



CALIFORNIA DEPARTMENT OF EDUCATION

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California Department of Education Education Equity UCP Office Decision of Appeal

Case Matter No.	2025-0200
Appellant:	Bay Area Jewish Coalition
Local Educational Agency:	Discovery Charter School
Date Appeal Received by the CDE:	October 6, 2025
Subject of Appeal:	Discrimination based on race or ethnicity, nationality, and religion
Decision of Appeal Issued:	November 26, 2025

APPEAL PROCEDURES AND DETERMINATION

The California Department of Education (CDE) reviewed the original complaint, the local educational agency's (Discovery Charter School 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. 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 complainant alleged that during the school day on May 21, 2025, the charter school held a World Day for Cultural Diversity that included a parent-run booth adorned with posters containing one-sided, Pro-Palestinian political narrative that was discriminatory towards Jewish people, making students and parents uncomfortable.

In an appeal received by the CDE on October 4, 2025, the Appellant disagrees with the LEA IR dated September 8, 2025.

LEA's FINDINGS OF FACT

The LEA's key findings of fact are summarized as follows:

1. The World Day for Cultural Diversity event was intended for families to share their cultural heritage and showcase food, art, artistic performances and fun games associated with a specific country.
2. Booths were created and hosted by parents.
3. One booth highlighted Palestinian food and cookbooks, and contained posters that contained the following statements:
 - a. “Forced dispossession of Palestinian land . . . Illegal [Israeli] settlers . . . cut off food and income . . . [olive trees] intentionally destroyed or vandalized . . .”
 - b. “Ethnic cleansing . . .”
 - c. “Military occupation . . . efforts to erase or appropriate Palestinian heritage.”
 - d. “Zionist militia . . . expel . . . Palestinians from their homes . . . This event is called the “Nakba” (or catastrophe in Arabic) and marks the first phase of ethnic cleansing of non-Jewish Palestinians from the land.”
4. The school did not vet the posters for the Palestinian booth (or any other booth) in advance.
5. The school did not receive complaints about the Palestinian booth during the event.

As to whether the LEA IR includes material findings of fact necessary to reach a conclusion of law on the subject of the appeal, 5 CCR, Secion 4633(d)(2), the CDE finds that the IR meets this criterion.

As to whether the material findings of fact in the LEA IR are supported by substantial evidence, 5 CCR, Section 4633(d)(3), the CDE finds that the IR meets this criterion.

The CDE notes that the investigative file confirms that the flyer advertising World Day for Cultural Diversity stated: “Cultural Performances 8:45 a.m. to 9:30 a.m.; Booths 10:40 a.m. to 12:40 a.m.; Parents are welcome to join!” An email message to parents stated that the event was “a great opportunity to share your culture heritage and showcase all those yummy foods, beautiful art, and fun games,” and encouraged parents to sign up to host a booth and perform at the assembly.

LEA's CONCLUSIONS OF LAW

The LEA concluded that it did not engage in unlawful discrimination on the basis of a protected characteristic. While acknowledging that the posters communicated a one-sided political narrative and that the school did not vet them, the LEA found that: the posters represented the parent's private speech, they were not threatening, they were only present for a few hours, and no one complained at the time.

Nevertheless, the LEA recognized that the posters caused discomfort for some families, and indicated in the IR that it planned to take the following actions:

1. Develop event guidelines to ensure that cultural events focus on heritage, food, art and/or traditions without communicating any political advocacy on the part of the school;
2. Provide a disclaimer at events stating that views expressed by others do not represent official positions of the school;
3. Continue "Courageous Conversations and Brave Spaces" dialogues;
4. Provide additional staff training on cultural inclusivity and freedom of expression; and
5. Review event materials in advance of future events.

CDE's DETERMINATION AS TO LEA'S CONCLUSION OF LAW

The CDE finds that the LEA's conclusion of law is not consistent with law. 5 CCR, Section 4633(d)(4). While the booth was created and hosted by a parent, this was a school-sponsored event held during the school day. The posters contained a one-sided political narrative that promoted a discriminatory bias, was not vetted by the school, and made students and parents uncomfortable. Moreover, the inclusion of such a political narrative did not fit within the stated scope and advertised purpose of the World Day for Cultural Diversity Event. The evidence supports a finding that the booth contributed to a discriminatory environment at the event on May 21, 2005.

CONCLUSION

The appeal has merit. Corrective actions are assigned below.

CORRECTIVE ACTIONS

On or before January 30, 2026, the LEA shall provide the CDE with evidence that it has adopted policies and procedures to ensure that school-sponsored cultural events do not promote a discriminatory basis.

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.