



CALIFORNIA DEPARTMENT OF EDUCATION

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California Department of Education Education Equity UCP Office Decision of Appeal

Case Matter No.	2025-0152
Appellant:	[REDACTED]
Local Educational Agency:	Oakland Unified School District
Date Appeal Received by the CDE:	August 21, 2025
Subject of Appeal:	Discrimination based on race or ethnicity
Decision of Appeal Issued:	October 20, 2025

I. APPEAL PROCEDURES AND DETERMINATION

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

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

SUMMARY OF COMPLAINT AND APPEAL

The May 6, 2024, Complaint made allegations of unlawful discrimination in the form of antisemitism as to the District's communications pertaining to its celebration of Arab American Heritage Month. The Complaint asserts three instances of alleged antisemitic conduct:

1. Twice in three years, the District sent out materials publicizing Arab American Heritage Month with a map of the Middle East that did not recognize the state of Israel;
2. The District's handling/publicizing of Arab American Heritage Month was more favorable than those for Jewish Heritage Month; and

3. That the District included a link to the Arab Resource and Organizing Center (AROC) in District materials sent out during Arab American Heritage Month that the Complaint asserts is an anti-Israel organization.

The August 21, 2025, Appeal asserts that the District (1) did not follow its complaint procedures, (2) the IR lacks material findings necessary to reach a conclusion of law, and (3) the material facts in the IR are not supported by substantial evidence.

COMPLAINT PROCEDURES

The LEA received the original complaint on May 6, 2024, and the LEA issued the written IR on August 21, 2025, approximately 15 months after the complaint was submitted.

When the LEA issued its IR, the LEA concluded that there was a violation of its board policy pertaining to the content of the LEA websites, the educators' code of ethics, and the presentation of controversial issues; however, the IR failed to address the allegation of discrimination.

Pursuant to 5 *CCR*, Section 4631(a), the LEA is required to issue a written IR within 60 days of LEA's receipt of the original complaint unless there is written agreement of the complainant to extend the timeline. In issuing the written IR, the LEA must include a "conclusion providing a clear determination as to each allegation as to whether the LEA is in compliance with the relevant law." 5 *CCR* Section 4631(e)(2).

The CDE finds, and the LEA acknowledges, that the LEA failed to comply with complaint procedures when it issued its IR approximately 15 months after the original complaint was received with no evidence of written agreement for an extension of the timeline. The CDE further finds that the LEA failed to comply with complaint procedures when it failed to reach a conclusion pertaining to the allegation of unlawful discrimination in the form of antisemitism.

LEA'S FINDINGS OF FACT

The LEA's investigation, conducted under the UCP, resulted in the August 21, 2025, IR.

The LEA's key factual findings are summarized as follows:

1. In April 2021, the District published a slide presentation which included a map that did not include the State of Israel. This finding is based on a straight review of the communications confirming the map on the slide excluded the State of Israel.

2. In April 2023, the District published the Arab American Heritage District Guide which included a map that did not include the State of Israel. This finding is based on a straight review of the 2023 OUSD Guide.
3. In April 2024, the District published OUSD's Arab American Heritage Month Resource Guide which included a map that did not include the State of Israel. This finding is based on a straight review of the 2024 OUSD Guide.
4. The District was aware of the perception that AROC could be antisemitic yet chose to use them as a subject matter resource anyway in part due to the relationship of AROC to District students, parents and teachers.

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

Pursuant to 5 CCR, Section 4633(d)(2) and (3), the CDE requested a copy of the investigation file from the LEA, which the LEA is required to provide under 5 CCR, Section 4633, 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 that the IR partially meets these criteria. While the IR included material findings of fact necessary to reach a conclusion of law as to the Allegation 1 (the map), the IR failed to provide any material findings of fact to reach a conclusion of law regarding Allegation 2 (the two heritage months). The LEA also failed to provide its investigation file, which would allow CDE to determine whether the findings of fact were supported by substantial evidence. Rather, the LEA asserts attorney-client privilege and attorney work product privilege "due to litigation initiated by Appellant against the District" and that the investigation was conducted by attorney-investigators. (Response, p. 1-2.) The CDE finds that this argument does not relieve the LEA of its obligation to provide a copy of the investigation file pursuant to 5 CCR Section 4633(a)(3).

LEA'S CONCLUSION OF LAW

As noted previously, the LEA concluded that "by a preponderance of the evidence that the District's repeated publication of a map that excluded Israel, and which instead labeled the area as 'Palestine,' coupled with the continued use of content from an organization they suspected to reflect antisemitic sentiments, is in violation of board policies concerning the content of the LEA websites, the educators' code of ethics, and the presentation of controversial issues. (IR, p. 12) The LEA also concluded that there was no "violation of a District policy for the alleged differences in tone or favorability of the content in the publication for Jewish American Heritage month as compared to Arab

American Heritage month.” (IR, p. 12) However, the LEA’s conclusion did not specifically address the allegation of discrimination in the form of antisemitism.

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

The CDE finds that the LEA impliedly concluded that the conduct did not constitute discrimination. The CDE finds that this implied conclusion is inconsistent with the law. Specifically, the material findings of fact, supported by substantial evidence, demonstrated a failure to include Israel in a map of the current Middle East, and instead, labeling the entire location as “Palestine” in LEA materials that were sent out in celebration of Arab American Heritage Month. This constituted discrimination towards Jewish persons.

CONCLUSION

The appeal has merit. Corrective actions are assigned below.

CORRECTIVE ACTIONS

The CDE issues the following corrective actions:

1. By December 20, 2025, the District shall provide the CDE with evidence it has provided a training to its UCP compliance staff on the requirements of:
 - a. 5 CCR Section 4631(a) (the 60-day time period for an IR if no written agreement on an extension);
 - b. 5 CCR Section 4631(e)(1) and (e)(2) (the need for the LEA IR to include findings of fact based on the evidence gathered and a conclusion that provides clear determination as to each allegation as to whether the LEA is in compliance with the relevant law, i.e., the laws prohibiting discrimination).

Acceptable evidence of compliance shall be a copy of the training agenda and materials and a written log of attendee names who completed the training with their signatures and titles.

2. By December 20, 2025, the District shall provide a training to all District administrators and communications staff with responsibility for disseminating materials about Arab American Heritage Month and Jewish American Heritage Month regarding ensuring that the District does not show discrimination or bias towards persons with protected characteristics.

Acceptable evidence of compliance shall be a copy of the training agenda and materials and a written log of attendee names who completed the training with their signatures and titles.

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.