

HINDU AMERICAN FOUNDATION



◀ *Promoting Understanding, Tolerance and Pluralism* ▶

December 1, 2005

Ruth Green, President
State Board of Education
1430 N Street, Room 5111
Sacramento, CA 95814

Suhag A. Shukla, Esq. – Legal Counsel
Hindu American Foundation
106 South Hoover Blvd.
Tampa, FL 33609

RE: Item 11A: Review Ad Hoc Committee Edits and Corrections for History-Social Science
Instructional Materials as Directed by the State Board of Education

Dear Ms. Green and Members of the State Board of Education,

I am writing to you as Legal Counsel of the Hindu American Foundation (hereinafter “HAF”), an independent, national organization that represents nearly 2 million Hindu Americans in interactions with government, media and academia. The Foundation has substantial representation in the State of California and has thus been monitoring closely the 2005 History-Social Science Primary Textbook Adoption process. The Foundation is gravely concerned with the apparent lack of due process afforded to the Hindu Education Foundation (hereinafter “HEF”) and Vedic Foundation (hereinafter “VF”), both of which in good faith participated in the process as representatives of California Hindus and Hindu school children. HAF is not affiliated with either of these organizations, but is intervening on behalf of our California constituency, which is distressed with the current portrayal of Hinduism and ancient India in the textbooks up for adoption as well as the disparate standards being applied to the Hindu participants of the process.

First and foremost, I am deeply concerned that the California State Board of Education, the California Department of Education (hereinafter “CDE”) as well as the Curriculum Development and Supplemental Materials Commission (hereinafter “the Commission”) are allowing an eleventh hour, post-process letter received from Dr. Michael Witzel and co-signatories (dated November 8, 2005) to not only undermine, but circumvent the recommendations of the Ad Hoc Committee as well as the review process set forth by the Commission for the resolution of edits and corrections in textbooks. For over six months, HEF and VF, and the Institute for Curriculum Services and Council on Islamic Education, for that matter, have with due diligence and in a timely manner, complied with the procedural requirements of the Commission and CDE. All groups also accepted, without objection, the creation of the Ad Hoc Committee in view of the safeguards for fairness installed by the Commission.

For the State Board of Education to allow a correspondence from Dr. Witzel, devoid of any substantive analysis of the textbooks in question but replete with only unsubstantiated allegations against the



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involved Hindu organizations, to trump the recommendations of the Ad Hoc Committee and Content Review Panel (hereinafter “CRP”) expert, Dr. Shiv Bajpai, makes a mockery of what presumably is designed to be a fair and open process. More importantly, this event sets a dangerous precedent for future groups who are unable or unwilling to comply with the accepted and established process for submitting suggestions for changes and edits.

Furthermore, it appears that the Commission and CDE, upon direction of the State Board of Education, retained additional Content Review Panel experts who have a vested interest in undermining the changes submitted on behalf of the Hindu community at large and approved by the Ad Hoc Committee. To retain Drs. Witzel, Stanley Wolpert and James Heitzman as CRP experts, when these individuals either authored the very letter that disparaged participating Hindu organizations and the recommendations of the Ad Hoc Committee or attended the November 9th hearing to publicly support the contents of the letter, is a clear and incontrovertible conflict of interest.

Moreover, the Commission and CDE contravened its established process by creating an entirely new CRP consisting of Drs. Witzel, Wolpert and Heitzman despite the Ad Hoc Committee in addition to the previously retained CRP expert, Dr. Bajpai, having completed its mandate. To our knowledge, a similar duplication of the CRP has not been applied to any of the other, non-Hindu groups involved in the textbook adoption process. This singling out denies due process to the Hindu participants.

I am compelled to reaffirm that the purpose of the Edits and Corrections Process to be open to the public is to ensure that adopted textbooks comply with the following sections of the California Education Code:

- § 51501. No textbook, or other instructional materials shall be adopted by the state board or by any governing board for use in the public schools which contains any matter reflecting adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.
- § 60044. No instructional materials shall be adopted by any governing board for use in the schools which, in its determination, contains:
 - (a) Any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation.
 - (b) Any sectarian or denominational doctrine or propaganda contrary to law.

The invitation for feedback from the public at large with regard to textbooks up for adoption, procedural requirements set forth by the Commission and CDE, formation of the Ad Hoc Committee as well as the retaining of CRP expert, Dr. Bajpai, fulfilled the directives for textbook selection set forth by the California Education Code. The Hindu American Foundation asserts the following:



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1. The original actions recommended by the Ad Hoc Committee on November 8, 2005 should be accepted as final.
2. The retaining of Drs. Witzel, Wolpert and Heitzman represents a clear and incontrovertible conflict of interest. If the Commission and CDE deem a secondary CRP necessary to serve its mandate, experts must be neutral and unbiased.
3. The Commission and CDE have singled out the Hindu community by contravening its established procedure for edits and corrections by creating a second Content Review Panel without any discussion or consultation with the Hindu American community.
4. The primary field of research for Dr. Witzel, Dr. Wolpert and Dr. Heitzman is not Religion or Hinduism. Indeed, some of the sections in the textbooks up for adoption do touch upon the history of Ancient India in which these individuals purportedly have expertise; however, many of the edits and changes appear to be with regard to the description and depiction of Hinduism. If the Commission and CDE deem a secondary Content Review Panel necessary to serve its mandate, interested parties should be consulted for a broader spectrum of scholars, including scholars of Hinduism.
5. The Foundation has evidence of a number of specialists on Hinduism and Ancient India supporting the original edits and corrections proposed by the Ad Hoc Committee. These specialists have communicated such to the State Board of Education, the California Department of Education as well as the Commission. At minimum, the Commission should consider these individuals for any secondary Content Review Panel.

Due to the time-sensitivity of this matter, please consider this letter an urgent request to provide a response to the above-mentioned assertions and an appeal to begin a dialogue to reach a mutually agreeable solution. However, please also be advised that the Foundation, as a representative of the Hindu American community at large, may seek legal recourse in the event that a response is not received by Thursday, December 8, 2005, 5:00 pm Pacific Standard Time. Thank you in advance for your prompt attention.

Sincerely,

Suhag A. Shukla, Esq.
Legal Counsel
Hindu American Foundation

