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LLP

February 21, 2006

Glee Johnson, President  
California State Board of Education  
1430 N Street  
Sacramento, CA 95814

RE: TEXTBOOK ADOPTION  
SIXTH GRADE HISTORY - SOCIAL SCIENCE

Dear Ms. Johnson:

This office represents the Hindu American Foundation (“HAF”) in connection with the above-referenced textbook adoption process. We previously submitted letters dated January 6, January 13, and February 8, 2006 which outlined a number of HAF procedural objections to the Board’s actions with respect to the adoption of these texts. We have reviewed the memorandum prepared by staff for the February 27, 2006 public hearing. While it does appear that staff has made an effort to consider various perspectives, HAF continues to believe that a number of edits are required (discussed briefly below and in more detail in our separate submission related to those edits).

We feel constrained at the outset to observe that the timeline provided by the subcommittee for review of the staff’s memorandum, submission of written comments, and preparation of oral presentations for the February 27, 2006 hearing is inadequate, and has made the task of responding extremely difficult. Although the subcommittee took over a month from its appointment at the January 12 SBE meeting to schedule a meeting, it directed that written comments be filed by February 21, 2006 – barely one week after the notice, a week that included a three-day weekend.

In addition, our efforts have been hampered by the inability of the SBE/CDE staff to provide copies of many documents that we believe to be relevant to resolving these issues. We specifically asked for these documents by letter dated January 24, 2006. As of February 21 – almost a month after our request -- we had received *only* the audio tapes of the October 31, 2005 Ad Hoc Committee meeting and the videotapes of the December 2, 2005 Curriculum Commission meeting.

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Finally, we note that the timing of the February 27, 2006 public hearing allows scant time for thorough review of any written comments and/or consideration of the oral testimony before the March 9, 2006 SBE meeting. This unfortunately suggests that the written comments and public hearing are designed more to meet the minimum procedural requirements rather than to provide an opportunity for interested persons to participate and to have their views considered by the subcommittee and staff on the merits. While HAF will endeavor to communicate in detail its position on these issues by the February 21 suggested deadline, we also hereby provide notice that we may well provide additional materials after that date, up to and including the date of the hearing, if we deem those materials to be relevant to the matters under consideration.

#### *The Current Proceedings*

While HAF has serious misgivings about the current process, we view the February meeting as a last opportunity for the Board to correct its previous procedural errors and make the changes that are necessary for these texts to meet the California standards. We are attaching a document that details the edits considered necessary by HAF with regard to several points in these texts and provides reasons HAF believes the "SBE/CDE Staff Recommendations" on those points are either misguided or inadequate. HAF's decision to make one last effort to correct these texts should in no way be construed as waiving the numerous procedural errors that have affected this process.

As you know, HAF has raised these procedural objections in each of the communications presented to SBE. It has done so in the belief that fair procedures are really a means to an end – the "end" in this case being sixth grade social science texts that comply with the law. The Standards For Evaluating Instructional Materials contain several requirements that pertain here: No religious belief or practice may be held up to ridicule or portrayed as inferior. Materials must accurately and *equitably* portray cultural and racial diversity. Materials should not portray any groups in an adverse or inappropriate way. Descriptions, depictions, or labels that *tend to* demean, stereotype or patronize a particular group are prohibited. *Portrayals must not depict differences in customs or lifestyles as undesirable and must not reflect adversely on such differences.* On a positive note, the purpose of the standards is to project cultural diversity, instill in each child a sense of pride in his or her heritage, develop a feeling of self-worth, and eradicate roots of prejudice.

While the presentation of historical events may seem relatively straightforward, not every issue is clear or even within the limits of our knowledge. Different groups have different perspectives on the same historical events, or different interpretations of inconclusive information. As former State Librarian Kevin Starr has recently observed, "[i]n putting history in our textbooks we have to be as sensitive as possible to those for whom this is a living

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tradition.” Conveying the history of religion presents additional challenges. Nathan Katz, Professor of Religious Studies at Florida International University explains:

An issue that remains unaddressed, and which is crucial for teaching about religions, is the nature of religious historical claims. Simply put, these are not like ordinary historical claims. What is being conveyed by these narratives is a set of meanings, not simply a set of facts. Sensitivity to those meanings is at the core of religious studies...In brief, I find the objections raised by your scholars [Witzel, Heitzman and Wolpert] to be, in general, off the mark in that they treat these cultural narratives as though they were ‘mere’ history. Moreover, I detect condescension if not hostility to Hindus and Hinduism...

Unfortunately, in this case, the failure to provide a fair and open process has resulted in an unwillingness to consider edits considered necessary by many Hindus to correct inequitable, demeaning or undesirable descriptions of Hinduism. As you well know, in most instances, it is representatives of the affected groups that provide the most direct insight and “expertise” on these issues. This case is no different. We observe, for instance that the sections on Judaism were commented upon by the Institute for Curriculum Services, various Jewish Community Relations Councils, the Anti-Defamation League and the National Council of Jewish Women; the sections on Islam were commented upon by the Council on Islamic Education. In this same spirit, the Vedic Foundation (“VF”) and the Hindu Education Foundation (“HEF”) submitted lengthy comments in early September, 2005.

We are also attaching several letters from scholars and Hindus that eloquently explain why it is absolutely essential for persons with sensitivity to review materials that purport to describe the religious beliefs and practices of others. The authors of these letters are not “extremists;” in contrast, their letters present a reasoned and balanced approach to complicated issues of religion and history, and the need to take the views of practicing Hindus into account. The editor of Hinduism Today expresses his concern about the “vast disconnect between ordinary Hindus concerned with what children in California are taught about Hinduism and the non-Hindu scholars study our religion and Indian history...the scholastic community which studies our religion is almost entirely non-Hindu, and often hostile to Hinduism. We believe in the review of the Christian, Jewish, Buddhist and Islamic sections of these books you are largely, if not entirely, hearing from scholars who are of the faith, and not secular outsiders.”

Perhaps even more powerful than the letters of the scholars, are the comments of several Hindu school children who describe first-hand the inaccurate and grossly distorted view of Hinduism that prevails in our public school system – a view that is unwittingly reinforced by inappropriate caricatures and a misplaced focus on issues such as “untouchables” and “sacred cows” to the exclusion of any real Hindu theology. One student explains her embarrassment

when her class is incorrectly told that Hindus worship talking monkeys and burn widows alive. She explains that many Hindu students do not want to be called Hindu because “anyone would be ashamed of being associated with Hinduism” as it has been taught.

It is precisely because of our concern for these children that we urge the Board to take this last opportunity to make these edits. Additionally, for reasons detailed in the last section, we urge the Board to review the “unaddressed” edits and make the conforming changes necessary to make these books acceptable in terms of their depiction of Hinduism.

#### *HAF’s Continuing Procedural Objections*

A relatively brief period was available for the review of these materials (“programs”) this past summer. Formal adoption was first considered at the September meeting of the Curriculum Commission, which recommended approval of several sixth grade texts subject to further edits and corrections. It specifically declined to recommend the Oxford University Press text, which the minutes indicate was “not neutral and was most offensive in its treatment of specific religions, [particularly] Judaism and Hinduism.” (September 28-30 CC Minutes, p. 28.) The minutes also reflect that the Commission rejected a suggestion that the edits and corrections process could adequately correct the problem. (*Id.*)

With respect to the texts recommended for adoption, the Commission appointed an Ad Hoc Committee “to review edits and corrections identified from public comment” (which was noted to be voluminous) and to hold a public hearing on these issues before November 4, 2005. (September 28-30 CC Minutes, p. 23.) Dr. Tom Adams advised the Commission that CFIR had contracted with several scholars, including Dr. Shiva Bajpai of UC Northridge, to assist in making decisions about the proposed edits and corrections.<sup>1</sup> The motion also indicated that “[e]dits and corrections approved by the Ad Hoc Committee will be forwarded to the SBE as part of the Commission report on the 2005 History-Social Science Adoption.” (*Id.*) It was clearly contemplated by the Commission that the Ad Hoc Committee was to perform the Commission’s role in recommending final edits and corrections as conditions of approval of these texts and that the edits and corrections determined to be appropriate by the Committee would be part of the Commission’s recommended approval that was forwarded to the Board in November. It is also clear from the staff memorandum prepared for the November Board meeting that this course of action was also contemplated by the Board staff. (Memorandum, SBE November 05 Agenda Item #5, pp. 3-4.)

In fact, however, a very different approach was taken at the November Board meeting. Dr. Adams indicated that he needed to further “review” the Ad Hoc Committee’s

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<sup>1</sup> No objection was made to Dr. Bajpai’s appointment at that time and, to our knowledge, at no time since that meeting.

recommendations. (Draft Minutes of November 9 SBE meeting, p. 7.)<sup>2</sup> Following Dr. Adams' comments, a motion was presented to the Board which was *not* included in any of the Board's materials and was *not* on the agenda; that motion directed the Curriculum Commission to "review" the edits and corrections from the Ad Hoc Committee with guidelines that the Commission was to "accept only those edits and corrections that improve the factual accuracy of the materials," and to "accept no additional edits."

There is only one reason for the actions taken by the staff and Board on November 9, 2005, and that is the receipt of a letter (and possibly other communications) on November 8, 2005 from Prof. Michael Witzel. That letter addressed no specific edits. It was simply an *ad hominem* attack on the Hindu groups that had previously participated in the textbook adoption process, an attack based largely on allegations about the motivations or ideological beliefs of those persons wholly unrelated to the California textbook adoption process.<sup>3</sup>

Prof. Witzel's allegations were clearly the focus of communications between staff and Board members that resulted in a non-public decision to have the Curriculum Commission (and/or Dr. Adams) change the recommendations publicly approved by the Ad Hoc Committee. And, although those allegations clearly formed the basis of the Board's non-public determination made that day, they were not made available to the public, and the public was therefore not given any opportunity to address the Board's proposed "decision" during the only public hearing on this matter.<sup>4</sup>

We also observe that the motion made by the Board on November 9 is inconsistent with the legal requirements. Factual accuracy is certainly one requirement, but edits and corrections

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<sup>2</sup> Dr. Adams also apparently misrepresented to the Board that all proposed edits and corrections had been reviewed. This representation was not only factually inaccurate, it was inconsistent with the decision made by the Ad Hoc Committee on October 31 to request additional time in which to review the remaining edits. This misrepresentation is discussed further below.

<sup>3</sup> The Editor of Hinduism Today observes, "...we object to the tone of Dr. Witzel's letter, that categorizes anyone who objects to these texts as a 'danger to religious freedom.' Yes, in India, there are political issues over Indian history, but we can assure you that the most non-political Hindu parent is shocked by the presentation of Hinduism in these books." And Prof. Ramdas Lamb, while expressing reservations about some of the Ad Hoc Committee changes, agrees that they contain "many valid critiques of the proposed texts." He cautioned that adopting the Witzel view and ignoring those critiques "would be to present an inaccurate view of Hinduism and to treat it differently than the way other traditions, especially Christianity, are treated."

<sup>4</sup> The fact that non-public communications and determinations took place is further evidenced by staff's *oral representation* to the Board that the Oxford University sixth grade text, which had not been recommended for approval by the Curriculum Commission based on its unfavorable treatment of religions -- including Hinduism -- had somehow been modified since the Commission's public meeting and was now acceptable to the Commission. It is unclear whether the modified version of that text has *ever* been made available for public review and comment, but surely staff would not have made this representation without advance consultation with members of the Commission.

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may be required for a number of reasons, including the need for neutral and non-prejudicial descriptions of all religions and religious practices. In fact, the Oxford text in this case was initially rejected precisely for violating this requirement. To the extent that the Board directed the Commission to accept only edits that "improve[d] factual accuracy," it was acting contrary to law. Additionally, the motion was inconsistent with another portion of the Curriculum Commission's recommendation which appears to have been ignored by the Board. The Commission clearly voted in September to require that any edits and corrections approved for one text *be reflected by conforming edits and corrections to all texts*. (November 8 "Last Minute Memorandum," SBE November 05 Agenda Item #5, p. 2.) To our knowledge, this remains to be done.

Subsequent events confirm that the non-public decisions made on or about November 8 continued to distort the "public" process that the Board purported to make available. Following the Board's November 9 motion (which was understandably opaque since the true reason for it was hidden from the public), numerous and repeated efforts were made during November, 2005 by VF, HEF and other Hindu groups and individuals to obtain information from SBE/CDE about the status of the proposed edits and what, if any, actions would be taken by the Curriculum Commission. No information was forthcoming. Yet during this same period, staff was apparently privately consulting with Prof. Witzel and others to implement the non-public decision made earlier that month.

The November 22 memorandum prepared for the December 2, 2005 Curriculum Commission meeting inaccurately and improperly identified Prof. Witzel and two others as "CRP [Content Review Panel] members" and characterized the views of these individuals as "CFIR/CRP Final Recommendations." None of these individuals has ever been approved as a member of the CRP and characterizing their views as those of the CRP and CFIR – when they were neither – was a blatant misrepresentation by staff. It was also inconsistent with the procedures set forth in statute and regulation. CRP candidates are specifically screened for conflicts of interest and other potential problems. They must be recommended by the Curriculum Commission and approved by the Board. They undergo training to assist them in the review process. None of the individuals identified in the November 22 memorandum as "CRP" members went through this process. None were approved by the Board or the Curriculum Commission, nor was their role ever explained to the Commission or the public.

We have reviewed the videotape of the December 2, 2005 Curriculum Commission meeting, as well as the summary of that meeting presented in *Hinduism Today*. The Commission discussion clearly reveals that the Commission understood that many of the proposed edits and corrections properly addressed issues of religious sensitivity, not only to Hindus but other religions as well. In response to the admonition of Prof. Heitzman that the Commission should be "conservative" about making changes to the texts, Commissioner

Metzenberg replied, "On the contrary, to err on the side of conservatism, we should err on the side of Hindus. After all, it's their religion." Commissioner Metzenberg also described Heitzman's dismissal of certain concerns as "insensitive." Even with respect to the dispute about the "Aryan invasion theory," Commissioner Metzenberg observed that there seemed to be no scientific proof to support such a theory. At the end of the day, after a public meeting and discussion at which all viewpoints were represented, the Commission voted very clearly to adopt the vast majority of the Ad Hoc Committee's recommended edits as their own recommended edits.

The Board's well-established practice is to have staff work with publishers to implement the determinations of the Commission without additional Board action. Commission Chair Baker made clear on December 2 that its decisions were to be "final." (Declaration of William Tunick, ¶ 8.) Notwithstanding the Commission's "final" determinations and the Board's well-established practice in this area, when the December 2 Commission meeting failed to reach the "correct" decision (*i.e.*, the non-public decision) a further non-public determination was made to review the issues once again at a "private" January 6, 2006 meeting. There is no question but that the January 6 meeting was simply another attempt to impose the non-public decisions made in early November, despite the public determinations made first by the Curriculum Commission acting through the Ad Hoc Commission and later affirmed by the full Curriculum Commission itself.

In our view, the January 6 meeting was characterized as a private staff meeting solely in order to attempt to avoid the requirements of the Open Meeting law. In fact, it involved three Board members and several Curriculum Commission members and should have been treated as a subcommittee meeting subject to that law. The discussions and determinations reached at that meeting, and those that followed it, violated the law. The assertion that no "decisions" were reached is completely disingenuous in light of the motion presented to the Board less than a week later (January 12) to examine these issues yet again. That motion, which was not on the agenda for the January 12 meeting, and which was adopted unanimously without discussion, makes it clear non-public determinations were, in fact, made by the Board and staff to implement to continue the efforts to change the October 31 Ad Hoc Committee/Curriculum Commission decisions.

We believe that it would not be very difficult to establish that the non-public determinations described above took place, and that those determinations have affected the substantive outcome. If the Board continues to refuse to make necessary substantive changes, we believe that the entire approval process for these textbooks could successfully be challenged, requiring the Board to commence the proceedings anew.

*The Remaining HAF Substantive Objections*

As stated above, the purpose of public participation in the textbook adoption process is to ensure that California textbooks meet the requirements set by law – *all the requirements*. With respect to the sixth grade history/social science texts, the presentation of history, as well as the descriptions of various cultures and religions, present particular challenges that require particular sensitivity. While the Ad Hoc Committee/Curriculum Commission determinations made admirable progress in achieving this goal with respect to Hinduism, the non-public determinations – driven by persons who are at the very least insensitive -- have unfortunately undermined much of this progress.

The staff recommendations contained in the memorandum prepared for the February 27, 2006 public meeting reflect an uneven approach to some of the most serious issues of concern to Hindus. There remain 18 edits and corrections that are necessary; in many cases, they are required to conform to other approved edits. In general, the failure to implement consistent edits appears to reflect a lack of understanding about the nature of the expressed concern.

The basis for HAF's continuing objections are set out individually and at some length in a separate document. The objections include not only references to other texts, treatises, etc., but also comments from scholars on Hinduism and ancient Indian history. We emphasize that these are independent scholars. They are not affiliated with HAF, and they are not being paid to provide these opinions. The views expressed are completely their own and have not been edited by HAF.

In general, the remaining objections reflect concerns in several areas: the treatment of women in Hinduism; misrepresentations of Hinduism and inappropriate comparisons to other religions; descriptions of the "caste system" and "untouchables"; and an incomplete presentation of the origins of Hinduism, with the Aryan invasion/migration theory presented as established fact. The proposed edits reflect an uneven and inconsistent approach. The following areas remain of concern:

*Women's status.* The remaining edits are required because the existing text inappropriately highlights the status of women in the Hindu religion in a way that is not present in the discussion of other religions. It cannot be denied that, historically, every religious tradition has accorded women a somewhat lower status and that religious teachings have been used to buttress cultural patterns of inequality. Having said that, it is highly inequitable, and places Hinduism in an unfavorable light, to make this point in the context of Hinduism without making comparable observations about other religions. In addition, the texts omit any discussion of many positive "feminine" aspects of Hinduism, *i.e.*, worship of the feminine divine and a history of women sages, and women saints and philosophers.

*Basic tenets of Hinduism and inappropriate comparisons to other religions.* The concept of God in Hinduism is complex; it combines the idea of one Supreme Being with manifestations in multiple forms and fashions. The texts tend to simplify this and present it as a form of polytheism, which in turn carries negative connotations of paganism. Christianity and Judaism are portrayed as “superior” monotheistic religions. Prof. Ramdas Lamb of the University of Hawaii explains that while the terms ‘gods’ and ‘goddesses’ “may work for Western polytheistic traditions, [they] are inaccurate when addressing Hindu concepts of the multiplicities of form in which the Divine is believed to manifest.” In another example, Buddhism is often treated as an “improvement” over defects in Hinduism – a presentation that would certainly be rejected in the context of, say, Judaism and Christianity.

*Caste and untouchability.* The texts fail to distinguish between social organization aspects (which were more cultural than religious and were common to a number of South Asia societies) with religious requirements. Hindu scriptures do not reference “untouchables,” and the practice was limited in the time frame presented in these texts. To the extent practice existed, it was also present in Buddhism, but no mention is made in section on Buddhism. The letter of Prof. Ramdas Lamb observes that he has been teaching “Introduction to World Religions” on the college level for seventeen years, and the texts “tend to more inaccurately depict Eastern religious traditions...and tend to present a more critical, and even negative, view [of these traditions]...textbook writers tend to come from a Christian background and thus tend to overlook the more negative and problematic aspects of their own tradition while emphasizing the positive ones.”<sup>5</sup> Prof. Lamb’s thoughtful comments on caste and untouchability go far in providing a framework for approaching the editing process, and we commend his February 20 letter to you.

*Origins of Hinduism/Aryan invasion theory.* The existing scholarship does not conclusively establish Aryan invasion or migration, yet the texts present it as fact. It is subject to continuing research and debate. Staff has agreed to changes in some text, but not others, resulting in an uneven treatment of this area. All text should reflect that some historians/scientists believe that Hinduism emerged from an indigenous civilization, while other believe it was the result of Aryan invasion or migration. The Editor of Hinduism Today quotes “India’s most famous historian,” Romila Thapar, as saying “The Aryan question is a very complex question...do not take one version as ‘the’ version.” He goes on to explain,

So why does this Aryan invasion scenario matter to Hindus? Does it matter to the Jews that the Exodus really happened? Does it matter to Christians that Jesus

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<sup>5</sup> Prof. Lamb indicates that “Dalit” is a political term used largely by non-Hindus or former Hindus that have rejected Hinduism. It is not a term used by Hindus and the textual references are therefore inaccurate.

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really lived?...Hindus have two stories of India, the *Ramayana* and the *Mahabharata*, which traditionally are dated back thousands of years. If an Aryan invasion occurred... then these two histories have to be relegated entirely to myth. We are not suggesting that these traditional stories supplant sound scientific study, but it is useful to understand how most ordinary Hindus in India look at our history. We do not want our traditional history to be dismissed as myth at the recommendation of Dr. Witzel and his supporting group of scholars. If that is to happen, then the same group can be polled for their opinion on the Exodus and the historicity of Jesus.

Each of the scholars whose letters we attach has indicated that any definitive understanding on this topic is not possible and that the Aryan invasion or migration theory should be presented as such and not as historical fact. The instructional materials should be edited with this in mind, and conforming edits should be made as necessary to consistently present the varying views.

#### *The Unaddressed Edits*

As stated above, because of the large number of proposed edits submitted prior to the Curriculum Commission's September 28-30 meeting, at that meeting it formed an Ad Hoc Committee (which included three members of the Commission) "*to review edits and corrections identified from public comment and to schedule a meeting...between October 24, 2005 and November 4, 2005.*" The minutes also indicate that the approved motion stated that "[e]dits and corrections approved by the Ad Hoc Committee *will be forwarded to the SBE as part of the History-Social Science Adoption.*" That meeting was subsequently scheduled for October 31. The notice for that meeting clearly stated that the purpose of the meeting was to "*[i]dentify additional edits and corrections as a result of public comments regarding the instructional materials submitted for the 2005 History-Social Science Adoption.*"

VF and HEF had every reason to believe that their edits submitted in early September were part of the "public comment" being reviewed as part of the Ad Hoc Committee's charge. It was not until Friday, October 28, 2005, when the Ad Hoc Committee's report became public, did these organizations become aware that their edits had not been reviewed. At that time, they were told by staff – for the first time – that their edits were not in the correct "format." In fact, Regulation § 9520 not only allows for specific statements of error or objections; it also allows for "comments relating to *any other factor of which the Curriculum Commission should be aware*" and even a "general objection" to the adoption of the materials." The refusal to consider these edits solely because of alleged "format" problems is arbitrary, capricious, and contrary to law.<sup>6</sup>

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<sup>6</sup> In fact, the June 28 minutes of the History-Social Science Subject Matter Committee reflect that concerns were expressed by a representative of the Institute For Curriculum Services about the depiction of Judaism and the

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Notwithstanding the fact that there was no legal justification for SBE's failure or refusal to consider their proposed edits, because representatives of VF were led by staff to believe that if their edits could be "re-formatted" in time for the October 31, 2005 hearing, they proceeded to do so. They re-submitted them by electronic mail over the weekend and in hard copy on the morning of October 31, 2005.

We have reviewed the audio-tapes of the October 31, 2005 Ad Hoc Committee meeting. The vast majority of the day was consumed in reviewing and, in many cases, "re-writing" portions of text for non-Hindu religious groups. The Ad Hoc Committee did not even reach the Hindu edits until late in the day. Despite the fact that the stated purpose of the meeting was to "review edits and corrections identified from public comment," most of the comments submitted by VF were not addressed.

The Ad Hoc Committee was clearly aware that these comments remained to be examined. The audiotape of the October 31 meeting includes a lengthy discussion about how to handle the remaining VF edits in light of the lateness of the hour. On the tape, a person who appears to be Dr. Tom Adams indicates that he thought the "appropriate way" to handle it was to ask SBE at its November meeting for additional time in which the Committee would complete its review of these requested edits. There was a specific motion approved by the Committee to request the SBE's permission to continue the review of these edits and corrections, also understanding the fact that they (staff) would be working on the reconciliation in the interim and would request the board's permission to continue to review the submitted materials. (Declaration of William Tunick, ¶ 6.)

Consistent with the understanding of everyone in attendance at the October 31 meeting, Dr. Bajpai, who had reviewed the HEF requested edits and some of the VF edits, was apparently requested to review the remaining edits. He did so and submitted his report and recommendation on November 4, 2006. Contrary to the motion expressly adopted by the Commission, Dr. Adams apparently represented to the Board at its November meeting that all edits had been fully considered. As with other actions taken at the November 9 Board meeting, it can only be explained as the result of the non-public deliberations and decisions made to change or reverse

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lack of information about public participation in the process. The minutes do not reflect any particular direction as to format, stating only that "Dr. Adams clarified for the record that the adoption process is a very public process with several opportunities for public comment and input." The VF and HEF objections were submitted approximately 60 days after this comment, and well before the September 28-30 meeting of the Curriculum Commission. VF and HEF representatives also appeared in person at that meeting and expressed many of the same concerns. Dr. Adams assurance' that the public would have opportunity for input appears in retrospect to have been quite illusory. Input appears to have been limited to written comments (which were largely ignored) and oral comments at the September hearing (which were deferred for consideration which never took place).

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the public decisions previously reached by the Curriculum Commission (acting through the Ad Hoc Committee).

To our knowledge, absolutely nothing has been done with Dr. Bajpai's report on the remaining edits. HAF previously asked the subcommittee to make Prof. Bajpai's review of the remaining proposed edits available for public comment. It is extremely disappointing that a decision has apparently been made to reject this suggestion, as the staff memorandum for the February 27 hearing continues to ignore many objections made to these texts as early as September 8, 2005, and re-submitted on October 31, 2006. To the extent that these proposed edits overlap with or duplicate edits already being adopted, they were required by the Curriculum Commission to be implemented as conforming edits and the public should be informed as to precisely how this is to occur. To the extent there remain other "unaddressed" edits that are being rejected, the public is entitled to know the reason for their rejection. If the Board continues to assert that these edits were untimely submitted or submitted in an improper format, it risks a successful legal challenge as the record is quite clear on these points.

In summary, we urge the Board to carefully consider the objections of HAF set forth in the separate document and to make the edits necessary to remove or correct those passages that currently contain inaccurate and/or inequitable portrayals of Hinduism. We also urge the Board to review the unaddressed edits to ensure that conforming edits are made as necessary across these programs.

Very truly yours,

**OLSON HAGEL & FISHBURN LLP**



DEBORAH B. CAPLAN  
DBC:ab

cc: Marsha Bedwell, General Counsel, California Department of Education