



CALIFORNIA DEPARTMENT OF EDUCATION

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California Department of Education Education Equity UCP Office Decision of Appeal (Reconsideration Decision)

Case Matter No. 2025-0059

Appellant [REDACTED]

Local Educational Agency: San Francisco Unified School District

Date Appeal Received by the CDE: April 14, 2025

Subject of Appeal: Discrimination on the basis of race or ethnicity

Decision of Appeal Issued: June 6, 2025

Reconsideration Decision Issued: September 4, 2025

APPEAL PROCEDURES AND DETERMINATION

The California Department of Education (CDE) reviewed the original complaint, the local educational agency, San Francisco Unified School District (LEA) Investigation Report (IR), the appeal filed April 14, 2025, Appellants' supplement to appeal filed May 13, 2025, the investigation file from the LEA, and the LEA's complaint procedures. This appeal is limited to allegations of discrimination / harassment on the basis of race or ethnicity that occurred within six months from the date of the complaint pursuant to the *California Code of Regulations*, Title 5 (5 CCR), Section 4630(b). The CDE notes that the LEA chose to investigate all the Complainants' allegations including incidents which were untimely under the Uniform Complaint Procedures (UCP), in the interests of conducting a thorough investigation of an alleged pattern of conduct. (IR p. 6.)

The CDE finds that the LEA complied with its complaint procedures and the findings of fact are supported by substantial evidence. However, because the CDE finds that the LEA's legal conclusions are inconsistent with law, pursuant to 5 CCR, Section 4633(e), the CDE finds that the appeal has merit is denied.

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 UCP pursuant to 5 CCR, Section 4600 *et. seq.* as referenced in Appendix A.

SUMMARY OF COMPLAINT AND APPEAL

On December 6, 2024, ActNowK12 (Complainant 1) filed a complaint with the LEA on behalf of anonymous "members of the George Washington High School (GWHS)

community” concerning allegations that GWHS teacher [REDACTED] (Respondent) engaged in discrimination and harassment that created a hostile environment at GWHS for Jewish students and staff during the 2023–24 and 2024–25 school years. On December 8, 2024, GWHS [REDACTED] Complainant 2) filed a second complaint with the LEA regarding the Respondent, based on the same pattern of conduct. The Complainants alleged that the Respondent’s political statements, displays, and conduct at school created a hostile environment that was discriminatory toward Complainant 2, who identifies as Jewish and Israeli-American. No students came forward as complainants in this matter. The LEA determined that, given the similarities of the complaints, the District would conduct a single investigation and issue one response to both Complainants.

The Complainants made the following allegations:

1. Respondent wore political attire and accessories at school, such as wearing a keffiyeh and symbols of Palestine in the classroom as a political statement;
2. Respondent made statements about the Israeli-Palestinian conflict to students and in the hearing of students, such as “Join the resistance, bro,” “I support Palestinian resistance,” and “Free Palestine”;
3. Respondent displayed political items in GWHS classrooms, including a sticker on his personal laptop, a statement written on his white board, multiple Palestinian flags, and a poster stating “Until Liberation & Return”.

Complainants alleged that these actions created a hostile environment by intimidating, threatening, and/or offending students and staff of Jewish descent.

Complainant 1 also made allegations that Respondent engaged in discriminatory conduct toward nonverbal students in a Special Education class by speaking to them about Palestine. The LEA referred allegations relating to Special Education services, which fall outside the scope of the Uniform Complaint Procedures, to the District’s Special Education Ombudsperson to be separately handled and investigated.

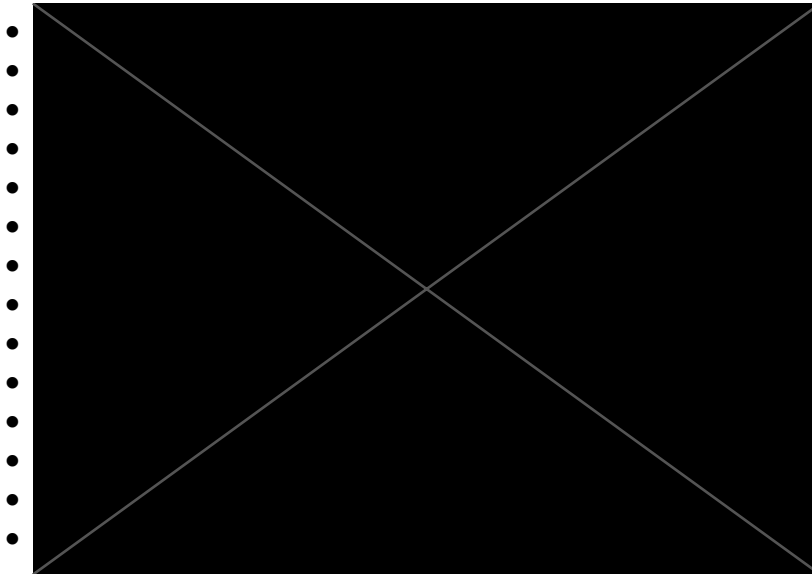
In an appeal filed on April 14, 2025, the Appellants disagree with the LEA IR dated March 14, 2025, and presented the following grounds for appeal:

- The LEA failed to follow its complaint procedures.
- The legal conclusion in the LEA IR is inconsistent with the law.
- The corrective actions in the LEA IR fail to provide a proper remedy.

LEA'S FINDINGS OF FACT

The LEA's investigation, conducted under the UCP and resulting in a March 14, 2025, IR, included a review of documents and correspondence from involved parties.

The investigation also included interviews with and/or written statements from the following individuals:



The LEA made the following factual findings, supported by evidence provided by the LEA to the CDE.

Allegation 1 – Respondent wore political attire and accessories related to Palestine at school.

This allegation was sustained. The LEA made the following factual findings (IR Attachment pp. 4–5.):

- Respondent wore attire and accessories related to Palestine and the Israeli-Palestinian conflict at GWHS during school hours “as much as he could” during the 2023–24 and 2024–25 school years.
- Respondent’s attire and accessories related to Palestine were part of his political position, not his personal national or ethnic heritage.

Allegation 2 – Respondent made statements about his opinions on the Israeli-Palestinian conflict to students and in the hearing of students.

This allegation was sustained. The LEA made the following factual findings (IR Attachment pp. 5–7):

- Respondent made statements about Palestine and the Israeli-Palestinian conflict to or in front of students on multiple occasions, such as “Free Palestine,” “I support Palestinian resistance,” and “Join the resistance, bro.”
- No students brought complaints about Respondent’s statements during the 2023–24 or 2024–25 school years.
- There was no evidence that Respondent advocated for Jewish people to be harmed in any way (p. 12).
- There was insufficient evidence to conclude that Respondent’s statements made any students upset or uncomfortable (p. 10).
- Respondent’s statements reasonably upset Complainant 2 and one other Jewish staff member (p. 11).
- There was insufficient evidence to conclude that Respondent’s statements reasonably intimidated, threatened, or harassed staff of Jewish descent, including Complainant 2 (pp. 11–12).

Allegation 3 – Respondent displayed political items about the Israeli-Palestinian conflict in GWHS classrooms and on District equipment.

This allegation was sustained. The LEA made the following factual findings (IR Attachment pp. 8–10):

- Respondent displayed political items pertaining to the Israeli-Palestinian conflict at school, including a sticker on his personal laptop, a statement written on his white board, multiple Palestinian flags that he hung in GWHS classrooms, and a poster stating “Until Liberation & Return” that he hung in a classroom.
- Respondent’s flags made at least one student uncomfortable, according to an email from the student’s parents to GWHS administration.
- There was insufficient evidence to conclude that Respondent’s political items and conduct negatively impacted students’ education or caused any students to feel reasonably intimidated or threatened.

CDE'S DETERMINATION AS TO LEA'S FINDINGS OF FACT

Pursuant to 5 CCR, Section 4633(d)(2) and (3), the CDE reviewed the investigation file provided by the LEA under 5 CCR, Section 4633(a) to determine whether:

The LEA IR includes material findings of fact necessary to reach a conclusion of law on the subject of the appeal; and

The material findings of fact in the LEA IR are supported by substantial evidence.

The CDE finds the LEA provided in the IR material findings of fact necessary to reach a conclusion of law for the allegations in the complaint pursuant to 5 CCR, Section 4633(d)(2) and that the material findings of fact are supported by substantial evidence pursuant to 5 CCR, Section 4633(d)(3).

LEA'S CONCLUSIONS OF LAW

The LEA made the following conclusions of law regarding whether Respondent's conduct constituted discrimination and/or harassment against Jewish students (IR pp. 7–8 & Attachment pp. 9–10):

Although Allegations #1–3 were sustained, and Respondent's flags made at least one student uncomfortable, the investigation found that these actions were not targeted at any protected group and they did not rise to the level of discrimination against Jewish students. The LEA found that:

- Respondent engaged in the conduct sustained under Allegations #1–3.
- Respondent's sustained conduct was inappropriate and unprofessional, warranting disciplinary action under District policies.
- Respondent's conduct consisted of indiscriminate expressions, not targeted toward anyone in particular.
- There was insufficient evidence to find unlawful discrimination, because there was insufficient evidence that students' access to their education was harmed by Respondent's sustained conduct, or that any students felt intimidated, threatened, or harassed.

The LEA made the following conclusions of law regarding whether Respondent's conduct constituted discrimination and/or harassment against Jewish staff (IR pp. 9–10 & Attachment p. 11–13):

Although Allegations #1–3 were sustained, and Respondent’s conduct reasonably offended and upset two staff members, the investigation found that these actions were not targeted at anyone on the basis of a protected characteristic, and they did not rise to the level of discrimination against Jewish staff. The LEA found that:

- Respondent engaged in the conduct sustained under Allegations #1–3.
- Respondent’s sustained conduct was inappropriate and unprofessional, warranting disciplinary action under District policies.
- Respondent’s conduct consisted of indiscriminate expressions, not targeted toward anyone in particular.
- Complainant 2’s characterization of the conduct as reasonably intimidating or threatening was not supported by the preponderance of the evidence.
- There was insufficient evidence to find unlawful discrimination, because there was insufficient evidence that a hostile work environment was created by Respondent’s conduct.

The LEA self-imposed the following actions in the IR (p. 11), to be undertaken by the site Principal with the support of Executive Director Tara Hobson:

- Take appropriate progressive disciplinary action in alignment with LEA Board Policy to address any past or ongoing prohibited political actions by Respondent.
- Review professional expectations as outlined in LEA Board Policy with Respondent and sure that he has a clear understanding of what conduct is prohibited.
- Review with all GWHS staff the parameters for protected and prohibited political speech by employees.
- Facilitate any actions deemed necessary and appropriate to restore relationships harmed by these events/ the conduct of Respondent.

CDE’S DETERMINATION AS TO LEA’S CONCLUSION OF LAW

Pursuant to 5 CCR, Section 4633(d)(4), the CDE reviewed the investigation file and determined the LEA’s IR to the Complainant includes legal conclusions that are inconsistent with law relative to the allegations identified in the complaint.

Education Code (EC) Section 200 codifies the California Legislature's intent to afford all persons in public schools, regardless of protected characteristics, equal rights and opportunities in school. To that end, EC Section 220 provides that "[n]o person shall be subjected to discrimination" on the basis of one or more protected characteristics "in any program or activity conducted by" a public school.

Moreover, under EC section 51500, a public school teacher is prohibited from giving "instruction . . . that promotes a discriminatory bias on the basis of race or ethnicity . . ."

Based on the material findings of fact set forth in the District's IR, the Teacher identified in the complaint promoted a discriminatory bias in his instruction, when, without any demonstrable efforts to present disparate or opposing views, he:

- 1) wore political attire and accessories at school, such as wearing a keffiyeh and symbols of Palestine in the classroom as a political statement;
- 2) made statements about the Israeli-Palestinian conflict to students and in the hearing of students, such as "Join the resistance, bro," "I support Palestinian resistance," and "Free Palestine"; and
- 3) displayed political items in GWHS classrooms, including a sticker on his personal laptop, a statement written on his white board, multiple Palestinian flags, and a poster stating "Until Liberation & Return".

There are no facts set forth in District's IR, nor in the evidentiary record, that indicate that Teacher made any attempt whatsoever to present the perspectives, views or opinions of Jewish students or student supporters of Israel in his politically infused lessons related to the Israeli-Palestinian conflict. The Teacher's communications were blatantly polemical, presenting the views of only one side of a highly complex and controversial conflict. Whether intended or not, it was entirely foreseeable that students of Jewish identity, and/or Israeli origin or cultural affiliation would experience distress, as a consequence of the Teacher's one-sided political advocacy, that could reasonably impact on their education in ways that differed from their peers who did not share the same racial, ethnic or cultural background and beliefs. Moreover, the material factual record, acknowledged in the District's IR, demonstrated that at least two students were in fact impacted, experiencing emotional discomfort as a result of Teacher sustained, political communications pertaining to the Israeli-Palestinian conflict.

The District's IR appears to reject a finding of discrimination under the UCP because the Teacher was espousing views that were addressed and remedied under District's rules and regulations that restrict political speech by its teachers in the classroom. However, the District's imposition of remedies for violations that fall outside the UCP are not relevant here. The CDE finds that the UCP complaint should have been sustained, not because of the political nature of the Teacher's communications, but instead because

those communications were markedly biased and thus “discriminatory” under EC Section 220 and EC Section 51500.

CONCLUSION

The CDE finds that the LEA complied with its complaint procedures and the material findings of fact are supported by substantial evidence.

However, the CDE finds that the legal conclusions set forth in the IR are inconsistent with law. Pursuant to 5 CCR, Section 4633(e), the CDE finds that the appeal has merit~~is denied~~.

~~The LEA submitted written evidence to the CDE to support that the LEA took corrective personnel actions to address Respondent’s sustained conduct under its relevant policies, outside the scope of the UCP. The CDE determined that these corrective actions were appropriate given the factual findings supported by sufficient evidence, and the conclusions of law based on those findings. Pursuant to 5 CCR, Section 4633(d)(5), the CDE determined the corrective actions provide a proper remedy.~~

CORRECTIVE ACTIONS

By October 31, 2025

1. The SFUSD must provide a minimum one-hour Anti-Bias training to all teachers at GWHS that includes discussion of presenting instruction on controversial topics in a balanced and non-discriminatory manner and the concerns raised in this case.

2. The SFUSD must provide the CDE EEUCPO with evidence of the following:

a) agenda for all training(s); and

b) sign-in sheets demonstrating attendance with staff names and positions; and

c) copies of the training materials.

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.

EC, Section 51500 Prohibited instruction or activity

A teacher shall not give instruction . . . that promotes a discriminatory bias on the basis of race or ethnicity . . .

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.