

OAKLAND UNIFIED SCHOOL DISTRICT

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**CONFIDENTIAL**

December 12, 2025

**Via U.S. Mail and E-Mail: [marleen@lawofficeofmarleensacks.com](mailto:marleen@lawofficeofmarleensacks.com)**

Marleen Sacks  
Law Offices of Marleen L. Sacks



Re: Investigation Report/Findings for Amended Complaints No. 8 through No. 24

Greetings Marleen Sacks:

As we communicated in our emails dated November 4, 2025, and November 6, 2025, this letter serves to address outstanding amended complaints as discussed herein. On November 18, 2023, you submitted an initial complaint against the District, alleging that the Palestinian flag raised at Fremont High School was antisemitic. As of November 10, 2025, you have filed 24 amended complaints; your most recent one submitted on October 28, 2025. Your subsequent complaints, numbered 1-7, were filed from December 2, 2023, to August 1, 2024, and those numbered 8-24 from December 17, 2024, to October 28, 2025. The District is considering the above-mentioned amended complaints and Level II appeals as amendments to your original complaint, consistent with your previous requests to consider your original complaint and amendments in their totality. Herein the original complaint and 24 amendments, including Level II appeals, will be referred to as “Complaint.” The purpose of this is to attempt to resolve this Complaint in whole and allow for the District to turn its focus to corrective actions, whereas to date, the District has been in a cycle of investigation and appeal that it cannot maintain due to the duplicative allegations and ongoing and overlapping administrative processes as discussed below.

Your original complaint, and the first seven amended complaints were previously appealed to CDE, and although most of these original appeals<sup>1</sup> have been decided, one remains pending.<sup>2</sup> The District conducted additional investigations in response to CDE determinations for the

<sup>1</sup> CDE Case Matter Nos. 2025-0081 (appealing, in part, Amendment 1), 2025-0084 (appealing Amendment 4), 2025-0085 (appealing original complaint and, in part, Amendment 1), 2025-0152 (appealing Amendment 6, Amendment 15, and (in part) Amendment 16)

<sup>2</sup> CDE Case Matter Nos. 2025-0108 (appealing Amendment 2 (in part), Amendment 3, and Amendment 5

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original complaint, and amendments 1, 2, 3 and 7. You have also appealed the findings from these investigations to the CDE.<sup>3</sup>

In its recent decision letters<sup>4</sup>, the CDE concluded that the District had discriminated against the District’s Jewish and Israeli students, staff and families when a Palestinian Flag was raised at Fremont High School<sup>5</sup>, during Arab Heritage month, when a map of the Middle East omitted Israel and was twice shared by the Office of Equity<sup>6</sup>, and as a result of the December 6, 2023 Teach-in<sup>7</sup>. Because of these decisions, the District recognizes CDE’s findings with regard to the alleged discrimination as articulated across the Complaint as a whole, applying findings of law to the categories of conduct across the Complaint.

With this letter, the District is providing you with notice that its investigation into your Complaint has concluded.<sup>8</sup>

### **I. UCP COMPLAINT ALLEGATIONS**

Your Complaint alleges that beginning in November, 2023, Jewish and Israeli students and staff have been subject to a hostile antisemitic environment, and other students have been subjected to pro-Palestinian indoctrination, to which the District has failed to respond.

The scope of your allegations is based on the following:

1. Pro-Palestinian propaganda on display across District campuses.
2. Pro-Palestinian curriculum and instruction used by District staff within the classroom environment, including the teaching of third-party materials and/or materials not adopted by the Board of Education.

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<sup>3</sup> CDE Case Matter Nos. 2025-0153 (reappealing original complaint/CDE Case Matter No. 2025-0085), 2025-0154 (appealing, in part, Amendment 1/CDE Case Matter No. 2025-0081)

<sup>4</sup> CDE Case Matter Nos. 2025-0152, 2025-0153, 2025-0154 [These decision letters included legal conclusions that evidence is consistent with the District contributing to a discriminatory environment for Jewish students and staff. The CDE made its determination, in part, because the District did not waive attorney-client privilege by providing CDE investigation reports as requested.]

<sup>5</sup> CDE Case Matter No. 2025-0153

<sup>6</sup> CDE Case Matter No. 2025-0152

<sup>7</sup> CDE Case Matter No. 2025-0154

<sup>8</sup> You filed a 25th Amended Complaint on November 19, 2025. The District notified you that we would be providing findings for the Complaint no later than December 27, 2025, 60-days from the date of your 24th Amended complaint filed on October 28, 2025. As such, there is insufficient time to adequately respond to your 25th Amended Complaint and out of necessity, the District must address it in a separate investigation findings letter.

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3. Pro-Palestinian political activism by District staff.
4. Disparate attention and prioritization via District programs and supports for the District's Arab community compared to the District's Jewish community.
5. Antisemitic hate symbols/speech on District property.
6. Failure to timely respond to amended complaints.

You allege that the above-listed conduct or evidence thereof, in their totality, has created a hostile environment for Jewish and Israeli students and their families, as well as for staff and other community members. Additionally, you alleged that the above-listed conduct or evidence thereof, in their totality, constitutes discriminatory pro-Palestinian propaganda which has the effect of indoctrinating students into a pro-Palestinian ideology.

### **II. SCOPE OF UCP – LEGAL STANDARD**

The District must investigate complaints alleging unlawful discrimination, harassment, intimidation, or bullying in District programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code sections 200 and 220, Penal Code section 422.5, or Government Code section 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.<sup>9</sup>

### **III. SCOPE OF UCP – METHODOLOGY**

In the course of investigating Amendments 1-7, and reinvestigating them per the CDE decisions as discussed above, the District conducted twelve independent investigations, ten of which were investigated by third party investigators, and two which were investigated by a District staff investigator.

In determining findings of fact for the Level II appeals into the original complaint and first seven amendments, as well as the allegations in Amendments 8-24, the District used a “preponderance of the evidence,” standard, which means that the evidence on one side outweighs, or is more than, the evidence on the other side. Not every allegation must be sustained for a finding to be sustained in one of the categories of conduct discussed herein.

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<sup>9</sup> While there are other bases for uniform complaints, your allegations do not fit into those other categories and programs.

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For the Level II appeals of the original complaint and first seven amendments, the District reviewed investigation reports and CDE determinations. In doing so, the District determined that the findings of fact as determined by the investigators and CDE were more likely than not to have occurred. As such, the policy violations and corrective actions from those reports and subsequent CDE decisions were validated. Individual allegations asserted in the original complaint and the first seven amendments will not be revisited herein.<sup>10</sup>

For allegations asserted in Amendments 8-24, the District's General Counsel and outside counsel reviewed, compared, and analyzed each allegation under a preponderance of the evidence standard. In determining findings of fact and conclusions of law, the District first assessed whether the allegations fell within the scope of the uniform complaint process. Those that did not are discussed in detail below. Remaining allegations were analyzed to determine if they had been previously analyzed in one of the first twelve investigations and whether the investigator had considered documentary evidence pertaining to the allegation in making determinations for subsequent allegations as well as whether the CDE has already issued decisions.

CDE already made findings of law that the District either contributed to a discriminatory environment for Jewish and Israeli students, staff and families or engaged in conduct constituting discrimination towards Jewish persons.<sup>11</sup> Where the allegation duplicated already investigated conduct, and/or the documentary evidence you provided in asserting the allegation was previously considered, the District acknowledges, based on a preponderance of the evidence, that the conduct occurred, and as such, confirms existing policy violations consistent with District findings and CDE decisions.

Where the allegation was determined to be novel, the District considered available documentary evidence and available witness testimony. If, upon review, the preponderance demonstrated that the conduct more likely than not occurred, then policy violations were also inferred as consistent with the CDE determinations as to conclusions of policy/law.

#### **IV. ALLEGATIONS OUTSIDE THE SCOPE OF INVESTIGATION**

As a preliminary matter, the District identified several allegations that fall outside of the scope of the uniform complaint process for this Complaint. Under BP/AR 5143.5, only certain allegations

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<sup>10</sup> You filed appeals with the CDE simultaneously with your District Level II appeals. The District, due to timing and duplicative investigations, adopts the CDE decisions as findings for the Level II appeals and has focused on corrective action as determined by the CDE and initial investigation findings.

<sup>11</sup> CDE Case Matter Nos. 2025-0152, 2025-0153, 2025-1054

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are investigated under the UCP. Considerations include the timeframe in which the complaint was filed, whether the complaint was submitted to the proper LEA, other processes governing complaints, and who may file a complaint under the UCP. The following amendments and/or allegations fail to meet the criteria for investigation under the UCP and as such fall outside the scope of this investigation.

### **a) Fourteenth (14th) Amended Complaint: Instructional Material Challenge**

In your fourteenth amendment you assert that a vendor, StoryCycle, provided reading materials for student bookbags at Hoover Elementary School. You allege that StoryCycle provided “pro-Islam” storybooks which constituted a racially hostile environment for Jewish students and pro-Palestinian indoctrination. In part, you state that the books portray Muslim and Arab students in a positive light which you equate to pro-Palestinian propaganda. You also assert that StoryCycle’s alleged failure to include texts representing Judaism and other religions in an equally favorable light is discriminatory.

Challenges to instructional materials fall outside of the scope of the UCP. As such, complaints regarding instructional materials must be asserted under BP/AR 1312.2—Complaints Concerning Instructional Materials. Per Board policy, these complaints will only be accepted from staff, district residents, or the parents/guardians of children enrolled in a district school. At this time, you do not have standing to raise this complaint, nor did you utilize the correct process to do so.

Regardless, the StoryCycle program focuses on early child literacy by providing low-income families books, and importantly, books that are mirrors to the community they are serving. The District values representation; representation is not discrimination. Providing books that represent a District school’s community and receiving District services is not discriminatory, but rather an important research-based practice to improving literacy.<sup>12</sup>

### **b) Twenty-Second (22nd) Amended Complaint: Improper LEA**

In your twenty-second amendment you allege antisemitic graffiti at AIMS K-12 College Prep. This is a charter school that is not operated by the District. Each LEA, including charter schools, are required to have its uniform complaint process. (5 C.C.R. 4600(p).) (5 C.C.R. 4621.) This allegation should be brought forth under the AIMS uniform complaint process. As such, this

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<sup>12</sup> Sims Bishop, Rudine, The Ohio State University. *Mirrors, Windows and Sliding Glass Doors*, Perspectives: Choosing and Using Books in the Classroom, Vol. 6, No. 3.

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complaint was brought improperly and/or prematurely before the District. If you have submitted a UCP complaint with AIMS, please inform the District.

### **c) Twentieth (20th) , Twenty-Second (22nd) , and Twenty-Fourth (24th) Amended Complaints: Timeline for Filing UCP**

Under the California Code of Regulations, a UCP complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. (5 C.C.R. 4630.)

In your eighteenth amended complaint, filed on September 11, 2025, you alleged that days before the Teach-In, Employee 1 promoted a workshop focused on representing Palestine in K-12 classrooms using her District email. You further allege that doing so was an attempt to infiltrate District classrooms with non-Board approved curriculum. This complaint was not timely filed as it occurred in November 2023, prior to the Teach-In.

Even if it had been timely filed, while a preponderance of the evidence supports that she did send emails using her District account to others, there is insufficient evidence to support a finding that she did so to infiltrate District classrooms with non-Board approved curriculum. The emails only state that she is sharing an opportunity in support of a community which she identifies with and make no statements indicating that the purpose of sharing the event is so that teachers will then use the materials in the classroom.

In the Twentieth amendment you allege that Employee 2 had students create “Free Palestine” screenprints in class. This conduct allegedly occurred in and around November 17, 2023. You brought forth this allegation on October 14, 2025. While we were able to view the video posted to Employee 2’s Instagram account in which students were in the process of creating the “Free Palestine” screenprints during class time, this allegation is two years in the past, and as such is outside of the statutory period in which this complaint can be raised. (*Id.*)

In your twenty-second amendment you raise allegations on behalf of Employee 3, a District employee. You allege antisemitism against Employee 3 that occurred between October 2023 through January 2024 at Urban Promise Academy. You raised this allegation on October 21, 2025. Employee 3 was aware of the conduct when it allegedly occurred and had ample time to file a complaint of her own as a result of the alleged discrimination. She did not do so. Notably, Employee 3 was interviewed by one of the independent investigators into one of your previous allegations. In that interview, Employee 3 did not raise any concerns related to her time at Urban

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Promise Academy. Her failure to file a complaint does not give you leave to do so on her behalf almost two years after the alleged conduct occurred. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (*Id.*) Employee 3 is an individual. You cannot assert a claim of discrimination on her behalf, and even if you could, it would not be permitted outside of the six-month statutory window. (*Id.*)

In your twenty-fourth amendment, dated October 28, 2025, you allege that Employee 4 engaged in Anti-Israel indoctrination in government/politics class in November of 2024.

This alleged conduct occurred more than six months ago and you do not provide any information regarding how or when you became aware of the conduct. Any member of Employee 4's class, including their parents, had ample time in which to alert school leadership or file a complaint. No timely complaint was submitted. As discussed in length above, the statutory period in which to file this complaint has elapsed. (*Id.*)

Despite the fact that these allegations fall outside of the statutory period for raising complaints, there is other evidence and related allegations of teaching pro-Palestinian content, and pro-Palestinian wall hangings across District schools. This conduct is addressed herein.

### **d) Twentieth (20th) Amended Complaint: Family Educational Rights and Privacy Act ("FERPA")**

In your twentieth amendment you allege that Employee 2 improperly posted videos of students to her Instagram account. You allege that while their faces are not shown, their voices can be heard and that this constitutes a FERPA violation. Even if this was a potential FERPA violation, such violations are not subject to the UCP, and as such, this allegation as a UCP complaint is improperly asserted. (*See* Educ. Code § 49070.) That said, the District will review District policies regarding posting students on public social media accounts as part of the corrective action related to policy review.

### **e) Nineteenth (19th) and Twenty-Second (22nd) Amended Complaints: Improperly Filed Complaints**

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In both your nineteenth and twenty-second amendments you raise allegations related to uniform complaints filed by other parties. You do not have the standing to raise these allegations under the UCP. (5 C.C.R. § 4630.)

In the nineteenth amendment you raise allegations on behalf of Employee 5, a District employee, who filed two uniform complaints. In your complaint you allege that Employee 5 received a response to one of her complaints, but not for the other. Employee 5 has appeal rights for the UCPs she filed. (BP/AR 1312.5) and (5 C.C.R. § 4632). You do not. You also do not claim to serve as legal counsel for this individual. Either way, Employee 5 had 30 days to file an appeal to the CDE for either of these complaints. She did not do so. There is no provision under the law that allows for a new allegation of the same complaints to be raised by a new complainant, in this case, you.

Similarly, in the twenty-second amendment, and as discussed above, you allege that the District did not respond to Employee 3's January 1, 2025, uniform complaint. Employee 3 can appeal to the CDE as a result of the District not meeting its timeline, however that right is not transferable to you.

Even if your allegations were validly asserted, the type of conduct described in these allegations has been investigated and based on a preponderance of the evidence, has been determined as more likely than not to have occurred, as discussed in more detail herein.

### **f) Twenty-First (21st) Amended Complaints: Failure to Comply with California Public Records Act ("PRA") Requests**

In the twenty-first amendment you allege that the District has failed to comply with CPRA requests, and that doing so is discriminatory. Not so. PRA requests are not governed by UCP, and as such, filing a UCP regarding a PRA is improper. (See Gov. Code § 7923.100.) Regardless, you have already filed a pending cause of action, asserting your rights under the CPRA, in Alameda County Superior Court.

## **V. FACTUAL FINDINGS**

### **Allegation 1: Pro-Palestinian propaganda on display across District campuses.**

#### **Finding 1: Sustained.**

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Beginning with the original complaint regarding the Palestinian flag at Fremont High School, the Complaint has alleged a range of visual displays described as pro-Palestinian propaganda. This category of allegation has been investigated through prior investigation reports, and the District has confirmed instances of pro-Palestinian student work being posted on classroom walls and hallways, pro-Palestinian posters on display across multiple school campuses, and the Palestinian flag flying on a District flagpole.

You allege additional instances of pro-Palestinian displays on school campuses in amendments 8-24 of your Complaint, several of which have already been investigated and confirmed based on a preponderance of the evidence as discussed in the methodology section above. However, you also raise additional allegations of pro-Palestinian displays.

### **a) Eighth (8th) Amended Complaint**

In this complaint you allege that Garfield Elementary contained multiple posters which stated “Free Palestine”, as well as having Palestinian flags flying on the walls, and that these were present in multiple locations across campus.

A review of photographs and other documentary evidence substantiates that posters supporting Palestine were hung at various locations across Garfield Elementary School.

This complaint also alleges that a poster supporting Palestine was hung outside of room 106 at West Oakland Middle School. A review of documentary evidence substantiated that a poster supporting Palestine was hung outside of room 106 at West Oakland Middle School.

### **b) Ninth (9th) Amended Complaint**

In your ninth amended complaint, you allege that Employee 6 displayed a poster depicting bombs dropping and the words “Free Palestine.”

A review of documentary evidence substantiated that a poster fitting this description was displayed in the classroom assigned to Employee 6.

### **c) Twelfth (12th) Amended Complaint**

In this complaint, you allege that Employee 7 sent emails to colleagues with a pro-Palestinian poster offering it as artwork to hang in their classrooms. You allege that this poster was displayed on teachers’ walls, including Employee 8’s.

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A review of documentary evidence substantiated that posters supporting Palestine were displayed on classroom walls at Fremont High School. However, the District was unable to confirm whether this specific image was hung in either Employee 7’s classroom, or Employee 8’s classroom, as alleged.

### **d) Thirteenth (13th) Amended Complaint**

This amendment alleges that a map of Palestine, compromising the current boundaries of the state of Israel, is posted in the office of Employee 9. A review of documentary evidence substantiated that a completed puzzle was hanging in Employee 9’s office that depicted Palestine in place of Israel, however it was subsequently removed.

### **e) Twenty-Second (22nd) Amended Complaint**

In this complaint you allege that there are pro-Palestinian posters hanging throughout the Rudsdale/Sojourner Truth High Schools. A review of documentary evidence substantiated that posters supporting Palestine were displayed on classroom walls at Rudsdale/Sojourner Truth High Schools.

### **f) Twenty-Fourth (24th) Amended Complaint**

In this amendment you allege a pro-Palestinian poster was hung in the school garden with the phrase “From the River to the Sea, Palestine will be Free” printed on it with a watermelon background. A review of documentary evidence substantiated that this poster was displayed in the garden at MetWest High School.

The District has thoroughly and impartially investigated the allegation of pro-Palestinian posters and displays across District school campuses. Through a review of previous investigation reports, photographs, emails and other documentary evidence, including evidence provided by you, the preponderance of the evidence substantiates that there were pro-Palestinian posters and displays across District schools between December 2023 and October 2025.

### **g) Twentieth (20th) Amended Complaint: Palestinian Flag flying at Success Academy.**

In this amendment you allege that on October 3, 2025, a Palestinian and a LGBTQ+ flag were flying on the flagpole outside of Success Academy. The Palestinian flag was flying on the

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flagpole outside of the school on October 3, 2025. When alerted, the school removed it. This allegation was confirmed to have occurred.

### **h) Twenty-Second (22nd) Amended Complaint: Mural of Leila Khalid at Castlemont High School**

In this amendment you allege that there is a mural depicting Leila Khalid on a wall outside of Castlemont High School. There is a mural depicting three individuals, one of whom is Leila Khalid on a wall outside of Castlemont High School. This mural is not new and has been present on this campus for at least 15 years.

#### **Finding of Fact**

Across the Complaint there are numerous allegations of pro-Palestinian displays across District school campuses. A preponderance of the evidence requires the evidence to show that it is more likely than not that conduct occurred to sustain an allegation. As discussed, while not every allegation was confirmed, the preponderance of the evidence supports a finding of pro-Palestinian visual displays across multiple District school campuses. This allegation is sustained.

**Allegation 2: Pro-Palestinian curriculum and instruction used by District staff within the classroom environment, including the teaching of third party materials and/or materials not adopted by the Board of Education.**

#### **Finding 2: Sustained.**

Beginning with the first amended complaint regarding the Teach-In, the Complaint has alleged multiple instances of teachers using non-District adopted or approved curriculum to instruct students about Israel and Palestine which favors a pro-Palestinian perspective and which does not represent alternative viewpoints. This category of allegation has been investigated through prior investigation reports, and the investigations have confirmed instances of this conduct both related to, and following the December 6, 2023 Teach-In.

You allege additional instances of pro-Palestinian curriculum and instruction in amendments 8-24 of your Complaint, many of which have already been investigated and confirmed in previous investigations based on a preponderance of the evidence as discussed in the methodology section above. However, you also raise additional allegations of similar conduct.

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### **a) Ninth (9th) Amended Complaint: Native American Heritage Month Assembly**

In your ninth amended complaint you allege that at a fall 2024 Native American Heritage Month Assembly, there were multiple references to Palestinians and the showing of video of suffering children in Gaza. The conduct described in this allegation could not be confirmed.

### **b) Ninth (9th) Amended Complaint: Professional Development by Quetzal Education Consulting**

In your ninth amended complaint you allege that professional development by third party consultants, Quetzal Education Consulting. You allege that trainers segregated employees by race in violation of state and federal laws, as well as Board policies.

The conduct described in this allegation could not be confirmed. That said, the use of affinity spaces is a well established practice to support black, indigenous and people of color in having a space to make institutions more welcoming for historically marginalized racial identities.<sup>13</sup>

### **c) Tenth (10th) Amended Complaint: Pro-Palestinian Curriculum and Instruction by Employee 10**

In this amendment you allege that Employee 10 prepared and presented pro-Palestinian instructional materials to students.

A review of documentary evidence, including a slide presentation and student presentations confirm that a multi-day lesson on colonialism, Israel and Palestine, which favored a Palestinian perspective was prepared and taught by Employee 10. The slide deck also links to additional teaching resources on Israel and Palestine. Notably, while the resulting learning by students is uniformly pro-Palestinian, the curriculum itself, which does have a pro-Palestinian slant, does include factual information regarding shifts in land, and an article that portrays the October 7, 2023 terrorist attack from reputable news sources. Additionally, the list of materials linked in the slide deck is not limited to resources purporting a single, pro-Palestinian point of view. As a result, it is unclear whether this lesson was taught in isolation or whether there were others offering alternative perspectives, or even whether this was the only perspective taught by Employee 10. Regardless, because of the single perspective represented across the student

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<sup>13</sup> Hughes, Drisana, *The Proven Impact of Affinity Spaces*, Race, Research and Policy Portal of the Institutional Antiracism and Accountability Project, <https://trapp.spia.princeton.edu/how-to-guide/the-proven-impact-of-affinity-spaces/>, (last visited November 24, 2025).

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presentations, a preponderance of the evidence supports that this non-District approved curriculum was pro-Palestinian and failed to offer multiple perspectives.

### **d) Eleventh (11th) Amended Complaint: Pro-Palestinian instruction by Employee 11**

In this amendment, you allege that Employee 11, while discussing mob mentality with her students, commented that she does not stand for the national anthem because the United States is assisting with genocide, providing details when asked, that the US was supporting genocide in Gaza. The conduct described in this allegation could not be confirmed.

### **e) Twenty-Third (23rd) Amended Complaint: AROC resources remaining on the District's Website**

In this amendment, you allege that despite being directed to remove them, the District continues to have AROC resources on the District's website. The AROC resources have also been removed from the District website.

### **Finding of Fact**

Based on a preponderance of the evidence, there is sufficient evidence of teachers teaching non-District approved, pro-Palestinian materials to students. A review of documentary evidence supports a finding that this conduct occurred beginning as early as November 2023. This allegation is sustained.

### **Allegation 3: Pro-Palestinian political activism by District staff.**

### **Finding 3: Sustained.**

Beginning with the first amended complaint regarding the Teach-In and Palestinian flag at Fremont High School, the Complaint has alleged numerous instances where District staff have utilized District email to engage in pro-Palestinian activism, including sharing resources and advocating for collective action. This category of allegation has been investigated through prior investigation reports, and the investigations have confirmed instances of this conduct both related to, and following the December 6, 2023 Teach-In.

You allege additional instances of pro-Palestinian political activism by District staff in amendments 8-24 of your Complaint, many of which have already been investigated and

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confirmed in previous investigations based on a preponderance of the evidence as discussed in the methodology section above. However, you also raise additional allegations of similar conduct.

**a) Eighth (8th) Amended Complaint: Inappropriate Conduct at JCRC Antisemitism Training**

In this amendment you allege that at a December 2024 virtual training put on by JCRC, employees violated presentation norms. Specifically, you allege that Employee 12 posted in the chat a message criticizing the way the presenters clarified the difference between Judaism and Zionism and that others gave virtual “thumbs up” to this message. You further allege that the administrators attending should have addressed the conduct and failed to do so. Engaging in a professional development opportunity and questioning the content does not necessarily constitute inappropriate content, and a preponderance of the evidence does not, in this instance, substantiate political activity.

**b) Ninth (9th) Amended Complaint: Advocacy by Garfield Elementary School administrators and/or the Teacher of Special Assignment using District email**

In this amendment, you allege that administrators and/or Teachers on Special Assignment advocated for a May 1, 2024 pro-Palestine walk out and that participation would exempt them from participation in anti-racist exercises. You also allege administrators encouraged the school community to boycott goods from countries accused of genocide, and finally, that on February 12, 2024, Employee 13 emailed other District employees using his District email to support a ceasefire resolution.

While a review of documentary evidence confirms that Employee 13 did send an email encouraging others to support the proposed ceasefire resolution, including his personal reasons for supporting it, a preponderance of the evidence did not substantiate the remaining allegations.

In this complaint you also allege a January 16, 2025 strategy session held by OEA. Specifically, you reference a flyer that OEA was distributing encouraging teachers to attend a training session on how to “teach Palestine.” A review of documentary evidence confirms that staff distributed this flyer.

**c) Twelfth (12th) Amended Complaint: Use of District email to advocate for Board resolution**

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You allege that multiple District employees sent an email during work hours using District email to advocate for a Board ceasefire resolution.

A review of the documentary evidence confirms Employee 14 sent an email advocating for the ceasefire resolution from their District account, however the District was unable to confirm whether it was sent during their lunch period<sup>14</sup> or during the instructional day.

Similarly, as to Employee 13, a review of the documentary evidence confirms that both Employee 1 and Employee 8 sent these emails during their workday, however the District was unable to confirm that the email was sent during work time, as opposed to a break period. Finally, Employee 16 sent an email to Oakland City Councilmembers in support of the ceasefire resolution using District email.

### **d) Sixteenth (16th) Amended Complaint: Forwarding of AROC resources using District email**

In this amendment you allege that Employee 17 forwarded to colleagues an AROC resource email using her District email account.

Employee 17 did send and receive emails with the subject line “The Fight Against Israeli Apartheid is a fight for freedom for us all,” however it is not conclusive that she forwarded resources from AROC or that the email chain originated with her. As such, a preponderance of the evidence does not support that Employee 17 forwarded AROC resources in this email communication.

### **e) Eighteenth (18th) Amended Complaint: Publicizing of pro-Palestinian movies**

You raised additional allegations of pro-Palestinian political activism in your eighteenth amended complaint, regarding Employee 17 and Employee 18. A review of documentary evidence confirms that both Employee 17 and Employee 18 sent emails using their District accounts sharing a flyer advertising a series of pro-Palestinian movies showing at the New Parkway Theater in Oakland.

### **Finding of Fact**

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<sup>14</sup> The timestamp on this email was 12:38 p.m.

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Across the Complaint there are numerous allegations of pro-Palestinian advocacy by District employees using District email. Not every allegation must be confirmed for a finding of fact based on the preponderance of the evidence. As such, the preponderance of the evidence supports a finding that District staff engaged in pro-Palestinian political conduct using District technology. This allegation is sustained.

**Allegation 4: Disparate attention and prioritization via District programs and supports for the District's Arab community compared to the District's Jewish community.**

### **Finding 4: Sustained**

The decision for CDE Case Matter No. 2025-1053 returned findings that certain actions by the Office of Equity constituted discriminatory treatment as a result of disparate treatment by the Office of Equity for Arab American Heritage Month compared to Jewish American Heritage Month, and the repeated deletion of Israel from a map of the middle east. In addition to these allegations for which findings have been issued, you have made additional allegations.

#### **a) Twelfth (12th) Amended Complaint: CAIR Workshop supporting Arab and Muslim students**

You allege in this complaint that the District held a workshop, put on by CAIR, for Community School Managers to learn how to support Arab and Muslim students following the October 7, 2023 terrorist attacks constitutes disparate treatment.

This workshop was held. The workshop was requested by parents, and the District held it with the support of CAIR following that request. The workshop was publicized for the intended audience of Community School Managers, and Arab, Muslim, and Southwest Asian and North African families. The purpose was to address the fear of discrimination and reprisal these families had following the October 7, 2023 attack on Israel. Meeting a need for one group of families, and providing the requested support, does not constitute discrimination against another group, nor does it constitute disparate treatment as there is not a one-for-one formula for supporting students and families. Attending to the needs for representation of one group does not constitute disparate treatment for another group on its own.

#### **b) Seventeenth (17th) Amended Complaint: Antisemitic Graffiti on Montera Middle School Desks**

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You allege that the response to an incident of antisemitic graffiti was inconsistent with how discriminatory graffiti was handled at other school sites, namely how racist graffiti was handled at Thornhill Elementary School compared to how it was handled at Montera Middle School. Principals at individual schools have wide discretion on how to address graffiti based on the size and location of the graffiti, the content of the graffiti and the number of students and staff who witnessed it. The two incidents referenced above are considerably different. First, one was at a small elementary school where the graffiti was large and seen by a significant number of young students. Conversely, in your allegation against Montera Middle School, the graffiti was small, seen by only a few students. While the principals at the two sites responded to the graffiti differently, both did so within their discretionary authority. As such, based on a preponderance of the evidence, there is not sufficient evidence to find that the site administrators mishandled the graffiti.

**c) Twenty-fourth (24th) Amended Complaint: Preferential treatment of Arab and Muslim students**

In this amendment you first allege that holding a school assembly for Ramadan at MetWest High school is an endorsement of religion because it was the only school event that recognized a religious holiday. While this is true, the school also held additional assemblies, such as Martin Luther King Jr. Day Oratorical. District schools hold a range of assemblies based on their student population, to ensure that students' identities are represented within the school community. While not every school holds the same events and assemblies, they have discretion to plan assemblies based on the needs of their students.

In this allegation you stated that providing Muslim students at MetWest High School a place to pray is an illegal endorsement of religion. Not so. Schools are required to provide religious accommodation for students. (*See Ed. Code §§ 46014, 51240.5*) Doing so based on the needs of students does not constitute endorsement of religion. Here, the school designated a location on campus for students to go and pray at the required time each day. When the space was not used for the intended purpose, they removed it, further demonstrating that when the religious accommodation was not needed, it did not remain in place.

You also allege that hosting field trips for Muslim and Arab students designed specifically for them constitutes discrimination. The District has multiple Office of Equity focus areas. Each provides supports and resources for the students whom they are targeting. Part of this effort is to provide resources and support structures, and part is to ensure that students are aware of their opportunities. To this end, each prong of the department curates opportunities for the students

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whom they are serving. Similar practices are in place at other District campuses including courses developed for specific demographics.

It is a well established practice to ensure that there is representation in schools, including educating and supporting diverse learners and their specific needs. While the District confirms that these events did occur, the District asserts that they are an important part of District practice to ensure representation and support for demographics of students who are historically underrepresented.

### **Finding of Fact**

Across the Complaint there are numerous allegations of disparate treatment of Jewish students as compared to Arab and Muslim students. Not every allegation must be confirmed for a finding of fact based on the preponderance of the evidence. While the allegations discussed above do not meet the preponderance of this allegation, based on previous findings of fact, and CDE decisions, the preponderance of the evidence supports a finding that District staff discriminated against Jewish students. This allegation is sustained.

### **Allegation 5: Antisemitic hate symbols/speech on District property.**

#### **Finding 5: Sustained.**

##### **a) Seventeenth (17th) Amended Complaint: Antisemitic graffiti on Montera Middle School Desk**

In your seventeenth amendment you alleged swastikas and a figure drawing of Hitler doing the “heil” sign appeared as graffiti on a desk at Montera Middle School. As discussed in detail above, this antisemitic graffiti was observed by a few students, reported to teachers, and removed from the classroom and disposed of. This allegation is sustained.

### **Finding of Fact**

Based on a preponderance of the evidence, the allegation that there were antisemitic symbols on District property is sustained.

### **Allegation 6: Failure to timely respond to amended complaints.**

#### **Finding 6: Sustained.**

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Across amended complaints, and in your CDE appeals, you have alleged that the District has not timely responded to your Complaints. This allegation is sustained. The District has not responded within the prescribed time frame of 60 days for amendments 8-18.

That said, because the District is investigating the Complaint as a whole, per your request in each subsequent amended complaint, the District is restarting the timeline as of each newly filed amendment in order to do so. As such, findings are due on December 27, 2025, which is 60-days following the filing of the 24th amendment.<sup>15</sup>

### **VI. CONCLUSIONS OF LAW**

In determining whether the substantiated conduct, detailed above, constituted a violation of District policy, the following was reviewed:

- Board Policy 1312.3 – Uniform Complaint Procedures
- Board Policy and Administrative Regulation 6144 – Controversial Issues
- Administrative Regulation 4040 – Employee Use of Technology
- Board Policy 4119.25 – Political Activities of Employees
- Board Policy 0410 – Nondiscrimination in District Programs and Activities
- Board Policy 5145.3 – Nondiscrimination, Harassment and Intimidation.

#### **BP/AR 1312.3 – Uniform Complaint Procedures**

Board Policy 1312.3 sets forth the process for investigating uniform complaints. As discussed above, the District has not met the 60 day timeline required under BP 1312.3 and Calif. Code Regs., tit. 5 § 4631. As such, the District is in violation of both the regulations and District policy.

#### **BP/AR 6144 – Controversial Issues**

Board Policy 6144 and Administrative Regulation 6144 define controversial issues, and provide guidelines regarding discussing them in the classroom, as follows (typed verbatim, in relevant part):

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<sup>15</sup> The CDE issued a demand that the District respond to amendments 8-18 no later than December 20, 2025. Also of note, the 25th amendment was filed on November 19, 2025. As such, the findings for the Complaint are now due January 19, 2025.

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“The Governing Board believes that students should have opportunities to discuss controversial issues which have political, social or economic significance and which the students are mature enough to investigate and address. The study of a controversial issue should help students learn how to gather and organize pertinent facts, discriminate between fact and fiction, draw intelligent conclusions and respect the opinions of others.

The Board also expects teachers to ensure that all sides of a controversial issue are impartially presented, with adequate and appropriate factual information. Without promoting any partisan point of view, the teacher should help students separate fact from opinion and warn them against drawing conclusions from insufficient data. The teacher shall not suppress any student’s view on the issue as long as its expression is not malicious or abusive toward others.

Controversial issues may be discussed in the classroom, provided that:

1. All sides of the issue are given a proper hearing, using established facts as primary evidence.
2. The teacher does not use [their] position to forward [their] own religious, political, economic or social bias. The teacher may express a personal opinion if [they] identif[y] it as such and do not express the opinion for the purpose of persuading students to [their] point of view.
3. The discussion does not reflect adversely upon persons because of their race, sex, color, creed, national origin, ancestry, handicap or occupation.”

Where specified above, teachers across District school sites have violated this policy starting with the Teach-In on December 6, 2023. Importantly, with the exception of the materials distributed by the Office of Equity, the District did not approve the materials used by teachers who chose to teach about Palestine. That said, across many classrooms and over almost two years, teachers engaged in instruction that did not represent multiple perspectives, and focused on the genocide of the Palestinian people, but not the terrorist attacks perpetrated by Hamas, or any other information that would communicate a variety of perspectives on the war. These lessons focused on the Israeli people as aggressors and colonizers who are perpetrating a genocide against the Palestinian people living in Gaza. Importantly, a September 16, 2025, United Nations Human Rights Council report stated that Israel was in fact, committing genocide against the people of Gaza.<sup>16</sup> As such, it is not unreasonable for teachers to be teaching this

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<sup>16</sup> Commission of Inquiry: Israeli authorities and Israeli security forces have committed and are continuing to commit genocide against the Palestinians in the Gaza Strip – Conference room paper (A/HRC/60/CRP.3), pp. 71. <https://www.un.org/unispal/wp-content/uploads/2025/09/a-hrc-60-crp-3.pdf>. [“The Commission concludes on reasonable grounds that the Israeli authorities and Israeli security forces have committed and are continuing to commit the following *actus reus* of genocide against the Palestinians in the Gaza Strip...”]

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perspective. That said, due to the political and complicated nature of the war, it necessitated additional lessons providing context about why Israel was formed, how it was formed and other factual information including the differing perspectives that Jewish and Israeli people hold.

Additionally, curriculum and instruction likely expressed teachers' own personal opinions which is evidenced by not only the instructional materials used, but also the work product produced by students, including posters and prints created by students and posted on classroom and school walls, and presentations that uniformly present a single viewpoint that resulted in students only having exposure to a single viewpoint, and thus not being taught the full complexity of the situation.

### **AR 4040 – Employee Use of Technology**

AR 4040 sets forth the following expectations for employee use of District technology (typed verbatim, in relevant part):

“Employees are authorized to use district equipment to access the Internet or online services in accordance with Governing Board policy and the user obligations and responsibilities specified below.....Employees shall use the network and computer systems safely and responsibly for work-related purposes. Employees may use a standard web browser on the network to access information for personal purposes on a limited basis during breaks or during non-work hours.”

As discussed more fully in the Factual Findings above, multiple District teachers and staff used the District network and computer systems to distribute personal statements and express personal viewpoints and opinions, despite being specifically directed not to by the District. Accordingly, the District network and computer systems were not used in a responsible manner, nor did select teachers and staff use them for work-related purposes, when they sent emails advocating for pro-Palestinian activism, shared pro-Palestinian teaching materials, and communicated personal views relating to Palestine and Israel, in violation of AR 4040.

### **BP 4119.25 – Political Activities of Employees**

BP 4119.25 sets forth the following expectations (typed verbatim, in relevant part):

“The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the District.

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As discussed more fully in the Factual Findings above, District teachers and staff released statements expressing personal views, and advocating for political activism on a highly-charged political matter using District resources. In these communications, these District teachers and staff did not make clear that they were acting as individuals and not as representatives of the District. Because they chose to use a District resource in making their statements, and referenced their schools and professional roles, their statements were reasonably interpreted to be made as official statements in their roles with the District. Accordingly, the investigator found that the actions by District employees during work time and/or using District resources violated BP 4119.25.”

### **BP 0410 – Nondiscrimination in District Programs and Activities**

BP 0410 sets forth the following requirements for ensuring nondiscrimination in District programs and activities (typed verbatim, in relevant part):

“The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. (Education Code 234.1). District programs, activities, and practices shall be free from unlawful discrimination, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, ... ancestry, nationality, national origin, immigration status, ethnic group identification, ... religion, religious creed...; a perception of one or more of such characteristics; or association with a person or with one or more of these actual or perceived characteristics. All individuals shall be treated equitably in the receipt of district and school services....”

The CDE has made several findings as it relates to nondiscrimination in District programs and activities.

The District is adopting this finding of law and concludes that the District violated this policy across allegations in as much as the Office of Equity did not give equal weight to all protected classifications of people under the law, including those who are Jewish and Israeli. However, other instances, such as accommodating religious practices or educating students about Ramadan do not violate this policy. The District has a duty to ensure that underrepresented, minority student groups are represented in their instruction and instructional materials. As such, providing them, and other students, access to information that provides a mirror is not discriminatory. Similarly, there is not a 1:1 equation for the time and/or attention given to one group compared to another. As such, the District was within its right, and obligation, to ensure a

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safe environment for students observing religious practices, just as it does for Jewish students in observation of their religious obligations. As discussed at length in the CDE decision, in as much as the Office of Equity is providing information and materials across the District, it must do for all groups who may be at risk of discrimination under the law. As such, a preponderance of the evidence supports the conclusion that there was discrimination in District programs and activities.

### **BP 5145.3 – Nondiscrimination, Harassment and Intimidation**

BP 5145.3 sets forth the following requirements for preventing unlawful discrimination that may create a hostile environment at school (typed verbatim, in relevant part):

“ . . . This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within the District, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school. The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the District’s academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, harassment (including sexual harassment), intimidation, and bullying of any student based on the student’s actual or perceived . . . ancestry, immigration status, national origin, ethnic group identification, . . . religion...; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student’s academic performance; or otherwise adversely affects a student’s educational opportunities. Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services...”

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The CDE has made several findings as it relates to nondiscrimination in instruction, finding that the conduct was so severe and pervasive as to result in a hostile environment for Jewish students and staff due to the teaching, distribution, and display of pro-Palestinian materials.<sup>17</sup>

As discussed in the Factual Findings above, the numerous pro-Palestinian postings in District classrooms and school grounds, as well as the pro-Palestinian teaching that lacked multiple perspectives, communicating only a pro-Palestinian ideology resulted in a discriminatory environment for District students, staff and families. Furthermore, these actions by District staff, which were not prevented by District administration, resulted in numerous families electing to leave the District, including applying for interdistrict transfers citing the reason for the transfer as a discriminatory environment and fear of antisemitism for their children due to their Jewish and/or Israeli identity. Based on a preponderance of the evidence, pro-Palestinian content was taught to some students, which had the effect of indoctrinating some students into a single point of view.

### **VII. CORRECTIVE ACTIONS**

The District will take the following corrective action in response to the above-mentioned policy violations:

- The District will provide training to district leaders to include Federal and State law requirements regarding the display of flags at school. Additionally, the District will provide locks for District flagpoles
- Provide a training to its UCP compliance staff on the requirements of:
  - 5 CCR Section 4631(a) (the 60-day time period for an IR if no written agreement on an extension);
  - 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).
- Provide a training by a non-District trainer to all District high school social studies teachers and high school site administrators that addresses, when conducting lessons about controversial issues (such as the conflict in the middle east), the obligation to comply with Education Code 51500, which states that a teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias, with a particular emphasis on ensuring that instruction does not promote an anti-Semitic bias.

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<sup>17</sup> CDE Case Matter No. 2025-152 and CDE Case Matter No. 2025-154

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- Provide a training to District staff on all relevant District policies including:
  - BP 0410 – Nondiscrimination in District Programs and Activities
  - BP 1113 – School Websites
  - BP 1312.3 – Complaints Concerning Instructional Materials
  - AR 4040 – Employee Use of Technology
  - BP 4119.21 – Code of Ethics and Professional Standards
  - BP 4119.25 – Political Activities of Employees
  - BP 5145.3 – Nondiscrimination, Harassment and Intimidation
  - BP 6141.2 – Instruction recognition of Religious Beliefs and Customs
  - BP/AR 6144 – Controversial Issues
- 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.  
Employee discipline cannot be disclosed as part of these findings.

### **Right to Appeal**

You have a right to file an appeal of the District’s Investigation Report with the California Department of Education (“CDE”) within thirty (30) calendar days of the date of this letter.

Please see the enclosed BP/AR 1312.3 for more information regarding your right to file an appeal with the CDE. Consistent with these findings, the District considers any obligations to file a Level 2 appeal to be satisfied.

To the extent that your complaint alleged unlawful discrimination based on state law, please be advised that you may pursue available civil law remedies outside of the District’s complaint procedures sixty (60) calendar days after the filing of an appeal with the CDE. This 60-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Prohibition of Retaliation**

Please be advised that the District prohibits retaliation of participants in the investigation process. If at any time you feel that you have been retaliated against for participating in this

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investigation, please contact me immediately. Additionally, you are directed not to retaliate against anyone involved in the investigation process.

### **Conclusion**

The District now considers your complaint dated November 18, 2023, and all subsequent amendments filed through October 28, 2025 closed.

Thank you for bringing these concerns to the District's attention. If you have any questions regarding the foregoing, please do not hesitate to contact me.

Enclosures: BP 0410 – Nondiscrimination in District Programs and Activities  
BP/AR 1312.3 – Uniform Complaint Procedures  
AR 4040 – Employee Use of Technology  
BP 4119.25 – Political Activities of Employees  
BP 5145.3 – Nondiscrimination, Harassment and Intimidation  
BP/AR 6144 – Controversial Issues

Cc: Dr. Denise Saddler, Interim Superintendent  
Dr. Sondra Aguilera, Chief Academic Officer  
Jenine Lindsey, General Counsel  
Gabriel Valenzuela, Ombudsperson