses allegations of discrimination based on membership in a protected class in any  
13 educational program or activity that is funded by the state, or receives or benefits from, any state  
14 financial assistance. Cal. Educ Code 200; 202(f); 220; 33308; 33315(a)(1)(F) and (a)(4), (6). The CDE  
15 is beneficially interested in the resolution of this matter.

16 13. Respondent OUSD is a LEA organized within Alameda County and is responsible for  
17 providing public elementary and/or secondary education to students within its territory. Cal. Educ.  
18 Code § 35000 et seq. OUSD is a proper party to a discrimination complaint and has a ministerial duty  
19 to comply with corrective actions issued by the CDE as the result of the CDE’s appellate decision. 5  
20 CCR §§ 4600(o), (p); 4610(a), (b).

21 **IV. BACKGROUND ALLEGATIONS**

22 14. In California, all persons in public schools, regardless of protected characteristics, are  
23 afforded equal rights and opportunities in the state’s educational institutions. Cal. Educ. Code § 200.  
24 No person shall be subjected to discrimination on the basis of enumerated characteristics that include,  
25 relevant here, national origin or religion, in any program or activity conducted by an educational  
26 institution that receives, or benefits from state financial assistance. Cal. Educ. Code § 200.

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1 Israeli persons, OUSD’s self-imposed corrective actions did not provide a fully appropriate remedy.  
2 5 CCR § 4633(d)(5). The CDE assigned the following corrective actions, all due on March 1, 2026:

3 [1] The District Superintendent shall send a letter to all District families that  
4 condemns anti-Semitism and addresses the District-wide actions that the District  
5 is taking to prevent and remedy it. Acceptable evidence to the CDE UCP office  
6 for Corrective Action 1 shall be a copy of the letter along with an attestation by  
7 the Superintendent that it was sent to all District families.

8 [2] The District Superintendent shall send a letter to all District employees that  
9 condemns anti-Semitism and addresses the District-wide actions that the District  
10 is taking to prevent and remedy it. Acceptable evidence to the CDE UCP office  
11 for Corrective Action 2 shall be a copy of the letter along with an attestation by  
12 the Superintendent that it was sent to all District employees.

13 [3] The District shall hold a required training by an outside trainer for all District  
14 employees on preventing and remedying anti-Semitism. The outside trainer must  
15 at minimum consult with a Jewish or Israeli educational or advocacy  
16 organization in developing the training. The training must include, at a  
17 minimum:

- 18  
19 a. Employees’ obligations under Board Policy and Administrative Regulation  
20 6144 on Controversial Issues, as it specifically relates to the prohibition on  
21 discrimination against persons who are Jewish or Israeli.  
22 b. Employees’ obligations under Board Policy 4040 on Employee Use of  
23 Technology and BP 1113 on School Websites, as it specifically relates to the  
24 prohibition on discrimination against persons who are Jewish or Israeli.  
25 c. Employees’ obligations under Board Policy 4119.25 on Political Activities of  
26 Employees, as it specifically relates to the prohibition on discrimination  
27 against persons who are Jewish or Israeli.  
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1 d. Employee’s obligations under Board Policy 0410 and 5145.3 on  
2 Nondiscrimination (in District programs and activities), as it specifically  
3 relates to the prohibition on discrimination against persons who are Jewish or  
4 Israeli.

5 e. Discussion of the findings in this Decision.

6 f. Coverage of topics that includes, but is not limited to: posters, displays, flags,  
7 murals, publications, websites, email, instructional materials, workshops,  
8 meetings, guest speakers, field trips, and religious and cultural observances.

9 Acceptable evidence to the CDE UCP office for Corrective Action 3 shall include evidence of  
10 consultation with a Jewish or Israeli educational or advocacy organization in developing the  
11 training, a copy of the training agenda and training materials, and attestations by every site  
12 principal and every District-level administrator that both they and all of the employees who they  
13 supervise have attended.

14 [4] The District shall notice, agendize and present an information item for a  
15 public Board meeting that discusses the findings in this Decision and addresses  
16 the actions that the District is taking to prevent and remedy anti-Semitism.

17 Acceptable evidence to the CDE UCP office for Corrective Action 4 shall  
18 include a copy of the notice, agenda, and supporting materials (which shall at  
19 minimum include a copy of this Decision), and a link to any District-recorded  
20 video of the hearing, with a notation as to the relevant time period where the item  
21 appears.

22 [5] Each site Principal in the District shall send a letter to all of the school’s  
23 families that condemns anti-Semitism and addresses the specific actions that are  
24 being taken at that particular school site to prevent and remedy it. Acceptable  
25 evidence to the CDE UCP office for Corrective Action 5 shall be a copy of each  
26 letter along with an attestation by each Principal that it was sent to all District  
27 families.

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2 [6] American Indian Model Schools, Thornhill Elementary School, Montera  
3 Middle School and Oakland Tech High School shall each hold an assembly (or  
4 set of assemblies) attended by all of their students that addresses the Holocaust,  
5 what a swastika represents, and the harm that graffiti involving such imagery and  
6 other anti-Semitic imagery may cause. Acceptable evidence to the CDE UCP  
7 office for Corrective Action 6 shall be a copy of the agenda and supporting  
8 materials for each assembly or set of assemblies, and an attestation by each  
9 Principal that all students attended.

10 [7] The District shall hold a training for the District Superintendent, the District  
11 Superintendent's Executive Team/Cabinet, and the District's UCP coordinator, on  
12 the District's obligations relating to processing UCP complaints of discrimination  
13 based on a protected characteristic. The training shall emphasize the District's  
14 obligations under 5 CCR 4631 and 4633(a), and the findings in this Decision.  
15 Acceptable evidence to the CDE UCP office for Corrective Action 7 shall be a  
16 copy of the training agenda, training materials, and attendance sheet confirming  
17 attendance.

18 [8] The District shall develop a specific plan for ongoing professional  
19 development for the remainder of the 25-26 school year on ensuring that  
20 instruction does not have a discriminatory bias, with a particular emphasis on  
21 anti-Semitism. The District shall consult with a Jewish or Israeli educational or  
22 advocacy organization in developing the plan. Acceptable evidence to the CDE  
23 UCP office for Corrective Action 8 shall be the plan and evidence that the  
24 District consulted with a Jewish or Israeli educational or advocacy organization  
25 in developing the plan.  
26

27 See Exhibit A, pages 18 through 20.

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1 **VIII. PRAYER FOR RELIEF**

2 31. Issue a declaration that Respondent OUSD’s actions described herein violate state law  
3 by disregarding and/or delaying prompt implementation of the corrective actions imposed by CDE  
4 pursuant to Cal. Educ. Code §33315(a)(6) and 5 CCR § 4633(g).

5 32. Issue a writ of mandate pursuant to Code of Civil Procedure section 1085 commanding  
6 the Respondent, upon service of the writ, to immediately comply with the corrective actions assigned  
7 by the CDE at pages 18 through 20 of its January 23, 2026 Decision of Appeal in Case Matter 2025-  
8 0284 (Exhibit A).

9 33. Award the CDE costs and reasonable attorney’s fees as allowable pursuant to applicable  
10 law.

11 34. Grant any other relief as this Court may deem just and proper.

12 Dated: March 5, 2026

Respectfully submitted,

13  
14 By:   
15 JIMMY FRANCO  
16 Deputy General Counsel  
17 Attorney for Petitioner  
18 California Department of Education  
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# **EXHIBIT A**



# CALIFORNIA DEPARTMENT OF EDUCATION

**TONY THURMOND**  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

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## California Department of Education Education Equity UCP Office Decision of Appeal

Case Matter No.	2025-0284
Appellant:	Marleen Sacks
Local Educational Agency:	Oakland Unified School District
Date Appeal Received by the CDE:	December 18, 2025
Subject of Appeal:	Discrimination based on national origin or religion
Decision of Appeal Issued:	January 23, 2026

### **APPEAL PROCEDURES AND DETERMINATION**

The California Department of Education (CDE) reviewed the original complaint, the local educational agency's (Oakland Unified School District or District or LEA) Investigation Report (IR), the appeal, the investigation file from the LEA, and the LEA's complaint procedures. This appeal is limited to allegations that occurred within six months before the filing of the complaint. Title 5, California Code of Regulations (5 CCR), Section 4630(b).

The CDE finds below that the appeal has merit in part. Corrective actions are assigned.

The applicable law pertinent to this appeal, the scope of the CDE's jurisdiction on appeal, as well as the applicable appellate review procedures are set forth in the Uniform Complaint Procedures (UCP) pursuant to 5 CCR, Section 4600 *et. seq.* as referenced in Appendix A.

### **BACKGROUND**

In previous complaints filed by the complainant against the District, the CDE found anti-Semitic discrimination and issued corrective actions to the District in Case Numbers 2025-0152, 2025-0153 and 2025-0154, and 2025-0108.

1. In Case Number 2025-0152, the CDE found discrimination in the District's treatment of Arab American Heritage Month as opposed to Jewish American Heritage Month. The CDE assigned corrective actions to be completed by December 20, 2025:

- a. Training for Uniform Complaint Procedure (UCP) staff on timeliness and the requirements for an Investigative Report.
  - b. Training to ensure dissemination of materials about these two “Months” is not discriminatory.
2. In Case Number 2025-0153, the CDE found discrimination in the flying of a Palestinian flag at Fremont High School. The CDE assigned corrective actions to be completed by January 9, 2026:
  - a. Training for UCP staff on timeliness and the requirements for an Investigative Report.
  - b. Training for all District site administrators to ensure that the District does not show discriminatory bias in its written communications and physical displays.
3. In Case Number 2025-0154, the CDE found discrimination in a Middle East “teach-in” attended by various District teachers that did not include an Israeli or Jewish perspective. The CDE assigned corrective actions to be completed by January 9, 2026:
  - a. Training for UCP staff on timeliness and the requirements for an Investigative Report.
  - b. Training for all District high school social studies teachers and administrators to ensure that instruction does not have a discriminatory bias, with an emphasis on anti-Semitism.
4. In Case Number 2025-0108, CDE found discrimination in three separate complaints, respectively, where: (1) a teacher at Montera Middle School posted and distributed Pro-Palestinian and anti-Semitic material; (2) the Oakland Tech High School student newspaper published a pro-Palestinian and anti-Semitic article; and (3) a “walkout” by students and some staff at Westlake Middle School was planned by staff, in protest of the war in Gaza. The CDE assigned corrective actions to be completed by January 16, 2026:
  - a. Training for UCP staff on timeliness and the requirements for an Investigative Report.
  - b. Training to all of Montera Middle School’s administrators and teachers, and the District’s discrimination complaint coordinator, on nondiscrimination, with an emphasis on anti-Semitism.
  - c. Training for the journalism faculty adviser at Oakland Tech High School on ensuring nondiscriminatory District publications.
  - d. Training for the teachers and administrators at Westlake Middle School on ensuring nondiscrimination, with a particular emphasis on anti-Semitism.

The complainant has also filed a lawsuit against the District that references allegations in those complaints and the present complaints. *Oakland Jewish Alliance v. Oakland Unified School District*, et al., Case No. 25cv117167, Alameda County Superior Court.

### **SUMMARY OF COMPLAINT AND APPEAL**

The complainant brought seventeen (17) separate complaints regarding anti-Semitism in the District, identified as Amendments 8 through 24. The District issued an IR on December 12, 2025. In an appeal received by the CDE on December 18, 2025, the Appellant disagrees with various aspects of the District's IR.

The District made factual findings and/or conclusions of law on some, but not all, of the individual allegations contained in the seventeen complaints. The District made six (6) global factual findings, and five (5) global conclusions of law, and self-imposed five (5) global corrective actions. The Appellant asserted disagreement with many aspects of the District's findings and conclusions on individual complaints, and asserted a number of global concerns. Matters unique to individual complaints are discussed immediately below; global matters are discussed later.

### **SUMMARY OF COMPLAINANT'S ALLEGATIONS, DISTRICT'S FINDINGS OF FACT, DISTRICT'S CONCLUSIONS OF LAW AND APPELLANTS' APPEALS FOR INDIVIDUAL COMPLAINTS**

#### **Amendment 8**

##### Complaint

1. Garfield Elementary School: Pro-Palestinian posters and displays.
2. West Oakland Middle School: Pro-Palestinian poster.
3. In a December, 2024, training for staff by the Jewish Community Relations Council, an employee posted a message in the "chat" criticizing the presenters' discussion of Judaism and Zionism, and others gave a virtual "thumbs up."

##### District Findings

As to allegation 1, posters supporting Palestine were hung at various locations across the school.

As to allegation 2, a poster supporting Palestine was hung outside a classroom.

##### District Conclusions

As to allegation 3, engaging in a professional development opportunity does not necessarily constitute inappropriate content, and the evidence does not show this was political activity.

Appeal:

As to allegation 3, the District failed to address the issue of whether the conduct resulted in discrimination towards Jews/Israelis.

**Amendment 9**

Complaint

1. A Pro-Palestinian film was shown at a Native American assembly at La Escuelita Elementary School.
2. An antiracist professional development event at La Escuelita segregated participants based on race.
3. There was a pro-Palestine walkout at La Escuelita.
4. An administrator at La Escuelita sent an email encouraging Boycott, Divestment and Sanctions (BDS) as to Israel, and a ceasefire resolution.
5. There was a "Free Palestine" poster at Edna Brewer Middle School.

District Findings

As to allegation 1, the conduct could not be confirmed.

As to allegation 2, the conduct could not be confirmed.

As to allegation 3, the allegation was not substantiated.

As to allegation 4, the allegation as to BDS was not substantiated; however, an employee did send an email encouraging others to support the ceasefire resolution, along with their personal reasons for supporting it.

As to allegation 5, a poster fitting this description was found in a teacher's classroom.

District Conclusions:

As to allegation 2, the use of "affinity spaces" is a well-established practice to support black, indigenous and people of color in having a space to make institutions more welcoming for historically marginalized racial identities.

Appeal

As to allegations 1 to 3 and a portion of allegation 4, the Appellant disagreed with the factual finding.

As to allegation 2, the Appellant asserted that segregating participants based on race, and providing them with different training materials, is discriminatory.

## **Amendment 10**

### Complaint

1. A teacher at Oakland Academy of Knowledge (Elementary School) used an anti-Israel curriculum.

### District Findings

As to allegation 1, the non-District approved curriculum was pro-Palestinian and failed to offer multiple perspectives.

### Appeal

The Appellant asserted that the District failed to make a specific finding as to whether the teacher used their own students to prepare videos that were then distributed for use by others.

## **Amendment 11**

### Complaint

1. During class time, a teacher at Edna Brewer Middle School accused the United States of assisting genocide in Gaza.
2. Another teacher at Edna Brewer Middle School had a "land back" poster in class.

### District Findings

As to allegation 1, the conduct alleged could not be confirmed.

### Appeal

As to allegation 1, the Appellant disagreed with the District's finding.

## **Amendment 12**

### Complaint

1. There was a swastika in a bathroom at Oakland Technical High School.
2. A Council on American-Islamic Relations (CAIR) workshop at West Oakland Middle School was for Arab and Muslim students only.
3. Fremont High School: pro-Palestine posters.
4. Fremont High School: teacher's pro-Palestinian activism.
5. Fremont High School: teacher participating in "teach-in."
6. Fremont High School: October 17, 2023 walkout.
7. Fremont High School: administration teach-in and cover up of flag incident.
8. Fremont High School: pro-Palestinian guest speaker.
9. Fremont High School: pro-Palestine resources.
10. Fremont High School: staff using District time sending email promoting ceasefire resolution.
11. Fremont High School: teacher creating and using pro-Palestine curriculum.
12. Fremont High School: pro-Palestine "restorative justice" workshops.

### District Findings

As to allegation 2, a workshop was held with the support of CAIR for an audience including Arab and Muslim students to address fear of discrimination and reprisal following the October 7, 2023, Hamas attack on Israel.

As to allegation 3, posters supporting Palestine were displayed on classroom walls at Fremont High School.

As to allegation 10, two District employees sent emails during the work day that advocated for a ceasefire resolution, although it could not be confirmed whether these were sent during work hours as opposed to a break period. A third District employee sent an email to Oakland City Council members in support of a ceasefire resolution, using District resources.

### District Conclusions

As to allegation 2, meeting a need for one group of families and providing the requested support does not constitute discrimination against another group.

### Appeal

As to allegation 2, not inviting and not permitting non-Arab/Muslim students to attend, and failing to provide similar services for Jewish students/families, was discriminatory.

### **Amendment 13**

#### Complaint

1. Montera Middle School: map of Palestine in office.

#### District Findings

As to allegation 1, a map of “Palestine” using the current boundaries of Israel was posted in an employee’s office, along with a puzzle depicting Palestine in place of Israel.

### **Amendment 14**

#### Complaint

1. Hoover Elementary School: pro-Islam “StoryCycle” free book bags distributed to families by contractor Tandem Bay Area.
2. Hoover Elementary School: failure to provide materials regarding Judaism or other religions.
3. Discriminatory values of Tandem Bay Area.

#### District Findings

As to allegation 1, the StoryCycle program focuses on early child literacy by providing low-income families books that are mirrors to the community being served.

#### District Conclusions

As to allegation 1, challenges to instructional materials are outside the scope of the UCP. In any event, providing books that represent a school’s community is not discriminatory, but rather an important research-based practice for improving literacy.

#### Appeal

As to allegation 1, the materials in question were not instructional materials.

### **Amendment 15**

1. Glenview School (erroneously referred to as Edna Brewer School in the complaint): principal initially refused to allow a parent/employee to hang posters to celebrate Jewish American Heritage Month, only relenting after a threat to file a complaint, and even then doing nothing to actually celebrate the event.

## **Amendment 16**

### Complaint

1. Fremont High School: anti-Israel curriculum.
2. Fremont High School: pro-Palestinian “student circles.”
3. Promotion of pro-Palestinian film.
4. Palestine Workshop hosted by pro-Palestinian activist.
5. Fremont High School: distribution of pro-Palestinian “zine.”
6. Fremont High School: pro-Palestinian curriculum.
7. Pro-Palestine “fight against Israel apartheid” email promoting Arab Resource and Organizing Center (AROC) materials.

### District Findings

As to allegation 7, an employee did send and receive emails about the “fight against Israeli apartheid,” but it could not be confirmed whether they forwarded resources from AROC or whether the email chain originated with them.

### Appeal

As to allegation 7, the Appellant disagreed with the portion of the factual finding that “could not be confirmed.”

## **Amendment 17**

### Complaint

1. Montera Middle School: Swastikas and an image of Hitler doing a Nazi salute drawn on student desks.
2. Failure to investigate that incident.
3. Failure to inform parents of that incident.
4. Failure to provide any antisemitism training.
5. Disparate treatment towards Jews (in comparison to how a graffiti incident was handled at Thornhill Elementary School).
6. Failure to respond to parent complaint.
7. Retaliation against Jews for having filed multiple complaints and a lawsuit.

### District Findings

As to allegations 1-7, the anti-Semitic middle school graffiti was small and only seen by a few students, as opposed to the graffiti at the elementary school that was large and seen by many students. The middle school principal responded within their authority. The graffiti was reported, removed from the classroom and disposed of.

### District Conclusions

As to allegations 1-7, the middle school principals responded within their discretionary authority based on the size and location of the graffiti. The evidence does not show that the principals mishandled the situation.

### Appeal

The Appellant asserted that there was no evidence cited to support that only a few students saw the graffiti at Montera Middle School.

### **Amendment 18**

#### Complaint

1. On November 29, 2023, a District employee used a District email address and time to promote a pro-Palestine curriculum prior to a teach-in.
2. On November 29, 2023, a District employee used District email to promote the screening of pro-Palestine movies.
3. On November 30, 2023, a District employee used District resources to send an email to share resources previously sent by the District employee in number 1 above.

#### District Findings

As to allegation 2, two employees sent emails using their District accounts, sharing a flyer advertising a series of pro-Palestinian movies.

### District Conclusions

As to allegation 1, the complaint is untimely as it relates to matters occurring more than 6 months before the complaint was filed. In any event, it does not appear that the employee intended to infiltrate District classrooms with non-Board approved curriculum, but rather the intent was to share an opportunity in support of a community with which the employee identifies.

### Appeal

As to allegation 1, the Appellant asserted that the date of discovery was September 2025, because the District delayed in providing documents in response to a Public Records Act request, and therefore the complaint was timely.

### **Amendment 19**

### Complaint

1. A prior complaint by an employee regarding a Palestine poster in the office at Montera Middle School was handled incorrectly.

### District Conclusions

As to allegation 1, the complainant did not have standing to file a complaint, and the employee did not file a timely appeal of their UCP complaint.

### Appeal

The Appellant asserted that she has a right to file a complaint about how a prior complaint was handled.

## **Amendment 20**

### Complaint

1. United for Success Academy Middle School: Palestinian flag.
2. Pro-Palestinian posters, flags and murals at District schools.
3. Urban Promise Academy teacher had students submit e-comments to Board as class assignment.
4. Teacher used class time to have students screenprint pro-Palestine posters and posted the video on Instagram.

### District Findings

As to allegation 1, a Palestinian flag flew at the school on October 3, 2025; when alerted, the school removed it.

### District Conclusions

As to allegation 4, the conduct allegedly occurred on November 17, 2023, and the complaint was filed on October 14, 2025. Therefore, the complaint was untimely as it related to events occurring more than six months before the complaint was filed.

Furthermore, as to allegation 4, to the extent the complaint alleged that posting videos of students on Instagram constituted a violation of the Family Educational Rights and Privacy Act (FERPA), alleged FERPA violations are not within the scope of the UCP.

### Appeal

As to allegation 4, the complaint is timely because the complainant's date of discovery was approximately one week before the complaint was filed.

## **Amendment 21**

### Complaint

1. Failure to respond in a timely way to Public Records Act requests.
2. Fremont High School: pro-Palestinian indoctrination of students.
3. Assignment comparing treatment of Native Americans and Palestinians.
4. Ethnic Studies assignments giving "Genocide in Palestine" as an example of "Islamophobia."

### District Conclusions

As to allegation 1, alleged failure to respond to Public Records Act requests is not within the scope of the UCP, and in any event this matter is a subject of the pending lawsuit referenced above.

### Appeal

As to allegation 1, the District should have investigated whether the reason for the delay in responding to the Public Records Act request was discrimination against Jews/Israelis (i.e. whether the District treated other PRA requests in a preferential manner).

## **Amendment 22**

### Complaint

1. American Indian Model Schools (AIMS) charter school: "Kill Jews" graffiti.
2. Urban Promise Academy: indoctrination with pro-Palestine guest speakers, including from Middle East Children's Alliance (MECA).
3. Urban Promise Academy: mishandling of staff concerns.
4. Pro-Palestine walkout endorsed by principal.
5. Retaliation for informal complaints.
6. Urban Promise Academy: pro-Palestine posters in office and elsewhere.
7. Urban Promise Academy: teacher solicited students to make e-comments to the Board.
8. Failure to respond to employee complaint.
9. Castlemont High School: mural of Leila Khaled (Palestinian political activist).
10. Rudsdale Continuation High School/Sojourner Truth High School campus: pro-Palestine propaganda.

### District Findings

As to allegation 9, a mural on a wall outside of Castlemont High School depicts Leila Khaled.

As to allegation 10, posters supporting Palestine were displayed on classroom walls at these schools.

### District Conclusions

As to allegation 1, the UCP complaint regarding AIMS charter school should have been brought to the charter school itself, rather than the District. Title 5, California Code of Regulations, Sections 4600(p), 4621.

As to allegation 8 (the “failure to respond to an employee complaint” at Urban Promise Academy), this relates to events of October 2023 through January 2024, and the employee failed to file a formal UCP complaint at the time. The present complaint was filed on October 21, 2025, and is therefore untimely, because it relates to events occurring more than six months before the complaint was filed.

As to allegation 8 (the allegation that the District did not respond to an employee’s January 1, 2025, complaint), the complainant does not have standing to appeal to the CDE on the grounds that the District missed the deadline for responding to the employee’s complaint.

### Appeal

As to allegation 1, the Appellant asserted that as the “authorizer” of the charter school, the District should have investigated the complaint under the UCP.

As to allegation 8, the Appellant asserted that she has the right to file a complaint on behalf of “a specific class of individuals” that have been subjected to discrimination, and that she filed the complaint as soon as she became aware of the facts, so it is timely.

## **Amendment 23**

### Complaint

1. Endorsement of antisemitic organization AROC on District web pages.
2. A District employee was responsible for maintaining those AROC references.
3. Failure to consider totality of circumstances in evaluating discrimination complaints.

### District Findings

As to allegation 1, the AROC resources have been removed from the District website.

## **Amendment 24**

### Complaint

1. Met West High School, garden area: "From the River to the Sea" poster.
2. Ramadan potluck and preferential treatment of Muslim students by giving them "prayer time" that was not actually used for prayer.
3. Field trips for Muslim/Arab students only.
4. Met West High School teacher using class time to indoctrinate students in anti-Israel ideology.

### District Findings

As to allegation 1, such a poster was displayed in the garden at Met West High School.

As to allegation 2, the school designated a location on campus where students could pray at the required time on each day of Ramadan. When the space was not used for the intended purpose, it was removed.

As to allegation 3, these field trips limited to Muslim/Arab students did occur.

### District Conclusions

As to allegations 2 and 3, while these events did occur, they are an important part of District practice to ensure representation and support for those demographics of students who are historically underrepresented.

As to allegation 4, this relates to events in November 2024, and the complaint was filed on October 28, 2025. Therefore, it is untimely, because it relates to events occurring more than six months before the complaint was filed.

### Appeal

As to allegation 2, public schools may not use school time, staff authority, or district resources to sponsor or endorse religious observance, or give preference to one religion's practices over another.

As to allegation 3, field trips that are exclusively for Muslim/Arab students is discriminatory.

As to allegation 4, the Appellant asserts that the complaint is timely based on a “date of discovery” theory.

### **DISTRICT’S OVERALL FACTUAL FINDINGS**

The District’s findings are summarized as follows.

1. There has been Pro-Palestinian propaganda on display across District campuses.
2. There has been Pro-Palestinian curriculum and instruction used by District staff in the classroom.
3. There has been Pro-Palestinian political activism by District staff.
4. There has been disparate attention and prioritization via District programs and support for the District’s Arab community compared to the District’s Jewish community.
5. There have been antisemitic hate symbols/speech on District property.
6. The District has failed to timely respond to the complainant’s anti-Semitism complaints.

### **CDE’s DETERMINATION AS TO DISTRICT’S OVERALL FACTUAL FINDINGS**

The CDE must determine whether the District’s overall factual findings (i.e., the six findings immediately above) include material findings necessary to reach a conclusion of law, and whether they are supported by substantial evidence. 5 CCR 4633(d)(2) and (3).

The District acknowledges that it has not made factual findings on every individual allegation in each of the 17 individual complaints at issue, but states that it has attempted to make global findings (against itself) that encompass the concerns in those individual complaints.

However, the District declined to produce its investigative file. On appeal, the law requires that the District “shall” forward to the CDE “a copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator.” 5 CCR 4633(a)(3). This is critical because the CDE’s task on appeal includes determining whether the District’s material findings of fact are supported by “substantial evidence.” 5 CCR 4633(d)(3). Accordingly, if the District fails to provide a complete response to the request for the investigation file, the CDE may rule on the appeal “without considering information from the [District].” 5 CCR 4633(a)(6).

Here, the District explicitly refused to provide its investigation file, claiming privilege, on the grounds that it had hired an attorney to conduct the investigations. However, the fact that the District chose to hire an attorney to perform the role of investigator does not relieve the District of its obligation to comply with the requirement to provide the CDE with its investigation file.

Because the District failed to provide its investigation file, and thus failed to provide evidence to support its findings of fact, the CDE finds that the District's findings of fact are not supported by substantial evidence from the District. 5 CCR 4633(d)(3).<sup>1</sup>

Because the District failed to provide the investigation file, the CDE may rule on the appeal "without considering information from the [District]." 5 CCR 4633(a)(6). The available information supports the District's overall findings of fact.

### **DISTRICT'S OVERALL CONCLUSIONS OF LAW**

The District's overarching conclusion of law is that the District discriminated against persons who are Jewish or Israeli, and it includes sub-conclusions that are summarized as follows:

1. Violation of OUSD Board Policy on teaching of controversial issues: Teachers across the District have engaged in instruction about the Middle East situation that tends to promote a discriminatory bias, in that it communicated only a pro-Palestinian perspective, included materials that were largely not approved by the District, likely reflected the teachers' personal opinions, and failed to include exposure to the Israeli/Jewish viewpoint, thus failing to teach the full complexity of the situation.
2. Violation of OUSD Board Policy on employee use of technology: Multiple District teachers and staff used the district network and computer systems to distribute personal statements and express personal viewpoints and opinions, for non-work-related purposes, including emails advocating for pro-Palestinian activism,

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<sup>1</sup> The District asserts that certain allegations contained in these complaints have already been decided against the District in other cases and that therefore no investigation file is needed as to those allegations. This need not be specifically addressed because, as explained below, the District's overall findings and conclusions are supported by available information without consideration of the investigation file and, separately, the District may determine that its own investigatory deficiencies result in a finding that a violation has occurred.

sharing pro-Palestinian teaching materials, and communicating personal views in relation to Palestine and Israel.

3. Violation of OUSD Board Policy on political activity of employees: District teachers and staff released statements expressing personal views and advocating for political activism on a highly charged political matter using District resources. Doing so during work time and/or using District resources violated Board policy.
4. Violation of OUSD Board Policy on nondiscrimination in programs and activities: The District failed to give equal weight to all protected classifications of people, including those who are Jewish or Israeli.
5. Violation of OUSD Board Policy on nondiscrimination, harassment and intimidation that may create a hostile environment: The numerous pro-Palestinian postings in District classrooms and on school grounds, as well as the pro-Palestinian teaching that lacked multiple perspectives and communicated only a pro-Palestinian ideology, resulted in a discriminatory environment.

While the District acknowledges that it has not made legal conclusions as to every individual allegation in each of the 17 individual complaints at issue, the District states that it has attempted to make global conclusions (against itself) that address the concerns in those individual complaints.

### **CDE's DETERMINATION AS TO DISTRICT'S OVERALL CONCLUSIONS OF LAW**

Because the District's findings of fact are unsupported by evidence in a District investigation file, the District's conclusions of law are similarly unsupported by evidence in a District investigation file. Because the District failed to provide the investigation file, the CDE may rule on the appeal "without considering information from the [District]." 5 CCR 4633(a)(6). The available information supports the District's overall conclusions of law. Therefore, the CDE finds that the District's overall conclusions of law are consistent with law. 5 CCR 4633(d)(4). This is also consistent with 5 CCR 4631(d) which indicates that the District may determine that its own investigatory deficiencies result in a finding that a violation has occurred. Given that the case is resolved at the level of global findings of fact and conclusions of law applicable to the 17 complaints, it is not necessary to further address any remaining disputes as to individual complaints.

### **DISTRICT'S SELF-IMPOSED CORRECTIVE ACTIONS**

1. Provide training to all District administrators and communications staff with responsibility for disseminating materials about Arab American Heritage Month and Jewish American Heritage Month regarding nondiscrimination. (Note this was previously ordered by CDE in Case Number 2025-0152.)

2. Provide training for District Uniform Complaint Procedure (UCP) staff on timeliness and the required elements of an Investigative Report. (Note this was previously ordered by CDE in multiple cases.)
3. Provide training by a non-District trainer to all District high school social studies teachers and high school administrators that addresses the obligation to ensure that instruction does not promote a discriminatory bias, with a particular emphasis on ensuring that instruction does not promote an anti-Semitic bias. (Note this was previously ordered by CDE in Case Number 2025-0154.)
4. Provide training to District staff on relevant District Board policies on topics such as nondiscrimination, school websites, instructional materials complaints, employee use of technology, code of ethics and professional standards, recognition of religious beliefs and customs, and instruction on controversial issues.
5. Provide training to District leaders on the law regarding display of flags at school; provide locks for District flagpoles.

### **CDE's DETERMINATION AS TO DISTRICT'S SELF-IMPOSED CORRECTIVE ACTIONS**

The CDE finds that the District's corrective actions to date have not provided a fully appropriate remedy. 5 CCR 4633(d)(5).

### **APPELLANT'S OVERALL GROUNDS FOR APPEAL**

Appellant's global concerns included the following:

1. Failure to issue Investigation Reports within 60 days.
2. Failure to investigate/interview critical witnesses, resulting in erroneous factual findings.
3. Failure to make factual findings on numerous allegations.
4. Failure to apply the correct legal standard, resulting in erroneous legal conclusions.
5. Failure to make legal conclusions on numerous allegations.
6. Insufficient corrective actions.

### **CONCLUSION**

The appeal has merit in part. Corrective actions are assigned below.

### **CORRECTIVE ACTIONS**

The following corrective actions are in addition to those already described above in the "Background" section of this Decision, relating to Case Numbers 2025-0152, 2025-0153, 2025-0154, and 2025-0108.

By March 1, 2026, the District shall provide the CDE's UCP office with evidence that all of the following have occurred:

1. The District Superintendent shall send a letter to all District families that condemns anti-Semitism and addresses the District-wide actions that the District is taking to prevent and remedy it. Acceptable evidence to the CDE UCP office for Corrective Action 1 shall be a copy of the letter along with an attestation by the Superintendent that it was sent to all District families.
2. The District Superintendent shall send a letter to all District employees that condemns anti-Semitism and addresses the District-wide actions that the District is taking to prevent and remedy it. Acceptable evidence to the CDE UCP office for Corrective Action 2 shall be a copy of the letter along with an attestation by the Superintendent that it was sent to all District employees.
3. The District shall hold a required training by an outside trainer for all District employees on preventing and remedying anti-Semitism. The outside trainer must at minimum consult with a Jewish or Israeli educational or advocacy organization in developing the training. The training must include, at a minimum:
  - a. Employees' obligations under Board Policy and Administrative Regulation 6144 on Controversial Issues, as it specifically relates to the prohibition on discrimination against persons who are Jewish or Israeli.
  - b. Employees' obligations under Board Policy 4040 on Employee Use of Technology and BP 1113 on School Websites, as it specifically relates to the prohibition on discrimination against persons who are Jewish or Israeli.
  - c. Employees' obligations under Board Policy 4119.25 on Political Activities of Employees, as it specifically relates to the prohibition on discrimination against persons who are Jewish or Israeli.
  - d. Employee's obligations under Board Policy 0410 and 5145.3 on Nondiscrimination (in District programs and activities), as it specifically relates to the prohibition on discrimination against persons who are Jewish or Israeli.
  - e. Discussion of the findings in this Decision.
  - f. Coverage of topics that includes, but is not limited to: posters, displays, flags, murals, publications, websites, email, instructional materials, workshops, meetings, guest speakers, field trips, and religious and cultural observances.

Acceptable evidence to the CDE UCP office for Corrective Action 3 shall include evidence of consultation with a Jewish or Israeli educational or advocacy organization in developing the training, a copy of the training agenda and training materials, and attestations by every site principal and every District-level administrator that both they and all of the employees who they supervise have attended.

4. The District shall notice, agendaize and present an information item for a public Board meeting that discusses the findings in this Decision and addresses the actions that the District is taking to prevent and remedy anti-Semitism. Acceptable evidence to the CDE UCP office for Corrective Action 4 shall include a copy of the notice, agenda, and supporting materials (which shall at minimum include a copy of this Decision), and a link to any District-recorded video of the hearing, with a notation as to the relevant time period where the item appears.
5. Each site Principal in the District shall send a letter to all of the school's families that condemns anti-Semitism and addresses the specific actions that are being taken at that particular school site to prevent and remedy it. Acceptable evidence to the CDE UCP office for Corrective Action 5 shall be a copy of each letter along with an attestation by each Principal that it was sent to all District families.
6. American Indian Model Schools, Thornhill Elementary School, Montera Middle School and Oakland Tech High School shall each hold an assembly (or set of assemblies) attended by all of their students that addresses the Holocaust, what a swastika represents, and the harm that graffiti involving such imagery and other anti-Semitic imagery may cause. Acceptable evidence to the CDE UCP office for Corrective Action 6 shall be a copy of the agenda and supporting materials for each assembly or set of assemblies, and an attestation by each Principal that all students attended.
7. The District shall hold a training for the District Superintendent, the District Superintendent's Executive Team/Cabinet, and the District's UCP coordinator, on the District's obligations relating to processing UCP complaints of discrimination based on a protected characteristic. The training shall emphasize the District's obligations under 5 CCR 4631 and 4633(a), and the findings in this Decision. Acceptable evidence to the CDE UCP office for Corrective Action 7 shall be a copy of the training agenda, training materials, and attendance sheet confirming attendance.
8. The District shall develop a specific plan for ongoing professional development for the remainder of the 25-26 school year on ensuring that instruction does not have a discriminatory bias, with a particular emphasis on anti-Semitism. The District shall consult with a Jewish or Israeli educational or advocacy organization

in developing the plan. Acceptable evidence to the CDE UCP office for Corrective Action 8 shall be the plan and evidence that the District consulted with a Jewish or Israeli educational or advocacy organization in developing the plan.

## **APPENDIX A**

### **APPLICABLE LAW**

#### *California Education Code (EC) Section 220 Discrimination*

No person shall be subjected to discrimination or harassment on the basis of . . . race or ethnicity . . . in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance . . .

#### *EC, Section 33315(a)(1) Uniform Complaint Procedures (UCP)*

The UCP shall apply to all of the following:

. . .

(F) The filing of complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

### **CDE'S JURISDICTION ON APPEAL**

The scope of the CDE's jurisdiction on appeal, as well as the applicable appellate review procedures are set forth in the UCP pursuant to 5 CCR, Section 4600 *et. seq.*

#### *Purpose and Scope*

In pertinent part, 5 CCR, Section 4610 states:

- (a) This chapter applies to the filing, investigation, and resolution of a complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, and other specified subject matter described in subsection (b), below.
- (b) The UCP in this chapter shall apply to complaints relating to all of the matters addressed in *EC* Section 33315(a)(1) and any other matters identified by the Legislature in the future.

*Appeal of LEA Investigation Report*

In pertinent part 5 CCR, Section 4632 states:

(f) If the CDE determines that the LEA Investigation Report failed to address an allegation raised in the complaint, the CDE shall notify the LEA of such failure and direct the LEA to investigate such allegations. The LEA must provide both the CDE and the appellant an amended Investigation Report within 20 days of such notification. The amended report must also inform the appellant of the right to separately appeal . . . the complaint allegations . . . not addressed in the original report.

In pertinent part 5 CCR, Section 4633 states:

(a) If the LEA Investigation Report is appealed and meets the requirements of Section 4632, subdivisions (a) through (c), the CDE shall notify the LEA of the appeal. Upon notification by the CDE that the LEA Investigation Report has been appealed, the LEA shall forward the following to the CDE within 10 days of the date of notification:

- (1) A copy of the original complaint;
- (2) A copy of the LEA Investigation Report;
- (3) A copy of the investigation file, including but not limited to, all notes, interviews and documents submitted by the parties or gathered by the investigator;
- (4) A report of any action taken to resolve the complaint;
- (5) A copy of the LEA complaint procedures; and
- (6) Such other relevant information as the CDE may request.

An LEA's failure to provide a timely and complete response may result in the CDE ruling on the appeal without considering information from the LEA.

(b) In deciding an appeal, the CDE shall not consider any information not previously presented to the LEA investigator during the investigation, unless requested by the CDE. Any confidential information or pupil information in the investigative file shall remain confidential and shall not be disclosed by the CDE, to the extent permitted by law.

(c) The CDE may contact the parties for further information, if necessary.

- (d) The CDE shall review the investigation file, the complaint procedures, documents, and any other evidence received from the LEA and determine whether:
  - (1) The LEA followed its complaint procedures;
  - (2) The LEA Investigation Report includes material findings of fact necessary to reach a conclusion of law on the subject of the appeal;
  - (3) The material findings of fact in the LEA Investigation Report are supported by substantial evidence;
  - (4) The LEA Investigation Report includes a legal conclusion(s) that is consistent with the law; and
  - (5) In a case in which the LEA found noncompliance, the corrective actions provide a proper remedy.
  
- (e) If the CDE determines that the LEA Investigation Report meets the criteria in subsection (d) above, the appeal shall be denied.
  
- (f) If the CDE determines that the LEA Investigation Report is deficient because it does not meet the criteria in subsection (d) above, the CDE may:
  - (1) Notify the LEA of such deficiencies and return the LEA Investigation Report to the LEA for further processing and instruct the LEA to provide both the CDE and the complainant with an amended Investigation Report within 20 days of such notification, which amended report must inform the complainant of the right to appeal in accordance with Section 4632; or
  - (2) Issue a Decision based on the evidence in the investigation file received from the LEA; or
  - (3) Conduct a further investigation of the allegations which are the basis for the appeal and issue a Decision.