

May 11, 2009

VIA HAND DELIVERY AND EMAIL

Mike McMahon, Board President
Ron Mooney, Board Vice President
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Trish Spencer, Trustee
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Board of Education
Alameda Unified School District
2200 Central Avenue
Alameda, CA 94501

RE: Legal Concerns Regarding “Safe Schools” Curriculum Addressing Sexual Orientation and Gender Identity

As attorneys residing in the City of Alameda, we are deeply concerned and troubled by news that the Alameda Unified School District (“District”) Board of Education (“Board”) may update the K-5th grade curriculum (“Curriculum”) to include mandatory lessons on Lesbian, Gay, Bisexual, and Transgender (“LGBT”) conduct and behavior. We have attended numerous community forums discussing the Curriculum, and reviewed the proposed and revised lesson plans. While the Board should seek the opinion of its own attorneys on these matters, we write to express our serious doubts regarding the legality and propriety of the Curriculum.¹

A plain reading of the revised Curriculum reveals two distinct messages threaded throughout: (1) the expressed message teaching safety and tolerance in the classroom, and (2) the unstated message promoting the legitimacy of LGBT conduct or behavior. While we fully support the former message of respect toward all people regardless of sexual orientation, we strongly oppose the latter message on legal and policy grounds.

If implemented in its present form, the Curriculum will likely violate state and federal laws guaranteeing parental rights and freedom of speech. Furthermore, the law does not require the Board to adopt this Curriculum, and rejecting it will not subject the District to any legal liability. Unless it is further revised to include an opt-out provision and provide a balanced and objective presentation of its controversial subject matter, the Curriculum

¹ Of course, this letter does not constitute legal advice, nor does it form an attorney-client relationship between its authors and recipients.

suffers from serious infirmities, legal and otherwise. Therefore, we respectfully urge the Board to reject the proposed Curriculum.

INTRODUCTION

The Curriculum will likely run afoul of a number of state and federal laws. First, California Education Code Section 51240 gives parents the *right* to withdraw their children from any “instruction in health” that conflicts with their personal moral convictions. The State Board of Education defines “health education” to include topics such as the characteristics of families, the ability to support and respect people with differences, and the effects of bullying and harassment of others. Since the Curriculum focuses on all of these topics, it constitutes “health education.” Moreover, this “instruction in health” is inescapably moral in nature and conflicts with the moral convictions of many parents. Because California law gives parents the right to protect their children from objectionable lessons about family and sexual identity, this Curriculum, without an opt-out provision, will violate state law.

Second, the Curriculum will violate state laws granting parents the right to excuse their children from sex education. Pursuant to California Education Code Sections 51938 and 51939, schools must comply with a parental request to withdraw a child from “any class in comprehensive sexual education.” The Curriculum contains lessons on inherently sexual matters: LGBT relationships and behavior. LGBT relationships can only be differentiated from platonic same-sex relationships on the basis of homosexual sex. The Curriculum’s misleading use of only vague, non-sexual language cannot avoid the conclusion that it constitutes sex education.

Third, the Curriculum abridges and violates students’ cherished First Amendment right to freedom of speech. By failing to present objective information about LGBT conduct or behavior—and the present-day controversy surrounding it—the Curriculum amounts to government-sponsored viewpoint discrimination. Indeed, the Curriculum promotes only one viewpoint: that LGBT conduct or behavior is normal and morally acceptable. The Curriculum also lacks safeguards to prevent teachers from silencing students who have the right to respectfully voice their moral disagreement with the Curriculum. As it stands, the Curriculum will not likely pass constitutional scrutiny.

Finally, the law does not require schools to teach support for LGBT conduct or behavior, and rejecting this Curriculum will not likely subject the District to legal liability. The Curriculum’s proponents claim that if the Board does not comply with their demands, it will be subject to “costly verdicts.” The proponents, however, provide scant support for this misleading characterization of case law, as well as the everyday reality of our schoolyards. In addition, the one case that the Curriculum’s proponents cite to create the specter of legal liability bears no resemblance to the situation of Alameda schools. Hence, the law does not compel the Board to adopt this Curriculum.

For these reasons, more fully discussed and supported below, we urge the Board to reject the revised Curriculum.

DISCUSSION

- I. If adopted, the Curriculum will violate state and federal laws.**
 - A. The Curriculum will violate the California Education Code, which guarantees the right of parents to direct their children’s upbringing.**
 - 1. The Curriculum will mandate moral instruction in violation of California Education Code Section 51240.**

California law provides parents the *right* to withdraw their children from any “instruction in health” that conflicts with their “personal moral convictions.” California Education Code Section 51240 states:

(a) If any part of a school’s *instruction in health conflicts with the religious training and beliefs* of a parent or guardian of a pupil, the pupil, upon written request of the parent or guardian, *shall be excused* from the part of the instruction that conflicts with the religious training and beliefs.

(b) For purposes of this section, “religious training and beliefs” includes *personal moral convictions*.²

The Curriculum constitutes such “instruction in health,” as defined by law. In California, health education includes “instruction in the principles and practices of individual, *family*, and community health.”³ Moreover, in October 2005, the California legislature directed the State Board of Education to “adopt content standards in the curriculum area of health education,” which “shall provide a framework for instruction that a school may offer in the curriculum area of health education.”⁴ These standards, adopted by the State Board of Education in March 2008, embrace a wide range of topics and subjects, all of which constitute “instruction in health” under the law.

According to the California State Board of Education, health education includes teaching students how to do any of the following:

² CAL. EDUC. CODE § 51240 (2004) (emphases added).

³ CAL. EDUC. CODE § 51210(f) (2001) (emphasis added).

⁴ CAL. EDUC. CODE § 51210.8 (2006).

- “Describe the characteristics of families.”⁵
- “Describe how members of a family have various roles, responsibilities, and individual needs.”⁶
- “Discuss how to show respect for similarities and differences between and among individuals and groups.”⁷
- “Demonstrate the ability to support and respect people with differences.”⁸
- “Examine the effects of bullying and harassment on others.”⁹
- “Recognize that there are individual differences in growth and development, physical appearance, and gender roles.”¹⁰

Although schools need not comply with all of the standards enunciated, these standards “represent *minimum* requirements for comprehensive health education”¹¹ and provide the best clarification of what comprises “health education” in the state of California.

By these government standards, the Curriculum is health education. Almost every lesson in the Curriculum focuses on one or more of the aforementioned topics. The Grade 1 lesson is entitled “Who’s In a Family?” and purports to teach children to “identify what makes a family” and “describe a variety of families” The Grade 2 lesson imposes an arbitrary definition of “[w]hat makes a ‘good’ parent” and “what is most important in a family” In Grade 3, students learn about “Two Moms” and “Two Dads” and are instructed that “all family structures are equally viable and important.” The Grade 4 lesson exposes children to “Gay” and “Lesbian” vocabulary and teaches them to “have empathy for Robert.” Finally, Grade 5 teaches students that the cardinal sin is to say anything that an LGBT person might

⁵ CALIFORNIA STATE BOARD OF EDUCATION, HEALTH EDUCATION CONTENT STANDARDS FOR CALIFORNIA PUBLIC SCHOOLS, KINDERGARTEN THROUGH GRADE TWELVE, at 4 (2008), <http://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf> (Mental, Emotional, and Social Health Standard 1.2.M for Kindergarten).

⁶ *Id.* at 6 (Growth and Development Standard 1.4.G for Grade One).

⁷ *Id.* at 12 (Mental, Emotional, and Social Health Standard 1.7.M for Grade Two).

⁸ *Id.* at 16 (Mental, Emotional, and Social Health Standard 8.3.M for Grade Three).

⁹ *Id.* at 19 (Injury Prevention and Safety Standard 1.4.S for Grade Four).

¹⁰ *Id.* at 25 (Growth, Development, and Sexual Health Standard 1.6.G for Grade Five).

¹¹ *Id.* at ix (emphasis in original).

find “hurtful” or “unkind.” The Curriculum’s attempt to impose its definitions of family and sexuality constitutes “instruction in health” under the law.

Furthermore, it is apparent from the community response to these proposed lessons that the Curriculum conflicts with the personal moral convictions of many Alameda parents. It cannot be denied that the Curriculum’s message is moral in nature. Indeed, Assistant Superintendent Debbie Wong admitted she supports the Curriculum because of her personal conviction that “*morally* it is the right thing to do.”¹² Notwithstanding Ms. Wong’s beliefs, however, numerous residents have clearly expressed their moral opposition to the Curriculum and its attempt to usurp parents’ right to raise kids with wholesome, traditional family values. Moreover, most opponents of the Curriculum believe it is immoral, not to mention inappropriate, to expose impressionable elementary school children to subjects such as bisexuality, cross-dressing, or even gay penguins. Finally, while everyone agrees people ought to be treated equally, numerous parents outright reject the Curriculum’s unstated dogma—that LGBT conduct or behavior is healthy, normal, and morally acceptable. All of these are legitimate and widely-held moral convictions, as evidenced by the recent passage of Proposition 8. In addition, many parents also hold genuine religious beliefs and object to the Curriculum on those grounds.

The Curriculum’s thesis—that all families, including LGBT families, are “equally viable”—constitutes “instruction in health” that conflicts with the moral convictions of many parents. California law gives these parents the right to protect their kids from the Curriculum’s objectionable messages regarding family and sexuality. Thus, without an opt-out provision, the Curriculum will violate state law, forcing parents to surrender their children to health education contrary to their personal moral convictions.

2. The Curriculum will mandate sex education in violation of California law.

California law also gives parents the *right* to opt out of having their children participate in sex education at school.¹³ The Curriculum, as proposed, will mandate LGBT instruction and will not allow parents to withdraw their children from its lessons. If the Curriculum

¹² David DeBolt, *AUSD Takes on Curriculum Addressing Sexual Identity*, ALAMEDA SUN (July 4, 2008), available at http://www.alamedasun.com/index.php?option=com_content&task=view&id=3558&Itemid=10 (emphasis added).

¹³ CAL. EDUC. CODE § 51938 (2005) (“A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education . . .”); see also CAL. EDUC. CODE § 51939 (“A pupil may not attend any class in comprehensive sexual education . . . if the school has received a written request from the pupil’s parent or guardian excusing the pupil from participation.”).

involves sex education, it will violate state law because it does not contain an opt-out provision.

The law states that “sex education” excludes “instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions.”¹⁴ Thus, some argue the Curriculum does not involve sex education—and that no opt-out provision is needed—because it attempts to discuss LGBT issues without reference to “human reproductive organs and their functions.”¹⁵

Nevertheless, the Curriculum *is* sex education because its subject matter, LGBT conduct or behavior, is inherently sexual. As a practical matter, it may be impossible to teach students about LGBT relationships without some discussion of sex—the exclusive “function” of “human reproductive organs.” This is because the sole defining characteristic of a LGBT relationship, which distinguishes it from platonic same-sex relationships, is *homosexual sex*.¹⁶

The Curriculum tries to circumvent this inconvenient truth by couching definitions of LGBT vocabulary words in non-sexual language.¹⁷ For example, the Curriculum defines “Gay” as “[b]oth men and women [who] are *romantically involved* in a committed relationship with someone of the same sex.”¹⁸ This under-inclusive definition, however, only succeeds in hiding the sexual nature of a gay relationship within the phrase “romantically involved.” If a curious student should try to pierce this thin veil by asking for the definition of “romantically involved,” the Curriculum falls silent. One can only assume teachers faced with this foreseeable question will have to reply with more nebulous words, such as “love,” that will confuse and harm young children.

¹⁴ CAL. EDUC. CODE § 51932 (2004).

¹⁵ *Id.*

¹⁶ Gays and lesbians are homosexual persons. “Homosexual” is defined as “of, relating to, or involving *sexual intercourse* between persons of the same sex.” Merriam-Webster Online, <http://www.merriam-webster.com/dictionary/homosexual> (emphasis added).

¹⁷ Moreover, as of the time of this writing, the published revised Curriculum fails to mandate the use of its definitions of LGBT terms the classroom, inadequate as they are. Absent binding, official definitions, the Curriculum gives any teacher carte blanche to define these terms however he sees fit, without parental or District oversight. This, of course, is just as bad as providing ambiguous and misleading definitions of these terms.

¹⁸ Vocabulary Words (emphasis added).

For example, before the latest revision, the original Curriculum incorporated definitions from the “It’s Elementary” Curriculum Guide, which provided the following definitions in a first grade lesson to explain “love” between couples, including lesbian and gay couples:

Suggested Definitions of Love

- A deep, tender feeling of care towards a person.
- An intense emotional attachment, as for a pet or treasured object.
- When a person wants to care for another person with all their heart.

These disingenuous definitions are ambiguous and incomplete by design. Using these definitions, there is no way for a first-grade boy to distinguish between the non-sexual “love” he has for his toy, his dog, or his dad, and the sexual “love” between gay persons. A young girl would be justified in thinking she is a lesbian because her best friend is also a girl. The potential for misunderstandings is obvious, and this Curriculum cannot resolve these fundamental misunderstandings without the use of sexual language.

Thus, any attempt to teach students about LGBT relationships without reference to their defining characteristic—homosexual sex—will only confuse impressionable children about their sexual identity during their formative years. This harmful result is unacceptable, regardless of whether the Curriculum’s proponents intended to cause such confusion. If the Curriculum’s proponents insist on teaching children about LGBT conduct or behavior, they must be willing to teach the whole, objective truth: that “sex” is at the center of “homosexual.” Of course, this would invariably bring the Curriculum within the ambit of sex education.

Finally, in the chapter discussing the sex education opt-out provision, California law declares that “parents and guardians have the *ultimate* responsibility for imparting *values* regarding human sexuality to their children.”¹⁹ Without question, the Curriculum will impart, if not impose, values regarding human sexuality to children whose parents disagree with those values. Interpreting the Curriculum as not sex education would do violence to the California legislature’s clear intent that parents, not the government, direct their children’s education in matters of human sexuality. Given this clear legislative intent, and the impossibility of explaining LGBT relationships without venturing into the realm of sex education, a court will likely find the Curriculum violates California law because it constitutes mandatory sex education.

Even if parents are allowed to opt out, however, the Curriculum will likely violate Alameda students’ right to freedom of speech.

¹⁹ CAL. EDUC. CODE § 51937 (emphases added).

B. The Curriculum will violate Alameda students' First Amendment right to freedom of speech.

The First Amendment guarantees the freedom of speech to all people. The United States Supreme Court has repeatedly emphasized that “students do not ‘shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.’”²⁰ Indeed, “vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”²¹

Like all other citizens, students have the right to be free from government-sponsored viewpoint discrimination. A school may not prohibit speech based on the “mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”²² As the Supreme Court explains:

Discrimination against speech because of its message is *presumed to be unconstitutional*. . . . When the government targets not subject matter but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.²³

The Curriculum, if adopted and enforced, will amount to the kind of government-sponsored viewpoint discrimination the Constitution prohibits. The Curriculum fails to “present” objective, neutral information about LGBT persons, or educate students about the live moral debates and controversy surrounding LGBT conduct or behavior. Instead, the Curriculum promotes only one viewpoint—that LGBT conduct or behavior is natural and morally acceptable. To the extent the Curriculum presents opposition to LGBT conduct or behavior, it provides only examples of “name-calling,”²⁴ “hurtful,”²⁵ “unkind,”²⁶ and

²⁰ *Morse v. Frederick*, 551 U.S. 393 (2007) (quoting *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969)).

²¹ *Healy v. James*, 408 U.S. 169, 180 (1972) (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)).

²² *Tinker*, 393 U.S. at 509.

²³ *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828–29 (1995) (citations omitted) (emphasis added).

²⁴ Revised Lesson Plans, Grade 4: Developing Empathy & Being an Ally.

²⁵ *Id.*

ignorant²⁷ bigots. The Curriculum never attempts to teach the truth—that numerous reasonable and respectful members of our society voice their objections to LGBT conduct or behavior without ever denigrating LGBT persons. Instead, the Curriculum resorts to the precise kind of name-calling and stereotyping of LGBT opponents that it purports to condemn. The irony is inescapable, but so is the conclusion that the Curriculum is tantamount to unconstitutional, government-sponsored viewpoint discrimination.

Moreover, the Curriculum will likely encourage, if not compel, teachers to “correct” students who hold opposing viewpoints and prevent them from expressing their moral disapproval of LGBT conduct or behavior. The revised lessons unmistakably reveal the Curriculum’s intent: to re-educate young children to embrace the “official” viewpoint that LGBT conduct or behavior is a normal and healthy alternative to heterosexuality. For example, the third grade lesson plan presents a lesbian family alongside animal and traditional human families, then instructs teachers to “[r]emind students again that all family structures are equally viable and important.”²⁸ The Curriculum is silent, however, as to how teachers should respond if a student respectfully disagrees with this controversial statement. Without guidance, it is only a matter of time before a teacher violates a child’s constitutional rights by silencing and correcting her for her “intolerant” moral convictions.

“[F]reedom of thought and speech . . . is the matrix, the indispensable condition, of nearly every other form of freedom.”²⁹ Yet, whereas “the student in public school may not be compelled to salute the flag,”³⁰ the Curriculum will force him to salute LGBT conduct or behavior as part of an acceptable lifestyle within societal norms. This kind of speech discrimination and thought-policing cannot survive legal scrutiny.

In fact, a student’s freedom of speech is so sacred that even the American Civil Liberties Union—long a stalwart champion of LGBT rights—supports a student’s right to speak out in school *against* homosexuality!³¹ The Curriculum’s proponents seek to silence children

²⁶ Revised Lesson Plans, Grade 5: Discussing Stereotypes, including LGBT.

²⁷ Revised Lesson Plans, Handout: My School Is Accepting –But Things Could Be Better (“[T]he children who say this phrase don’t understand what they are saying.”).

²⁸ Revised Lesson Plans, Grade 3: Talking About Families.

²⁹ *Palko v. State of Conn.*, 302 U.S. 319, 326–27 (1937).

³⁰ *Tinker*, 393 U.S. at 507.

³¹ See Brief of ACLU of San Diego & Imperial Counties as Amicus Curiae Supporting Plaintiff, *Harper v. Poway Unified Sch. Dist.*, 345 F. Supp. 2d 1096 (S.D. Cal. 2004) (No. 04 CV 1103).

and parents who hold differing moral values under the pretext of “safety” and “tolerance.”³² The Supreme Court, however, rejected that argument in strong and unambiguous terms:

Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk; and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious, society.³³

To pass constitutional muster, the Curriculum must be further revised to (1) eliminate its biased support of LGBT conduct or behavior and provide a fair and balanced presentation of this controversial issue, and (2) guarantee the freedom of speech for students who believe LGBT conduct or behavior is objectionable. As it stands, however, the Curriculum is likely to violate the constitutional rights of young Americans who cannot yet stand up for themselves.

II. Rejecting the Curriculum will not likely subject the District to legal liability.

The LGBT curriculum “It’s Elementary” coerces school districts to comply with its agenda with threatening language like the following:

Schools have an obligation to ensure all their students are able to learn in a safe environment, and recent court decisions have delivered costly verdicts to schools that fail to do so.³⁴

Yet, the Curriculum’s proponents provide scant support for such sweeping statements. First of all, they have adduced no evidence that such “costly verdicts” resulted from harassment based on sexual orientation as opposed to other protected categories. In fact, the federal government’s national survey of school safety reveals that of all the protected

³² Indeed, “[t]hat [the Curriculum’s proponents] can say with apparent sincerity that they were advancing the goal of promoting ‘acceptance and tolerance for minority points of view’ by their demonstrated *intolerance* for a viewpoint that was not consistent with their own is hardly worthy of serious comment.” *Harper v. Poway Unified Sch. Dist.*, 445 F.3d 1166, 1171 (9th Cir. 2006) (Kozinski, C.J., dissenting) (emphasis in original).

³³ *Tinker*, 393 U.S. at 508-09 (citation omitted).

³⁴ “Its Elementary,” Common Questions About LGBT-Inclusive Curriculum (PDF p.182).

categories, students are *least* likely to be verbally harassed for their sexual orientation.³⁵ A review of the 2007 National School Climate Survey (conducted by an LGBT interest group *exclusively* amongst LGBT youth) with a 2007 government survey of the Alameda City Unified School District suggests that LGBT students experience *less* physical harassment than the general student population.³⁶ Reality, as demonstrated by facts and statistics, provides no support for the parade of horrors that the Curriculum’s proponents try to muster in their campaign to approve this Curriculum.

If anything, these undisputed facts suggest the District should be investing more of its scarce resources to revamping its current tolerance curriculum until harassment in other protected categories abate to levels comparable to harassment based on sexual orientation. Instead, the Curriculum would commandeer the District’s time and money to promoting the agenda of a narrow interest group; meanwhile, demonstrably greater problems of racial and gender discrimination remain standing as the proverbial elephants in the living room.

Second, the one case the Curriculum’s proponents cite to intimidate the District with the specter of legal liability is founded upon facts that bear no resemblance to the situation of Alameda schools. In *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996), a homosexual student suffered cruel and inhumane torment at the hands of his fellow students for years while a fully informed school district looked on. From seventh to tenth grade, Jamie Nabozny was regularly mocked, struck and spit upon; subjected to a “mock rape” before twenty students; assaulted and urinated upon in the school restroom; and kicked so severely in a hallway that he collapsed from internal bleeding.³⁷ School officials who knew about these incidents “laughed” and did nothing in response.³⁸ Finally, after two suicide attempts, Jamie withdrew from high school and sued the school district.³⁹

³⁵ See RACHEL DINKES, ET AL., U.S. DEPT. OF ED., NAT’L CTR. EDUC. STATISTICS, INDICATORS OF SCHOOL CRIME AND SAFETY 32 (2007), <http://nces.ed.gov/pubs2008/2008021.pdf> (In a national survey of hate speech among students, only “1 percent each reported that the words were related to their disability or sexual orientation.”).

³⁶ Compare JOSEPH G. KOSCIW, ET AL., THE GAY, LESBIAN AND STRAIGHT EDUCATION NETWORK, NATIONAL SCHOOL CLIMATE SURVEY 30-31 (2007) (44.1% of LGBT youth reported being “pushed or shoved” for their sexual orientation “rarely” to “frequently.”), with ALAMEDA COUNTY, TECHNICAL REPORT, 5TH GRADE, ALAMEDA CITY UNIFIED 46 (Spring 2007) (49% of *all* students reported being “hit or pushed” at least “some of the time.”).

³⁷ *Id.* at 451-52.

³⁸ *Id.* at 452.

³⁹ *Id.* at 452-53.


Jamie settled his case for close to \$1 million, but it was under these atrocious circumstances that he did so. While this case is indeed appalling and heartbreaking, the Curriculum's proponents have offered no evidence that such a tragedy is ever likely to take place in an Alameda school. Even without adopting the Curriculum, the District already has myriad policies in place that will protect any child in Jamie's shoes at the first reported incident of harassment. Without any evidence that LGBT students have been or will be unprotected from harassment, the Curriculum's proponents cannot coerce the Board with the threat of legal liability.

Unless the Curriculum's proponents are accusing Alameda school teachers and administrators of being as callous and sadistic as the officials who laughed at Jamie Nabozny's suffering, there can be no analogy with this unspeakable tragedy. We feel compassion and empathy for Jamie Nabozny, and all those who are in similar situations. Nevertheless, such emotions do not require that the Board adopt this Curriculum, especially when the fears of its proponents are ungrounded in reality or fact.


CONCLUSION

We want to reiterate our support for the Board's goal of ensuring a safe and tolerant learning environment for all students, as well as our gratitude for the Board's tireless work to achieve that goal. Nevertheless, for the reasons above, we urge the Board to reject the revised Curriculum. Otherwise, we are prepared to take legal, political, or other action to protect Alameda parents and children from the Curriculum's illegal and compulsory moral indoctrination.


Sincerely,




Roy Lo, Esq.



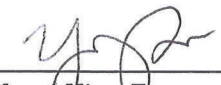
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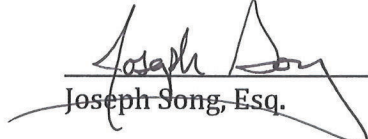
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cc: Teresa L. Highsmith, Alameda City Attorney