

1 Eleanor Morton (SBN 220407)

2 [REDACTED]
3 Arthur Liou SBN (252690)

4 [REDACTED]
5 Amy Endo SBN (272998)

6 [REDACTED]
7 Gillian Teng SBN (347298)

8 LEONARD CARDER, LLP
9 1999 Harrison Street, Suite 2700
10 Oakland, CA 94612
11 Telephone: (510) 272-0169
12 Facsimile: (510) 272-0174

13 Liz Jackson (SBN 283046)
14 K-12 Legal Defense
15 1442 A Walnut St., #327
16 Berkeley, CA 94709
17 Telephone: (510) 671-5583
18 [REDACTED]

19 *Attorneys for Proposed Intervenor*
20 *California Right to Learn and Belong*

21 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
22 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

23 THE LOUIS D. BRANDEIS CENTER
24 COALITION TO COMBAT ANTI-SEMITISM,
25 INC., MELISSA ALEXANDER, on behalf of
26 herself and her minor child, IVY CHESSER, and
27 her son Y.Z., ILANA PEARLMAN, on behalf of
28 herself and her minor children, DAWN AND
MICHAEL ROSENTHAL, on behalf of
themselves and their minor child, and JOHN
AND JANE SMITH, on behalf of themselves and
their minor child,

Plaintiffs,

v.

STATE OF CALIFORNIA, STATE BOARD OF
EDUCATION, CALIFORNIA DEPARTMENT

CASE NO. 26STCV06327

[Assigned to Hon. Bruce G. Iwasaki, Dept.
014]

**NOTICE OF MOTION AND MOTION
FOR LEAVE TO INTERVENE;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT;
PROPOSED ANSWER-IN-
INTERVENTION**

Date: June 10, 2026

Time: 10:00 a.m.

Dept: 014

1 OF EDUCATION, TONY THURMOND, in his
2 official capacity as State Superintendent of Public
Instruction, and ROES 1-10, inclusive;

3 Defendants.
4

5 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

6 PLEASE TAKE NOTICE that on June 10, 2026, at 10:00 a.m., in Department 14 of the
7 above-entitled Court, located at 312 North Spring Street, Los Angeles, CA 90012, Proposed
8 Intervenor Defendant association California Right to Learn and Belong —whose members are
9 families spanning Los Angeles to the Bay Area, representing parents and students of Jewish and
10 Palestinian heritages enrolled in California public schools— will and hereby do move this Court
11 for an order permitting it to intervene in the above-captioned action.

12 Proposed Intervenor moves to intervene as a matter of right pursuant to Code of Civil
13 Procedure section 387(d)(1) on the grounds that it claims an interest relating to the subject matter
14 of this litigation, disposition of the action may practically impair or impede its ability to protect
15 that interest, and no existing party adequately represents its interests. In the alternative, Proposed
16 Intervenor moves for permissive intervention pursuant to Code of Civil Procedure section
17 387(d)(2) on the grounds that it has a direct and immediate interest in the controversy and its
18 intervention will not enlarge the issues.

19 This Motion is based upon this Notice; the Memorandum of Points and Authorities set
20 forth below; the Proposed Answer-in-Intervention attached to this motion as Exhibit A; the
21 accompanying Declarations of Proposed Intervenor Defendant members filed with this motion;
22 the accompanying Request for Judicial Notice and exhibits thereto; all pleadings, records, and files
23 in this action; and such further argument and evidence as the Court may consider at the hearing.

24 Intervenor acknowledges that the proceedings in this matter are stayed per the March 17,
25 2026 Initial Status Conference Order, and that this stay precludes some filings. Intervenor does
26 not believe this motion is contrary to the stay due to the Court’s stated interest in information about
27

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

potential additional parties. In the event that the Court disagrees, we respectfully request the stay be lifted so the motion to intervene can be heard.

Intervenor has filed two of its declarations in support of the motion under pseudonyms with the declarants' names redacted to protect their privacy. Upon the Court granting Intervenor's motion to intervene (or before if requested by the Court), Intervenor will file a motion for leave to file under pseudonyms.

Dated: May 11, 2026

Respectfully Submitted,
LEONARD CARDER, LLP

By: /s/ Eleanor Morton
Eleanor Morton
Arthur Liou
Amy Endo
Gillian Teng

By: /s/ Liz Jackson
Liz Jackson
K-12 Legal Defense

*Attorneys for Proposed Intervenor
California Right to Learn and Belong*

TABLE OF CONTENTS

1

2 I. INTRODUCTION 9

3 II. BACKGROUND 11

4 A. The Litigation and Plaintiffs’ Requested Relief 11

5

6 B. Proposed Intervenor and Its Members’ Interests 12

7 1. Intervenor’s Jewish Members 12

8 2. Intervenor’s Palestinian-American, Arab and Muslim Members 13

9 III. ARGUMENT 14

10 A. Proposed Intervenors Are Entitled to Intervention as a Matter of Right 14

11 1. Proposed Intervenor and Its Members Have Legally Protectable

12 Interests in the Subject Matter of This Action 15

13 a. Plaintiffs’ Requested Relief Would Violate All Intervenor’s Members’

14 Constitutional and Statutory Rights to Receive Information and Constitute

15 Unlawful Viewpoint Discrimination..... 15

16 i. Constitutional Interests 16

17 ii. Statutory Interests 17

18 b. Plaintiffs’ Requested Relief Would Deny Intervenor’s Palestinian

19 Members’ Right to Equal Education Free from Anti-Palestinian

20 Discrimination Under State and Federal Law 18

21 c. Plaintiffs’ Requested Relief Would Deny Intervenor’s Jewish Members’ Right

22 to be Free from Establishment of Religion 20

23 d. Plaintiffs’ Requested Relief Would Burden Intervenor’s Jewish Members’

24 Right to Free Exercise of Religion..... 22

25 B. Disposition of This Action Will Practically Impair Proposed Intervenor’s Members’

26 Ability to Protect Their Interests..... 22

27 C. No Existing Party Adequately Represents Intervenor's Members’ Interests 23

28 D. This Motion Is Timely 24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E. In the Alternative, the Court Should Grant Permissive Intervention Under
Section 387(d)(2) 24

IV. CONCLUSION 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

PAGE(S)

Federal Cases

Allied Concrete & Supply Co. v. Baker,
(9th Cir. 2018) 904 F.3d 1053 24

Am. Ass’n of Univ. Professors v. Rubio,
(D. Mass. Sept.30, 2025) No. 25-cv-10685, 2025 WL 2777659 9

Arce v. Douglas,
(9th Cir. 2015) 793 F.3d 968..... 16, 17, 20

Arlington Heights v. Metropolitan Housing Dev. Corp.,
(1977) 429 U.S. 252 20

Barghout v. Bureau of Kosher Meat & Food Control,
(4th Cir. 1995) 66 F.3d 1337..... 21

Californians For Safe & Competitive Dump Truck Transp. v. Mendonca,
(9th Cir. 1998) 152 F.3d 1184..... 24

Colorado Christian Univ. v. Weaver,
(10th Cir. 2008) 534 F.3d 1245..... 21

Monteiro v. Tempe Union High Scho. Dist.,
(9th Cir. 1998) 158 F.3d 1022..... 12, 16

Stand With Us Ctr. for Legal Just. v. Mass. Inst. of Tech.,
(1st Cir. 2025) 158 F.4th 1 9

Students for Justice in Palestine, at Univ. of Houston v. Abbott,
(W.D. Tex. 2024) 756 F. Supp. 3d 410..... 9

Thomas v. Review Board,
(1981) 450 U.S. 707 22

Trbovich v. United Mine Workers of America,
(1972) 404 U.S. 528 23

Union Gospel Mission of Yakima v. Brown,
(9th Cir. 2026) 162 F.4th 1190..... 21

1 *United States v. Ballard*,
2 (1944) 322 U.S. 78 22

3 **State Cases**

4 *Bustop v. Superior Court*,
5 (1977) 69 Cal.App.3d 66 14

6 *Carlsbad Police Officers Assn. v. City of Carlsbad*,
7 (2020) 49 Cal.App.5th 135 14, 15

8 *Crestwood Behavioral Health, Inc. v. Lacy*,
9 (2021) 70 Cal.App.5th 560 14, 25

10 *Mandel v. Mun. Ct. for Oakland-Piedmont Jud. Dist., Alameda Cnty.*,
11 (1969) 276 Cal.App. 2d 649 16

12 *McCarthy v. Fletcher*,
13 (1989) 207 Cal.App.3d 130 16

14 *People ex rel. Rominger v. County of Trinity*,
15 (1983) 147 Cal.App.3d 655 17

16 *People v. Wolfe*,
17 (2018) 20 Cal.App.5th 673 18

18 *Sedlock v. Baird*,
19 (2015) 235 Cal.App.4th 874 14

20 *Simpson Redwood Co. v. State of Cal.*,
21 (1987) 196 Cal.App.3d 1192 25

22 **Federal Statutes**

23 42 U.S.C. § 2000 18

24 **State Statutes**

25 California Education Code §§ 200, 201, 220, 60044 18, 19

26 California Education Code § 51204.5 (2025) 17, 19

27 Code of Civil Procedure section 387(d)(1) passim

28 Code of Civil Procedure section 387(d)(2) 2, 10, 25, 26

Gov. Code, § 11135 18

1 **Federal Rules**

2 Rule 24(a) of the Federal Rules of Civil Procedure..... 14

3 **Other Authorities**

4 Cal. Const. art. I § 7 18

5 Cal. Const. art. I, § 7, subd. (a) 18

6 U.S. Const., amend. XIV, § 1 18

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Intervenor California Right to Learn and Belong (CRLB) is a group of Jewish, Palestinian
4 and Muslim families with children enrolled in California public schools across the state. Intervenor
5 agrees with Plaintiffs that schools must respond to incidents of violence and bullying directed at
6 Jewish students, like those incidents alleged in the Complaint. Intervenor shares Plaintiffs’
7 insistence that Jewish school children, like their non-Jewish peers, deserve robust protection from
8 discriminatory treatment and harassment in all forms. But the Complaint jumps from allegations
9 of misconduct against Jewish students to allegations that school curricula and campus speech
10 supportive of Palestinian rights are also antisemitic against Jewish students. Plaintiffs allege that
11 Jewish students are denied an equal education when speech in a classroom or on a school campus
12 critically addresses the State of Israel, its policies, its history, or its dominant ideologies, including
13 Zionism. Under the guise of protecting Jewish students, the Complaint attempts to redefine
14 antisemitic harassment to include criticism of Israel and Zionism and support for Palestinian rights.
15 To remedy this alleged injury, the Complaint asks the Court to impose a statewide scheme of
16 curriculum control based on this definition. These controls include empowering Plaintiff
17 organizations to coordinate training on antisemitism for all California educators, and appointing
18 state committees to pre-screen all ethnic studies curricula and teacher trainings and monitor school
19 districts for compliance. *See* Complaint pp.43-44, B(c), (d), (h).

20 Plaintiffs’ proposed definition of antisemitism is hotly contested. A definition of
21 antisemitism that encompasses criticism of Israel or sympathy for Palestinian rights is rejected by
22 many leading civil rights organizations,¹ rejected by many Jewish communities² including

24 ¹*E.g.*, ACLU, Letter to Secretary Miguel Cardona, Reject Definitions of Antisemitism that
25 Encompass Protected Speech (Feb. 6, 2024) [www.aclu.org/wp-content/uploads/2024/02/Reject-
26 Definitions-of-Anti-Semitism-that-Encompass-Protected-Speech.pdf](http://www.aclu.org/wp-content/uploads/2024/02/Reject-Definitions-of-Anti-Semitism-that-Encompass-Protected-Speech.pdf); Palestine Legal et al., Letter to U.S.
27 Dep’t of Educ., Office for Civil Rights, Re: The IHRA Definition Censors Free Speech and Harms
28 Palestinian Students (Jan. 16, 2024), [https://ccrjustice.org/sites/default/files/attach/2024/01/1-16-24_OCR-
IHRA-PL-Signon-Letter_w.pdf](https://ccrjustice.org/sites/default/files/attach/2024/01/1-16-24_OCR-IHRA-PL-Signon-Letter_w.pdf) (coalition letter of fourteen civil and constitutional rights organizations).

²*E.g.*, Itamar Mann & Lihi Yona, *Defending Jews From The Definition of Antisemitism*, 71 UCLA
L. Rev. (2024), available at <https://ssrn.com/abstract=4904008>; Brief of Amici Curiae 50 Jewish Scholars

1 Intervenor’s Jewish members, and viewed with deep skepticism by the courts because it brings a
2 vast swath of constitutionally protected expression within its reach³.

3 The relief that Plaintiffs seek threatens: (1) Intervenor’s members’ First Amendment and
4 statutory rights to receive information and ethnic studies education in school, free from unlawful
5 viewpoint discrimination and censorship; (2) Intervenor’s Palestinian members’ constitutional and
6 statutory rights to equal education including curricula about their own history and experience; (3)
7 Intervenor’s Jewish members’ rights under the Establishment Clause by requiring the state to ratify
8 a definition of Judaism that requires support for the modern State of Israel; and (4) Intervenor’s
9 Jewish members’ rights under the Free Exercise Clause to freely exercise their religion.

10 No existing party can protect Intervenor’s members’ rights. Plaintiffs are hostile to their
11 interests as Plaintiffs seek to eliminate learning materials from members’ classrooms. Defendants
12 have shown themselves adverse to Intervenor’s members’ interests by imposing restrictions on
13 classroom content from Palestinian perspectives by defining it erroneously as discriminatory
14 towards Jews and Defendants have a broader set of concerns.

15 This motion is timely. Defendants have not yet answered, a stay is currently in effect, and
16 Intervenor has notified the parties in advance of the first case management conference.

17
18
19 in Support of Plaintiffs' Motion for Prelim. Injunction, *Prichett v. Newsom*, No. 5:25-cv-09443-NW (N.D.
20 Cal. Dec. 9, 2025), ECF No. 47-1; Jewish Voice for Peace Academic Council, "*We Have No Choice But to*
21 *Disobey*": *Scholars Violate Discredited IHRA Definition* (Oct. 22, 2025),
22 <https://www.jewishvoiceforpeace.org/2025/10/22/no-choice-but-to-disobey-ihra/>. Indeed, Jewish
opposition to Zionism has existed for as long as Zionism has existed. *E.g.*, Yakov M. Rabkin, *A Threat*
23 *from Within: A Century of Jewish Opposition to Zionism* (London: Zed Books, 2006); Molly Crabapple,
Here Where We Live is Our Country: The Story of the Jewish Bund (Penguin Random House, 2026).

24 ³ See, e.g., *Students for Justice in Palestine v. Abbott* (W.D. Tex. 2024) 756 F. Supp. 3d 410, 417,
421 (university guideline equating criticism of Israel with antisemitism could burden plaintiffs’ protected
25 speech); *Am. Ass’n of Univ. Professors v. Rubio* (D. Mass. Sept.30, 2025) No. 25-cv-10685, 2025 WL
26 2777659 *48-50 (Executive Order “incorporated a definition of antisemitism that encompassed protected
political speech,” resulting in a policy which was “intentionally viewpoint-discriminatory, and thus
27 violate[d] the First Amendment”); *cf. Stand With Us Ctr. for Legal Just. v. Mass. Inst. of Tech.* (1st Cir.
2025) 158 F.4th 1 (affirming dismissal of antidiscrimination claim); *Yakoby v. Trs. of Univ. of Penn.* (E.D.
28 Pa. June 2, 2025) No. 23-cv-4789, 2025 WL 1558522, at *7 (finding no plausible violation of Title VI
based on antisemitism where plaintiffs’ allegations “[a]t worst . . . accuse Penn of tolerating and permitting
the expression of viewpoints which differ from their own”).

1 Accordingly, Intervenor seeks leave of the Court to intervene as a matter of right, pursuant
2 to the Code of Civil Procedure section 387(d)(1). In the alternative, Intervenor asks the Court to
3 grant permissive intervention pursuant to section 387(d)(2).⁴

4 **II. BACKGROUND**

5 **A. The Litigation and Plaintiffs’ Requested Relief.**

6 Plaintiffs bring this action against the California Department of Education and other state
7 officials alleging that individual Jewish students have faced unlawful discrimination. Plaintiffs’
8 allegations fall into two categories: (1) specific incidents of student bullying, harassment and other
9 misconduct directed at Jewish students, and (2) educational curricula and campus speech
10 addressing history and current events in Palestine, including lessons with information critical of
11 the Israeli state or supportive of Palestinian human rights. Plaintiffs contend such lessons
12 addressing Palestine amount to systemic antisemitic discrimination in violation of state law. They
13 make this leap based on the logical fallacy that critical discussion of Israel in school discriminates
14 against Jewish students, a fallacy this Court should reject.

15 As relief, Plaintiffs do not seek individual remedies for the specific incidents of misconduct
16 alleged. Instead, Plaintiffs seek a statewide censorship structure enforcing their contested
17 definition of antisemitism. For example, Plaintiffs request that the Court:

- 18 1. Require all teachers, administrators and academic staff to undergo “antisemitism
19 training” coordinated by Plaintiff Brandeis Center and counsel for Plaintiffs
20 StandWithUs, an advocacy organization whose express mission is “supporting
21 Israel,”⁵ (Complaint, p. 43, Prayer for Relief, subsec. B.(h));
- 22 2. Establish a committee to review and monitor all ethnic studies curricula and teacher
23 trainings (*id.* subsec. B.(c));
- 24 3. Install judicial monitors in Intervenor’s school districts (*id.* subsec. B.(d));
- 25 4. Add burdensome monitoring and reporting requirements that drain funding from
26 already strapped public education systems and remind school staff they are being
27 watched. (*id.* subsecs. B.(a,b,e,f)).

27 ⁴ Counsel met and conferred in advance of this filing. Counsel for Plaintiffs and Defendants
28 oppose this motion. Declaration of Eleanor Morton, filed herewith, Exh. 1.

⁵See StandWithUs website: <https://standwithus.com> (last visited, Apr. 26, 2026).

1 This action is not isolated. The same and similar groups have filed numerous actions in
2 state and federal courts alleging that education about Palestine discriminates against Jews and
3 requires broad censorship measures. As Judge Fernando M. Olguin recently held in a
4 case seeking to restrict Los Angeles school curricula on the grounds that it was antisemitic for
5 including content acknowledging Palestinian history and experience:

6 Determining the content of curricula is a complicated, important matter, and it is
7 for this reason that school boards generally retain broad discretion in doing so, *see*
8 *Monteiro* [*v. Tempe Union Sch. Dist.* (9th Cir. 2024)] 158 F.3d 91022,] 1026-27,
9 and that teachers must have some discretion and academic freedom in
10 implementing and teaching the curriculum. *See C.F. ex rel. Farnan* [*v. Capistrano*
11 *Unif. Sch. Dist.* (9th Cir. 2011)] 654 F.3d [975,] 988 (“Teachers and students must
12 always remain free to inquire, to study and to evaluate, to gain new maturity and
13 understanding[.]”). It would be of great concern for the educational project and for
14 academic freedom if every offended party could sue every time they did not like a
15 curriculum or the way it was taught. *See Monteiro*, 158 F.3d at 1029; *Brown v.*
16 *Woodland Joint Unified School District*, 27 F.3d 1373, 1379 (9th Cir. 1994) (“If an
17 Establishment Clause violation arose each time a student believed that a school
18 practice either advanced or disapproved of a religion, school curricula would be
19 reduced to the lowest common denominator, permitting each student to become a
20 ‘curriculum review committee[.]’”).

21 *Concerned Jewish Parents & Tchrs. v. Liberated Ethnic Stud. Model Curr. Consortium* (C.D. Cal.
22 Nov. 30, 2024) No. CV 22-3243 FMO (EX), 2024 WL 5274857, at *22 (dismissing complaint).

23 **B. Proposed Intervenor and Its Members’ Interests.**

24 Intervenor California Right to Learn and Belong (CRLB) exists to protect the rights of
25 California students and families to access critical and complete education about ethnic studies and
26 the modern world, including information about Palestine, the State of Israel, their histories,
27 cultures, and current events and related matters of public concern. Intervenor’s members are
28 parents and their minor children who are students in California public schools from Los Angeles
to the Bay Area. CRLB and its members have specific, concrete interests that would be harmed if
the Court were to grant the relief Plaintiffs seek.

1 **1. Intervenor’s Jewish Members.**

Jewish Intervenor members share with Plaintiffs the experience of being Jewish in
California’s public school system. But CRLB members’ Jewish identities, values, and sincerely

1 held religious beliefs lead them to support, rather than oppose, an education that includes
2 Palestinian histories, perspectives, and experiences. Jewish members, like many Jews, reject
3 Plaintiffs’ false premise that critical discussion of Israel in school discriminates against Jewish
4 students. *E.g.*, Decl. of Simon-Weisberg ¶¶ 5, 16; Decl. of A. Doe ¶ 12.⁶ Jewish members’ children
5 want to learn information about the State of Israel, including information that is critical of the state,
6 and information about how U.S.-Israeli actions affect Palestinians and other countries in the
7 region, and around the globe. Decl. of Simon-Weisberg ¶¶ 9-14; Decl. Of A. Doe ¶¶ 6, 12; Decl.
8 of Rutkoff ¶ 11; Decl. of B. Doe ¶ 6; Decl. of Lafore ¶¶ 7,10; Decl. of Jarmon ¶ 9.

9 Jewish members seek intervention to ensure that any relief this Court enters does not, under
10 the guise of protecting them and their children, impose on California’s schools a contested political
11 definition of antisemitism, that they reject as harmful, and that would burden these members’ own
12 First Amendment rights. Decl. of Simon-Weisberg ¶¶ 7, 17; Decl. of A. Doe ¶ 13; Decl. of Rutkoff
13 ¶¶ 6- 9; Decl. of B. Doe ¶¶ 10-11; Decl. of Lafore ¶¶ 17,13; Decl. of Jarmon ¶ 16. They intervene
14 to stop the dismantling and degradation of ethnic studies programs from which all students benefit.
15 Decl. of Simon-Weisberg ¶¶ 14-15; Decl. of Lafore ¶¶ 6-12; Decl. of Jarmon ¶¶ 8-12.

16 2. Intervenor’s Palestinian-American, Arab and Muslim Members.

17 Intervenor also seeks to intervene on behalf of its Palestinian and Muslim member families.
18 Their children want and have right to learn the history and experience of their own community in
19 school, including information about how U.S.-Israeli actions have impacted their histories. This
20

21 ⁶Many Jews see the conflation of Jewishness and support for the State of Israel as itself antisemitic
22 and a danger to Jewish safety and flourishing. *E.g.*, Amira Hass, “Otherwise Occupied: Israel Has Become
23 Dangerous for Jews Around the World,” *Haaretz*, Mar. 17, 2026, <https://www.haaretz.com/opinion/2026-03-17/ty-article-opinion/israel-has-become-dangerous-for-jews-around-the-world/0000019c-f638-d938-a9fd-fe39928d0000> (last visited Apr. 26, 2026); Naftali Bendavid, et al., “Many American Jews sharply
24 critical of Israel on Gaza, Post poll finds,” *The Wash. Post* (Oct. 6, 2025), (available at:
25 <https://www.washingtonpost.com/politics/2025/10/06/jewish-americans-israel-poll-gaza/> (“Many
26 American Jews sharply disapprove of Israel’s conduct of the war in Gaza, with 61 percent saying Israel has
27 committed war crimes and about 4 in 10 saying the country is guilty of genocide against the Palestinians,
28 according to a *Washington Post* poll.”). Only 37% of American Jews identified as Zionist in the most
recent Jewish Federation of North America survey. Arno Rosenfeld, “Most American Jews aren’t ‘Zionist’
— so what are they,” *The Forward* (Feb. 11, 2026), available at <https://forward.com/news/antisemitism-decoded/804502/american-jews-zionist-zionism-survey/> (last visited May 3, 2026).

1 history and experience is represented in the curricula that Plaintiffs seek to have this Court restrict,
2 remove, and subject to oversight by organizations hostile to Palestinian, Muslim, and Arab
3 perspectives. Decl. of A. Doe ¶¶ 8-10; Decl. of Din ¶¶ 4-6; Decl. of Sampson ¶¶ 7-9; Decl. of
4 Benghal ¶¶ 12 to 16. A court order crafted around Plaintiffs’ demands would render Palestinian
5 and Arab students’ identities presumptively suspect in the public-school classroom, deny them an
6 education that recognizes their existence and history, and expose them to a school environment
7 where their heritage is treated as inherently threatening and officially excluded.

8 Palestinian and Muslim students in California’s public schools face their own documented
9 experience of discrimination and hostility. Decl. of Din ¶¶ 7-13; Decl. of Sampson ¶¶ 10-17; Decl.
10 of Benghal ¶¶ 7, 11; Decl. of Hijazi ¶¶ 4-12. The ethnic studies curriculum that Plaintiffs seek to
11 restrict is, for Palestinian and Arab students, one of the few spaces in the public-school day where
12 their identity is acknowledged and their history is taught. Intervenor’s Palestinian members seek
13 to intervene to ensure that no court order erases that recognition or adopts a policy of content and
14 viewpoint-based discrimination that eliminates lessons about Arab American Studies or Palestine.
15 Decl. of Din ¶ 4; Decl. of Sampson ¶¶ 4-5, 8-9; Decl. of Hijazi ¶ 14.

16 **III. ARGUMENT**

17 **A. Proposed Intervenors Are Entitled to Intervention as a Matter of Right.**

18 To establish a right to mandatory intervention, a nonparty must: (1) show a protectable
19 interest in the subject of the action; (2) demonstrate that the disposition of the action may impair
20 or impede its ability to protect that interest; and (3) demonstrate that its interests are not adequately
21 represented by the existing parties. The application must also be timely. Code Civ. Proc., §
22 387(d)(1); *see also Carlsbad Police Officers Assn. v. City of Carlsbad* (2020) 49 Cal.App.5th 135.
23 “[T]he requirements for intervention are to be broadly interpreted in favor of intervention.” *Smith*
24 *v. Los Angeles Unified Sch. Dist.* (9th Cir. 2016) 830 F.3d 843, 864.

25 California courts may take guidance from federal law when assessing mandatory
26 intervention requirements, since section 387(d)(1) “is in substance the exact counterpart to rule
27 24(a) of the Federal Rules of Civil Procedure.” *Crestwood Behavioral Health, Inc. v. Lacy* (2021)
28 70 Cal.App.5th 560, 573 (citation omitted).

1 California and federal courts have frequently permitted parents and students to intervene
2 in cases addressing schools and curricula. *E.g.*, *Bustop v. Superior Court* (1977) 69 Cal.App.3d
3 66, 71 (holding that parents’ interest “in a sound educational system and in the operation of that
4 system in accordance with the law” was sufficient to permit intervention in an action wherein a
5 school district was required to formulate a desegregation plan); *Sedlock v. Baird* (2015) 235 Cal.
6 App. 4th 874, 879 (noting that group of parents and students who supported yoga curriculum were
7 permitted to intervene in a lawsuit challenging constitutionality of curriculum); *Smith*, 830 at 864
8 (reversing lower court for denying parents of children with disabilities intervention in case
9 addressing access to general public schools).

10 **1. Proposed Intervenor and Its Members Have Legally Protectable**
11 **Interests in the Subject Matter of This Action.**

12 To satisfy the “interest” prong, a proposed intervenor must demonstrate “a protectable
13 interest in the subject matter of the litigation.” *Carlsbad, supra*, 49 Cal.App.5th at 148. Here,
14 Proposed Intervenor and its members have multiple protectable interests at stake,

15 **a. Plaintiffs’ Requested Relief Would Violate All Intervenor’s Members’**
16 **Constitutional and Statutory Rights to Receive Information and**
17 **Constitute Unlawful Viewpoint Discrimination.**

18 All of Intervenor’s student members are current students in California public schools and
19 are interested in learning a robust ethnic studies curriculum that, among other things, addresses
20 Palestinian history and experience, and critically addresses the state of Israel. Each of the student
21 members has a specific and personal stake in learning this information. Intervenor’s Jewish student
22 members have a particular interest in learning about, among other things, what actions the world’s
23 only Jewish state has taken and is taking in the name of Jewish safety. *E.g.*, Decl. of Simon-
24 Weisberg ¶ 15; Decl. of B. Doe ¶ 6; Decl. of Lafore ¶ 7; Decl. of Jarmon ¶ 9. Intervenor’s
25 Palestinian student members have a particular interest in learning about, among other things, the
26 identity and history of their own people. *E.g.*, Decl. of Din ¶¶ 4 to 6; Decl. of Sampson ¶¶ 5 to 6
27 and 9; Decl. of Hijazi ¶ 9. All student members want to learn about the State of Israel, U.S. foreign
28 policy, and about Palestinian identity and rights in connection with current events, and the lived

1 experiences of their diverse classmates. All student members want to learn in an environment of
2 free communication and debate without their lessons being prescreened according to a third-party
3 political litmus test. Decl. of Simon-Weisberg ¶ 15; Decl. of A. Doe ¶ 13; Decl. of B. Doe ¶ 7;
4 Decl. of Rutkoff ¶ 7; Decl. of Lafore ¶ 12; Decl. of Jarmon ¶ 11; Decl. of Din ¶ 13; Decl. of
5 Sampson ¶ 4; Decl. of Benghal ¶ 23; Decl. of Hijazi ¶ 13.

6 **i. Constitutional Interests**

7 Students possess enforceable First Amendment rights to receive information and ideas in
8 school. *Board of Education v. Pico* (1982) 457 U.S. 853, 867 (“the right to receive ideas is a
9 necessary predicate to the recipient’s meaningful exercise of his own rights of speech”); *Arce v.*
10 *Douglas* (9th Cir. 2015) 793 F.3d 968, 981 (same); *Monteiro v. Tempe Union High Sch. Dist.* (9th
11 Cir. 1998) 158 F.3d 1022, 1028 (noting that banning books alleged to contain racially derogatory
12 material would deny rights of students who wanted to read those books and rejecting ban); *Mandel*
13 *v. Mun. Ct. for Oakland-Piedmont Jud. Dist., Alameda Cnty.* (1969) 276 Cal. App. 2d 649, 665
14 (rejecting law prohibiting distribution of leaflets at school because First and Fourteenth
15 Amendments extend to the distribution of information and opinion).

16 Government action raises the gravest First Amendment concerns in a school setting when
17 it restricts access to information and ideas on the basis of viewpoint. *Pico*, 457 U.S. 870–872;
18 *McCarthy v. Fletcher* (1989) 207 Cal. App. 3d 130, 140 (government is “precluded from imposing
19 a pall of orthodoxy on classroom instruction which implicates the state in the propagation of a
20 particular religious or ideological viewpoint”) (citations omitted). Plaintiffs seek precisely such
21 viewpoint-based restrictions. They ask the Court to impose a system of oversight and monitoring
22 that would permit teaching lessons praising the State of Israel and ban teaching information
23 deemed too critical of Israel as allegedly antisemitic. The imposition of such a judicial censorship
24 regime over classroom content directly impairs Proposed Intervenor’s members’ First Amendment
25 right to receive information, free from unlawful viewpoint discrimination.

26 In *Arce v. Douglas*, 793 F.3d 968, 981, the Ninth Circuit recognized a Mexican-American
27 student’s enforceable right to challenge Arizona’s ban on Mexican-American studies and ethnic
28

1 studies curricula. The Ninth Circuit held that the ban could violate the First Amendment by
2 prohibiting curricula directed at helping a community of students understand their own history and
3 by discriminating among curricula based on its viewpoint.⁷ *Id.* at 987. So too here should this
4 Court find that Intervenor’s Jewish and Palestinian members have enforceable rights to intervene
5 to prevent the ban Plaintiffs seek. Censoring information critical of Israel and supportive of
6 Palestinian rights would deny Intervenor’s Jewish and Palestinian members information about
7 their histories and communities and do so based on the viewpoint expressed.

8 Thus, Intervenor has a legally enforceable interest in the subject matter of the litigation
9 under the free speech protections of the U.S. and California Constitution.

10 **ii. Statutory Interests**

11 Intervenor also has a legally protectable interest under California statutes that authorize
12 and require the teaching of ethnic studies. A pair of legislative bills established ethnic studies as a
13 high school graduation requirement and authorized the State Board of Education to create model
14 curriculum. Assem. Bill No. 101, 2021–2022 Reg. Sess. (Cal. 2021); Assem. Bill No. 2016, 2015–
15 2016 Reg. Sess. (Cal. 2016). Together, they set forth the will of California voters to benefit
16 students by ensuring they have access to histories that are relevant to their lives and the lives of
17 their classmates. Noting the “growing body of academic research that shows the importance of
18 culturally meaningful and relevant curriculum,” the legislature declared that “the implementation
19 of various ethnic studies courses ... with the objective of preparing pupils to be global citizens with
20 an appreciation for the contributions of multiple cultures, will close the achievement gap, reduce
21 pupil truancy, increase pupil enrollment, reduce dropout rates, and increase graduation rates.” (*id.*
22 Sec. 1 (c, i). California Education Code § 51204.5 (2025), dating back to the 1970’s, requires that
23 instruction for all grade levels shall include the role and contributions of “Native Americans,
24 African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans,
25 ... and members of other ethnic, cultural, religious, and socioeconomic status groups.”

26
27
28 ⁷The Ninth Circuit in *Arce* found a government speech analysis inapplicable to student listener
claims under the First Amendment – the same rights at issue here. *Arce*, 793 F.3d at 981.

1 Where a statute exists to provide a particular benefit, members of the public who would be
2 denied that benefit by the relief sought in a lawsuit have a legally protectable interest warranting
3 their intervention. *People ex rel. Rominger v. County of Trinity* (1983) 147 Cal. App. 3d 655, 663
4 (finding Sierra Club had sufficient interest to intervene in an action challenging county ordinance
5 that prohibited spraying herbicides because its members would be harmed if spraying herbicides
6 resumed). Intervenor’s student members have substantial interests in the benefits provided by
7 California’s ethnic studies statutes. These laws were specifically designed to protect students from
8 the deprivations that result when school curricula exclude their stories. Plaintiffs’ relief, which
9 would subject all ethnic studies curricula to oversight and censorship and could remove
10 Intervenor’s members’ access to ethnic studies curriculum inclusive of Palestinian perspectives,
11 directly threatens compliance with the bills’ and Education Code’s mandate. Thus, Intervenor has
12 a direct and immediate interest in this action and should be granted intervention on this basis also.

13 **b. Plaintiffs’ Requested Relief Would Deny Intervenor’s Palestinian**
14 **Members’ Right to Equal Education Free from Anti-Palestinian**
15 **Discrimination Under State and Federal Law.**

16 State and federal laws guarantee all students the right to an equal education free from
17 discrimination. The Equal Protection Clauses of the U.S. and California Constitutions prohibit
18 state actors from treating similarly situated persons differently without sufficient justification.
19 U.S. Const. amend. XIV, § 1; Cal. Const. Art. I § 7. Public school districts are state actors. *Brown*
20 *v. Board of Educ.* (1954) 347 U.S. 483. Classifications based on race, ethnicity, national origin,
21 or ancestry are presumptively suspect and trigger strict scrutiny. *City of Richmond v. J.A. Croson*
22 *Co.* (1989) 488 U.S. 469; *People v. Wolfe* (2018) 20 Cal.App.5th 673, 686-687.

23 Title VI of the Civil Rights Act of 1964 and its implementing regulations also extend these
24 protections to students who experience discrimination based on their actual or perceived: (i) shared
25 ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant
26 religion or distinct religious identity. Interpreting these laws, the U.S. Department of Education
27
28

1 Office for Civil Rights has advised public schools that they have a responsibility to address
2 discrimination against Palestinian students, among other groups.⁸

3 California Education Code §§ 200, 201, and 220 largely track Title VI and prohibit
4 discrimination based on national origin, race, and ethnicity in public schools. California Education
5 Code § 51204.5 requires instruction in the history and contributions of ethnic communities across
6 all social science instruction. Educ. Code § 51204.5 (2025). This provision creates an affirmative
7 entitlement to inclusive curriculum rather than merely a negative right against discrimination.

8 California’s ethnic studies curricula currently provide students across many ethnic and
9 national communities with curricular recognition of their histories and experiences. Plaintiffs do
10 not challenge that framework in the abstract but focus exclusively on excising Palestinian content
11 while leaving other communities’ histories intact. The result would be a government-administered
12 curriculum that treats one identifiable ethnic group — Palestinian students — as the sole
13 community whose history is presumptively suspect, subject to censorship by a third-party Israel-
14 advocacy organization, and unworthy of the recognition extended to every other group. That is
15 differential treatment based on ethnicity and national origin which federal and state constitutions
16 and laws prohibit.

17 In *Arce*, the Ninth Circuit held that Mexican-American students stated cognizable
18 constitutional claims when the state banned their ethnic studies program. The court recognized
19 that a government ban on curricula specifically addressing one ethnic community’s history and
20 experience raises serious equal protection concerns, because it singles out that community for
21 exclusion from a benefit — curricular recognition — extended to others. *Id.* at 987. Plaintiffs’
22 analytically identical demands seek to ban Palestinian ethnic studies content while leaving
23 comparable curricula for other communities untouched. *Arce* confirms that the students targeted
24 by such a ban have legally cognizable interests that entitle them to a voice in this proceeding.

25
26
27 ⁸See U.S. Dep.t of Educ., Office for Civil Rights, Dear Colleague Letter: Addressing
28 Discrimination Against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian Students (Mar. 14,
2024), <https://www.ed.gov/media/document/dear-colleague-letter-addressing-discrimination-against-muslim-arab-sikh-south-asian-hindu-and-palestinian-students-march-14-2024-35099.pdf>.

1 The equal protection harm here is compounded by the mechanisms Plaintiffs propose: a
2 structure of monitoring and training led by their own partisan organizations — StandWithUs and
3 the Brandeis Center — to screen and eliminate content. Allowing organizations whose express
4 institutional mission is hostile to Palestinian perspectives to dictate state education policy is the
5 functional equivalent of writing anti-Palestinian discrimination into California education.
6 Government action that distributes educational benefits through a process designed to
7 disadvantage a particular ethnic group triggers, at minimum, the same heightened scrutiny that
8 applies to facially discriminatory classifications. *See Arlington Heights v. Metropolitan Housing*
9 *Dev. Corp.* (1977) 429 U.S. 252, 265–66 (discriminatory purpose established where a protected
10 group’s disadvantage was a motivating factor in a governmental decision).

11 State-administered educational inequality injures not only the material opportunities of the
12 students it targets, but their dignity, self-conception, and sense of equal citizenship. *Brown*, 347
13 U.S. at 493–94. Curricular erasure communicates a government-sanctioned message that the
14 history and identity of Palestinian students are less worthy of recognition than those of their
15 classmates. Intervenor’s Palestinian members have a direct, legally protected interest in ensuring
16 that no order of this Court ratifies or deepens that message. *Arce*, 793 F.3d at 981. This interest,
17 at a minimum, entitles Proposed Intervenor to a seat at this table in this proceeding.

18 **c. Plaintiffs’ Requested Relief Would Deny Intervenor’s Jewish**
19 **Members’ Right to be Free from Establishment of Religion.**

20 The Establishment Clause forbids the government from taking sides in disputes about what
21 a religion requires. *Presbyterian Church v. Mary Elizabeth Blue Hull Mem. Presbyterian Church*
22 (1969) 393 U.S. 440, 449–50; *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*
23 (2012) 565 U.S. 171, 189. Plaintiffs’ requested relief would do exactly that. By excluding
24 curricula critical of the State of Israel on the ground that such criticism constitutes discrimination
25 against Jewish students, the state (or the Court by granting the relief) would be officially adopting
26 the proposition that support for Israel is constitutive of Jewish religious identity. That proposition
27 is contested within the Jewish community itself and rejected by many, including by Intervenor’s
28 Jewish members. Imposing that contested definition on California classrooms would force

1 Intervenor’s Jewish members to accept, as a condition of their children’s public education, an
2 official government characterization of their Jewish identity and religious beliefs that those Jewish
3 members sincerely reject. *E.g.*, Decl. of Simon-Weisberg ¶ 5; Decl. of A. Doe ¶ 13; Decl. of B.
4 Doe ¶¶ 5 and 11. The Constitution prohibits the government from taking sides in such disputes
5 about what tenets a religion does or does not include. *Presbyterian Church*, 393 U.S. at 449–50;
6 *Union Gospel Mission of Yakima v. Brown* (9th Cir. 2026) 162 F.4th 1190, 1201 (“[T]he Religion
7 Clauses take matters of faith and doctrine out of the sphere of government”) (citations omitted).

8 Plaintiffs’ definition of Judaism also operates as an impermissible denominational
9 preference. “The clearest command of the Establishment Clause is that one religious
10 denomination cannot be officially preferred over another.” *Larson v. Valente* (1982) 456 U.S.
11 228, 244. *Larson’s* anti-preference principle applies with equal force to preferences *within* a
12 religion. By treating Zionist Judaism as the protected, official version and treating non-Zionist
13 Judaism as either incorrect or invisible, the state or the Court will have chosen sides among
14 competing accounts of the same religion — the precise harm *Larson* forbids. *Barghout v.*
15 *Bureau of Kosher Meat & Food Control* (4th Cir. 1995) 66 F.3d 1337, 1347 (concurrence)
16 (rejecting law effectively imposing Orthodox Jewish standards for kosher food because different
17 branches define kosher differently); *Colorado Christian Univ. v. Weaver* (10th Cir. 2008) 534
18 F.3d 1245, 1258 (rejecting state program that excluded “pervasively sectarian” schools from
19 scholarship funding on the grounds that it discriminated between sects within a religion).

20 “[S]chool children and their parents, who are directly affected by the laws and practices
21 against which their complaints are directed” have standing to challenge government action under
22 the Establishment Clause. *Valley Forge Christian Coll. v. Ams. United for Sep. of Church &*
23 *State, Inc.* (1982) 454 U.S. 464, 486 n. 22. In this case, Intervenor’s Jewish members would be
24 directly affected by the relief Plaintiffs seek: a proposed government-imposed definition of their
25 religion and denial of access to a full ethnic studies curriculum. It follows that Intervenor’s
26 Jewish members have legally protectable interests and should be permitted to intervene.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

d. Plaintiffs’ Requested Relief Would Burden Intervenor’s Jewish Members’ Right to Free Exercise of Religion.

The Free Exercise Clause protects every person’s right to define and develop their own religious identity free from government coercion. *Thomas v. Review Board*, 450 U.S. 707, 714 (1981); *United States v. Ballard*, 322 U.S. 78, 86–87 (1944). Strict scrutiny applies whenever a government policy “substantially interferes with the religious development” of children or poses “a very real threat of undermining the religious beliefs” they wish to develop — regardless of whether the policy is neutral and generally applicable. *Mahmoud v. Taylor* (2025) 606 U.S. 522.

Intervenor’s Jewish members sincerely hold the religious belief that Judaism is a tradition of inquiry and dissent and is not defined by uncritical political support for any modern nation-state. Decl. of Simon-Weisberg ¶ 3; Decl. of A. Doe ¶ 13; Decl. of B. Doe ¶ 3. Plaintiffs would have the Court declare that belief incorrect and use compulsory public-school curricula to instill the contrary view. That is direct and substantial interference with religious development. Intervenor’s Jewish members have a legally protectable interest in ensuring that no Court order in this case defines their religious identity for them.

B. Disposition of This Action Will Practically Impair Proposed Intervenor’s Members’ Ability to Protect Their Interests.

The impairment prong is satisfied whenever, as a practical matter, the disposition of the action may impede the proposed intervenor’s ability to protect its interest. Code Civ. Proc., § 387(d)(1); *see also Carlsbad*, 49 Cal.App.5th at p.149.

Plaintiffs disposition would directly and immediately harm Proposed Intervenor’s members by creating a judicially enforced system of curriculum control in their schools. The requested relief — forced teacher trainings on a definition of antisemitism coordinated by Plaintiffs organizations, statewide review of all ethnic studies curricula and teacher trainings, court-appointed monitors in Intervenor’s members’ school districts, and an extensive reporting system — would limit their access to information and chill their learning environments. By labelling material supportive of Palestinian rights as discriminatory, the requested relief would also itself discriminate against Palestinians and deny them their right to equal education. It would impose on

1 Jewish students a government-sanctioned definition of Jewish identity that conflicts with their own
2 deeply held religious beliefs and values, violating their religious freedom. And it would restrict
3 the ethnic studies programs from which all Intervenor’s members benefit. The disposition of this
4 case would necessarily affect the education rights of Intervenor’s members and impede their
5 interests as a practical matter. Absent intervention, Proposed Intervenor and its members would
6 have no voice in the proceeding and no ability to resist relief that would violate their constitutional
7 and statutory rights. The impairment prong is satisfied.

8 **C. No Existing Party Adequately Represents Intervenor's Members' Interests.**

9 “The inadequacy of representation requirement is satisfied if the applicant shows that
10 representation of its interests ‘may be’ inadequate” —a minimal burden. *Trbovich v. United*
11 *Mine Workers of America* (1972) 404 U.S. 528, 538, fn. 10. Intervenor easily meets this bar.

12 Plaintiffs seek an order that would eliminate learning materials from Intervenor’s
13 members’ classrooms in direct conflict with their First Amendment right to receive information,
14 their right to equal education, and their Establishment Clause and free exercise rights. Plaintiffs
15 cannot represent interests they are seeking to extinguish.

16 There is no basis to rely on the State Defendants to vigorously defend the rights of
17 Intervenor’s members. First, Defendants’ interest in protecting the public at large is distinct from
18 the interests of Intervenor’s members concerning their own families, communities and schools.
19 *Cal. For Safe & Competitive Dump Truck Transp. v. Mendonca* (9th Cir. 1998) 152 F.3d 1184,
20 1190 (permitting union to intervene in action against the state because union members’ interests
21 were “potentially more narrow and parochial than the interests of the public at large”); *Allied*
22 *Concrete & Supply Co. v. Baker* (9th Cir. 2018) 904 F.3d 1053, 1068 (same). Second,
23 Defendants have challenged and imposed their own restrictions on speech, consistently
24 interpreting content in schools that is favorable to Palestinian human rights as discriminatory

25 ///

26 ///

27 ///

28

1 towards Jewish students. This indicates the State Defendants are not likely to vigorously defend
2 Intervenor’s members’ interests here.⁹

3 **D. This Motion Is Timely.**

4 Timeliness is assessed based on all the circumstances of the case, including the stage of the
5 proceeding, the prejudice to existing parties, and the reason for any delay. *Crestwood Behavioral*
6 *Health, Inc. v. Lacy* (2021) 70 Cal.App.5th 560. This motion is filed at the earliest practicable
7 stage. Defendants have not yet filed an Answer. A stay is in effect. No trial date has been set, no
8 discovery has commenced, and no merits briefing has been filed. The motion is timely.

9 **E. In the Alternative, the Court Should Grant Permissive Intervention Under**
10 **Section 387(d)(2).**

11 Permissive intervention is available when the applicant has a direct and immediate interest
12 in the controversy and intervention will not enlarge the issues in the case. Code Civ. Proc., §
13 387(d)(2). Courts have broadly construed the statute to permit intervention where it promotes
14 judicial efficiency and protects important interests. *Simpson Redwood Co. v. State of Cal.* (1987)
15 196 Cal.App.3d 1192, 1199–1200.

16 If this Court were to conclude that Proposed Intervenor does not satisfy the requirements
17 for intervention of right, permissive intervention under section 387(d)(2) would plainly be
18 appropriate. Proposed Intervenor has a direct and immediate interest in the controversy: its
19 members’ constitutional and statutory rights to receive information, to access an equal education,
20 and religious freedom would be directly impaired by the relief Plaintiffs seek.

21
22
23 ⁹See Intervenor’s Request for Judicial Notice filed herewith, Exh. 1 (Cal. Dept. of Educ. finding
24 booth at cultural diversity event discriminated against Jews because booth had posters with factual
25 statements about Palestinians’ experience of occupation and dispossession in addition to information
26 about Palestinian food and culture); Exh 2 (Cal. Dept. of Educ. finding school discriminated against
27 Jewish students because lesson suggested that Israel is a settler colonial state, and allowed student
28 presentation on “The Genocide of Palestinians”); Exh. 3 (Cal. Dept. of Educ. finding that school
discriminated against Jewish students by flying a Palestinian flag); Exh. 4 (Cal. Dept. of Educ. finding
that presentation entitled “Human Rights Abuses in Palestine” made students uncomfortable, and
corrective action was warranted.); Exh. 5 (complaint of Cal. Dept. of Educ. against Oakland Unified
School District in Alameda Superior Court over teach-in about Palestine).

1 Granting intervention will not enlarge the issues. Whether granted or not, the Court will
2 have to consider the lawfulness of the relief Plaintiffs seek. Having Intervenor in the case
3 therefore will aid the Court by further developing the argument and record necessary to the
4 Court's analysis of the constraints that apply to Plaintiffs' requested remedies.

5 **IV. CONCLUSION**

6 For the foregoing reasons, Proposed Intervenor respectfully requests that the Court grant
7 this Motion to Intervene as a matter of right pursuant to Code of Civil Procedure section 387(d)(1)
8 and enter an order permitting it to file the Proposed Answer-In-Intervention submitted herewith as
9 Exhibit A to this motion. In the alternative, Proposed Intervenor requests that the Court grant
10 permissive intervention pursuant to Code of Civil Procedure section 387(d)(2).

11
12 Dated: May 11, 2026

Respectfully Submitted,
LEONARD CARTER, LLP

13
14 By: /s/ Eleanor Morton

Eleanor Morton
Arthur Liou
Amy Endo
Gillian Teng

15
16
17 By: /s/ Liz Jackson

Liz Jackson
K-12 Legal Defense

18
19
20 *Attorneys for Proposed Intervenor*
21 *California Right to Learn and Belong*
22
23
24
25
26
27
28

EXHIBIT A

1 Eleanor Morton (SBN 220407)
2 emorton@leonardcarder.com
3 Arthur Liou SBN (252690)
4 aliou@leonardcarder.com
5 Amy Endo SBN (272998)
6 aendo@leonardcarder.com
7 Gillian Teng SBN (347298)
8 gteng@leonardcarder.com
9 LEONARD CARDER, LLP
10 1999 Harrison Street, Suite 2700
11 Oakland, CA 94612
12 Telephone: (510) 272-0169
13 Facsimile: (510) 272-0174

14 Liz Jackson (SBN 283046)
15 K-12 Legal Defense
16 1442 A Walnut St., #327
17 Berkeley, CA 94709
18 Telephone: (510) 671-5583
19 Liz@k12defense.org

20 *Attorneys for Proposed Intervenor*
21 *California Right to Learn and Belong*

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

24 THE LOUIS D. BRANDEIS CENTER
25 COALITION TO COMBAT ANTI-
26 SEMITISM, INC., MELISSA
27 ALEXANDER, on behalf of herself and her
28 minor child, IVY CHESSER, and her son
Y.Z., ILANA PEARLMAN, on behalf of
herself and her minor children, DAWN AND
MICHAEL ROSENTHAL, on behalf of
themselves and their minor child, and JOHN
AND JANE SMITH, on behalf of themselves
and their minor child,

Plaintiffs,

v.

STATE OF CALIFORNIA, STATE BOARD
OF EDUCATION, CALIFORNIA

CASE NO. 26STCV06327

[Assigned to Hon. Bruce G. Iwasaki,
Dept. 014]

**CALIFORNIA RIGHT TO LEARN
AND BELONG'S ANSWER-IN-
INTERVENTION TO
COMPLAINT FOR
DECLARATORY RELIEF,
INJUNCTIVE AND OTHER
EQUITABLE RELIEF**

Date: June 10, 2026
Time: 10:00 a.m.
Dept: 014

1 DEPARTMENT OF EDUCATION, TONY
2 THURMOND, in his official capacity as State
3 Superintendent of Public Instruction, and ROES
4 1-10, inclusive,

5 Defendants.

6 **PRELIMINARY STATEMENT**

7 Intervenor California Right to Learn and Belong (CRLB) is an association of Jewish,
8 Palestinian and Muslim families with children enrolled in California public schools across the
9 state. CRLB and its members share Plaintiffs’ insistence that Jewish school children, like their
10 non-Jewish peers, deserve robust protection from discriminatory treatment and harassment in all
11 forms. But rather than seek to have schools remedy specific incidents of misconduct, Plaintiffs’
12 Complaint seeks broad statewide remedies that would have the Court redefine antisemitism to
13 encompass classroom content that is critical of the State of Israel or favorable to Palestinian
14 perspectives. From that false premise, Plaintiffs ask this Court to restructure California's
15 curriculum review policies for ethnic studies and empower Plaintiff organizations hostile to
16 Palestinian viewpoints to coordinate training in antisemitism for all California educators.
17 Intervenor seeks to intervene in this action to oppose the statewide relief sought by Plaintiffs,
18 which would violate the rights of Intervenor’s member parents and minor children.

19 **INTERVENOR**

20 Intervenor CRLB exists to protect the rights of California students and families to access
21 critical and complete education about ethnic studies and the modern world, including information
22 about Palestine, the State of Israel, their histories, cultures, and current events and related matters
23 of public concern. Intervenor and its members have specific, concrete interests that would be
24 harmed if the Court were to grant the relief Plaintiffs seek.

25 Intervenor’s members Leah Simon-Weisberg, Amanda Doe, Joshua Rutkoff, Becca Doe,
26 Tenaya Lafore, and Sarah Jarmon are Jewish and each of them has a minor child or children
27 enrolled in a California public school. Their religion is not tied to support for the State of Israel
28 or Zionism. Their sincerely held religious beliefs as Jews lead them to oppose many of the policies

1 of the State of Israel and to support Palestinian self-determination. Their children want to learn
2 about the State of Israel — including perspectives critical of the state — and about how U.S.-
3 Israeli actions affect Palestinians and others around the world. Intervenor’s Jewish members seek
4 to prevent this Court from imposing, under the guise of protecting them, a contested political
5 definition of antisemitism that they reject as harmful to Jews and antithetical to their own First
6 Amendment rights.

7 Sabrina Din, Molly Sampson, Laura Benghal, and Faten Hijazi are CRLB members and
8 parents of Palestinian and/or Muslim children enrolled in California public schools. Their children
9 want to learn the history and experience of their own communities, including the impact of U.S.-
10 Israeli policies on Palestinian people. These students already face discrimination, erasure, and
11 hostility in California's public schools. A court order built around Plaintiffs' demands would
12 deepen that harm, rendering Palestinian and Muslim students’ identities presumptively suspect in
13 the classroom, denying them an education that acknowledges their history and existence, and
14 signaling that their heritage is officially unwelcome.

15 Intervenor comes to this Court to protect the constitutional and statutory rights of its
16 members to receive information, their rights to equal education free from discrimination based on
17 national origin or ethnicity, and their rights to exercise religious freedoms free of state-imposed
18 definitions or constraints.

19 **RESPONSES TO ALLEGATIONS IN COMPLAINT**

20 Intervenor responds to the numbered paragraphs of the Complaint as follows. All
21 allegations not expressly admitted are denied. Where Intervenor states it "lacks sufficient
22 knowledge or information" to admit or deny an allegation, that response also constitutes a denial
23 pursuant to California Code of Civil Procedure § 431.30.

24 1. Intervenor admits that specific incidents of reported antisemitic bullying and
25 harassment in some California public schools are a matter of public record and are a legitimate
26 subject of concern. Intervenor denies the specific factual allegations and all legal conclusions in
27 this paragraph and denies that the broad equitable relief sought by Plaintiffs is an appropriate or
28 constitutionally permissible response.

1 2. Intervenor admits that some California schools have experienced reported incidents
2 of harassment targeting Jewish and Israeli students. Intervenor also affirmatively alleges that some
3 California schools have experienced reported incidents of harassment targeting Palestinian,
4 Muslim, and Arab students. Intervenor denies that classroom instruction presenting Palestinian
5 perspectives, critiquing the actions and policies of the State of Israel, or including materials
6 addressing the history of Palestine is “hateful” or constitutes "indoctrination" against Jewish
7 students or creates a hostile educational environment as a matter of law. Intervenor affirmatively
8 alleges that Palestinian, Muslim and Arab students have an independent and constitutionally
9 protected interest in curriculum that acknowledges their history, culture, and identity, and that the
10 Complaint's characterization of Palestinian-perspective instruction as inherently antisemitic itself
11 reflects a form of bias that this Court should not enshrine in any order it issues. Intervenor denies
12 all legal conclusions in this paragraph.

13 3. The paragraph purports to summarize the law, which is not a statement of fact that
14 can be admitted or denied and on that basis the allegations are denied.

15 4. The paragraph purports to summarize the law, which is not a statement of fact that
16 can be admitted or denied and on that basis the allegations are denied.

17 5. Intervenor admits that Jewish parents have filed UCP complaints with school
18 districts and the CDE. Intervenor lacks sufficient knowledge or information to admit or deny the
19 characterization that all such proceedings have been "glacial," "opaque," or produced "entirely
20 toothless remedies" in every instance, and therefore denies that characterization. Intervenor
21 affirmatively alleges that Palestinian and Arab parents have also filed UCP complaints with school
22 districts challenging the suppression of Palestinian history and culture in California schools to no
23 avail. Intervenor denies all remaining allegations and legal conclusions in this paragraph.

24 6. Intervenor agrees that no student should face discrimination in California public
25 schools on the basis of their religion, ethnicity, national origin, or any other protected
26 characteristic, and that this principle extends to students who wear a keffiyeh as well as those who
27 wear a tallit. Intervenor affirmatively alleges that this same principle of non-discrimination
28 requires that Palestinian and Arab students not be subjected to a school environment where their

1 history is suppressed, their identity is characterized as a threat, and their presence in ethnic studies
2 curricula is treated as evidence of antisemitic indoctrination. Intervenor affirmatively alleges that
3 this same principle of non-discrimination requires that the Court refrain from entering relief which
4 would impose on its Jewish members a definition of Jewish identity which assumes they cannot
5 tolerate critical discussion of Israeli actions, a definition they reject as a harmful stereotype.
6 Intervenor denies that the relief sought by Plaintiffs is consistent with this non-discrimination
7 principle.

8 7. Intervenor denies that all of the declaratory and injunctive relief sought by Plaintiffs
9 — as described in the Complaint and Prayer for Relief — is appropriate, constitutionally
10 permissible, or necessary to remedy the harms described. Intervenor denies all remaining
11 allegations in this paragraph.

12 **Jurisdiction**

13 8. Admit.

14 9. Admit.

15 10. Admit.

16 **Parties**

17 11. Intervenor admits that the Brandeis Center Coalition to Combat Anti-Semitism, Inc.
18 is a Virginia-incorporated nonprofit operating pursuant to 26 U.S.C. § 501(c)(3) and that it
19 characterizes its mission as stated. Intervenor denies that the Coalition adequately represents the
20 interests of all Jewish parents, students, and community members in California, including
21 Intervenor’s Jewish members, given that the Coalition’s stated political and religious positions
22 conflict with Intervenor’s Jewish members’ own Jewish identities, values, and religious views.
23 Intervenor lacks sufficient knowledge or information to admit or deny the remaining allegations
24 in this paragraph and therefore denies them.

25 12. Intervenor admits that Plaintiff Melissa Alexander brings this action as alleged.
26 Intervenor lacks sufficient knowledge or information to admit or deny the specific factual
27 allegations regarding B.A.'s teacher's conduct, social media presence, or disciplinary actions, and
28 therefore denies them. Intervenor denies all legal conclusions in this paragraph.

1 13. Intervenor admits that Plaintiffs Ivy Chesser and Y.Z. bring this action as alleged.
2 Intervenor lacks sufficient knowledge or information to admit or deny the specific factual
3 allegations regarding experiences in the Campbell Union High School District, and therefore
4 denies them. Intervenor denies all legal conclusions in this paragraph.

5 14. Intervenor admits that Plaintiff Ilana Pearlman brings this action as alleged.
6 Intervenor lacks sufficient knowledge or information to admit or deny the specific factual
7 allegations regarding Pearlman family members' experiences in Berkeley Unified, and therefore
8 denies them. Intervenor denies all legal conclusions in this paragraph.

9 15. Intervenor admits that Plaintiffs Dawn and Michael Rosenthal bring this action as
10 alleged. Intervenor lacks sufficient knowledge or information to admit or deny the specific factual
11 allegations regarding B.R.'s experiences at Daniel Pearl Magnet High School, and therefore denies
12 them. Intervenor denies all legal conclusions in this paragraph.

13 16. Intervenor admits that Plaintiffs John and Jane Smith bring this action as alleged.
14 Intervenor lacks sufficient knowledge or information to admit or deny the specific factual
15 allegations regarding J.S.'s experiences in San Bernardino County, and therefore denies them.
16 Intervenor denies all legal conclusions in this paragraph.

17 17. Intervenor denies that connection to Israel as a Jewish state is an inseparable,
18 universal, or legally cognizable component of Jewish identity for Jewish people generally and
19 denies that the majority of Jews in America have an inextricable bond to the land of Israel.¹
20 Intervenor affirmatively alleges that Jewish religious, philosophical, and cultural tradition includes
21 a long and serious history of non-Zionist and anti-Zionist thought across multiple Jewish
22 communities — including certain Orthodox movements, progressive Jewish denominations, and
23 secular Jewish communities — and that Intervenor's Jewish members reject the political and
24 religious beliefs described in this paragraph. Intervenor denies all remaining allegations and legal
25

26 ¹ Only 37% of American Jews identified as Zionist in the most recent survey data from
27 the Jewish Federation of North America. *See Arno Rosenfeld, Most American Jews aren't*
28 *'Zionist' — so what are they, The Forward (Feb. 11, 2026)*, available at:
<https://forward.com/news/antisemitism-decoded/804502/american-jews-zionist-zionism-survey/>

1 conclusions in this paragraph.

2 18. Admit.

3 19. Admit.

4 20. Admit.

5 21. Admit.

6 22. Admit.

7 **Factual Allegations**

8 23. Intervenor admits that Governor Newsom made statements substantially as quoted
9 in April 2024 and that the referenced hate crime statistics are consistent with publicly available
10 reports from the California Department of Justice. Intervenor denies the remaining
11 characterizations and legal conclusions in this paragraph, including that Defendants have taken no
12 meaningful action in response to antisemitism.

13 24. Intervenor admits that the U.S. National Strategy to Counter Anti-Semitism was
14 issued in May 2023 and contains language substantially as quoted. Intervenor denies that the
15 quoted passage supports the premise, advanced throughout the Complaint, that all classroom
16 discussion critical of the State of Israel constitutes an attack on Jewish ethnic identity or religious
17 practice. Intervenor denies all remaining allegations and legal conclusions.

18 25. Intervenor lacks sufficient knowledge or information to admit or deny the specific
19 factual allegations regarding B.A.'s teacher's conduct, including alleged disciplinary actions, grade
20 assignments, and statements, and therefore denies them. Intervenor denies that the acts of one
21 teacher can be imputed to California teachers more broadly. Intervenor denies all legal conclusions
22 in this paragraph.

23 26. Deny. Intervenor also affirmatively states that, even accepting the alleged facts as
24 true, no inference should be drawn that all classroom instruction critical of Israeli government
25 policy or supportive of Palestinian rights reflects similarly motivated bias.

26 27. Intervenor lacks sufficient knowledge or information to admit or deny the specific
27 factual allegations regarding Ms. Alexander's interactions with school administrators, and
28 therefore denies them. Intervenor denies all legal conclusions in this paragraph.

1 28. Intervenor lacks sufficient knowledge or information to admit or deny the specific
2 factual allegations regarding B.A.'s reassignment and its effects on him, and therefore denies them.
3 Intervenor denies all legal conclusions in this paragraph.

4 29. Deny.

5 30. Deny.

6 31. Deny.

7 32. Intervenor lacks sufficient knowledge or information to admit or deny the specific
8 factual allegations regarding A.D.'s personal response to his school experience, and therefore
9 denies them. Intervenor denies all legal conclusions in this paragraph. Intervenor's Jewish
10 members from Berkeley High School affirmatively allege that their school environment is
11 welcoming and safe for Jewish students. Jewish members admit that students who support Israeli
12 actions may encounter classmates who strongly disagree, but denies that political disagreement is
13 the same thing as or creates hostility towards Jews.

14 33. Intervenor lacks sufficient knowledge or information to admit or deny the specific
15 factual allegations regarding B.R.'s chemistry classroom at Daniel Pearl Magnet High School, the
16 presence of posters, or the events of October 7, 2025, and therefore denies them. Intervenor denies
17 all legal conclusions in this paragraph.

18 34. Intervenor lacks sufficient knowledge or information to admit or deny the specific
19 factual allegations regarding B.R.'s removal from his honors chemistry class and placement in an
20 online course, and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

21 35. Intervenor lacks sufficient knowledge or information to admit or deny the specific
22 factual allegations in this paragraph and therefore denies them.

23 36. Intervenor lacks sufficient knowledge or information to admit or deny the specific
24 factual allegations regarding B.R.'s experiences at Sherman Oaks Center for Enriched Studies, and
25 therefore denies them. Intervenor denies all legal conclusions in this paragraph.

26 37. Intervenor lacks sufficient knowledge or information to admit or deny the specific
27 factual allegations regarding Student A's experiences at University Preparatory Academy, and
28 therefore denies them. Intervenor denies all legal conclusions in this paragraph.

1 38. Intervenor lacks sufficient knowledge or information to admit or deny the specific
2 factual allegations regarding Student A's experiences with fellow students, and therefore denies
3 them. Intervenor denies all legal conclusions in this paragraph.

4 39. Intervenor lacks sufficient knowledge or information to admit or deny the specific
5 factual allegations regarding Coalition Member #1's interactions with the school and her UCP
6 complaint, and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

7 40. Intervenor lacks sufficient knowledge or information to admit or deny the allegation
8 regarding Student A's current school enrollment, and therefore denies it.

9 41. Intervenor lacks sufficient knowledge or information to admit or deny the specific
10 factual allegations regarding Student B's experience at the talent show at Kester Elementary
11 School, and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

12 42. Intervenor lacks sufficient knowledge or information to admit or deny the specific
13 factual allegations regarding Student B's second talent show experience, and therefore denies them.
14 Intervenor denies all legal conclusions in this paragraph.

15 43. Intervenor lacks sufficient knowledge or information to admit or deny the specific
16 factual allegations regarding the multicultural fair at Kester Elementary School, including the
17 passport stamps, the song played, and the paper doll incident, and therefore denies them. Intervenor
18 denies all legal conclusions in this paragraph. Intervenor affirmatively alleges that multicultural
19 fairs and similar school events are precisely the settings in which Palestinian students have a
20 protected right to represent and celebrate their cultural heritage, which may necessarily include
21 some facts about their lived experience in relation to occupying powers, and that the Complaint's
22 characterization of Palestinian expression at such events as evidence of a hostile environment
23 would, if accepted, render Palestinian students' own cultural presence at school events
24 presumptively impermissible.

25 44. Intervenor lack sufficient knowledge or information to admit or deny the specific
26 factual allegations in this paragraph regarding the school psychologist's evaluation and the DCFS
27 report, and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

28 45. Intervenor lacks sufficient knowledge or information to admit or deny the specific

1 factual allegations in this paragraph, and therefore denies them. Intervenor denies all legal
2 conclusions in this paragraph.

3 46. Intervenor lacks sufficient knowledge or information to admit or deny this
4 allegation, and therefore denies it.

5 47. Intervenor admits that in some instances some schools have responded inadequately
6 to complaints of harassment. Intervenor denies the blanket statement and legal conclusions in this
7 paragraph.

8 48. Intervenor lacks sufficient knowledge or information to admit or deny the specific
9 factual allegations regarding the incident involving J.S. at her middle school, and therefore denies
10 them.

11 49. Intervenor lacks sufficient knowledge or information to admit or deny the specific
12 factual allegations regarding the Smith family's interactions with the school district and its
13 handling of J.S.'s complaint, and therefore denies them. Intervenor denies all legal conclusions in
14 this paragraph.

15 50. Deny.

16 51. Intervenor lacks sufficient knowledge or information to admit or deny the specific
17 factual allegations regarding the Berkeley Unified school board meeting and the Pajaro Valley
18 board member's statements, and therefore denies them. Intervenor denies all legal conclusions in
19 this paragraph.

20 52. Intervenor admits that the Branham High School swastika incident on December 3,
21 2025, was publicly reported and that Principal Silbergeld issued a public statement substantially
22 as quoted. The remaining factual allegations and legal conclusion that Defendants took “no
23 meaningful action” in response are denied. Intervenor affirmatively alleges that the incident was
24 universally condemned by the community, including both pro-Palestinian and pro-Israeli
25 advocates.

26 53. Intervenor admits that in some instances some schools have responded inadequately
27 to incidents of misconduct and harassment. Intervenor denies the blanket statement and denies the
28 legal conclusions in this paragraph.

1 54. Deny.

2 55. Intervenor admits that antisemitism has been an enduring form of hatred and that it
3 has persisted. Intervenor denies that references to Israel or “Zionists” are necessarily a disguise
4 for antisemitism as a matter of law or fact. Intervenor’s Jewish members are themselves both
5 proudly Jewish and anti-Zionist.

6 56. Intervenor denies that the use of "Zionist" as a descriptor for supporters of Jewish
7 statehood in Israel is necessarily a code word for "Jew" in all educational contexts, and denies that
8 any instruction using that term is thereby antisemitic. Plaintiffs reinforce the same false conflation
9 equating Zionist and Jewish throughout their Complaint. Intervenor denies all remaining
10 allegations and legal conclusions.

11 57. Intervenor denies that criticism of the creation, settlement, and actions of the
12 modern State of Israel constitutes antisemitism. The paragraph is otherwise denied.

13 58. Intervenor admits that connection to Israel as the Jewish homeland is important to
14 some Jewish people, and that Jewish religious texts contain the language cited. Intervenor denies
15 that this religious belief is universal among Jewish people or that it is inseparable from Jewish
16 identity as a religious or legal matter. Intervenor denies that reference to the term “Israel” in ancient
17 religious texts refers to the modern nation state. Many Jews, including Intervenor’s Jewish
18 members, understand references to 'Israel' in ancient religious texts and prayer as a metaphorical
19 term for a Jewish spiritual homeland, and the Jewish people's ongoing covenantal relationship with
20 G-d. Intervenor further denies that the historical and religious connections of some Jewish people
21 to the land of Israel — which Intervenor does not dispute exist — negate or supersede the historical
22 connections of Palestinian people to the same land, or that acknowledging Palestinian history in
23 the curriculum conflicts with the legal protection of Jewish religious belief. Intervenor denies all
24 remaining allegations and legal conclusions.

25 59. Intervenor admits that some Jewish people support Israel as the Jewish homeland.
26 Intervenor denies that this is so for all Jewish people, including its Jewish members. Intervenor
27 denies that calls to hold the Israeli government accountable or to recognize Palestinian rights
28 constitute attacks on religious belief or any other legally protected Jewish identity. Intervenor

1 affirmatively alleges that its Palestinian and Arab members' own identities, including their
2 sincerely held beliefs about their families' historical connection to Palestinian land and their right
3 to see that history taught in public schools, are equally entitled to recognition and protection.
4 Intervenor denies all remaining allegations and legal conclusions.

5 60. Intervenor lacks sufficient knowledge or information to admit or deny the specific
6 allegations regarding the effects of B.A.'s teacher's conduct on B.A.'s religious expression, and
7 therefore denies them. Intervenor denies all legal conclusions in this paragraph.

8 61. Intervenor lacks sufficient knowledge or information to admit or deny the specific
9 allegations regarding B.R.'s and A.D.'s choices about their self-expression, and therefore denies
10 them. Intervenor denies all legal conclusions in this paragraph.

11 62. Intervenor admits that antisemitic incidents increased in the United States and
12 California following October 7, 2023. Intervenor denies that this increase is causally attributable
13 to the curriculum and instruction described in the Complaint, or would be remedied by the
14 suppression of that curriculum and instruction that Plaintiffs seek.

15 63. Intervenor admits the ADL and California DOJ statistics cited are consistent with
16 publicly available reports. Intervenor denies ADL statistics are an accurate description of the
17 environment for Jewish students in California schools.²

18 64. Intervenor denies that presenting the history of the Israeli-Palestinian conflict,
19 including maps reflecting disputed territorial claims or historical narratives, constitutes antisemitic
20 indoctrination. Intervenor affirmatively alleges that Palestinian and Arab students have a concrete
21 educational interest in accurate cartographic and historical instruction about the region their
22 families come from, and that characterizing maps depicting Palestinian-claimed territories as
23 antisemitic propaganda is itself a form of discrimination that denies Palestinian students access to
24 their own history. Intervenor lacks sufficient knowledge or information to admit or deny the
25 specific allegation regarding Student A's classroom, and therefore denies it. Intervenor denies all
26

27 ² Shane Burley and Naomi Bennet, Examining the ADL's Antisemitism Audit, *Jewish Currents*
28 (June 17, 2024), <https://jewishcurrents.org/examining-the-adls-antisemitism-audit> (last visited
May 8, 2026).

1 legal conclusions in this paragraph.

2 65. Intervenor lacks sufficient knowledge or information to admit or deny the specific
3 allegations regarding the approval and development of the Oakland Education Association
4 curriculum, and therefore denies them. Intervenor denies that the described materials constitute
5 antisemitic propaganda as a matter of law.

6 66. Intervenor lacks sufficient knowledge or information to admit or deny the specific
7 allegations regarding the OEA curriculum's use of the book cited, and therefore denies them.
8 Intervenor denies that presenting the concept of "intifada" to students, in an educational context,
9 is per se antisemitic. Intervenor denies all legal conclusions in this paragraph.

10 67. Intervenor denies the legal and historical characterizations in this paragraph to the
11 extent they imply that any educational discussion of the meaning or history of the term "intifada"
12 constitutes antisemitism. Intervenor affirmatively alleges that "intifada" is an Arabic word derived
13 from a verb meaning "to shake off," and is the term used to describe the two major uprisings
14 against Israeli military occupation of the West Bank and Gaza Strip, or more generally used to
15 describe the struggle for Palestinian freedom. Intervenor denies all remaining allegations and legal
16 conclusions.

17 68. Intervenor lacks sufficient knowledge or information to admit or deny the specific
18 allegations regarding the use of the worksheet described as Figure 2, and therefore denies them.
19 Intervenor denies that the described material is antisemitic as a matter of law. Intervenor further
20 alleges that the OEA curriculum materials, whatever their pedagogical shortcomings, represent an
21 attempt to introduce Palestinian history and experience into classrooms that have historically
22 excluded it — an educational goal that Intervenor shares. Intervenor denies all legal conclusions
23 in this paragraph.

24 69. Intervenor lacks sufficient knowledge or information to admit or deny the specific
25 allegations regarding the worksheet described as Figure 2, and therefore denies them. Intervenor
26 denies all remaining allegations and legal conclusions.

27 70. Intervenor lacks sufficient knowledge or information to admit or deny the specific
28 factual allegations regarding the content depicted as Figure 3 in the OEA curriculum materials,

1 and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

2 71. Intervenor denies that classroom materials presenting a critical view of the founding
3 of the State of Israel constitute antisemitic indoctrination as a matter of law, and denies that an
4 educational critique of the political ideology of Zionism — even a one-sided or oversimplified one
5 — constitutes discrimination under the California Constitution or Education Code. Intervenor
6 denies all remaining allegations and legal conclusions.

7 72. Intervenor denies that classroom materials presenting a critical view of the founding
8 of the State of Israel constitute antisemitic indoctrination as a matter of law. Intervenor denies the
9 characterizations and legal conclusions in this paragraph.

10 73. Intervenor denies the blanket statement and legal conclusion that antisemitic
11 materials have been promoted in California schools for years. Intervenor admits that the Oakland
12 teachers' December 2023 teach-in was publicly reported and that Oakland Unified School District
13 issued a statement characterizing it as unauthorized. Intervenor lacks sufficient knowledge or
14 information to admit or deny the remaining factual allegations regarding subsequent disciplinary
15 proceedings and therefore denies them. Intervenor denies all legal conclusions in this paragraph.

16 74. Intervenor lacks sufficient knowledge or information to admit or deny the specific
17 allegations regarding the student video transcript, and therefore denies them. Intervenor denies the
18 legal conclusions and the characterization that the curriculum described caused students to hate
19 Jewish people. Intervenor affirmatively alleges that a child's statement that he does not like that
20 "we're basically helping the bad guys colonize people from their land" — however clumsily
21 expressed — reflects a child engaging with a real and contested political question, not a child who
22 has been taught to hate Jewish people.

23 75. Intervenor lacks sufficient knowledge or information to admit or deny the specific
24 allegations regarding the LAUSD teach-in, and therefore denies them. Intervenor denies that the
25 materials described, to the extent accurately characterized, constitute antisemitism as a matter of
26
27
28

1 ³Intervenor denies all legal conclusions in this paragraph.

2 76. Intervenor lacks sufficient knowledge or information to admit or deny the specific
3 allegations regarding the Branham High School Ethnic Literature curriculum, and therefore denies
4 them. Intervenor denies all legal conclusions in this paragraph.

5 77. Intervenor denies that the specific described circumstances require or support the
6 systemic judicial oversight of curriculum and teacher training that Plaintiffs seek. Intervenor
7 denies all remaining allegations and legal conclusions.

8 78. Intervenor denies that segregation of Jewish students is occurring on a broad scale
9 in California schools. Intervenor affirmatively alleges that Palestinian and Arab students face their
10 own form of segregation from inclusive education when schools, under pressure from complaints
11 such as those described in the Complaint, remove Palestinian-perspective content, reassign
12 teachers who present Palestinian history, or otherwise create environments in which Palestinian
13 and Arab students' identities are unwelcome. This Court should not issue any order that accelerates
14 or legitimizes that form of exclusion. Intervenor denies all remaining allegations and legal
15 conclusions in this paragraph.

16 79. Intervenor lacks sufficient knowledge or information to admit or deny the specific
17 factual allegations regarding B.R.'s, B.A.'s, and A.D.'s classroom reassignments, and therefore
18 denies them. Intervenor denies all legal conclusions in this paragraph.

19 ///

20 ///

21 _____
22 ³ The statements about Israel described in the teach-in materials are not contested historical claims
23 but facts thoroughly documented and promoted by Israeli or pro-Israeli sources. *See generally*
24 Israeli historian Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld Publications 2006)
25 (documenting the mass displacement of approximately 750,000 Palestinians during the 1948 war
26 through analysis of Israeli military archives); Jewish Nat'l Fund, *Our History*,
27 <https://www.jnf.org/our-history> (last visited May 3, 2026) (recounting history of the Jewish
28 National Fund founded in 1901 to raise funds from Jewish communities worldwide for the
purchase of land in Palestine); Am.-Israeli Cooperative Enter., U.S.-Israel Strategic Cooperation:
Joint Police & Law Enforcement Training, Jewish Virtual Library,
<https://jewishvirtuallibrary.org/joint-us-israel-police-and-law-enforcement-training> (last visited
May 3, 2026) (promoting joint U.S-Israeli law enforcement trainings).

1 80. Deny.

2 81. Intervenor lacks sufficient knowledge or information to admit or deny the specific
3 factual allegations regarding J.S.'s seat reassignment, and therefore denies them. Intervenor denies
4 all legal conclusions in this paragraph.

5 82. Intervenor admits that some Jewish families have transferred students to other
6 schools, as is publicly reported. Intervenor denies the legal characterization of those transfers as
7 de facto segregation caused by Defendants' constitutional violations. Intervenor denies all
8 remaining allegations and legal conclusions.

9 83. Intervenor denies the characterization that Defendants have "systematically
10 ignored" all complaints. Intervenor lacks sufficient knowledge or information to admit or deny the
11 specific allegations regarding Defendants' internal responses and processes, and therefore denies
12 them. Intervenor denies all legal conclusions in this paragraph.

13 84. Intervenor admits that the Brandeis Center and StandWithUs established a helpline
14 as described. Intervenor lacks sufficient knowledge or information to admit or deny the volume or
15 nature of reports received and therefore denies those allegations.

16 85. Intervenor admits that a letter was sent to Defendants as described on or around
17 December 9, 2024. Intervenor lacks sufficient knowledge or information to admit or deny the
18 characterization of its contents and therefore deny those characterizations.

19 86. Intervenor admits that the American Jewish Committee sent a letter to
20 Superintendent Thurmond as described on October 13, 2023. Intervenor lacks sufficient
21 knowledge or information to admit or deny Defendants' response and therefore denies those
22 allegations.

23 87. Intervenor admits the California Legislative Jewish Caucus sent a letter as
24 described in January 2024. Intervenor lacks sufficient knowledge or information to admit or deny
25 Defendants' response and therefore denies those allegations.

26 88. Intervenor admits the Attorney General's Office issued letters as described in
27 November 2023 and January 2024, and that the second letter referenced antisemitism and
28 Islamophobia and included the quoted language. Intervenor denies the inference that these letters

1 establish Defendants' failure to take meaningful action.

2 89. Deny.

3 90. Deny.

4 91. Intervenor admits that UCP complaints have been filed. Intervenor affirmatively
5 alleges that Palestinian, Arab and Muslim families have also filed UCP complaints both before
6 October 7, 2023 and since. Intervenor denies all blanket statements and legal conclusions in this
7 paragraph.

8 92. Deny.

9 93. Intervenor admits the quoted statutory language from AB 715 but denies that the
10 statute supports the full scope of relief Plaintiffs seek.

11 94. Deny.

12 95. Intervenor admits that California has used investigatory and prosecutorial powers
13 to enforce constitutional protections for students as referenced. Intervenor denies the legal
14 conclusions and implications drawn in this paragraph.

15 96. Admit that the State filed the referenced action in 2019. Deny any implication that
16 this precedent compels the relief sought here.

17 97. Admit that the State filed the referenced action in 2019. Deny any implication that
18 this precedent compels the relief sought here.

19 98. Admit that the State filed the referenced action in 2020. Deny any implication that
20 this precedent compels the relief sought here.

21 99. Intervenor admits that Defendants have a duty to protect all students including those
22 who because of the religious or ethnic identities or for other reasons wish to receive an accurate
23 education including on matters such as Palestinian history and experience and/or matters critical
24 of the State of Israel. Intervenor denies that Defendants have systematically denied protection to
25 California Jewish and Israeli children. Intervenor alleges that protection for Palestinian students
26 need not and cannot be subordinated to protection for Jewish students.

27 100. Intervenor lacks sufficient knowledge or information to admit or deny whether
28 Plaintiffs and their families have suffered and how. Intervenor denies that these allegations

1 warrant the remedies sought in the Complaint.

2 **Plaintiff's Causes of Action**

3 **First Cause of Action — Equal Protection: Denial of Educational Equality (¶¶ 101–108)**

4 101. Intervenor incorporates by reference their responses to all preceding paragraphs.

5 102. Admit that the California Constitution contains the provisions cited. Deny all legal
6 conclusions drawn from those provisions.

7 103. Deny. Intervenor affirmatively alleges that Palestinian and Arab students have
8 themselves suffered deprivations of equal access to educational benefits and opportunities when
9 schools, responding to complaints of the type Plaintiffs bring here, have removed Palestinian-
10 perspective content from ethnic studies curricula or subjected Palestinian cultural expression to
11 discriminatory treatment.

12 104. Admit the State bears constitutional responsibilities as stated. Deny that Defendants
13 have failed those responsibilities in the manner alleged or to the extent that would support the
14 relief sought.

15 105. Deny.

16 106. Deny each subpart (i) through (viii).

17 107. Admit that Student Plaintiffs have interests in their educational rights. Deny the
18 characterization of Defendants' obligations and conduct.

19 108. Deny.

20 **Second Cause of Action — Equal Protection: Segregation (¶¶ 109–120)**

21 109. Intervenor incorporates by reference their responses to all preceding paragraphs.

22 110. Admit the California Constitution contains the provisions cited. Deny all legal
23 conclusions.

24 111. Admit the legal standard cited. Deny that the facts alleged constitute de facto
25 segregation under that standard.

26 112. Deny.

27 113. Deny.

28 114. Deny.

1 protection under Article I, Section 4 and the First Amendment. Intervenor denies all remaining
2 allegations and legal conclusions.

3 124. Deny.

4 125. Admit the constitutional responsibilities cited. Deny the legal conclusions.

5 126. Deny.

6 127. Deny.

7 128. Deny.

8 **DEFENDANT INTERVENOR’S AFFIRMATIVE DEFENSES**

9 Without admitting any of the allegations of the Complaint, and without conceding that
10 Intervenor bears any burden of proof or persuasion on any of the following matters, Intervenor
11 alleges the following affirmative defenses:

12 **First Affirmative Defense Failure to State a Claim**

13 The Complaint, and each cause of action therein, fails to state facts sufficient to constitute
14 a cause of action upon which the relief sought can be granted. Plaintiffs have failed to identify a
15 legally cognizable standard by which the Court can determine that the challenged curriculum and
16 instruction constitute unlawful discrimination, as opposed to one-sided or pedagogically debatable
17 educational content, without impermissibly entangling the Court in the adjudication of contested
18 political and religious questions.

19 **Second Affirmative Defense: Freedom of Speech/ Viewpoint Discrimination**

20 The relief sought by Plaintiffs would unconstitutionally restrict protected speech in
21 violation of the First Amendment to the United States Constitution and Article I, Section 2 of the
22 California Constitution. California's free speech clause affords broader protection than its federal
23 counterpart. *Wilson v. Superior Court*, 13 Cal.3d 652, 658 (1975); *Robins v. Pruneyard Shopping*
24 *Center*, 23 Cal.3d 899 (1979).

25 Classroom instruction on the history of the Israeli-Palestinian conflict, including
26 instruction that is critical of the State of Israel or that presents Palestinian historical narratives,
27 constitutes expression on a matter of profound public concern — one of the most contested and
28 consequential political issues of the contemporary era. Government restrictions on speech

1 regarding matters of public concern are subject to heightened First Amendment scrutiny.
2 Students have First Amendment rights to receive information and ideas, and the state may not
3 remove materials otherwise available in a local classroom unless its actions are reasonably
4 related to legitimate pedagogical concerns. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, at
5 273 (1988).

6 Plaintiffs' requested relief includes: (1) mandatory training coordinated by named pro-
7 Israel advocacy organizations, (2) a court-appointed curriculum review committee empowered to
8 remove or restrict instructional materials, (3) judicial monitors in Intervenor's members' school
9 districts, and (4) burdensome monitoring and reporting requirements. All of this would remove
10 material with Palestinian viewpoints, otherwise available in Intervenor's members' classrooms,
11 and would constitute viewpoint-based restrictions on speech, which are categorically
12 impermissible under both the federal and California Constitutions.

13 **Third Affirmative Defense: First Amendment — Overbreadth and Chilling Effect**

14 The relief sought by Plaintiffs is unconstitutionally overbroad under the First Amendment
15 to the United States Constitution and Article I, Section 2 of the California Constitution. A sweeping
16 injunction to enforce a schema of viewpoint discrimination would chill students' constitutionally
17 protected right to receive information and ideas far beyond any legitimate objective. Any such
18 order would directly burden the expressive rights of students — including Intervenor's members'
19 children.

20 **Fourth Affirmative Defense: First Amendment — Establishment Clause**

21 The relief sought by Plaintiffs would require this Court to adjudicate which interpretation
22 of Jewish religious identity is legally cognizable, to determine whether Zionism is an inseparable
23 component of Jewish religious practice, and to enshrine one contested intra-faith position as the
24 authoritative definition of the Jewish religion for purposes of public school curriculum. These
25 determinations are precluded by the Establishment Clause of the First Amendment to the United
26 States Constitution and are inconsistent with the government neutrality that the Establishment
27 Clause commands.

28 ///

1 **Seventh Affirmative Defense: Equal Protection of Jewish Students**

2 Jewish students in California's public schools are entitled to the equal protection of the
3 laws under Article I, Section 7(a) of the California Constitution and the Fourteenth Amendment
4 of the U.S. Constitution. They are entitled to freedom from discrimination on the basis of
5 national origin, race, and ethnicity under Cal. Educ. Code §§ 200, 201, 220, 51501(a), 60044 and
6 Cal. Gov. Code § 11135, and under federal law Title VI of the Civil Rights Act of 1964, 42
7 U.S.C. § 2000. The relief Plaintiffs seek would discriminate against Jewish students by imposing
8 on them a negative stereotype that mischaracterizes Jewish students as monolithically in support
9 of the modern nation state of Israel and its actions towards Palestinians. It would impose on
10 Intervenor’s Jewish members the false and negative stereotype that they are intolerant of hearing
11 different perspectives. Even if neutral, the relief would impose on Intervenor’s Jewish members
12 a stereotype of what constitutes a ‘proper’ or ‘correct’ set of Jewish beliefs. Antidiscrimination
13 law prohibits reliance on such unlawful stereotypes Any order this Court enters must not
14 enshrine discriminatory state-sanctioned stereotypes about Jewish students which they reject as
15 disparaging.

16 **Eighth Affirmative Defense: Equal Protection of Palestinian and Arab Students**

17 Palestinian-American and Arab-American students in California's public schools are
18 entitled to the equal protection of the laws under Article I, Section 7(a) of the California
19 Constitution and the Fourteenth Amendment of the U.S. Constitution. They are entitled to
20 freedom from discrimination on the basis of national origin, race, and ethnicity under Cal. Educ.
21 Code §§ 200, 201, 220, 51501(a), 60044 and Cal. Gov. Code § 11135, and under federal law
22 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000. The relief Plaintiffs seek would deny
23 Intervenor’s Palestinian and Arab student members equal access to educational benefits by
24 removing from the curriculum the ethnic studies content that most directly addresses their
25 history, culture, and identity. This categorical exclusion constitutes discrimination on the basis of
26 national origin and ethnicity that violates both the California Constitution and the Education
27 Code. Any order this Court enters must respect the equal protection rights of Palestinian and
28 Arab students no less than those of Jewish students.

1 **Ninth Affirmative Defense: Hostile Educational Environment for Palestinian,
2 Muslim and Arab Students**

3 The relief Plaintiffs seek — including statewide monitoring of ethnic studies curricula,
4 mandatory training by anti-Palestinian organizations, and court-supervised oversight of instruction
5 addressing the Israeli-Palestinian conflict — would itself create a hostile educational environment
6 for Palestinian, Muslim and Arab students in violation of Cal. Educ. Code §§ 201 and 220 and
7 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000. Education Code section 201 affirms
8 "the right of all pupils to participate fully in the educational process, free from discrimination and
9 harassment." An official judicial regime under which Palestinian students' history is treated as
10 antisemitic propaganda, their cultural expression at school events is subject to complaint, and their
11 teachers are monitored for presenting Palestinian perspectives would reasonably cause Palestinian
12 and Arab students to feel unwelcome, stigmatized, and excluded from full participation in
13 California's schools — precisely the conditions § 201 and Title VI were enacted to prevent. Any
14 remedy fashioned by this Court must account for, and not exacerbate, the ethnic and national origin
15 discrimination that Palestinian and Arab students in California's public schools already face.

16 **Tenth Affirmative Defense: Vagueness**

17 Plaintiffs' requested relief — to the extent it relies on a definition of antisemitism that treats
18 criticism of Israeli government policy or Zionism as legally actionable antisemitism — is
19 unconstitutionally vague. Such a standard does not provide educators, administrators, or students
20 with fair notice of what speech or instruction is prohibited, and vests excessive discretion in
21 enforcement authorities to suppress protected expression and remove classroom material otherwise
22 available to students.

23 **Eleventh Affirmative Defense: Nonjusticiable Political Question**

24 Plaintiffs seek to have this Court adjudicate the truth or falsity of contested historical and
25 political claims — including claims about the founding of the State of Israel, the nature of the
26 Palestinian-Israeli conflict, and the meaning of Zionism — and to designate certain viewpoints on
27 those questions as unlawfully antisemitic. The California Constitution does not authorize courts to
28

1 resolve political and historical controversies of this nature and doing so would exceed the proper
2 bounds of judicial authority.

3 Furthermore, the relief sought by Plaintiffs requires the Court to make sweeping policy
4 decisions concerning the weeds of statewide and local education policy properly left to the
5 political branches and the education experts. This would require the Court to step outside its
6 judicial role and make policy decisions, which the California Constitution separates from the
7 judicial branch.

8 **Twelfth Affirmative Defense: Strategic Litigation Against Political Participation**

9 The Complaint’s claims and causes of action arise from Defendants’ acts in furtherance of
10 freedom of speech in connection with a public issue. The claims and causes of action thus fall
11 within the scope of Code of Civil Procedure section 425.16. Because Plaintiff cannot establish a
12 probability that it will prevail on these claims and causes of action as to Defendants, each claim
13 and cause of action must be struck and Defendants and Defendant-in-Intervention must be awarded
14 all attorneys’ fees and costs incurred in defending this action.

15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEFENDANT INTERVENOR’S PRAYER FOR RELIEF

WHEREFORE, Defendant Intervenor prays as follows:

1. That Plaintiff take nothing by their Prayer for Declaratory and Injunctive Relief and that each of their requests for declaratory and injunctive relief be denied;
2. That all of Plaintiff’s claims be dismissed with prejudice;
3. That judgment be entered in Defendants’ and Defendant Intervenor’s favor;
4. That Defendant Intervenor’s be awarded their costs and reasonable attorney fees where authorized by law; and
5. For such other relief as the Court deems just and proper.

Dated: May 8, 2026

Respectfully Submitted,
LEONARD CARTER, LLP

By: /s/ Eleanor Morton
Eleanor Morton
Arthur Liou
Amy Endo
Gillian Teng

By: /s/ Liz Jackson
Liz Jackson
K-12 Legal Defense

*Attorneys for Proposed Intervenor
California Right to Learn and Belong*