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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 **ASSOCIATION OF CHRISTIAN SCHOOLS**
14 **INTERNATIONAL,**
15 **CALVARY CHAPEL CHRISTIAN SCHOOL, A**
16 **DIVISION OF CALVARY CHAPEL OF**
17 **MURRIETA, INC., M. T., by and through his**
18 **parent, T. TAYLOR, C. YOUNG, K. B., by and**
19 **through his parent, D. BRODMANN, G. S., by and**
20 **through his parent, K. SHEAN, S. O., by and**
21 **through her parent, D. ONO, and W. L., by and**
22 **through his parent, W. LOTHERINGTON,**

19 **Plaintiffs,**

20 **v.**
21 **ROMAN STEARNS, SPECIAL ASSISTANT TO**
22 **THE PRESIDENT,**
23 **SUSAN WILBUR, DIRECTOR OF**
24 **UNDERGRADUATE ADMISSIONS,**
25 **DENNIS J. GALLIGANI, ASSOCIATE VICE**
26 **PRESIDENT FOR STUDENT ACADEMIC**
27 **SERVICES,**
28 **ROBERT C. DYNES, PRESIDENT OF THE**
UNIVERSITY OF CALIFORNIA,
OFFICE OF THE PRESIDENT OF THE
UNIVERSITY OF CALIFORNIA,
MICHAEL BROWN, CHAIR OF BOARS,
BOARD OF ADMISSIONS & RELATIONS WITH
SCHOOLS (BOARS), AND
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA,

Defendants.

CIVIL ACTION NO.

COMPLAINT
FOR ABRIDGMENT
OF
FREEDOM OF
SPEECH,
FREEDOM FROM
VIEWPOINT
DISCRIMINATION,
FREEDOM OF
RELIGION AND
ASSOCIATION,
FREEDOM FROM
ARBITRARY
DISCRETION,
EQUAL PROTECTION
OF THE LAWS, AND
FREEDOM FROM
HOSTILITY TOWARD
RELIGION

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4 Plaintiffs state this complaint against defendants, for viewpoint discrimination and
5 content discrimination by defendants toward Christian school instruction and texts,
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7 which violates the constitutional rights of Christian schools and students to freedom of
8 speech, freedom from viewpoint discrimination, freedom of religion and association,
9
10 freedom from arbitrary governmental discretion, equal protection of the laws, and
11 freedom from hostility toward religion. This court has jurisdiction of this action
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13 pursuant to 28 U.S.C. § 1331, as this action is brought under 42 U.S.C. § 1983, as well
14 as 28 U.S.C. § 2201.

15
16 **PARTIES**

17 1. ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL is an
18 organization representing more than 800 religious schools in California, many of which
19 are secondary schools and many of which are in Orange County and elsewhere in this
20 District. It represents almost 4,000 religious schools nationally.

22 2. CALVARY CHAPEL CHRISTIAN SCHOOL, a division of CALVARY
23 CHAPEL OF MURRIETA, INC. (“Calvary Christian School”), is a Christian school of
24 over a thousand students in Murrieta, California, which teaches and wishes to teach
25 some subjects from a particular viewpoint that defendants say causes otherwise
26 acceptable instruction to be rejected as part of their a-g curriculum, and which uses and
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1 wishes to use some textbooks that are otherwise acceptable except for containing a
2 particular viewpoint that defendants say causes otherwise acceptable textbooks to be
3 rejected as part of their a-g curriculum.
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5 3. The plaintiffs described in paragraphs 4 and 5 are students at Calvary
6 Christian School, suing through their parents (except for C. Young, who is not a minor),
7 who wish to receive the instruction and to use the texts and viewpoints therein that cause
8 or would cause disapproval of the a-g curriculum, and who are thereby rendered
9 ineligible to apply to or be accepted by University of California or California State
10 University institutions, even though their test scores otherwise qualify. The Students
11 and their parents all reside within this District, in California.
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15 4. (a) M. T. is a rising senior, suing through parent T. TAYLOR, whose SAT I
16 scores and, on information and belief, SAT Reasoning Test scores would otherwise
17 qualify for admission, but (i) who is discriminated against and excluded from University
18 of California and California State University institutions because some courses at
19 Calvary Christian School are disqualified from approval as a-g curriculum because of
20 the Christian viewpoint added to standard subject matter presentation in those courses
21 and their texts, or (ii) who is effectively prohibited from taking courses with Christian
22 viewpoints that would otherwise be taken because those courses are so disqualified. M.
23 T. is president of the school's National Honor Society, and will apply to University of
24 California hoping to attend University of California-Irvine, which has a strong major in
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1 drama.

2
3 (b) C. YOUNG is over the age of eighteen and a rising senior whose SAT I scores
4 and, on information and belief, SAT Reasoning Test scores would otherwise qualify for
5 admission, but (i) who is discriminated against and excluded from University of
6 California and California State University institutions because some courses at Calvary
7 Christian School are disqualified from approval as a-g curriculum because of the
8 Christian viewpoint added to standard subject matter presentation in those courses and
9 their texts, or (ii) who is effectively prohibited from taking courses with Christian
10 viewpoints that would otherwise be taken because those courses are so disqualified.
11 Cody Young is on the varsity basketball team, and will apply to University of California
12 hoping to attend University of California-San Diego, to major in aerospace engineering.
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14
15 5. (a) K. B. is a rising junior, suing through parent D. BRODMANN, whose
16 PSAT scores indicate an SAT Reasoning Test score and, on information and belief,
17 whose SAT Reasoning Test scores would otherwise qualify for admission, but (i) who is
18 discriminated against and excluded from University of California and California State
19 University institutions because some courses at Calvary Christian School are
20 disqualified from approval as a-g curriculum because of the Christian viewpoint added
21 to standard subject matter presentation in those courses and their texts, or (ii) who is
22 effectively prohibited from taking courses with Christian viewpoints that would
23 otherwise be taken because those courses are so disqualified. K. B. is the starting
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1 quarterback on the football team, and will apply to University of California hoping to
2 attend University of California-San Diego, which has an excellent pre-med program.

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4 (b) G. S. is a rising junior, suing through parent K. SHEAN, whose PSAT scores
5 indicate an SAT Reasoning Test score and, on information and belief, whose SAT
6 Reasoning Test scores would otherwise qualify for admission, but (i) who is
7 discriminated against and excluded from University of California and California State
8 University institutions because some courses at Calvary Christian School are
9 disqualified from approval as a-g curriculum because of the Christian viewpoint added
10 to standard subject matter presentation in those courses and their texts, or (ii) who is
11 effectively prohibited from taking courses with Christian viewpoints that would
12 otherwise be taken because those courses are so disqualified. G. S. is a musician in the
13 school band and will apply to University of California.

14
15 (c) S. O. is a rising sophomore, suing through parent D. ONO, whose PSAT
16 scores indicate an SAT Reasoning Test score and, on information and belief, whose SAT
17 Reasoning Test scores would otherwise qualify for admission, but (i) who is
18 discriminated against and excluded from University of California and California State
19 University institutions because some courses at Calvary Christian School are
20 disqualified from approval as a-g curriculum because of the Christian viewpoint added
21 to standard subject matter presentation in those courses and their texts, or (ii) who is
22 effectively prohibited from taking courses with Christian viewpoints that would
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1 otherwise be taken because those courses are so disqualified. S. O. will apply to
2 University of California, and is interested in majoring in music and graphic arts, while
3 continuing volunteer work to help abandoned pets.
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5 (d) W. L. is a rising sophomore, suing through parent W. LOTHERINGTON,
6 whose PSAT scores indicate an SAT Reasoning Test score and, on information and
7 belief, whose SAT Reasoning Test scores would otherwise qualify for admission, but (i)
8 who is discriminated against and excluded from University of California and California
9 State University institutions because some courses at Calvary Christian School are
10 disqualified from approval as a-g curriculum because of the Christian viewpoint added
11 to standard subject matter presentation in those courses and their texts, or (ii) who is
12 effectively prohibited from taking courses with Christian viewpoints that would
13 otherwise be taken because those courses are so disqualified. W. L. will apply to
14 University of California.
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20 6. ROMAN STEARNS, sued in his official capacity as SPECIAL
21 ASSISTANT TO THE PRESIDENT and in his individual capacity (“Stearns”), has
22 exercised his discretion to determine and announce that various Christian instruction and
23 textbooks with a Christian viewpoint that many Christian schools choose to use
24 disqualify the courses from approval for the a-g course requirements, because of their
25 viewpoint and content, to establish a policy toward certain Christian instruction and
26 textbooks, and to implement the unconstitutional policy of BOARS and of the Office of
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28

1 the President on point.

2
3 7. SUSAN WILBUR, sued in her official capacity as DIRECTOR OF
4 UNDERGRADUATE ADMISSIONS and in her individual capacity (“Wilbur”), has
5 also exercised her discretion to determine and announce that various Christian
6 instruction and textbooks with a Christian viewpoint that many Christian schools choose
7 to use disqualify the courses from approval for the a-g course requirements, because of
8 their viewpoint and content, to establish a policy toward certain Christian instruction and
9 textbooks, and to establish or implement the unconstitutional policy of BOARS and of
10 the Office of the President on point. She is also the supervisor of defendant Stearns, and
11 a consultant to and agent of BOARS.
12 <http://www.universityofcalifornia.edu/senate/committees/php?comm_name>. Her
13 supervision violated constitutional rights as described in paragraph 55.

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15 8. DENNIS J. GALLIGANI, sued in his official capacity as ASSOCIATE
16 VICE PRESIDENT FOR STUDENT ACADEMIC SERVICES and in his individual
17 capacity (“Galligani”), knew of the violations of plaintiffs’ constitutional rights, and
18 implemented the unconstitutional policy of BOARS and of the Office of the President
19 and permitted the constitutional violations. He is also the supervisor of defendants
20 Stearns and Wilbur, and a consultant to and agent of BOARS.
21 <http://www.universityofcalifornia.edu/senate/committees/php?comm_name>. His
22 supervision violated constitutional rights as described in paragraph 55.

1 9. ROBERT C. DYNES, sued in his official capacity as PRESIDENT OF
2 THE UNIVERSITY OF CALIFORNIA AND AS A MEMBER OF THE REGENTS OF
3 THE UNIVERSITY OF CALIFORNIA (“President”), established or implemented the
4 unconstitutional policy of BOARS and of his Office of the President and committed and
5 permitted the constitutional violations, despite his supervisory authority over the other
6 defendants, and contrary to his “primary responsibility for ensuring that campus
7 programs and activities are free from discrimination based on . . . religion” (Cal.
8 Educ. Code § 66292.2.) He is an ex officio member of The Regents of the University of
9 California. (Cal. Const. Art. 9, § 9(a).) His supervision violated constitutional rights as
10 described in paragraph 55.
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12 10. OFFICE OF THE PRESIDENT OF THE UNIVERSITY OF
13 CALIFORNIA (“OFFICE OF THE PRESIDENT”), is responsible and liable for the acts
14 of the President and of defendants Stearns, Wilbur, and Galligani, and for establishing or
15 implementing the unconstitutional policy of BOARS. Its supervision violated
16 constitutional rights as described in paragraph 55.
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18 11. MICHAEL BROWN, sued in his official capacity as CHAIR (“Chair”) OF
19 BOARD OF ADMISSIONS & RELATIONS WITH SCHOOLS (“BOARS”),
20 established and implemented the unconstitutional policy of BOARS and of the Office of
21 the President and caused and permitted the constitutional violations. His supervision
22 violated constitutional rights as described in paragraph 55.
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1 12. BOARD OF ADMISSIONS & RELATIONS WITH SCHOOLS established
2
3 and implemented the unconstitutional policy and actions that are challenged, as part of
4 its duties and powers. BOARS “oversees all matters relating to the admissions of
5 undergraduate students,” and “regulates the policies and practices used in the admissions
6 process that directly relates [sic] to the educational mission of the University”
7 <<http://www.universityofcalifornia.edu/senate/committees/>>
8
9 boars>. BOARS approved the policy requiring all private schools to establish and obtain
10 state approval of an a-g course list, and to be WASC-accredited, in order for their
11 students to be eligible for admission to University of California. BOARS “maintain[s]
12 the standard of preparation required of students who enter the University directly from
13 California secondary schools,” and “require[s] secondary schools in California whose
14 graduates are to be admitted on a transcript to submit for approval a list of those
15 courses,” and BOARS “review[s] these courses annually” for compliance with a-g
16 course requirements established by it. Academic Senate Bylaws Part II, § 145(B). It is a
17 committee to which The Regents of the University of California has delegated authority
18 or functions relevant to the claims in this complaint, without adequate restrictions to
19 ensure protection of constitutional rights. Cal. Const. Art. 9, § 9(f).
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25 13. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (“Regents”)
26 established, or permitted establishment of, the unconstitutional policy of BOARS and of
27 the Office of the President and permitted the constitutional violations, and failed to
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1 supervise it and the other defendants. Yet Regents are legally responsible to supervise
2 the President and the Office of the President, and the Academic Senate and the BOARS
3 committee within it, and the Chair of BOARS and the other defendants. The a-g course
4 requirements and admissions requirements set by BOARS and policies thereunder are
5 subject to final approval by the Regents and, on information and belief, have been
6 approved by the Regents. The corporation known as The Regents of the University of
7 California is the highest administrative authority of the University of California, and has
8 general rulemaking or policy-making power in regard to the University, and is fully
9 empowered to operate, control, and administer the University. As such, it is a public
10 officer within the meaning of Sections 395 and 393 of the Code of Civil Procedure.
11 (*Regents of the Univ. of Cal. v. Sup. Ct.*, 3 Cal.3d 529, 540-41, 91 Cal.Rptr. 57, 64-65
12 (1970).) Its supervision violated constitutional rights as described in paragraph 55.

13 **JURISDICTION AND VENUE**

14 14. This District Court has jurisdiction of this action pursuant to 28 U.S.C. §
15 1331, because this civil action arises under the Constitution and laws of the United
16 States.

17 15. The causes of action, or a substantial part of them, arose in the Central
18 District of California where acts were done toward ACSI (whose southern California
19 office is in this District in La Habra, and many of whose member Christian schools are
20 in this District), and toward Calvary Christian School (which is in this District) and its

1 teachers and students including the Students (who live in this District). Those actions
2 were by public officers or persons specially appointed to execute the duties of public
3 officers, by virtue of the office or by the officer's command or in the officer's aid,
4 touching the duties of the officer. (Cal. Civ. Proc. Code § 393.) The county in which
5 the injury occurred is Orange and Riverside County. (*Regents of the University of Cal. v.*
6 *Superior Court*, 3 Cal.3d 529, 542, 91 Cal.Rptr. 57, 65 (1970).)
7

8 FACTS

9 **1. The Lack of Authority for BOARS' Assumption of Power over the** 10 **Viewpoints and Textbooks of Religious Schools**

11 16. Methodically and ominously, defendants have assumed increasingly more
12 authority over secondary schools in California by expanding the reach and impact of
13 requirements for students in nonpublic secondary schools to be eligible for admission to
14 the University of California (and effectively also to the California State University
15 system). Even without authority for and guidance in doing so, defendants press onward
16 from deciding admission guidelines to determining what viewpoints may and may not be
17 taught in secondary school classrooms, which books may and may not be used, and what
18 students with the same tests scores are and are not eligible for admission to the
19 University of California.
20

21 17. Under Article 9, subsection 9(f) of the California Constitution, the Regents
22 of the University of California are given "all the powers necessary and convenient for
23 the effective administration of its trust." This subsection also states, "no person shall be
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1 debarred admission to any department of the university on account of race, religion,
2 ethnic heritage, or sex.”

3
4 18. Under its Standing Order 105.2, the Regents delegated power over
5 admissions to the Academic Senate without restrictions to protect constitutional rights,
6 as follows: “The Academic Senate, subject to the approval of the Board, shall determine
7 the conditions for admission, for certificates, and for degrees other than honorary
8 degrees.”
9
10

11 19. The Academic Senate expanded this delegated power to regulation of
12 secondary schools, and delegated powers it did not possess to BOARS, without
13 restrictions to protect constitutional rights, through Academic Senate Bylaw 145,
14 subsection B. The Academic Senate wrote Bylaws for itself that state in pertinent part:
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16

17 B. Duties. Consistent with Bylaw 40 the Committee shall: (Am 28 May 2003)

18 ...
19 2. Recommend to the Assembly the admissions criteria for undergraduate
20 status. (En 28 May 2003)

21 3. Regulate the examination and classification of all applicants for admission to
22 undergraduate status, and report thereon to the Assembly, including the
23 authority, in exceptional cases, to admit applicants with minor deficiencies.
(Am 26 May 82: Am 28 May 2003)

24 ...
25 5. Require secondary schools in California whose graduates are to be admitted
26 on a transcript to submit for approval a list of those courses certified by the
27 school as fulfilling the subject requirements for admission. The committee
28 shall review these courses annually. If the studies outlined in 145.B.6 below
indicate that such action is advisable, it may require that applicants from
certain schools take examinations established by the Board as a condition for
admission. (Am 26 May 82)

6. Require secondary schools in California whose graduates are to be admitted
on a transcript to submit for approval a list of those courses certified by the

1 school as honors level courses in history, English, advanced mathematics,
2 laboratory science, and foreign language. The committee shall review these
3 courses annually. (En 26 May 82)

4

5 Even if this Bylaw were valid, it authorizes review of a list of courses, but does not
6 allow regulation of the viewpoints taught. Further, it allows nondiscriminatory
7 examinations in the case of deficient courses, but does not permit discriminatory
8 examination score requirements for approved courses and unapproved courses.
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10 20. BOARS in turn established and implemented the unconstitutional policy
11 described in paragraph 12.
12

13 21. Plaintiffs challenge this expansion of the State's power over nonpublic
14 secondary schools and their students, as being beyond the constitutional power of the
15 University Regents, and challenge the arrogation of power to approve and disapprove
16 particular viewpoints and content, facially and as applied.
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19 **2. The a-g Course Requirements and Approval Requirement for Christian**
20 **Schools**
21 **("Eligibility in the Statewide Context")**

22 22. Defendants require the following for eligibility for admission to University
23 of California institutions (the "a-g course requirements"):
24

25 **A. The a-g Course Requirements**

26 23. Defendants expressly require Christian schools and other private schools to
27 have courses meeting a-g course requirements, and for those courses to be approved by
28 defendants, in order for the schools' students to be eligible for admission to the

University of California:

General requirements by subject area

The following sequence of high school courses is required by the University of California of high school students to be minimally eligible for admission. It also illustrates the minimum level of academic preparation students ought to achieve in high school to undertake university level work.

The a-g requirements can be summarized as follows:

- (a) **History/Social Science**—Two years required, including one year of world history, cultures, and geography **and** one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government.
- (b) **English**—Four years of college preparatory English that include frequent and regular writing, and reading of classic and modern literature.
- (c) **Mathematics**—Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry.
- (d) **Laboratory Science**—Two years of laboratory science providing fundamental knowledge in at least two of these three disciplines: biology, chemistry, and physics.
- (e) **Language Other Than English**—Two years of the same language other than English.
- (f) **Visual & Performing Arts**—One year, including dance, drama/theater, music, or visual art.
- (g) **College Preparatory Elective**—In addition to those courses required in “a-f” above, one year (two semesters) of college preparatory electives are required, chosen from advanced visual and performing arts, history, social science, English, advanced mathematics, laboratory science, and language other than English.

University of California Office of the President, Guide to “a-g” Requirements and Instructions for Updating Your School’s a-g Course List at 5 (emphasis in original).

Plaintiffs, while not objecting to instruction in these courses and already offering them, object to government officials and bodies dictating and censoring the viewpoints that may and may not be taught in those courses, and regulating viewpoints and content of

1 private schools. This objection is all the more substantial when defendants' viewpoint
2 regulation and discrimination is in the face of often superior academic performance by
3 the students that are supposedly harmed by instruction that adds religious viewpoints.
4 And the a-g subject areas (then called the a-f subject area requirements) were considered
5 sufficient for nearly 70 years without any regulation of the viewpoint or content of
6 courses that schools chose to offer on those subjects, before defendants' recent
7 arrogation of that power.

11 24. The California State University system follows substantially the same
12 requirements, taking quite literally the statement above that the a-g course list "illustrates
13 the minimum level of academic preparation students ought to achieve in high school to
14 undertake university level work."

17 **B. The WASC Accreditation Requirement**

18 25. Defendants also require, as a result of BOARS approving a policy in
19 December 2002, that all private high schools become WASC accredited (or a candidate)
20 in order to be eligible for a qualifying an a-g course list at all. WASC (the Western
21 Association of Schools and Colleges) is the regional accrediting body for the area
22 including California.

25 **3. The Highly Restrictive and Burdensome Alternatives**

26 26. According to University of California's application booklet, besides the
27 main path of "Eligibility in the Statewide Context," there are two alternative paths for
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admission to University of California institutions, but they are even more restrictive and burdensome for Christian schools and others. The main path, “Eligibility in the Statewide Context,” consists of the foregoing requirements. It is the “path by which most students enter the University,” UC Application at 7, and the path by which 92.5% of students in 2003 (and other years) achieved eligibility. There are also two alternatives to “Eligibility in the Statewide Context”: Eligibility in the Local Context and Eligibility by Examination Alone. “There are three paths to satisfying the University’s minimum admission requirements for freshman students: Eligibility in the Statewide Context, Eligibility in the Local Context, and Eligibility by Examination Alone.” *University of California Application for Undergraduate Admission and Scholarships: 2005-2006* (“UC Application”) at 7. These paths to eligibility are discussed on University of California’s website as follows:

Freshman Admission

You are considered a freshman applicant if you are still in high school or have graduated from high school but have not enrolled in a regular session at any college or university.

There are three paths to eligibility for freshmen:

1. [Eligibility in the Statewide Context](#) Students who meet minimum requirements for coursework, grade point average and test scores are admitted by this path.
2. [Eligibility in the Local Context \(ELC\)](#) Students who rank in the top 4 percent at participating California high schools may be admitted through ELC.

- 1 3. Eligibility by Examination Alone Students who do not meet the
2 requirements for Eligibility in the Statewide Context or ELC may qualify for
3 admission by achieving high scores on the SAT I or ACT and SAT IIs.

4 <http://www.universityofcalifornia.edu/admissions/undergrad_adm/paths_to_adm/freshman
5 .html>

6
7 26A. A student who is not “Eligible in the Statewide Context,” because some a-g
8 courses are not approved because of viewpoint discrimination against rejected courses
9 and textbooks that are based on a viewpoint of religious faith, is also not “Eligible in the
10 Local Context.” Such a student only is “Eligible by Examination Alone” if he or she has
11 significantly higher test scores than are required generally for eligibility, or even
12 admission, to University of California institutions, which is another form of
13 discrimination. And such a student is hardly ever admitted by exception, even if he or
14 she has the same grades and test scores as other students eligible, and admitted, to
15 University of California institutions.
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20 **A. “Eligibility in the Local Context” Alternative**

21 27. The first alternative is Eligibility in the Local Context (ELC). In order to be
22 considered under ELC, the student must rank in the top 4 percent of all students in his or
23 her high school “on the basis of GPA in UC-approved coursework completed in the 10th
24 and 11th grades.” <[http://www.universityofcalifornia.edu/admissions/-](http://www.universityofcalifornia.edu/admissions/-undergrad_adm/paths_to_adm/freshman/local_eligibility.html)
25 undergrad_adm/paths_to_adm/freshman/local_eligibility.html> In addition to this
26 requirement, the student must attend an eligible and participating school and must
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complete 11 specific, UC-approved courses by the end of the junior year in order to qualify under ELC. Thus, this alternative is very restrictive, and discriminates against students in Christian schools, who must rank in the top 4% even to be eligible for consideration for University of California, while by contrast the general requirement for schools with approved a-g courses is the top 12.5-15%. Further, students in Christian schools are ineligible for “Eligibility in the Local Context” if the schools are not eligible and participating, because some of a Christian school’s courses and textbooks are disqualified because of their viewpoints as discussed below. University of California’s refusal to approve Christian school courses eliminates even this narrow path to eligibility for its top students.

B. “Eligibility by Examination Alone” Alternative

28. The second alternative is Eligibility by Examination Alone. This alternative is very restrictive, and discriminates against students in Christian schools, because they effectively must be in the top 2% even to be eligible for consideration for University of California, while by contrast the general requirement for schools with approved a-g courses is the top 12.5-15%. Even then, this alternative is not generally favored within the University of California system. At least one campus, University of California, Irvine, states on its website that it “typically does not select students for admission by the examination-alone criteria.” <<http://www.editor.uci.edu/05->

06/intro/intro.9.htm> Only “1.3% achieve eligibility by examination alone,” according to University of California published guidelines.

(a) The current version of this alternative discriminates against California students in Christian religious schools and other nonpublic schools, by requiring that their scores be in the top 2-4%, in contrast to the effective requirement that public school students be from anywhere there to the bottom 1% (so long as they have a 3.5 grade point average), to be eligible for admission to University of California institutions. The current version provides that a California student, not in a school with enough approved a-g courses, is eligible by examination if the student either “must achieve a total score of at least 1400 on the SAT I, or a composite score of 31 or higher on the ACT,” as well as achieving a total score of “1760 or higher” on three SAT IIs. This amounts to a requirement to be in the top 2% (98th percentile) of ACT takers or the top 4% (96th percentile) of SAT I takers in order for a student merely to be eligible for admission. By contrast, a California student in a school with approved a-g courses does not have to have a minimum score at all to be eligible for University of California; a student with a 3.5 GPA whose best SAT II scores are merely in the bottom 8% (8th percentile) for Writing, the bottom 1% (1st percentile) for Math Level II, and the bottom 5% (5th percentile) for Chemistry would need only a 420 out of 1600 on the SAT I (bottom 1%, or <1st percentile) to be eligible for admission to University of California. (A student will get 400 points on the SAT I automatically by guessing all answers, or not answering

1 at all.) Even though out-of-state students do not attend schools that have a-g approved
2 courses, their required combined SAT II and ACT or SAT I scores need only match the
3 in-state standards for normal eligibility as long as their grade point average is 3.4 or
4 above.
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7 (b) Under the version of this alternative that is replacing the current version
8 similarly discriminates against California students in Christian religious schools and
9 other nonpublic schools, by also requiring that their scores be in the top 2-4%, in
10 contrast to the effective requirement that public school students be anywhere from there
11 to the bottom 1% (so long as they have a 3.5 grade point average), to be eligible for
12 admission to University of California institutions. The version will change because the
13 standardized tests were recently revised and re-scored,¹ but the discrimination will
14 remain. On information and belief, Defendants are keeping this replacement version as
15 restrictive as the current version, so that only the top 2% (98th percentile) of ACT takers
16 and the top 4% (96th percentile) of SAT Reasoning Test takers are eligible for admission.
17 This rigorous requirement contrasts sharply with the functionally absent minimum score
18 for such tests in the normal eligibility requirements for students in approved a-g courses:
19 a student with a 3.5 GPA whose best SAT Subject Test scores are in the 50th percentile
20 range would need only a 620 out of 2400 on the SAT Reasoning Test (bottom 1%, or
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27 ¹ The major reorganization involves the SAT. The SAT Reasoning Test (formerly the “SAT I”) now includes three sections instead of two, the new section being similar to the old SAT Subject Test for Writing (SAT Subject Tests were formerly called “SAT IIs”). This means a perfect score on the SAT Reasoning Test is now 2400 instead of 1600, and University of California requires two, instead of
28

1 <1st percentile) to be eligible for admission to University of California. (A student will
2 get 600 points automatically by guessing all answers, or not answering at all.) Even
3 though out-of-state students do not attend schools that have a-g approved courses, their
4 required combined SAT Subject Test and ACT or SAT Reasoning Test scores need only
5 match the in-state standards for normal eligibility as long as their grade point average is
6 3.4 or above. Adjustments to the eligibility by examination criteria caused by the re-
7 scoring of the SAT I and II will not alter the discrimination.

11 **C. Admission by Exception: Effectively Not an Alternative**

12 29. An additional but unavailable alternative is Admission by Exception: at the
13 discretion of the campus admissions director, a student may be admitted based on
14 unspecified strong qualifications. This is not even listed as one of the “paths to
15 eligibility,” because it is so narrow and involves so few slots. It also involves arbitrary
16 discretion. Very few students are admitted to University of California under Admission
17 by Exception, and those slots are not generally available to Christian school students
18 unless they meet highly restrictive criteria, such as being athletes, artists, “adults,
19 veterans, students with special talents, and for other special circumstances,” other than
20 low socioeconomic backgrounds or limited educational opportunities. “Most campuses
21 admit fewer than 2% this way,” according to University of California publications, and
22 the Master Plan limits this option to a maximum of 2%. By contrast, 12.5%-15% of
23 three SAT Subject Test scores for admission.

1 California public school students are eligible under the general requirements for
2 admission to University of California. Letter from Wilbur (Mar. 10, 2004), with copies
3 to the President and Galligani. The narrowness of Admission by Exception can also be
4 seen in the admission in the entire 2003-2004 school year of only 8 home school
5 applicants (not having approved a-g courses) to the 10 campuses combined of University
6 of California.
7

8 9 **4. Viewpoint Discrimination against Christian Teaching and Texts with a** 10 **Christian Viewpoint** 11

12 30. Defendants have rejected textbooks and courses based on a viewpoint of
13 religious faith, for the first time in BOARS' history or, for that matter, for the first time
14 in the University of California's history:
15

16 **A. In Science** 17

18 31. Defendants have a policy, stated in the "standard language" of a form letter,
19 of rejecting Christian school courses that use either of the two leading high school
20 science textbooks that contain a Christian viewpoint, because of the Christian viewpoint
21 added to standard subject matter presentation in those texts and courses:
22

23 Subject: Language re Christian biology texts
24

25

26 Below is the standard language that we give to schools who submit
27 biology/science course descriptions that include either the Bob Jones University
28 Press or A Beka Books texts:

"In establishing and implementing the "a-g" subject area requirements, UC
faculty's main interest is that students entering the University are well prepared to

1 be successful at UC. The content of the course outlines submitted for approval is
2 not consistent with the viewpoints and knowledge generally accepted in the
3 scientific community. As such, students who take these courses may not be well
4 prepared for success if/when they enter science courses/programs at UC.”

5 Feel free to call back if you have further questions.

6 Roman

7
8 Roman J. Stearns
9 Special Assistant to the Director of Admissions
10 Undergraduate Admissions, Student Academic Services
University of California Office of the President

11 Roman Stearns, *Language re Christian Biology Texts* (Jan. 12, 2004) (Exhibit 1). The
12 next month, defendant Wilbur stated that “biology courses that rely on texts from both
13 Bob Jones University Press and A Beka Books and physics courses that rely on the text
14 from Bob Jones University Press will no longer be approved to meet the ‘d’ lab science
15 requirement,” in a letter dated Feb. 9, 2004 (copy sent to defendant Galligani). That
16 “standard language” has been used to reject science courses of California Christian
17 schools, as the sole reason for rejection.
18
19
20

21 32. The BOARS Chair, via an aide, confirmed that courses that use the BJU
22 Press “biology and physics textbooks are not” acceptable for a-g course requirements.
23 Wilbur confirmed that “[n]on-approval of high school biology courses that rely
24 primarily on texts from A Beka Book or Bob Jones University Press” was based on both
25 “the way in which these texts address the topics of evolution and creationism” and “their
26 general approach to science” in relation to the Bible (with copies sent to the Regents, the
27
28

1 President, and Galligani). Defendants issued a “*University of California Position*
2 *Statement: ‘A-G’ Course Approval for High School Science Courses Taught from*
3 *Textbooks from Selected Christian Publishers,*” giving reasons why defendants will not
4 approve textbooks that present the standard course material and then that give religious
5 reasons for disagreeing with the majority view of a topic. That Statement was in its very
6 caption directed at “Selected *Christian Publishers,*” and contained a section on
7 “Concerns about ‘A-G’ Course Approval for High School Science Courses Taught From
8 Textbooks From Selected *Christian Publishers.*” It then said what Christian schools
9 could do to have approved science courses
10
11

12
13
14 “develop and submit for UC approval a *secular* science curriculum with a text and
15 course outline that addresses course content/knowledge *generally accepted* in the
16 scientific community.”

17 Defendants will only accept secular viewpoints, not religious ones, that conform to
18 generally accepted viewpoints, not minority viewpoints, in science. Defendants’ real
19 “concern” and reason for rejecting science texts from Christian publishers, and Christian
20 school courses using them, is what the faculty member reviewing the texts candidly
21 called “concern over evolution theories,” an objection to the texts presenting Darwinian
22 evolution and then giving scientific reasons why Darwinian evolution may be false and
23 stating that the Bible’s teaching on the subject is true.
24
25
26

27 33. Defendants have rejected biology and physics courses of other Calvary
28 Chapel Christian Schools and other Christian schools, using the “standard language,”

1 because the courses use textbooks that add a Christian viewpoint to the full standard
2 subject matter (published by Beka Books or BJU Press, the two largest Christian
3 publishers of textbooks). Defendants did not find any other reasons for rejecting these
4 texts as they filled in the approval or rejection form. They did not find any of the other
5 possible grounds for disapproval to apply, which were: “Lacking necessary course
6 information,” “Insufficient academic/theoretical [sic] content,” “Attempt to address too
7 many topics/lack of depth,” “Too much focus on career-related skills (application) rather
8 than academics (theory),” “Too much focus on technology tools, rather than content
9 knowledge,” or “Lack of pre-requisites [sic].” Defendants did not find inadequate either
10 the “Subject Specific Requirements” or the “Necessary Course Information,” the factors
11 for which were: “Substantial reading/writing,” “Depth and breadth [sic],” “Other,” . . .
12 “Texts and/or instructional materials,” and “Instructional & assessment methods.”

18 34. This position, and the a-g requirements, were not imposed because of any
19 deficiencies in the secondary school education of Christian school graduates, such as
20 underperformance in University of California institutions. Defendant Wilbur admitted
21 forthrightly that the defendants did not have any individual student performance data at
22 all in connection with Christian school graduates (and so were not imposing
23 requirements because of any deficiencies). Letter from Wilbur (May 17, 2004) (copied
24 to President and Galligani). Thus, the course rejection letters merely speculated that
25 “students who take these courses *may not* be well prepared for success if/when they enter
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1 science courses/programs at UC.” In fact, the student performance data shows that
2 Christian school graduates on average score higher than their public school counterparts.

3
4 35. Plaintiffs hold a viewpoint and religious faith that they should present and
5 study not only all standard subject matter in science, but in addition their Christian
6 viewpoint. This is abridged or discriminated against by defendants by the above policies
7 and actions. Furthermore, the State of California has agreed that in public and private
8 schools, students do not have to accept everything that is taught, and cannot be required
9 to hold a state-prescribed viewpoint:
10
11

12
13 Nothing in science or in any other field of knowledge shall be taught
14 dogmatically. Dogma is a system of beliefs that is not subject to scientific test and
15 refutation. . . .

16 To be fully informed citizens, students do not have to accept everything that
17 is taught in the natural science curriculum, but they do have to understand the
18 major strands of scientific thought, including its methods, facts, hypotheses,
19 theories, and laws.

20 California State Board of Education, *Science Framework for California Public Schools*,
21 “State Board of Education Policy on the Teaching of Natural Sciences” ¶¶ 3-4 (2003).

22 Plaintiffs support, and do not object to, understanding the major strands of scientific
23 thought, methods, facts, hypotheses, theories, and laws. Their constitutional rights are
24 abridged or discriminated against when they are told that the current interpretation of
25 scientific method must be taught dogmatically, and must be accepted by students, to be
26 eligible for admission to University of California institutions.
27

28 **B. In Religion and Ethics**

1 36. Defendants similarly discriminate against Christian secondary schools that
2 present “one . . . viewpoint” in courses on religion and ethics:
3

4 **Follow guidelines for specific courses.**

5

6 5. *Religion & Ethics courses* are acceptable for the college preparatory
7 elective area as long as they (1) treat the study of religion or ethics from the
8 standpoint of scholarly inquiry rather than in a manner limited to one
9 denomination or viewpoint, and (2) do not include among its primary goals the
personal religious growth of the student.

10 University of California Office of the President, Helpful Hints for Developing and
11 Submitting New Courses for UC a-g Approval (emphasis in original) (Exhibit 2). These
12 guidelines were written and posted on the website of the Office of the President, by or as
13 policies established by Stearns, Wilbur, Galligani, President, Office of the President,
14 Chair, and BOARS, on information and belief.
15
16

17 37. By this, defendants deny that “one denomination or viewpoint” can be
18 scholarly, and deny that a primary goal of fostering the religious growth of a student can
19 exist at the same time as scholarly inquiry. This effectively decrees that religion, to be
20 taught, must be treated as not true and as not relevant to individual character and life. It
21 is simply viewpoint discrimination to find religion and ethics courses acceptable that do
22 not have a viewpoint that one religion or viewpoint is true, but to find courses
23 unacceptable that contain the same subject matter as an acceptable course but add the
24 belief that one denomination or viewpoint is true. And it is simply viewpoint
25 discrimination to find religion and ethics courses unacceptable that contain the same
26
27
28

1 subject matter as acceptable courses but add material encouraging as one of several
2 primary goals the personal religious growth of the student—in other words saying that
3 the course is relevant to life.
4

5 37A. Plaintiffs hold a viewpoint and religious faith that they should teach that
6 their Christian religious faith is true and that they should encourage the religious growth
7 of students in that faith, while also fairly presenting standard course material about other
8 religions in comparative religion and ethics courses. This is abridged or discriminated
9 against by defendants and by their above guideline or policy.
10
11

12 **C. In History**

13 38. Defendants stated that they “do not usually review individual textbooks,”
14 but that “[i]n some subject areas (i.e., history, mathematics, science) where selected texts
15 tend strongly to guide course content, the acceptability of the text plays a greater role in
16 the course approval process.” “University of California Position Statement: ‘A-G’
17 Course Approval for High School Science Courses Taught from Textbooks from
18 Selected Christian Publishers.” This Position Statement was primarily written by
19 defendant Wilbur, because the quoted language and other language comes from her letter
20 of February 9, 2004 (a copy of which was sent to defendant Galligani).
21
22
23
24

25 39. On or about October 20, 2004, Calvary Christian School submitted a history
26 course to defendants for approval, entitled “Christianity’s Influence on American
27 History,” which used an American history text containing a Christian viewpoint
28

(published by BJU Press, one of the two largest Christian publishers of textbooks) (Exhibit 3), in addition to another text widely used for college history classes (including at least one California State University class). That text adds a conservative Christian viewpoint (which with the course outline was submitted to defendants by Calvary Christian School) to standard subject matter for such a history course, while the other text unquestionably covers that standard subject matter. It was rejected in a mere five days, by an Office of the President checklist and letter from defendant Wilbur. Defendants alleged that the course was not approved because “Focus too narrow/too specialized,” and because the viewpoint was “not consistent with empirical historical knowledge generally accepted in the collegiate community,” as follows:

In establishing and implementing the a-g subject area requirements, UC faculty’s main interest is that students entering the University are well prepared to be successful at UC. The content of the course outline submitted for approval is not consistent with the empirical historical knowledge generally accepted in the collegiate community. As such, students who take these courses may not be well prepared for success if/when they enter history-social science courses/programs at UC.

Exhibit 4. This rejection language is almost identical to the “standard policy” language used to reject Christian courses in science (quoted in paragraph 30), and is obviously based on that “standard policy” language:

“Standard Language” and Language Used in Rejecting Calvary Baptist School’s Biology Course Submission (3/31/04) and Other Submissions:	Language Used in Rejecting Calvary Christian School’s History Course Submission (10/25/04):
In establishing and implementing the a-g subject area requirements, UC faculty’s main interest is that students entering the University are well prepared to be	In establishing and implementing the a-g subject area requirements, UC faculty’s main interest is that students entering the University are well prepared to be

1 successful at UC. The content of the
2 course outlines submitted for approval is
3 not consistent with the viewpoints and
4 knowledge generally accepted in the
5 scientific community. As such, students
who take these courses may not be well
prepared for success if/when they enter
science courses/programs at UC.

successful at UC. The content of the
course outline submitted for approval is
not consistent with the empirical historical
knowledge generally accepted in the
collegiate community. As such, students
who take these courses may not be well
prepared for success if/when they enter
history-social science courses/programs at
UC.

6 40. Yet the right of schools, teachers, and texts to add religious background to
7
8 history and social science courses earlier had been acknowledged by the California
9 Department of Education's *History-Social Science Framework for California Public*
10 *Schools*. That *Framework* discussed the need to understand religion's effect on history
11 in general and American history in particular, stating, "Students are expected to learn
12 about the role of religion in the founding of this country because many of our political
13 institutions have their antecedents in religious beliefs." *Framework* at 7.

16 41. Defendants did not find any other reasons for rejecting the Christian history
17 course or text. They did not find any of the other possible grounds for disapproval to
18 apply, which were: "Lacking necessary course information," "Insufficient
19 academic/theoretical [sic] content," "Attempt to address too many topics/lack of depth,"
20 "Too much focus on career-related skills (application) rather than academics (theory),"
21 "Too much focus on technology tools, rather than content knowledge," or "Lack of pre-
22 requisites [sic]." Defendants did not find inadequate either the subject specific
23 requirements or the necessary course information, the factors for which were:
24 "Substantial reading/writing," "Depth and breadth [sic]," "Other," . . . "Texts and/or
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1 instructional materials,” and “Instructional & assessment methods.” Defendants did not
2 communicate with Calvary Christian School in order to identify or remedy any alleged
3 defect, in the case of this history course or the other courses whose rejection is described
4 herein. Defendants did not give alternate approval for the course to be taught as a
5 college prep elective (also an a-g category), even though that is the normal alternative to
6 approval of a course as a history course or other a-g category of course. The rejection
7 was on Office of the President letterhead, and the cover letter was signed by defendant
8 Wilbur.

12 42. Defendants, in rejecting “Christianity’s Influence on American History” as
13 a history course on the basis “Focus too narrow/too specialized,” were discriminating
14 and merely giving a pretext, because they routinely approve far more narrow history
15 courses as meeting a-g course requirements. Examples of those other courses are given
16 in Cause of Action II. Defendants also routinely approve courses as electives meeting a-
17 g course requirements, when they do not approve them as history courses or other
18 categories of courses.

22 43. Defendants, in rejecting this and other Calvary Christian School courses,
23 did not state that either the course or the textbook lacked coverage of standard course
24 material. However, defendants regularly approve courses as meeting a-g standard that
25 lack coverage of standard course material, and do not appear to be academically
26 substantive, such as the following:

1 “ROP Sports Medicine”
2 “California Problems”
3 “Cinema and the Real World 2”
4 “Cinema Studies”
5 “Inquiry and Expression”
6 “Sound and Acoustics”

7 Nor did defendants have any evidence whatsoever that the courses or texts did not
8 adequately prepare students for the University of California. Instead, they speculated that
9 “students who take these courses *may not* be well prepared for success if/when they enter
10 history-social science courses/programs at UC.”
11

12 44. Plaintiffs hold a viewpoint and religious faith that they should present and
13 study not only all standard subject matter in history, but in addition their Christian
14 viewpoint. This is abridged or discriminated against by defendants and their actions and
15 policy.
16

17 **D. In English and Literature**

18
19 45. On or about October 20, 2004, Calvary Christian School submitted an
20 American literature course to defendants for approval as an English course, entitled
21 “Christianity and Morality in American Literature,” which used a text with a Christian
22 viewpoint (published by Beka Books, one of the two largest Christian publishers of
23 textbooks). Exhibit 5. The course outline and that text (which were sent by Calvary
24 Christian School as part of its submission), add a conservative Christian viewpoint to
25 standard subject matter for such an American literature course (as does the comparable
26 BJU Press text, the other largest Christian publisher of textbooks). Defendants also
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28

1 quickly rejected this course, by an Office of the President checklist and letter from
2 defendant Wilbur. They showed their rush to judgment by using the wrong checklist, a
3 History/Social Science checklist, and stating, “This appears to be more appropriately an
4 English course. Suggest you resubmit as such.” Exhibit 4. Even though this course had
5 been clearly submitted originally as an English course, Calvary Christian School
6 resubmitted the course as an English course without any changes on or about November
7 1, 2004.

11 46. Defendants responded to the resubmission by stating to plaintiffs, “The
12 following courses are pending approval for UC’s freshman subject requirements.
13 Immediate ruling was not possible because either (1) inadequate information was
14 provided by the school/district, (2) the course has been forwarded to faculty for review,
15 or (3) we are waiting for faculty to clarify policy. In any case, please expect the decision
16 to be delayed several months.” Exhibit 6. Calvary Christian School, in a number of
17 letters and calls, asked for approval, and asked (1) what information if any was needed,
18 (2) for the clarification from faculty reviewing the course and text, and (3) for the
19 clarification of policy. Calvary Christian School waited more than “several months,” but
20 despite the 12-day rejection of the initial course submission, defendants did not respond
21 until 9 months later, even though they knew that approval was needed well before the
22 summer in order for the course to be listed and taught in the fall. Because of this de
23 facto rejection the course is not being taught and the Students and other students cannot

1 take it in 2005-06, and because of the actual rejection on July 28, 2005 the course may
2 not be taught thereafter.

3
4 47. The rejection of “Christianity and Morality in American Literature” as an
5 English course (July 28, 2005) was for four stated reasons: “this course . . . does not
6 offer a non-biased approach to the subject matter”; “Textbook is not appropriate”;
7 “Lacking necessary course information” (evidently that “[o]utline is vague and lacks
8 detail,” and “[t]here is not [sic] activities or assignments that tie to the supplemental
9 reading”); and “Insufficient academic/theoretical [sic] content.” The course was also
10 rejected as an elective, which routinely is granted if there is a rejection as an English
11 course. The rejection was on Office of the President letterhead, and the cover letter was
12 signed by defendant Wilbur, with the cover e-mail saying that “UC has completed the
13 review of your school’s 2004-05 a-g course list update.” Exhibit 7.

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18 **E. In Social Science**

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20 48. On or about November 1, 2004, Calvary Christian School submitted an
21 American government course to defendants for approval as a social science course,
22 named “Special Providence: American Government,” which used a text containing a
23 Christian viewpoint (published by BJU Press). Exhibit 8. The course outline and that
24 text (a copy of each was sent as part of the submission) add a conservative Christian
25 viewpoint to standard subject matter for such an American government course (as does
26 the comparable Beka Books text). Defendants’ response in paragraph 46 above,
27
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1 regarding the delay in evaluation, also applied to this submission. See Exhibit 6.
2
3 Calvary Christian School, in a number of letters and calls, asked for approval, and asked
4 (1) what information if any was needed, (2) for the clarification from faculty reviewing
5 the course and text, and (3) for the clarification of policy. It waited for more than
6
7 “several months,” and despite the initial rejection in just 12 days, defendants only
8 responded 9 months later on July 28, 2005, just 6 minutes after rejecting the English
9
10 course. Defendants never substantively responded during those 9 months, even though
11 they knew that approval was needed well before the summer in order for the course to be
12 listed and taught in the fall. Because of this de facto rejection the course is not being
13 taught and the Students and other students cannot take it in 2005-06, and because of the
14 actual rejection on July 28, 2005 the course may not be taught thereafter.
15
16

17 49. The rejection of “Special Providence: American Government” took exactly
18 6 minutes after the rejection of “Christianity and Morality in American Literature” (July
19 28, 2005 at 5:13 p.m. rather than at 5:06 p.m.) The rejection of “Special Providence:
20 American Government” as a social studies or history course was for two stated reasons:
21 “Texts and/or instructional materials,” and the same language used in rejecting the
22 science and history texts with Christian viewpoints:
23
24

25 **“Standard Language” and Language**
26 **Used in Rejecting Calvary Baptist**
27 **School’s Biology Course Submission**
28 **(3/31/04) and Other Submissions:**

In establishing and implementing the a-g subject area requirements, UC faculty’s main interest is that students entering the University are well prepared to be

Language Used in Rejecting Calvary
Christian School’s Social Studies
Course Submission (7/28/05):

In establishing and implementing the a-g subject area requirements, UC faculty’s main interest is that students entering the University are well prepared to be

1 successful at UC. The content of the
2 course outlines submitted for approval is
3 not consistent with the viewpoints and
4 knowledge generally accepted in the
5 scientific community. As such, students
who take these courses may not be well
prepared for success if/when they enter
science courses/programs at UC.

successful at UC. The content of the
course outlines submitted for approval is
not consistent with the empirical historical
knowledge generally accepted in the
collegiate community. As such, students
who take these courses may not be well
prepared for success if/when they enter
history-social science courses/programs at
UC.

6 The rejection stated that “Government courses usually are granted a semester’s credit
7 only,” but then did not approve the course for one semester’s credit, so that was not a
8 reason for rejection. The course was also rejected as an elective, which routinely is
9 granted if there is a rejection as a social studies or history course. The rejection was on
10 Office of the President letterhead, and the cover letter was signed by defendant Wilbur,
11 with the cover e-mail saying that “UC has completed the review of your school’s 2004-
12 05 a-g course list update.” Exhibit 9.
13
14
15

16 50. Plaintiffs hold a viewpoint and religious faith that they should present and
17 study not only all standard subject matter in appropriate areas of social science, but in
18 addition their Christian viewpoint. This is abridged or discriminated against by
19 defendants and their actions and policy.
20
21

22 **5. State Application of These Requirements to Private Schools**

23 **A. Regulation of Viewpoint and Content of Private Schools**

24 51. Defendants apply the above policies and standards to private schools,
25 including Christian schools, that apply for the first time for approval of a course or
26 courses in an a-g course list in order to enable their students to be eligible for the
27
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1 University of California and California State University. Defendants also apply these
2 policies and standards to private schools whose courses have already been approved,
3 because they only permit those courses that are already approved to remain approved
4 through June 2006. Defendant Wilbur added that “the faculty has been considering the
5 possibility of instituting periodic re-evaluation of previously approved courses from all
6 schools” (meaning non-public schools), in a letter dated Feb. 9, 2004. Schools that are
7 not WASC-accredited or WASC candidates now have a designation on the top of their
8 course lists that indicates that their a-g list is “provisional” until they become fully
9 WASC-accredited. University of California Office of the President, Guide to “a-g”
10 Requirements and Instructions for Updating Your School’s a-g Course List at 2.

11
12 52. BOARS establishes the subject areas and pattern of courses required for
13 minimum eligibility for freshman admission to the University of California, and
14 effectively to California State University. BOARS does so as an agency or committee of
15 the Academic Senate, which has been given the responsibility by the Regents to set the
16 conditions for admission, subject to final approval by the Regents. University of
17 California Office of the President, *Guide to “a-g” Requirements and Instructions for*
18 *Updating Your School’s a-g Course List* at 4.

19
20 53. This complaint challenges the a-g course requirements as applied, as well as
21 on their face to the extent they go beyond merely listing widely-accepted subjects for
22 study regardless of viewpoint taught. This complaint challenges the legality of the
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1 authority asserted by defendants to regulate the viewpoints taught in private schools and
2 to regulate private schools beyond specifying core courses, under the guise of imposing
3 barriers to admission to University of California institutions (or to California State
4 University institutions). Each cause of action below is both as applied and facial.
5

6
7 **B. Roles of Defendants**

8 54. Defendants Stearns and Wilbur, in addition to the acts described in
9 paragraphs 6-7 and in these Facts, violated the constitutional rights of plaintiffs, and
10 established or implemented policies or policy statements that did so, and acted pursuant
11 to the policy of BOARS, the Office of the President, and the Regents that violated the
12 constitutional rights of plaintiffs. Defendants Galligani, President, Office of the
13 President, Chair, BOARS, and Regents, in addition to the acts described in paragraphs 8-
14 13 and in these Facts, established or approved policies or policy statements that violated
15 the constitutional rights of plaintiffs, as described in these Facts.
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20 55. Defendants Galligani, President, Office of the President, Chair, BOARS,
21 and Regents, and Wilbur, in addition to the acts described in paragraphs 7-13 and in
22 these Facts, as supervisors either participated in or directed the violations of
23 constitutional rights, or knew of the violations and failed to act to prevent them; as
24 supervisors either were personally involved in the constitutional deprivation, or their
25 wrongful conduct was causally connected to the constitutional violations and
26 proximately caused the constitutional injuries, including setting in motion a series of acts
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1 by others which each defendant knew or reasonably should have known would cause
2 others to inflict the constitutional injuries; or established or approved a policy or policy
3 statement that violated constitutional rights, or implemented it.
4

5
6 **FIRST CAUSE OF ACTION**
7 **ABRIDGMENT OF FREEDOM OF SPEECH**
8 **IN VIOLATION OF THE FIRST AMENDMENT AND OF CAL. CONST.**
9 **ARTICLE 1, SECTION 2**

10
11 56. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.
12

13
14 57. Defendants' regulation of the viewpoint and content of Christian school
15 instruction and texts violates the freedom of speech of Christian schools, students, and
16 teachers, in violation of the First and Fourteenth Amendments and 42 U.S.C. § 1983
17 under color of state law, as follows. Defendants' regulation also abridges the right of
18 plaintiffs to "freely speak, write and publish his or her sentiments on all subjects," and
19 "restrain[ed] or abridge[d] liberty of speech," in violation of Cal. Const. Art. 1, § 2 and
20 Cal. Civ. Code § 52.1, as follows.

21 58. The a-g course requirements effectively provide (or are being interpreted
22 and applied to provide) that Calvary Christian School and other Christian schools may
23 not use Christian instruction and texts in most subjects, and the Students and other
24 students may not receive Christian instruction or use such texts in most subjects, at least
25 when defendants disagree with the viewpoint expressed or have exercised their
26 unchecked discretion to reject the instruction and texts or viewpoint. This abridges the
27
28

1 constitutional right of schools and teachers and texts to provide, and of students to
2 receive and their parents to choose, a Christian education.

3
4 59. The a-g course requirements (facially or as they are applied) involve
5 defendants' assertion of authority to regulate the viewpoint and content of Christian
6 schools and texts, and not just the results or sufficiency of the education provided within
7 them. This violates freedom of speech, and violates academic freedom by regulating
8 what may be taught and how it shall be taught. In so regulating Christian schools and
9 texts, defendants have not shown any deficiency in the education provided by the
10 schools, or reason for intrusion into their viewpoints and beliefs. Nor is there any
11 deficiency; the students in the Christian schools using texts with Christian viewpoints
12 generally outscore their counterparts in California public schools. The a-g course
13 requirements, as applied, also involve defendants' specifying what may be taught and
14 how it shall be taught, in Christian schools and their courses and texts, which violates
15 the academic freedom of Calvary Christian School and other Christian schools and their
16 teachers, and the Students and other such students.

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21
22 60. As the result of defendants' acts, Calvary Christian School and other
23 schools are teaching, and the Students and other students are studying, science courses
24 using texts with Christian viewpoints (published by the two largest Christian publishers
25 of textbooks) that are not going to meet a-g requirements under the standard language
26 and policy of defendants, and the same is true of religion and ethics courses and other
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1 courses as well. Also as the result of defendants' acts, Calvary Christian School and
2 other Christian schools are not teaching, and the Students and other students are not able
3 to study, the history course "Christianity's Influence on American History", the
4 literature course "Christianity and Morality in American Literature," and the social
5 science course "Special Providence: American Government," a comparative religion
6 course, or similar courses and texts from a Christian viewpoint.
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10 61. Also as the result of defendants' acts, the Students and other students,
11 whose SAT I or SAT Reasoning Test scores are above the average of 1200-1250² (78th
12 to 84th percentile) of persons admitted to University of California (and above the
13 minimum scores of persons admitted to University of California), are discriminated
14 against and (i) rendered ineligible for admission to University of California and
15 effectively to California State University institutions, even though their parents have
16 faithfully paid California taxes that support those institutions, and (ii) denied the
17 opportunity or effectively prohibited from studying history, literature, social science, and
18 comparative religion courses that they wish to take because of their beliefs and religious
19 faith. If the Students attended public schools, they would be eligible and would likely be
20 admitted. Yet they are not eligible under the discrimination exceptions, because their
21 SAT I's or SAT Reasoning Test scores are not in the 96th percentile (above 1400 on the
22 SAT I), and they do not fall in the "admission by exception" categories for "adults,
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² Based on the old format, where a perfect score is 1600, instead of 2400.

1 veterans, students with special talents, and for other special circumstances.” Thus, the
2 Students and other students, being discriminatorily excluded from University of
3 California and California State University institutions because of their viewpoint and
4 religious faith, must pay substantially more tuition in other colleges, as well as
5 effectively being prohibited from taking some courses taught with a Christian viewpoint
6 added to standard course material. Also, Calvary Christian School and other Christian
7 schools are discriminated against and rendered second class citizens and given a
8 competitive disadvantage, as are the Christian school texts, since the Students and their
9 other students are tainted and disqualified from University of California and California
10 State University institutions, or are effectively prohibited from studying courses with a
11 Christian viewpoint added to standard course material.
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17 62. This effectively penalizes Calvary Christian School and other Christian
18 schools, and the Students and other students, and the Christian schools’ teachers, and
19 renders them second class citizens, and excludes the Students and nearly all Christian
20 school graduates from the University of California-Irvine, and from the University of
21 California generally and effectively from California State University, even though the
22 Students and many other Christian school students are otherwise qualified by such
23 measures as the SAT I or SAT Reasoning Test or ACT, SAT II or SAT Subject Tests,
24 and other factors, simply because they attended a school and used a text that chose to
25 add a Christian viewpoint or content to standard course material. That discriminates
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1 against Calvary Christian School and other such schools, against the Students and
2 otherwise qualified students, and against their teachers and texts.

3
4 63. Far less burdensome means are available to ensure that graduates of
5 Christian schools, and applicants to University of California, are sufficiently educated
6 using texts and viewpoints of their choice—those are the means that are already used for
7 out-of-state applicants who do not attend schools with approved a-g courses. Those
8 means are standardized tests (without discriminatory score requirements), which actually
9 demonstrate that the graduates of Christian schools are on average better educated than
10 their public school counterparts who apply to University of California, and study of the
11 academic progress of students at University of California from Christian schools
12 compared to other schools in order to see whether they are sufficiently educated. Such
13 methods would not involve or require regulating the viewpoint and content of Christian
14 schools and texts or disqualifying their graduates from eligibility for the University of
15 California. In addition, far less burdensome means are available to ensure that any
16 deficiency is corrected—those are the remedial courses or tutoring that the University of
17 California already offers students in a wide range of subjects such as English and
18 mathematics, which do not involve or require regulating the viewpoint and content of
19 Christian schools and texts or excluding their graduates.

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21 64. There is no compelling interest requiring the state to regulate the viewpoint
22 or content of Christian schools or their instruction and texts, and defendants' efforts
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1 would be better directed to improving the public schools that lag behind the Christian
2 schools. The absence of any compelling interest is shown by the University of
3 California's willingness to accept students from other states whose schools do not have
4 approved a-g courses, and to accept students with standardized scores below those of
5 disqualified graduates of Christian schools, as well as to accept a limited number of
6 students from California schools who do not meet the a-g requirements. The absence of
7 any compelling interest is also shown by the 49 other states that do not find it necessary
8 to regulate the viewpoint and content of Christian schools, and the constitutional
9 protections for religious schools to be religious and to follow their faith and chosen
10 viewpoints. Whatever the state's interest in education, it has no compelling interest in
11 intruding into the viewpoint and content of Christian schools and instruction and texts to
12 restrict their Christian viewpoint and content.
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18 **SECOND CAUSE OF ACTION**
19 **VIEWPOINT DISCRIMINATION**
20 **IN VIOLATION OF THE FIRST AMENDMENT AND OF CAL. CONST.**
21 **ARTICLE 1, SECTION 2**

22 65. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.
23

24 66. Defendants' regulation of Christian school instruction and texts is a
25 content-based regulation of speech, which dictates the viewpoint and content of speech,
26 in violation of the First and Fourteenth Amendments, in the following manner.
27 Defendants' viewpoint discrimination also abridges the right of plaintiffs to "freely
28

1 speak, write and publish his or her sentiments on all subjects,” and “restrain[s] or
2 abridge[s] liberty of speech,” in violation of Cal. Const. Art. 1, § 2, as follows.

3
4 67. The a-g course requirements effectively provide (or have been interpreted to
5 provide) that, even though the same content is offered in Christian schools as in public
6 schools, if additional content is added reflecting a Christian viewpoint, then an otherwise
7 acceptable course and text become unacceptable. In other words, the additional content
8 is the target of viewpoint discrimination, aimed to penalize and eliminate the additional
9 content, which is the Christian viewpoint or content. One example is that the “standard
10 language” for rejecting science courses and texts from a Christian perspective overtly
11 states that the basis of rejection is the content and viewpoint:
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17 “The *content* of the course outlines submitted for approval is not consistent with
18 the *viewpoints* and knowledge generally accepted in the scientific community.”

19 Another example is that the history course entitled “Christianity’s Influence on
20 American History” used a standard college textbook used in some California State
21 University courses, and added the content of a text with a Christian viewpoint, and was
22 rejected by defendants. The additional content is also the target of a violation of
23 academic freedom, regulating what may be taught and how it shall be taught.
24
25

26 68. Defendants, consequently, have rejected and discriminated against courses,
27 texts, and schools based on their viewpoints and their content.
28

(a) By contrast, in many a-g courses acceptable to the state, the same content is

1 offered and additional content is added reflecting a particular viewpoint or perspective
2 (other than a Christian viewpoint), and yet the courses and texts remain acceptable to the
3 state. In other words, additional content and viewpoints are permitted, so long as they
4 are not ideologically disapproved or disliked content or viewpoints, such as the
5 following:
6
7

8 **History and Social Science:**

9 Intensive Global Issues
10 Western Civilization: The Jewish Experience
11 Issues in African History
12 Race, Class and Gender in Modern America
13 Geography/History of Non-Western Cultures
14 Non-Western World History

15 **English and Literature:**

16 Ethnic Experience in Literature (more than 10 approved courses)
17 Existential Literature
18 Feminine Perspectives in Literature
19 Gender Roles in Literature
20 Gender, Sexuality, and Identity in Literature
21 Explorations of Identity
22 Literature and Politics
23 Literature of the Counterculture
24 Literature of Dissent
25 Literature from the 60's Movement
26 Multicultural Literature

27 **Electives:**

28 Intro to Buddhism
Islam
Turning Points in Jewish History
Intro to Rabbinic Literature
Introduction to Jewish Thought
Feminist Issues Throughout U.S. History
Women's Studies & Feminism
Gender in US History

Diversity Studies
Race, Class & Gender
Evolution
Post Modern Questions in Art
Contemporary American Issues: Race, Class, Gender, Culture
Multicultural Perspectives

Raza Studies
Filipino Heritage Studies
Mexican American Heritage

(b) In other words, defendants routinely approve courses which add viewpoints such as a non-Christian religion, feminism, an ethnic preference, a political viewpoint, or multiculturalism, or that focus on religions such as Buddhism or Judaism, (and plaintiffs believe they should evenhandedly approve such courses), but disapprove courses which add viewpoints based on conservative Christianity. Many of the courses listed in the next two paragraphs also add viewpoints. And defendants routinely fail to consider whether content in courses they approve is “consistent with the viewpoints and knowledge generally accepted in the scientific community,” or is “consistent with empirical historical knowledge generally accepted in the collegiate community,” or is “consistent with knowledge generally accepted” in any particular field. The reason they routinely fail to consider that is it would be a flagrant violation of the First Amendment to censor content that is not yet “generally accepted” (as every generally accepted theory and viewpoint once was), and to limit students and teachers to the intellectual cave of “knowledge generally accepted” in each particular field.

(c) Defendants have not shown any reason why a course that teaches all standard

content, and then adds content that may not be “generally accepted,” causes the students to be deficiently educated—they still learn critical thinking and other skills, and outscore public school students on average. Many of the courses listed in paragraphs 69-70 also are much more narrow and specialized than the disapproved courses which add viewpoints based on conservative Christianity.

69. Defendants used the pretext, in rejecting the history course taught from a Christian viewpoint, that the Christian perspective is “too narrow/too specialized.” (a) However, defendants routinely approve courses that are much more narrow and specialized, such as the following:

History:

Armenian History
History of India
History of Russia/USSR
Jewish History
Issues in African History
Latin American and Caribbean History
Mexican History
Military History and Philosophy
Modern Irish History
Native America
Russian History

English and Literature:

Literature of World Religions
African American Literature (more than 20 approved courses)
Asian Literature
Chicano Literature
French Literature
German Literature
Harlem Renaissance
Holocaust Literature

1 Latin American Literature
 2 Mexican American Literature (more than 10 approved courses)
 3 Mexican/Chicano Literature
 4 Russian Literature
 5 Women's Literature (more than 10 approved courses)
 6
 7 Beat Literature
 8 Children's Literature
 9 Environmental Field Studies A
 10 Escape Literature
 11 Folklore
 12 Myth and Fantasy
 13 Parsifal
 14 Sixties Literature
 15 The Immigrant in Contemporary Literature
 16 Philosophy through Literature
 17 Sports Literature
 18
 19 **Social Science:**
 20 A Study of Western Caribbean Culture
 21 American Indian Studies
 22 African American Experience I
 23 Armenian Studies
 24 Chicano Latino Studies
 25 China: Traditional and Modern
 26 Latin American Studies
 27 Mexican American Studies (more than 20 approved courses)
 28 Modern East Asia
 Russian Studies
 29
 30 **Electives:**
 31 Aramaic Literature
 32 Asian Pacific American Studies
 33 Biology of Veterinary Science
 34 Chumash [Native Americans]
 35 Coral Reef Ecology
 36 Economics in Agriculture
 37 Egyptian Art & Literature
 38 Fascism

History of Mass Communications and Society
Industrial Poetry
Integrated Agricultural Biology
Introduction to Visual Storytelling
Islam
Italian Culture & Communication
Japanese Culture & Communication
Lapidary 1-2, 3-4
Modern History of Women in Science
Naval Science and American History
Ornamental Horticulture
Pacific Rim & Island Studies
Physics and Technology in Agriculture
Pre-Veterinary Science
Product Development
ROP Sports Medicine
The 60's: A Closer Look
The Art of Protest
The Environmental History of Europe
Vietnam
World War II
Women in History

(b) Defendants obviously routinely approve courses with a narrow or specialized focus, including the influence of nearly every imaginable group on history (and plaintiffs believe they should evenhandedly approve such courses), but disapproved “Christianity’s Influence on American History” as “Focus too narrow/too specialized,” and declined to approve “Christianity and Morality in American Literature” and “Special Providence: American Government” in History, English, and Social Science, respectively, or as Electives that qualify as a-g courses. Yet they approved such history courses as Jewish history, Armenian history, India history, Russian history, African history, Latin American history, Mexican history, Irish history, and Native American

1 history, even though they disapproved “Christianity’s Influence on American History.”
2 Defendants approved such English courses as “Literature of World Religions,” African
3 American literature, Chicano literature, French literature, German literature, Harlem
4 Renaissance literature, Latin American literature, Mexican American literature, Russian
5 literature, and women’s literature, even though they disapproved “Christianity and
6 Morality in American Literature.” Defendants approved such social science courses as
7 Western Caribbean culture, American Indian studies, African American experience,
8 Armenian studies, Chicano studies, China studies, Latin American studies, Mexican
9 American studies, and Russian studies, even though they disapproved “Special
10 Providence: American Government.” Defendants approved the assortment of electives
11 above, even though they disapproved all the Christian school courses listed here as
12 electives.
13

14 (c) Defendants have not shown any reason why a course taught from a narrow
15 perspective or a specialized approach causes the students to be deficiently educated—
16 they still learn critical thinking and other skills, and outscore public school students on
17 average. Many of the courses listed in paragraphs 68 and 70 also are much more narrow
18 and specialized than the disapproved courses which add viewpoints based on
19 conservative Christianity.
20

21 70. Defendants also used the pretext, in their “standard language” for rejecting
22 science courses and texts embodying a Christian viewpoint, and in their language for
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1 rejecting history courses and texts embodying a Christian viewpoint, that the courses and
2 texts are “not consistent with the viewpoints and knowledge generally accepted in the
3 scientific community” and are “not consistent with the empirical historical knowledge
4 generally accepted in the collegiate community.”
5

6
7 (a) Yet defendants routinely approve science courses, as qualifying for a-g course
8 requirements, that most scientists view as not true science classes at all, such as
9 agriculture and veterinary courses:
10

11 **Science:**

12 Agricultural Biology (more than 60 courses)
13 Integrated Agricultural Biology (more than 10 courses)
14 Agricultural Chemistry
15 Agricultural Science
16 Applied Agricultural Biology
17 R.O.P. Veterinary Technician
18 Sports Medicine

19 In other words, defendants reject science courses that contain all standard course
20 material and then add a conservative Christian viewpoint, but routinely approve science
21 courses that consist of agriculture.

22 (b) And defendants routinely approve history, English, social studies, electives,
23 and other courses, as qualifying for a-g course requirements, that would not be viewed in
24 the “collegiate community” generally as academic subjects at all, such as the following:
25

26
27 **History:**

28 American Popular Culture
American Threads

1 Social Commentary in Popular Music

2 **English and Literature:**

3 Baseball, Literature and Culture

4 English for Business

5 Film as Literature

6 Science Fiction

7 Science Fiction, Fantasy, and Magic

8 Sports Fiction/Non Fiction

9 **Electives:**

10 Agricultural Business and Economics (more than 20 courses)

11 Agricultural Economics (more than 20 courses)

12 Agricultural Government & Economics

13 Agricultural Physical Science

14 Agriculture & Natural Resources

15 Sports Medicine (more than 10 courses)

16 Veterinary Science (more than 40 courses)

17 Art & Multimedia 1-2

18 Cinema and the Real World 2

19 Fashion Design & History

20 Fiction & Film

21 Film as Literature

22 Film Studies

23 Film: The Integrated Art (more than 20 courses)

24 History and Appreciation of Film

25 History of Film

26 Media and the History of Media

27 Media Studies

28 Multimedia Production

Storytelling

The Roots of Rock Music

Yearbook Publication

Many of the courses listed in paragraphs 68-69 also contain much less knowledge of a recognized academic field, and are much less academic, than the disapproved courses that add viewpoints based on conservative Christianity.

1 71. As the result of defendants' acts, the discrimination and self censorship is
2 occurring that is described in paragraphs 60-62.
3

4 72. This effectively penalizes Calvary Christian School and other Christian
5 schools and the Students and other such students, and the Christian schools' teachers, to
6 render them second class citizens, and excludes the Students and nearly all other
7 Christian school graduates from the University of California-Irvine, and from the
8 University of California generally and effectively from California State University, who
9 are otherwise qualified by such measures as the SAT I or SAT Reasoning Test or ACT,
10 SAT II or SAT Subject Tests, and other factors, simply because they attended a school
11 and used a text that chose to add a Christian viewpoint or content or texts to standard
12 course material. That discriminates against Calvary Christian School and the Students
13 and against other Christian schools and their otherwise qualified students.
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18 73. This viewpoint discrimination results from bias by one or more defendants,
19 on information and belief. It is evidence of bias.
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21 74. Defendant Wilbur has stated a position that the Christian schools have a
22 right to teach what they wish to teach (so long as they are willing to see their graduates
23 discriminated against and excluded from University of California institutions and
24 California State University institutions). "However, when you ask the University of
25 California to approve a particular course, the content of that course becomes our
26 concern." Letter from Wilbur (June 8, 2004). That, however, is disingenuous, because
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28

1 the Christian schools do not “ask the University of California to approve a particular
2 course” except for defendants requiring the Christian schools to do so, in order for the
3 schools’ graduates to be even eligible to apply to University of California. Defendants
4 have not shown any harm from treating private schools including Christian schools the
5 same way as they treat out-of-state schools, instead of requiring them to “ask the
6 University of California to approve particular courses.” The standardized test scores
7 show that what the Christian schools do is working, and what the public schools do is
8 not working, since the Christian school scores consistently are higher than the average
9 public school scores.
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14 **THIRD CAUSE OF ACTION**
15 **ABRIDGMENT OF FREEDOM OF RELIGION AND OF ASSOCIATION AND**
16 **SPEECH IN VIOLATION OF THE FIRST AMENDMENT AND OF CAL.**
17 **CONST. ARTICLE 1, SECTIONS 2-4 AND ARTICLE 9, SECTION 9**

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75. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.

76. Defendants’ viewpoint discrimination and content regulation of Christian
school instruction and texts violates the schools’, students’, and teachers’ free exercise
of religion, in conjunction with violating their rights of association and speech, in
violation of the First and Fourteenth Amendments, as follows. Defendants also abridge
the right of plaintiffs to “[f]ree exercise and enjoyment of religion without
discrimination or preference” and to “liberty of conscience,” “to assemble freely” and
associate, and to “freely speak, write and publish,” in violation of Cal. Const. Art. 1, §§

1 2-4, as follows. Defendants also abridge the constitutional requirement that, in the
2 University of California, “no person shall be debarred admission to any department of
3 the university on account of . . . religion” Cal. Const. Art. 9, § 9.
4

5 77. The a-g course requirements effectively provide (or are interpreted to
6 provide) that specifically Christian content and viewpoints are disapproved and, if in the
7 disapproved category, may not be added to standard course material, even though all the
8 standard course material is taught, if the course and text is to meet a-g course
9 requirements. This violates the freedom of religion of plaintiffs, and bars admission to
10 the University of California on account of religion. It also abridges the right of
11 Christians to assemble and associate in Christian schools, and to speak freely about their
12 Christian beliefs, and for parents to train their children in their religious faith.
13

14 78. As the result of defendants’ acts, the discrimination and self-censorship is
15 occurring that is described in paragraphs 60-62.
16

17 79. This effectively penalizes Calvary Christian School and other Christian
18 schools, and the Students and other students, and the Christian schools’ teachers, to
19 render them second class citizens, and excludes the students and nearly all other
20 Christian school graduates from the University of California-Irvine, and from the
21 University of California generally and effectively from California State University, who
22 are otherwise qualified by such measures as the SAT I or SAT Reasoning Test or ACT,
23 SAT II or SAT Subject Tests, and other factors, simply because they attended a school
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1 and used a text that chose to add a Christian viewpoint or content to standard course
2 material. That discriminates against those who for religious and free belief reasons,
3 choose to create, and attend for Christian schools.
4

5 **FOURTH CAUSE OF ACTION**
6 **ABRIDGMENT OF FIRST AMENDMENT AND DUE PROCESS BY UNCHECKED**
7 **DISCRETION**
8 **IN VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS AND OF**
9 **CAL. CONST. ARTICLE 1, SECTIONS 2-4 AND 7**

10 80. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.
11

12 81. Defendants' viewpoint discrimination and content regulation of Christian
13 school instruction and texts reflects and is based on unchecked discretion of state
14 officials, in violation of the First and Fourteenth Amendments, as follows. Defendants'
15 unchecked discretion also abridges the right of plaintiffs to free speech and to liberty or
16 property, of which they may not be deprived without due process of law, in violation of
17 Cal. Const. Art. 1, §§ 2-4 and 7. Each defendant has unchecked discretion toward
18 Christian schools, students, instruction, and texts, and each form of their regulation
19 involves unchecked discretion.
20
21

22 82. Defendant The Regents of the University of California, by and through Cal.
23 Const. Art. 9, § 9(f), is given the powers that are "necessary and convenient for the
24 effective administration of its trust." Any delegation of authority to carry out (or to
25 promulgate rules which will cause to be carried out) viewpoint discrimination and
26 content regulation, and abridgment of First and Fourteenth Amendment rights and
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1 parallel California Constitution rights, exceeds the scope of the authority granted to
2 Defendant Regents under the California Constitution, and should be held null and void.
3
4 Defendants' unchecked discretion to arbitrarily practice viewpoint discrimination and
5 content discrimination as a result of this delegation violates the due process rights of
6
7 plaintiffs.

8 83. Defendant BOARS, by and through Regents' Standing Order 105.2(a), is
9
10 commissioned to "determine the conditions for admission," and is given no express
11 power to regulate the viewpoint or content of secondary schools. Yet it has undertaken
12 to regulate the viewpoint or content of secondary schools, nonpublic and public,
13 effectively determining which texts they may use, what instructional purposes are
14 permitted, and from which viewpoints they may instruct. The Senate, in Bylaw
15 145(B)(1)-(3), delegates to BOARS certain responsibilities related to admission
16 determinations, and then purports to add regulatory powers over secondary schools in
17 subsections (5) and (6) of Bylaw 145(B). Any delegation of authority to carry out (or to
18 promulgate rules which will cause to be carried out) viewpoint discrimination and
19 content regulation, and abridgment of First and Fourteenth Amendment rights and
20 parallel California Constitution rights, exceeds the scope of the authority granted to the
21 Senate under the California Constitution, and should be held null and void. Defendants'
22 unchecked discretion to arbitrarily practice viewpoint discrimination as a result of this
23 delegation violates the due process rights of plaintiffs.
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1 84. Defendant BOARS, by and through Senate Bylaw 145(B)(5)-(6) and Senate
2 Regulation 424, has developed a system of regulation over secondary schools that
3 exceeds its scope of authority under the California Constitution. Any delegation of
4 authority to carry out (or to promulgate policies which cause to be carried out) viewpoint
5 discrimination and content regulation exceeds the scope of the authority granted to
6 Defendant BOARS ultimately pursuant to the California Constitution, and should be
7 held null and void. Defendants' unchecked discretion to arbitrarily practice viewpoint
8 discrimination as a result of this delegation, and to abridge First and Fourteenth
9 Amendment rights and parallel California Constitution rights, violates the due process
10 rights of plaintiffs. BOARS and other defendants have used their unchecked discretion
11 to set up a detailed regulatory framework through which they stifle academic freedom
12 and discriminate against schools, students, and teachers whose viewpoints they dislike.
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20 85. The a-g course requirements can be and have been interpreted in the
21 unchecked discretion of defendants (particularly Stearns, Wilbur, President, Office of the
22 President, Chair, and BOARS), in order to find them violated by Christian viewpoints
23 and content added to standard course material and texts, but not violated by various non-
24 Christian viewpoints and content and by some nonconservative Christian viewpoints and
25 content. There are no clear and specific standards, but instead vague and constitutionally
26 inadequate standards, for determining what additional viewpoints and content are
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28

1 prohibited and permitted.

2
3 86. The a-g course requirements can be and have been also applied by the
4 unchecked discretion of defendants, who have discretionarily applied them to new
5 course applications but not to existing approved courses, and to in-state schools but not
6 to out-of-state schools, and who may discretionarily apply them to existing approved
7 courses beginning June 2006.
8

9
10 87. The exceptions from the a-g course requirements result from the same
11 unchecked discretion, as only 2% of Christian high school students qualify potentially
12 for admission to University of California under either exception even though 12.5%-
13 15% of high school students in schools with approved a-g courses qualify potentially for
14 admission to University of California. To say this another way, the Students with SAT I
15 or SAT Reasoning Test scores, well above the minimum scores required (and even
16 above the mean UC score, in the 78th-84th percentile), but below 96th percentile, would
17 qualify for University of California if they were at public schools, but are penalized and
18 disqualified solely because they are at Calvary Christian School studying standard
19 course material plus a Christian viewpoint and content.
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24 88. That unchecked discretion leaves defendants free to discriminate against
25 Calvary Christian School, its teachers, and the Students, and against other Christian
26 schools, their teachers, and students as they have done, in violation of constitutional
27 rights.
28

1 89. As the result of defendants' acts, the discrimination and self censorship is
2 occurring that is described in paragraphs 60-62.
3

4 90. This arbitrarily and without principled limits penalizes Calvary Christian
5 School and other Christian schools, and the Students and other students, and the
6 Christian schools' teachers, rendering them second class citizens, and excludes the
7 Students and nearly all other Christian school graduates from the University of
8 California-Irvine, and from the University of California generally, who are otherwise
9 qualified by such measures as the SAT I or SAT Reasoning Test or ACT, SAT II or SAT
10 Subject Tests, and other factors, simply because they attended a school and used a text
11 that chose to add a Christian viewpoint or content to standard course material. That
12 discriminates against such schools and their otherwise qualified students.
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17 **FIFTH CAUSE OF ACTION**
18 **ABRIDGMENT OF EQUAL PROTECTION**
19 **IN VIOLATION OF THE FOURTEENTH AMENDMENT AND OF**
20 **CAL. CONST. ARTICLE 1, SECTION 7,**
21 **AND DISCRIMINATION UNDER UNRUH CIVIL RIGHTS ACT**

22 91. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.
23
24

25 92. Defendants also discriminate against Christian schools, students, teachers,
26 and texts invidiously, on the basis of their religious belief and free speech, in violation of
27 the Equal Protection Clause of the Fourteenth Amendment, as follows. Defendants also
28 abridge the right of plaintiffs to equal protection of the laws, in violation of Cal. Const.
Art. 1, § 7, and discriminate against plaintiffs, in violation of the Unruh Civil Rights Act,

1 as follows.

2
3 93. The a-g course requirements effectively provide (or are interpreted to
4 provide) that certain Christian viewpoints and content are impermissible and
5 disqualifying, but that various other viewpoints and content are permissible, when added
6 to standard course content and texts. Thus, instruction and texts from a conservative
7 Christian viewpoint are disapproved, while similarly situated instruction and texts from
8 the range of other viewpoints that schools, teachers, and students have an equal
9 constitutional right to adopt (such as feminist, environmentalist, ethnocentric, other
10 religious viewpoints, etc.) are approved. That is discrimination.
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12
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14 94. The a-g course requirements also effectively provide (or are interpreted to
15 provide) that students with the same or better standardized test scores are ineligible to
16 apply to University of California under the normal admissions process, because they
17 studied at Christian schools adding viewpoints or content to standard course content and
18 texts, but that similarly situated students with lower standardized test scores and grade
19 point averages are eligible. That too is discrimination. Effectively, Christian schools
20 and their graduates are discriminated against by either being rendered ineligible entirely,
21 or being ineligible if they fall outside the top 2% but within the 12.5%-15% that would
22 otherwise qualify for the University of California. That stigmatizes and penalizes the
23 entire school, because students entering the grade school and high school do not know if
24 they will or will not be part of the top 2% when they take SATs and ACTs in later years.
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1 95. The a-g course requirements exclude Christian school graduates because of
2
3 alleged ideological deficiencies not reflected in their standardized test scores or grades,
4 while admitting public school students with acknowledged non-ideological deficiencies
5 in such areas as English and mathematics reflected in standardized test scores or grades,
6
7 who are then given remedial courses if needed.

8 96. As the result of defendants' acts, the discrimination and self-censorship is
9
10 occurring that is described in paragraphs 60-62.

11 97. This effectively discriminates against Calvary Christian School and other
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13 Christian schools, and the Students and their other students, and the Christian schools'
14 teachers, rendering them second class citizens, and discriminatorily excludes the
15 Students and most other Christian school graduates from the University of California-
16
17 Irvine, and from the University of California generally, who are otherwise qualified by
18 such measures as the SAT I or SAT Reasoning Test or ACT, SAT II or SAT Subject
19
20 Tests, and other factors, simply because they attended a school and used a text that chose
21 to add a Christian viewpoint or content to standard course material.

22 98. In enforcing defendants' unconstitutional policy, defendants discriminate
23
24 against resident students attending California Christian schools in favor of non-residents
25
26 by requiring exceptionally high SAT Reasoning Test or ACT scores even though out-of-
27
28 state students from a Christian school or non-Christian school with no a-g approved
courses are eligible for admission with lower tests scores. Such out-of-state students are

1 only required to achieve test scores identical to the in-state standards for normal
2 admission, provided those students have a grade point average of 3.4 or higher.

3
4 **SIXTH CAUSE OF ACTION**
5 **ABRIDGMENT OF THE ESTABLISHMENT CLAUSE BY HOSTILITY TO**
6 **RELIGION**
7 **IN VIOLATION OF THE FIRST AMENDMENT AND OF CAL. CONST.**
8 **ARTICLE 1, SECTION 2**

9
10 99. Plaintiffs repeat and re-allege all preceding paragraphs as if set forth herein.

11
12 100. Defendants' discrimination against and regulation of Christian schools, and
13 their students, and teachers, involves hostility toward religion and entanglement with
14 religion, in violation of the First and Fourteenth Amendments, as follows. Defendants
15 also abridge the no preference clause and other provisions of Cal. Const. Art. 1, § 4, as
16 follows.

17 101. Hostility toward religion results from discrimination against Christian
18 schools and their students, and teachers, and restriction of their viewpoints and content
19 added to standard course content, and placing the weight of the state behind identifying
20 Christian viewpoints and content as disapproved and second class.

21
22 102. Entanglement with religion results from defendants and the state parsing
23 through the viewpoints and content of Christian school instruction and texts to ferret out
24 disapproved religious views, and intruding into the content of religious schools and
25 texts, and doing that when there is no deficiency at all reflected in their scores or grades.

26
27 **RELIEF REQUESTED**
28

1 WHEREFORE, plaintiffs request:

2 (a) A declaratory judgment, pursuant to 28 U.S.C. § 2201, that defendants'
3 actions toward Christian school instruction and texts were and are illegal and abridge the
4 foregoing federal and state constitutional rights and statutes, facially and as applied,
5
6

7 (b) Prospective injunctive relief against defendants continuing to violate the
8 constitutional rights of Christian schools, teachers, and students, and against any
9 viewpoint regulation of subject areas,
10

11 (c) Plaintiffs' attorney fees and expenses, and

12 (d) Such other relief as is just.
13

14 Dated August ___, 2005, and respectfully submitted,

15 BIRD & LOECHL, LLC
16

17 By: _____

18 Wendell R. Bird, P.C.

19 Jonathan T. McCants

20 ADVOCATES FOR FAITH & FREEDOM

21 By: _____

22 Robert H. Tyler

23 Attorneys for Plaintiffs
24
25
26
27
28

LIST OF EXHIBITS

- Exhibit 1 Email of Roman Stearns to John Cloughen (January 12, 2004)
- Exhibit 2 Helpful Hints for Developing and Submitting New Courses for UC a-
g Approval
- Exhibit 3 Calvary Christian School New Course Submission: History
- Exhibit 4 Defendant Rejection of New Course Submission: History (Oct. 25,
2004)
- Exhibit 5 Calvary Christian School New Course Submission: English
- Exhibit 6 Defendant Response to New Course Submissions: English (Oct. 25,
2004)
- Exhibit 7 Defendant Rejection of New Course Submission: English (July 28,
2005)
- Exhibit 8 Calvary Christian School New Course Submission: Social studies
- Exhibit 9 Defendant Rejection of New Course Submission: Social studies (July
28, 2005)

**Exhibit 1 Email of Roman Stearns to John Cloughen
(January 12, 2004)**

Language re Christian biology texts.txt
From: Roman Stearns [roman.stearns@ucop.edu]
Sent: Monday, January 12, 2004 11:11 Am
To: jcloughen2@wmconnect.com
Subject: Language re Christian biology texts

John,

Good speaking with you.

Below is the standard language that we give to schools who submit biology/science course descriptions that include either the Bob Jones University Press or A Beka Books texts:

"In establishing and implementing the "a-g" subject area requirements, UC faculty's main interest is that students entering the University are well prepared to be successful at UC. The content of the course outlines submitted for approval is not consistent with the viewpoints and knowledge generally accepted in the scientific community. As such, students who take these courses may not be well prepared for success if/when they enter science courses/programs at UC."

Feel free to call back if you have further questions.

Roman

Roman J. Stearns
Special Assistant to the Director of Admissions
Undergraduate Admissions, Student Academic Services
University of California Office of the President
1111 Franklin St, 9th floor
Oakland, CA 94607-5200
(510) 987-9696
(510) 987-9522 Fax
roman.stearns@ucop.edu

**Exhibit 2 Helpful Hints for Developing and Submitting
New Courses for UC a-g Approval**

HELPFUL HINTS

For developing and submitting new courses for UC a-g approval

Focus on course content.

1. Emphasize the core knowledge and skills you expect students to learn, including concepts, theory and literature.
2. Recognize that UC is most interested in course content, not in the teaching strategies, assessment methods, or instructional materials used. Provide adequate detail about the content, outlining major themes, topics and sub-topics. Explanation of major assignments, instructional materials, and assessment methods serve primarily to provide additional information about course rigor and content.
3. Design courses that are academically challenging, meet State content standards, and prepare students for the rigors of University study. Such challenging courses tend to require substantial reading and writing, focus on factual content, include problem-solving and analytical thinking, and develop oral and listening skills.
4. For courses that integrate academic and career-related content, provide a full description of the academic content. Discuss how the career-related content is used as a strategy to deepen understanding of theoretical concepts, extend knowledge, or bring the curriculum to life through real-world applications.
5. If you are using a new approach in offering a conventional high school course (i.e. Government through a service-learning orientation, English with a slant toward media), focus on the academic components of the course and mention the new approach as a way to “flavor” the curriculum, extend and deepen learning, and/or provide real-world applications for core knowledge to better engage students in their learning.

Presentation is important.

1. In naming and describing the course, use language that represents its academic nature. Avoid titles that describe instructional tools or strategies. For example, a course in architectural design should be called “Architectural Design”, not “CAD” (CAD is simply the technology tool used by the teacher to teach design concepts and by the student to demonstrate understanding).
2. In order to ensure that all pertinent information is included in the course description, use the Course Description Template recommended by UC, or a similar format that includes all essential elements.
3. For Visual and Performing Arts (VPA) courses, use the five (5) state standards as an organizer for the course description in order to clearly demonstrate how the course meets each standard. The standards can be highlighted in the course outline or learning objectives, but they should “jump out” at the reader, making it easy to discern how each standard is met.

Align with academic subjects.

1. If the course is designed as a career pathway or academy class that does not fit into one of the a-f/g subject areas, collaborate with departmental faculty to ensure that the course includes substantial academic content that meets state standards in the (a-f/g) subject areas.
2. If you choose to list the department or program in the course description, identify the course according to a discipline specific department (in the a-f/g subject areas), rather than a career pathway, academy, or other program. For example, biotechnology is better identified as a science course than a technology or health academy course. However, UC is not concerned about the department from which a course is submitted/taught. For example, UC does not care if a dance

class is taught in the performing arts or the physical education department, as long as it meets the five VPA standards.

Write to your audience.

1. Just as you advise your students, write to your audience. Recognize that UC is looking for breadth and depth of content, rigor, and evidence of development of essential analytical and critical thinking skills.
2. When describing instructional materials, teaching strategies, and assessment methods, describe how the conventional instructional materials (texts, literature), teaching strategies (lecture, direct instruction) and assessment methods (tests, essays, reports) are supplemented by the innovative and/or less conventional instructional materials (source documents, human resources, Internet, videos), teaching strategies (project-based learning, service-learning, internships) and assessment methods (journals, group projects, portfolios).
3. If appropriate, provide a context for the course so that UC course reviewers understand how the course fits into broader school reform efforts, meets students' needs, etc.
4. Avoid subject specific, career-related or educational jargon.

Take advantage of available assistance.

1. Become familiar with all aspects of the UC a-g subject area requirements available on the Internet.
2. UC is willing to offer consultation to you during the course development process. Take advantage of this offer and request feedback on courses early in the development process, and well prior to submission for approval. Such requests can be sent directly Roman Stearns or Jeanne Hargrove, listed on the Contact Us page of the web site.
3. Seek advice from teachers, counselors and administrators at other schools and districts who have successfully developed similar courses and received a-g certification.
4. Use the e-mail link provided at the top of the Frequently Asked Questions (FAQ) section of the web site to request answers to important questions during the course development and submission process.

Follow guidelines for specific courses (not specified in the "a-g Requirements" document).

1. Speech & Debate courses are acceptable for the college preparatory elective area if they include substantial reading and writing. The course should include expository writing in addition to speech writing.
2. Journalism courses are acceptable for the college preparatory elective area if they include substantial reading and writing. The course should include expository writing in addition to journalistic writing.
3. Religion & Ethics courses are acceptable for the college preparatory elective area as long as they (1) treat the study of religion or ethics from the standpoint of scholarly inquiry rather than in a manner limited to one denomination or viewpoint, and (2) do not include among its primary goals the personal religious growth of the student.
4. Media and Multimedia courses can be acceptable for the visual and performing arts (VPA) requirement as long as the courses meet all five of the state VPA content standards. These courses are often rich in technology applications. Use of technology is fine as long as it is used as a teaching and learning tool, rather than the primary goal of the courses. In other words, to be acceptable the course must be primarily an arts course, not primarily a technology course.

**Exhibit 3 Calvary Christian School New Course
Submission: History**

Course Description

A. COVER PAGE

Date of Submission (Please include Month, Day and Year) October 18, 2004	
1. Course Title Christianity's Influence on America	9. Subject Area <input checked="" type="checkbox"/> History/Social Science <input type="checkbox"/> English <input type="checkbox"/> Mathematics <input type="checkbox"/> Laboratory Science <input type="checkbox"/> Language other than English <input type="checkbox"/> Visual & Performing Arts <input type="checkbox"/> Intro <input type="checkbox"/> Advanced <input type="checkbox"/> College Prep Elective
2. Transcript Title(s) / Abbreviation(s)	
3. Transcript Course Code(s) / Number(s)	
4. School Calvary Chapel Christian School of Murrieta	
5. District N/A	
6. City Murrieta	10. Grade Level(s) for which this course is designed 9 10 11 12
7. School / District Web Site http://www.cccsmurrieta.com	11. Seeking "Honors" Distinction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. School Course List Contact Name: May Agnell Title/Position: Guidance Counselor Phone: (909)677-5667 Ext.: E-mail:	12. Unit Value <input type="checkbox"/> 0.5 (half year or semester equivalent) <input checked="" type="checkbox"/> 1.0 (one year equivalent) <input type="checkbox"/> 2.0 (two year equivalent) <input type="checkbox"/> Other: _____
13. Complete outlines are not needed for courses that were previously approved by UC. If course was previously approved, indicate in which category it falls. <input type="checkbox"/> A course reinstated after removal within 3 years. Year removed from list? _____ Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, previous course title? _____ <input type="checkbox"/> An identical course approved at another school in same district. Which school? Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, course title at other school? _____ <input type="checkbox"/> Alternative course title for course with identical content at this school Title of previously-approved identical course: _____ <input type="checkbox"/> Approved Advanced Placement (AP) or International Baccalaureate (IB) course <input type="checkbox"/> Approved UC College Prep (UCCP) Initiative course <input type="checkbox"/> Year-long VPA course replacing two approved successive semester-long courses in the same discipline <input type="checkbox"/> Approved P.A.S.S. course <input type="checkbox"/> Approved ROP/C course. Name of ROP/C? _____ <input type="checkbox"/> Other. Explain: _____	

14. Is this course modeled after an UC-approved course from another school <u>outside</u> your district? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which school(s)? _____ Course title at other school _____
15. Pre-Requisites U.S. History
16. Co-Requisites None
17. Is this course a resubmission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, date(s) of previous submission? _____ Title of previous submission? _____
18. Brief Course Description Two centuries ago, Alexis de Tocqueville wrote, "there is no country in the whole world, in which the Christian religion retains a greater influence over the souls of men than in America." America is and has always been a deeply religious nation. Even today, a great majority of its inhabitants believe in God, and identify themselves to some degree as religious. This course will not only evaluate the direct relationship between organized Christianity and the ideas about government, society, and culture that came from it, but it will also investigate the movements and forces that developed in response to Christian beliefs. We will discover in depth the Judeo-Christian beliefs and traditions of America, and how they have impacted its social movements and ideological understanding of itself. Students will demonstrate their understanding, assimilation and utilization of the historical knowledge, opinions, conclusions and techniques gained through a range of directed, cooperative and inquiry approaches. The students will examine major turning points in the shaping of America from its religious influences, and will be able to critically evaluate those influences on society in general.

B. COURSE CONTENT

Please refer to instructions

19. Course Goals and/or Major Student Outcomes

Students learn to master:

- ❖ accessing and gathering information from multiple sources;
- ❖ analyzing and synthesizing information and making suppositions regarding viewpoints of historical figures and movements, as well as interaction of major Judeo-Christian traditions with American society, politics and culture;
- ❖ developing and implementing strategies in order to reach conclusions from the historical record;
- ❖ participation in group projects to apply cooperative strategies in the classroom;
- ❖ building effective communication skills by receiving and interpreting information through reading, listening, discussion and inquiry;
- ❖ developing critical thinking skills by studying the influence of Christianity on social phenomena over time, by connecting the past to the present, and by comparative studies of these various groups;
- ❖ understanding and explaining the social, verbal, and practical expression of the major Christian movements, denominations, and sects in America.

20. Course Objectives

Students will be able to demonstrate their understanding of the various movements, denominations, and sects and the influence of each by participating in classroom discussion and in organized classroom debates, as well as by researching, preparing, and presenting research

papers. Students will develop the ability to write essays that not only show a knowledge of historical facts, but also analyze the ideas behind those facts and understand the causal nexus between ideas and actions. This course will provide students with a broad but deep framework for understanding how Judeo-Christian beliefs have impacted and continue to impact our nation's history.

21. Course Outline

1. Founding of a Nation: Roots in the Reformation/Persecution in Europe/Puritanism/Migration to the New World/Religious Liberty
2. Colonial America: Holy Commonwealths of New England/Rhode Island Religious Diversity/Middle Atlantic Dutch, Quakers, and Puritans/American Anglicanism/German Reformed Churches/Presbyterianism/Southern Colonies/New England Awakening/Roman Catholicism/Indian Perspectives
3. Independence: The Beginning of War/Declaration of Independence/Influence of Clergy for and Against the War/Schisms between Tory and Patriot Congregations/The War for Independence and Britain's Defeat
4. Governing the New Nation: Articles of Confederation/Northwest Territory/Constitutional Convention/Ratification/Deistic and Christian Influences of Founding Fathers
5. Early Federalism: Bill of Rights/Political Parties/Religious Sects
6. Jeffersonian America: Jeffersonian Republicanism/Supreme Court/International Recognition/Louisiana Purchase and Missions/War of 1812/Monroe Doctrine
7. Jacksonian Era & Religion in Early America: Nationalism/Slavery's Divisiveness and Religious Justifications and Opposition/Missouri Compromise/Second Great Awakening/Unitarianism/Transcendentalism/Mormonism
9. Westward Inroads: Texas Independence/Mexican War/Mormon Migration and the Mormon War
10. Slavery and Secession: Humanitarian Call to Reform/State's Rights Debates/Underground Railroad/Dred Scott Decision
11. War Between the States: Theology of Civil War/Spotlights on Commanders/Influence of the Churches/Christianity and Race
12. Reconstruction: Freedmen's Bureaus/Hiram Revels/KKK/Rise of Black Churches/Southern White Churches
13. Gilded Age: "Robber Barons"/Immigration and Urbanization/Influx of non-WASP Groups/Darwinism/Urban Evangelism
14. Westward Expansion and Imperialism: Theological Underpinnings
15. Progressive Era: Teddy Roosevelt/Jim Crow Laws/Progressive Education, Dewey and Secular Humanism/Progressive Religion—Modernism and Social Gospel/Child Labor Laws/Americanism of Catholicism
16. Woodrow Wilson and the Great War: Idealism/Neutrality/Isolationism
17. Twenties: Red Scare/World Peace and the League of Nations/General Acceptance of Darwinism, Marxism, and Relativity/Fundamentalism and Anti-Evolutionists/Stock Market Crash
18. Great Depression: FDR and the New Deal/Dust Bowl
19. World War II and Postwar Revival: Use of Theology by Nazis/Challenging Fascism/Jewish Perspectives of War/ Renewed Faith
20. Postwar America and the Containment of Communism: McCarthyism/MLK and the beginning of the Civil Rights Movement/Billy Graham Crusades/World Council of Churches/Kennedy's Election and Catholicism/Missionary Movement/Neo-orthodoxy
21. Sixties: Great Society/Civil Rights Act/Assassinations/Anti-Establishment Protests/Liberation Theology/Immigration's Impact on Religion
22. Seventies: Watergate and Its Impact/Carter and the first "Born-Again" Presidency
23. Eighties: Reagan Revolution/ Rise of Religious Conservatism/Cold War Justifications
24. Nineties: Communism's Fall/Gulf War/Christian Coalition/Black Church and Liberal Politics/New Left/Religious Pluralism
25. New Millennium: Religious and Political Polarization/Christianity and Islam/American Jewish Right and Neo-conservatism/Post-modernism

22. Texts & Supplemental Instructional Materials

United States History for Christian Schools, BJU Press, (2001)

Pilgrims in Their Own Land: 500 Years of Religion in America, by Martin Marty (1985)

Various primary materials and topic specific handouts.

23. Key Assignments

Topic	Activity	Skill Set
Religious Persecution	I-research paper on religious persecution in Europe present from 1500-1700 and numbers of immigrants to U.S. from appropriate religious sect.	Research and technology. Structural features of research paper.
Religious Influences in the Colonies	Studies of the dominant and minority religious strains in the original colony of student's choice	Comprehension and analysis of grade-level appropriate materials.
Founding Fathers	Oral presentation of biographical study on a signer of the declaration of independence and his religious ideas.	Research and technology. Structural features of research paper. Organization and delivery of oral communication.
Slavery Justifications and Opposition	Group project explaining a religious sect's view of slavery and popular acceptance or rejection of those ideas	Comprehension and analysis of grade-level appropriate materials. Research and technology. Structural features of research paper. Understanding of group participation dynamics, value of contributions of members, and applying cooperative strategies.
Progressivism	Organized debates concerning the causal relationship of progressive social and ideological ideals and religious progressivism and the social gospel movement.	Research and technology. Structural features of debate. Organization and delivery of oral communication. Analytical reasoning and understanding of causal relationships.
World War II and American Christianity	Panel discussions of outcomes of the war's direct and indirect effects on religious segments of society represented by individual students.	Research and technology. Structural features of discussion panels. Organization and delivery of oral communication. Analytical reasoning and understanding of causal relationships.
Black Church and Civil Rights	Research paper on the influence of the Black Church on the Civil Rights movement, including the interaction of the Church with Islam, the Nation of Islam and other sects.	Research and technology. Structural features of research paper.
Current Political Figures	Oral presentation of biographical study on a current political figure, with particular emphasis on his or her attitude towards religion personally and analysis of speeches and quotations showing a connection or aversion to religious bodies or movements.	Research and technology. Structural features of research paper. Organization and delivery of oral communication.

24. Instructional Methods and/or Strategies

The required reading comes from two primary text books and numerous handouts featuring primary documents in American history and contemporary perspectives by participants in history. Lectures and discussion are the primary modes of instruction, but cooperative learning exercises will also be used along with map work, reading assignments, organized debates, research papers, and interactive lessons using internet sites.

25. Assessment Methods and/or Tools

Students will be assessed using quizzes, tests, oral presentations, research/analytical writing assignments, and participation in classroom discussion and debate.

C. HONORS COURSES ONLY

Please refer to instructions

26. Indicate how this honors course is different from the standard course.

n/a

D. OPTIONAL BACKGROUND INFORMATION

Please refer to instructions

27. Context for Course (optional)**28. History of Course Development (optional)**

**Exhibit 4 Defendant Rejection of New Course
Submissions (Oct. 25, 2004)**

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

10/25/04 10:06 AM

University of California "a-g" Course List Update Summary for 2004-05

Calvary Chapel Christian Sch
ATP# 052104

Dear May Agnell,

I am writing to thank you for submitting your updated course list and new course outlines. High school course articulation is an extremely vital part of the University's admission process, and I appreciate your support in this endeavor.

We have completed a review of your submission. Revisions and approved new courses will appear on your updated course list, which can be downloaded at <https://pathways.ucop.edu/doorways/list>. If courses have not been approved or not approved as submitted, checklists have been enclosed detailing the reasons for non-approval and changes. If courses have been sent to faculty for review this will also be noted on a checklist. Please share the checklist(s) with appropriate teachers and counselors for their information. The checklist(s) can also be used as a guide for revising outlines of courses that were not approved, should you choose to re-submit these courses at a later date.

The following new courses that you have submitted for our review have been approved (as proposed) to satisfy UC subject requirements for freshman admission, and will appear on your school's course list.

Subject Area	Course Title
Visual & Performing Arts	Art 1
Visual & Performing Arts	Ceramics 1
Language Other than English	Chinese II
Visual & Performing Arts	Concert Choir

The following courses have not been approved for UC's freshmen subject requirements. See attached "Course Evaluation Checklist" for rationale.

Subject Area	Course Title
History / Social Science	Christianity and Morality in Americ
History / Social Science	Christianity's Influence on America

I encourage you to submit any revisions or additions to your course list at our online submission site at <https://pathways.ucop.edu/doorways/update>. Please E-mail us at hupdate@ucop.edu with any questions about accessing this online site. Please note that the update cycle for **2004-05 will close on November 1, 2004**. Updates that are not submitted by that time will not be accessible for the next cycle.

I want to thank you again for your continual support of the articulation process, and I look forward to future communications.

Sincerely,
Sue Wilbur Ph.D.
Director, Undergraduate Admissions

Enclosures

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

Checklist for Course Review and Feedback HISTORY / SOCIAL SCIENCE

School/District Name: Calvary Chapel Christian Sch
Name of Course(s): Christianity's Influence on America

Date: 10/25/04 10:06 AM

- ☐ Course approved, but for College prep elective rather than for the History / Social Science requirement (see Section A below)
- ☐ Course approved, but not for UC Honors status (see Section B below)
- ☒ Not approved:
- ☐ Lacking necessary course information (see Section C below)
 - ☐ Insufficient academic / theoretical content
 - ☒ Focus too narrow / too specialized
 - ☐ Attempt to address too many topics / lack of depth
 - ☐ Too much focus on career-related skills (application), rather than academics (theory)
 - ☐ Too much focus on technology tools, rather than content knowledge
 - ☐ Lack of pre-requisites
 - ☒ Other: See comments below.

Comments:

In establishing and implementing the a-g subject area requirements, UC faculty's main interest is that students entering the University are well prepared to be successful at UC. The content of the course outline submitted for approval is not consistent with the empirical historical knowledge generally accepted in the collegiate community. As such, students who take these courses may not be well prepared for success if/when they enter history-social science courses/programs at UC.

A. Fails to Meet Subject Specific Requirements

Component	Not Adequate	Comments
Substantial reading / writing		
Depth and breadth		
Other		

B. Fails to Meet Honors Criteria

Coursework is not comparable to AP, IB, or collegiate level courses.	
The course is not designed for the appropriate grade level (11th/12th grades).	
The school does not offer a non-honors equivalent.	
This course exceeds the maximum number of honors courses allowed in the subject area.	
This course does not have a comprehensive written final exam.	
This course does not have appropriate pre-requisites.	
Other:	

C. Lacking Necessary Course Information

Component	Not Adequate	Component	Not Adequate
Length of course (semester or year)		Student assignments	
General description of course		Texts and/or instructional materials	
Course objectives		Instructional & Assessment methods	

Exhibit 4

Page 81

Complaint

Course outline or list of topics		Other:	
----------------------------------	--	--------	--

Thank you for your attention in these matters.
Nina Costales, Articulation Specialist
(510) 987-9570



finalreport_17433.p
df (10 KB)

-----Original Message-----

From: hsupdate@ucop.edu [mailto:hsupdate@ucop.edu]

Sent: Monday, October 25, 2004 10:06 AM

To: May Agnell

Subject: a-g Online Update Review Complete

UC has completed the review of your school's 2004-05 a-g course list update. Please visit Doorways public course list website to download your list. If there are additional updates that you would like to submit (i.e. revisions of courses that were not approved, other changes, etc.), we ask that you submit all of your revisions at the same time as an additional submission for the 2004-05 academic year.

Thank you for utilizing the on-line process for updating your course list. If you have any suggestions for improvement, please forward them to hsupdate@ucop.edu.

**Exhibit 5 Calvary Christian School New Course
Submission: English**

Course Description

A. COVER PAGE

Date of Submission (Please include Month, Day and Year) October 18, 2004	
1. Course Title Christianity and Morality in American Literature	9. Subject Area <input type="checkbox"/> History/Social Science <input checked="" type="checkbox"/> English <input type="checkbox"/> Mathematics <input type="checkbox"/> Laboratory Science <input type="checkbox"/> Language other than English <input type="checkbox"/> Visual & Performing Arts <input type="checkbox"/> Intro <input type="checkbox"/> Advanced <input type="checkbox"/> College Prep Elective
2. Transcript Title(s) / Abbreviation(s)	
3. Transcript Course Code(s) / Number(s)	
4. School Calvary Chapel Christian School of Murrieta	
5. District N/A	
6. City Murrieta	10. Grade Level(s) for which this course is designed 9 10 11 12
7. School / District Web Site http://www.cccsmurrieta.com	11. Seeking "Honors" Distinction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. School Course List Contact Name: May Agnell Title/Position: Guidance Counselor Phone: (909)677-5667 Ext.: E-mail:	12. Unit Value <input type="checkbox"/> 0.5 (half year or semester equivalent) <input checked="" type="checkbox"/> 1.0 (one year equivalent) <input type="checkbox"/> 2.0 (two year equivalent) <input type="checkbox"/> Other: _____
13. Complete outlines are not needed for courses that were previously approved by UC. If course was previously approved, indicate in which category it falls. <input type="checkbox"/> A course reinstated after removal within 3 years. Year removed from list? _____ Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, previous course title? _____ <input type="checkbox"/> An identical course approved at another school in same district. Which school? Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, course title at other school? _____ <input type="checkbox"/> Alternative course title for course with identical content at this school Title of previously-approved identical course: _____ <input type="checkbox"/> Approved Advanced Placement (AP) or International Baccalaureate (IB) course <input type="checkbox"/> Approved UC College Prep (UCCP) Initiative course <input type="checkbox"/> Year-long VPA course replacing two approved successive semester-long courses in the same discipline <input type="checkbox"/> Approved P.A.S.S. course <input type="checkbox"/> Approved ROP/C course. Name of ROP/C? _____ <input type="checkbox"/> Other. Explain: _____	

14. Is this course modeled after an UC-approved course from another school <u>outside</u> your district? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which school(s)? _____ Course title at other school _____
15. Pre-Requisites None
16. Co-Requisites None
17. Is this course a resubmission?" <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, date(s) of previous submission? _____ Title of previous submission? _____
18. Brief Course Description Christianity and Morality in American Literature is an intensive study in textual criticism aimed at elevating the ability of students to engage literary works at the level of the author's beliefs and to examine and effectively communicate the impact of those beliefs on the work and the writing process. Students will first survey the various prominent forms of American literature, with class discussions to identify particular themes or movements within the literature, and weekly papers which more extensively examine them. The feedback from the weekly papers and classroom interaction will develop the student's ability to think critically and analytically as well as their writing skills. The final project will consist of the examination of a significant piece of fiction from an approved list, and an intensive writing (term paper) identifying those processes and themes which inform it.

B. COURSE CONTENT

Please refer to instructions

19. Course Goals and/or Major Student Outcomes

1. Demonstrate the ability to analyze and distinguish moral, ethical, and aesthetic themes contained in literature.
2. Demonstrate the ability to honestly and sensitively discuss and analyze controversial issues, including the ability to discuss and analyze contrarian as well as majoritarian positions.
3. Enhance oral communication skills through classroom discussion.
4. Enhance written communication skills through analytical, expository and creative writing.
5. Develop moral reasoning skills and enhance the expression of ethical norms, aspirations and ideals through creative writing.

20. Course Objectives

1. Students will learn to read literature with attention to moral, ethical and aesthetic themes.
2. Students will learn how to analyze moral, ethical and aesthetic positions on controversial and non-controversial issues, and how these different positions informed discussion and consensus throughout the history of American Literature.
3. Students will learn to write critically regarding the dominant moral or ethical themes in a work.
4. Students will learn to write creatively and persuasively to support moral and ethical positions.

21. Course Outline

1. American Humor and Legends
 - a. Authors: Rogers, Twain, Ward
 - b. Topics: Style, Language, Honesty
2. The American Short Story
 - a. Crane, Hawthorne, Irving, Poe

- b. Character, Plot, Destiny vs. Free Will
- 3. Early America
 - a. Bradstreet, Franklin, Wheatley, Williams
 - b. Language, Pride, Tolerance
- 4. Romanticism
 - a. Cooper, Holmes, Longfellow, Melville, Poe, Stowe
 - b. Symbolism, Idealism, Conflict, Good vs. Evil
- 5. Devotional and Persuasive Writings
 - a. Finney, Lee, Lincoln, Tozer, Spirituals
 - b. Principles of Reason, Faith
- 6. Realism
 - a. Wallace
 - b. Description, Relationships
- 7. Transcendentalism
 - a. Emerson, Thoreau, Whitman
 - b. Inerrancy of Scripture, Sin
- 8. Modern Works
 - a. Hemingway
 - b. Point of View, Character
- 9. Term Paper

22. Texts & Supplemental Instructional Materials

Primary Text:

- America Literature: Classics for Christians Vol. 5 A Beka

Supplemental Final Paper Texts:

- Pride and Prejudice Jane Austen
- Something Wicked This Way Comes Ray Bradbury
- Pilgrim's Progress John Bunyan
- Canterbury Tales Geoffrey Chaucer
- Les Misérables Victor Hugo
- The Great Divorce C.S. Lewis
- The Lion, the Witch, and the Wardrobe C.S. Lewis
- The Screwtape Letters C.S. Lewis
- A Canticle for Leibowitz Walter M. Miller
- Dracula Bram Stoker
- The Hobbit J.R.R. Tolkien
- The Silmarillion J.R.R. Tolkien

23. Key Assignments

1. Students will complete all assigned selections from their text.
2. Students will produce weekly expositions, analyses or creative writings exploring topics discussed in class.
3. Students will produce a Final Paper, a comprehensive analysis of one major literary work. This paper will require the students to display lessons and skills gained over the previous year.

24. Instructional Methods and/or Strategies

The course's main instructional strategy will be class and group-based discussion of primarily themes and movements. Additional instruction techniques will include students taking turns leading class discussions and student exploration of themes and movements in weekly writings

25. Assessment Methods and/or Tools

Students will be assessed by multiple criteria. The approximate percentage weight in each category will be:

- Classroom participation (quality and frequency): 20%
- Weekly writings (expository, analytical, and creative) 30%
- Final paper 50%

C. HONORS COURSES ONLY

Please refer to instructions

26. Indicate how this honors course is different from the standard course.

D. OPTIONAL BACKGROUND INFORMATION

Please refer to instructions

27. Context for Course (optional)

28. History of Course Development (optional)

**Exhibit 6 Defendant Response to New Course
Submissions (Oct. 25, 2004)**

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

Checklist for Course Review and Feedback HISTORY / SOCIAL SCIENCE

School/District Name: Calvary Chapel Christian Sch
Name of Course(s): Christianity and Morality in
American Literature

Date: 10/25/04 10:06 AM

- ☐ Course approved, but for College prep elective rather than for the History / Social Science requirement (see Section A below)
- ☐ Course approved, but not for UC Honors status (see Section B below)
- ☒ Not approved:
- ☐ Lacking necessary course information (see Section C below)
 - ☐ Insufficient academic / theoretical content
 - ☐ Focus too narrow / too specialized
 - ☐ Attempt to address too many topics / lack of depth
 - ☐ Too much focus on career-related skills (application), rather than academics (theory)
 - ☐ Too much focus on technology tools, rather than content knowledge
 - ☐ Lack of pre-requisites
 - ☒ Other: This appears to be more appropriately an English course. Suggest you resubmit it as such.

Comments:

A. Fails to Meet Subject Specific Requirements

Component	Not Adequate	Comments
Substantial reading / writing		
Depth and breadth		
Other		

B. Fails to Meet Honors Criteria

Coursework is not comparable to AP, IB, or collegiate level courses.	
The course is not designed for the appropriate grade level (11th/12th grades).	
The school does not offer a non-honors equivalent.	
This course exceeds the maximum number of honors courses allowed in the subject area.	
This course does not have a comprehensive written final exam.	
This course does not have appropriate pre-requisites.	
Other:	

C. Lacking Necessary Course Information

Component	Not Adequate	Component	Not Adequate
Length of course (semester or year)		Student assignments	
General description of course		Texts and/or instructional materials	
Course objectives		Instructional & Assessment methods	
Course outline or list of topics		Other:	

Thank you for your attention in these matters.
Nina Costales, Articulation Specialist
(510) 987-9570

-----Original Message-----

From: hsupdate@ucop.edu [mailto:hsupdate@ucop.edu]

Sent: Monday, October 25, 2004 10:06 AM

To: May Agnell

Subject: a-g Online Update Review Complete

UC has completed the review of your school's 2004-05 a-g course list update. Please visit Doorways public course list website to download your list. If there are additional updates that you would like to submit (i.e. revisions of courses that were not approved, other changes, etc.), we ask that you submit all of your revisions at the same time as an additional submission for the 2004-05 academic year.

Thank you for utilizing the on-line process for updating your course list. If you have any suggestions for improvement, please forward them to hsupdate@ucop.edu.

**Exhibit 7 Defendant Rejection of New Course
Submission (July 28, 2005)**

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

07/28/05 5:07 PM

University of California "a-g" Course List Update Summary for 2004-05

Calvary Chapel Christian Sch
ATP# 052104

Dear May Agnell,

I am writing to thank you for submitting your updated course list and new course outlines. High school course articulation is an extremely vital part of the University's admission process, and I appreciate your support in this endeavor.

We have completed a review of your submission. Revisions and approved new courses will appear on your updated course list, which can be downloaded at <https://pathways.ucop.edu/doorways/list>. If courses have not been approved or not approved as submitted, checklists have been enclosed detailing the reasons for non-approval and changes. If courses have been sent to faculty for review this will also be noted on a checklist. Please share the checklist(s) with appropriate teachers and counselors for their information. The checklist(s) can also be used as a guide for revising outlines of courses that were not approved, should you choose to re-submit these courses at a later date.

The following courses have not been approved for UC's freshmen subject requirements. See attached "Course Evaluation Checklist" for rationale.

Subject Area	Course Title
English	Christianity and Morality in Americ

I encourage you to submit any revisions or additions to your course list at our online submission site at <https://pathways.ucop.edu/doorways/update>. Please E-mail us at hupdate@ucop.edu with any questions about accessing this online site. Please note that the update cycle for **2004-05 will close on November 1, 2004**. Updates that are not submitted by that time will not be accessible for the next cycle.

I want to thank you again for your continual support of the articulation process, and I look forward to future communications.

Sincerely,
Sue Wilbur Ph.D.
Director, Undergraduate Admissions

Enclosures

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

Checklist for Course Review and Feedback ENGLISH

School/District Name: Calvary Chapel Christian Sch
Name of Course(s): Christian ty and Morality in
American Literature

Date: 07/28/05 5:07 PM

- ☐ Course approved, but for College prep elective rather than for the English requirement (see Section A below)
- ☐ Course approved, but not for UC Honors status (see Section B below)
- ☒ Not approved:
- ☒ Lacking necessary course information (see Section C below)
 - ☒ Insufficient academic / theoretical content (see section A below)
 - ☐ Focus too narrow / too specialized
 - ☐ Attempt to address too many topics / lack of depth
 - ☐ Too much focus on career-related skills (application), rather than academics (theory)
 - ☐ Too much focus on technology tools, rather than content knowledge
 - ☐ Lack of pre-requisites
 - ☒ Other: Unfortunately, this course, while it has an interesting reading list, does not offer a non-biased approach to the subject matter. See comments.

Comments:

Outline is vague and lacks detail. Textbook is not appropriate. There is not activities or assignments that tie to the supplemental reading.

A. Fails to Meet Subject Specific Requirements

Component:	Not Adequate	Comments
Substantial reading / writing	<input checked="" type="checkbox"/>	Need detail to determine which books on the reading list are read in their entirety.
Other		

B. Fails to Meet Honors Criteria

Coursework is not comparable to AP, IB, or collegiate level courses.	
The course is not designed for the appropriate grade level (11th/12th grades).	
The school does not offer a non-honors equivalent.	
This course exceeds the maximum number of honors courses allowed in the subject area.	
This course does not have a comprehensive written final exam.	
This course does not have appropriate pre-requisites.	
Other:	

C. Lacking Necessary Course Information

Component	Not Adequate	Component	Not Adequate
Length of course (semester or year)		Student assignments	
General description of course		Texts and/or instructional materials	<input checked="" type="checkbox"/>
Course objectives		Instructional & Assessment methods	
Course outline or list of topics	<input checked="" type="checkbox"/>	Other:	

Thank you for your attention in these matters.
Nina Costales, Articulation Specialist
(510) 987-9570

-----Original Message-----

From: hsupdate@ucop.edu [mailto:hsupdate@ucop.edu]

Sent: Thursday, July 28, 2005 5:08 PM

To: May Agnell

Subject: a-g Online Update Review Complete

UC has completed the review of your school's 2004-05 a-g course list update. Please visit Doorways public course list website to download your list. If there are additional updates that you would like to submit (i.e. revisions of courses that were not approved, other changes, etc.), we ask that you submit all of your revisions at the same time as an additional submission for the 2004-05 academic year.

Thank you for utilizing the on-line process for updating your course list. If you have any suggestions for improvement, please forward them to hsupdate@ucop.edu.

**Exhibit 8 Calvary Christian School New Course
Submission: Social studies**

Course Description

A. COVER PAGE

Date of Submission (Please include Month, Day and Year) October 18, 2004	
1. Course Title Special Providence: Christianity & the American Republic	9. Subject Area <input checked="" type="checkbox"/> History/Social Science <input type="checkbox"/> English <input type="checkbox"/> Mathematics <input type="checkbox"/> Laboratory Science <input type="checkbox"/> Language other than English <input type="checkbox"/> Visual & Performing Arts <input type="checkbox"/> Intro <input type="checkbox"/> Advanced <input type="checkbox"/> College Prep Elective
2. Transcript Title(s) / Abbreviation(s) CHR & AMER. REP.	
3. Transcript Course Code(s) / Number(s)	
4. School Calvary Chapel Christian School of Murrieta	
5. District N/A	
6. City Murrieta	10. Grade Level(s) for which this course is designed 9 10 11 12
7. School / District Web Site http://www.cccsmurrieta.com	11. Seeking "Honors" Distinction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. School Course List Contact Name: May Agnell Title/Position: Guidance Counselor Phone: (909)677-5667 Ext.: E-mail:	12. Unit Value <input type="checkbox"/> 0.5 (half year or semester equivalent) <input checked="" type="checkbox"/> 1.0 (one year equivalent) <input type="checkbox"/> 2.0 (two year equivalent) <input type="checkbox"/> Other: _____
13. Complete outlines are not needed for courses that were previously approved by UC. If course was previously approved, indicate in which category it falls. <input type="checkbox"/> A course reinstated after removal within 3 years. Year removed from list? _____ Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, previous course title? _____ <input type="checkbox"/> An identical course approved at another school in same district. Which school? Same course title? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, course title at other school? _____ <input type="checkbox"/> Alternative course title for course with identical content at this school Title of previously-approved identical course: _____ <input type="checkbox"/> Approved Advanced Placement (AP) or International Baccalaureate (IB) course <input type="checkbox"/> Approved UC College Prep (UCCP) Initiative course <input type="checkbox"/> Year-long VPA course replacing two approved successive semester-long courses in the same discipline <input type="checkbox"/> Approved P.A.S.S. course <input type="checkbox"/> Approved ROP/C course. Name of ROP/C? _____ <input type="checkbox"/> Other. Explain: _____	

14. Is this course modeled after an UC-approved course from another school <u>outside</u> your district? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, which school(s)? _____ Course title at other school _____	
15. Pre-Requisites None	
16. Co-Requisites None	
17. Is this course a resubmission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, date(s) of previous submission? _____ Title of previous submission? _____	
18. Brief Course Description <p>"We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments or God." James Madison, the "Father of the Constitution," stated simply that the Christian philosophy which so suffused the era was the foundation of the government of the United States as outlined in the Constitution. In early America, the social contract embodied primarily in the Constitution efficiently allowed the government organs to act as agents of the People. In the post-modern era, with Christian principles and ethics increasingly sidelined, how have the changes in the American citizen changed the American government and social contract? This course aims to teach students to examine the beliefs and institutions which shape how "We the People" govern ourselves and the necessary changes and continuations which will allow American government to continue. The students will compare our way of government with the alternatives in the Eighteenth Century, as well as today. They will also learn the relationship between the branches of the federal government, as well as that of the federal, state, and local governments. Finally, students will convene and draft a workable constitution.</p>	

B. COURSE CONTENT

Please refer to instructions

19. Course Goals and/or Major Student Outcomes

Students learn to master:

- ❖ accessing and gathering information from multiple sources;
- ❖ analyzing and synthesizing information and making suppositions regarding the foundations of the federal system and American law, and how Christianity informed those foundations;
- ❖ developing and implementing strategies in order to reach conclusions from the historical and philosophical record;
- ❖ participation in group projects to apply cooperative strategies in the classroom;
- ❖ building effective communication skills by receiving and interpreting information through reading, listening, discussion and inquiry;
- ❖ understanding and explaining the history and expression of contemporary political ideas and ideologies, and their hostility to/compatibility with Christian life and free religious expression.

20. Course Objectives

Students will be able to explain the moral values behind the fundamental principles of the American republic, as set forth in the seminal documents of American independence and governance. Students will evaluate, analyze, and defend positions on the scope and limits of

rights and duties of American citizenship, as well as the principles necessary for the continuance of any free society. Students will be able to analyze the differing roles of each branch of the federal government, as well as those of the different levels of our government (i.e., federal, state, and local). Students will analyze and evaluate major Supreme Court decisions affecting the rights and duties of American citizenship, with particular emphasis on the changing views of the freedom of religious expression and the Establishment Clause. Students will be able to demonstrate their understanding of various political organizations and movements, of interest groups, and of the media and the influence of each by participating in classroom discussion and in organized classroom debates, as well as by researching, preparing, and presenting research papers. Students will develop the ability to write essays that not only show a knowledge of historical facts and governmental realities, but also utilize this knowledge to produce a working constitution which takes into account both modern and timeless tensions and conflicts. Students will be able to examine and articulate alternative viewpoints on important governmental subjects such as: the proper relationship of government and religion as expressed in the Constitution, majority rule and the proper safeguards for minority rights, states rights vs. federal control, the propriety of civil disobedience in a lawful society, and strict constructionism vs. constitutional “evolution” (with particular emphasis on Federalist Papers 78-82 and corresponding Antifederalist Papers).

21. Course Outline

- I. Foundations of Democracy
 - A. Greek and Roman Models
 1. Athenian Democracy
 2. Roman Democracy
 - a. “Normal” Operation
 - b. “Extraordinary” Operation (Dictators, Triumvirate)
 - B. English Movement To Democracy/The English Common Law Tradition
 1. Magna Carta
 2. English Bill of Rights
 3. Declaration of Independence
 4. Thomas Hobbes
 5. John Locke
 6. Jean-Jacques Rousseau
 - C. 18th Century Alternatives to a Democratic Republic
 1. The French Revolution
 2. Monarchy
 3. Dictatorial Governments
 4. Governments of the American Indians
 - D. Articles of Confederation
- II. Federal Democracy (The Great Experiment)
 - A. Three Branches
 1. Power of the Executive
 2. Power of the Legislature
 3. Power of the Judiciary
 - B. Separation of power
 1. Checks and Balances
 2. Roles of Government and How Filled
 - C. Powers Reserved to the People
 1. Press
 2. Nullification
 3. Franchise
 - a. Case Study: Direct Election of Senator (Amendment 17)
- III. Political Theory and the U.S. Republic
 - A. Federalist Papers
 - B. Anti-federalist Papers

- C. Early American Political Parties
- IV. Confederate States' *Constitution for the Provisional Government* and the Civil War
- V. Civil Rights & Civil Liberties: From Reconstruction to the Present
 - A. Civil Rights and the Constitution
 - B. Dred Scott
 - C. Reconstruction
 - D. "Separate but Equal" and the Rise of Jim Crow
 - E. Societal Change and the Second World War
 - F. Warren Court
 - G. Voting Rights and Civil Rights Acts
 - H. To the Present
- VI. State and Local Government
 - A. Spheres of Power
 - B. Taxation
- VII. Political Parties
 - A. Republican Party
 - B. Democratic Party
 - C. Third Parties
 - 1. Constitution Party (f/k/a U.S. Taxpayers Party)
 - 2. Libertarian Party
 - 3. Natural Law Party
 - 4. Reform Party
 - 5. New Party
 - 6. Green Party
 - 7. Democratic Socialists of America
- VIII. Government Operations
 - A. Police and Courts
 - B. Defense and War
 - C. International Relations
 - D. Regulatory Bodies
 - E. Tribal Governments
- IX. Non-Government Operations
 - A. Basis for Power
 - 1. Democracy, Aristocracy, Meritocracy, Ethnocracy etc.
 - B. Press
 - 1. Commercial Media
 - 2. Private Media
 - 3. International vs. Domestic Media (including public vs. private)
 - C. Militia vs. Standing Army
 - D. 2-party system
- X. Comparative forms of Government
 - A. Parliamentary Democracy
 - B. Authoritarian Governments
 - C. Communism (Marxist, Soviet & Chinese)
- XI. Special Interest Groups, Money and Politics
 - A. Two-Party System's Role in the formation of interest groups
 - B. Interest Group Lobbying
 - C. Interest Group Political Activity
 - D. Money and Politics
 - E. Campaign Finance Reform: from FEMA to BCRA
 - C. Ethnic, Environmental, Religious, Economic Tensions
- XII. Economics and Government
- XIII. Constitutional Convention

22. Texts & Supplemental Instructional Materials

American Government for Christian Schools. BJU Press (1999)

Various primary materials and topic specific handouts, including the following and many more: *Second Treatise of Government*, John Locke; *The Social Contract*, Jean-Jacques Rousseau; *Federalist Papers*; *Anti-Federalist Papers*; *Democracy in America*, De Tocqueville; *Farewell Address* of George Washington; *Constitution for the Provisional Government*; *Emancipation Proclamation*, Abraham Lincoln; *Gettysburg Address*, Abraham Lincoln; *Civil Disobedience*, Henry David Thoreau; *Letter from a Birmingham Jail*, Dr. Martin Luther King, Jr.; selected Supreme Court decisions.

23. Key Assignments

1. Monthly response papers on a topic of student's choice. Students must choose from topic covered in class in the previous month. During the Convention, certain response papers may serve as rough drafts of Commentary. Students will be graded on minimum length, quality of writing as presentation, and primarily on quality of analysis and utilization of learning.
2. Quizzes and Exams. Students will be graded on knowledge of material, understanding and articulation of ideas, and analysis of the essential problems and solutions for self-governance.
3. Constitutional Convention. Students will participate in Constitutional Convention. Chairmanship of Convention will rotate among students. Students will be individually graded on frequency and quality of participation. The entire class will be graded on how well the Constitution resolves the tensions inherent in government and how well the document creates a stable government. All students will receive the written critique as prepared by instructor, and the final class days will be spent discussing the strengths and weaknesses of the proposed Constitution.
4. Constitutional Commentary. Student will be required to write a section of commentary, akin to a Federalist or Anti-federalist paper, over one particular section of the proposed Constitution. Students will be graded on quality of writing as presentation, and primarily on quality of analysis and utilization of learning.

24. Instructional Methods and/or Strategies

The required reading comes from the primary text and numerous handouts, including both primary and secondary sources. Lectures and discussion are the primary modes of instruction. During the Constitutional Convention, instructor will primarily serve as a delegate, and will, if necessary, advise Chairman of Convention to effectively steer debate.

25. Assessment Methods and/or Tools

Quizzes	10%
Examinations	40%
Response Papers	25%
Constitutional Convention Participation & Commentary	25%

C. HONORS COURSES ONLY

Please refer to instructions

26. Indicate how this honors course is different from the standard course.

n/a

D. OPTIONAL BACKGROUND INFORMATION

Please refer to instructions

27. Context for Course (optional)

28. History of Course Development (optional)

**Exhibit 9 Defendant Rejection of New Course
Submission (July 28, 2005)**

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

07/28/05 5:13 PM

University of California "a-g" Course List Update Summary for 2004-05

Calvary Chapel Christian Sch
ATP# 052104

Dear May Agnell,

I am writing to thank you for submitting your updated course list and new course outlines. High school course articulation is an extremely vital part of the University's admission process, and I appreciate your support in this endeavor.

We have completed a review of your submission. Revisions and approved new courses will appear on your updated course list, which can be downloaded at <https://pathways.ucop.edu/doorways/list>. If courses have not been approved or not approved as submitted, checklists have been enclosed detailing the reasons for non-approval and changes. If courses have been sent to faculty for review this will also be noted on a checklist. Please share the checklist(s) with appropriate teachers and counselors for their information. The checklist(s) can also be used as a guide for revising outlines of courses that were not approved, should you choose to re-submit these courses at a later date.

The following courses have not been approved for UC's freshmen subject requirements. See attached "Course Evaluation Checklist" for rationale.

Subject Area	Course Title
History / Social Science	Special Providence: Christianity &

I encourage you to submit any revisions or additions to your course list at our online submission site at <https://pathways.ucop.edu/doorways/update>. Please E-mail us at hupdate@ucop.edu with any questions about accessing this online site. Please note that the update cycle for **2004-05 will close on November 1, 2004**. Updates that are not submitted by that time will not be accessible for the next cycle.

I want to thank you again for your continual support of the articulation process, and I look forward to future communications.

Sincerely,
Sue Wilbur Ph.D.
Director, Undergraduate Admissions

Enclosures

UNIVERSITY OF CALIFORNIA

BERKELEY DAVIS IRVINE LOS ANGELES MERCED RIVERSIDE SAN DIEGO SAN FRANCISCO SANTA BARBARA SANTA CRUZ

UNDERGRADUATE AFFAIRS
STUDENT ACADEMIC SERVICES

OFFICE OF THE PRESIDENT
1111 Franklin Street, 9th Floor
Oakland, California 94607-5200

Checklist for Course Review and Feedback HISTORY / SOCIAL SCIENCE

School/District Name: Calvary Chapel Christian Sch
Name of Course(s): Special Providence: Christianity & the American Re

Date: 07/28/05 5:13 PM

- ☐ Course approved, but for College prep elective rather than for the History / Social Science requirement (see Section A below)
- ☐ Course approved, but not for UC Honors status (see Section B below)
- ☒ Not approved:
- ☒ Lacking necessary course information (see Section C below)
 - ☐ Insufficient academic / theoretical content
 - ☐ Focus too narrow / too specialized
 - ☐ Attempt to address too many topics / lack of depth
 - ☐ Too much focus on career-related skills (application), rather than academics (theory)
 - ☐ Too much focus on technology tools, rather than content knowledge
 - ☐ Lack of pre-requisites
 - ☒ Other: Government courses usually are granted a semester's credit only.

Comments:

In establishing and implementing the a-g subject area requirements, UC faculty's main interest is that students entering the University are well prepared to be successful at UC. The content of the course outlines submitted for approval is not consistent with the empirical historical knowledge generally accepted in the collegiate community. As such, students who take these courses may not be well prepared for success if/when they enter history-social science courses/programs at UC.

A. Fails to Meet Subject Specific Requirements

Component	Not Adequate	Comments
Substantial reading / writing		
Depth and breadth		
Other		

B. Fails to Meet Honors Criteria

Coursework is not comparable to AP, IB, or collegiate level courses.	
The course is not designed for the appropriate grade level (11th/12th grades).	
The school does not offer a non-honors equivalent.	
This course exceeds the maximum number of honors courses allowed in the subject area.	
This course does not have a comprehensive written final exam.	
This course does not have appropriate pre-requisites.	
Other:	

C. Lacking Necessary Course Information

Component	Not Adequate	Component	Not Adequate
Length of course (semester or year)		Student assignments	
General description of course		Texts and/or instructional materials	<input checked="" type="checkbox"/>

Course objectives		Instructional & Assessment methods	
Course outline or list of topics		Other:	

Thank you for your attention in these matters.
Nina Costales, Articulation Specialist
(510) 987-9570

-----Original Message-----

From: hsupdate@ucop.edu [mailto:hsupdate@ucop.edu]

Sent: Thursday, July 28, 2005 5:13 PM

To: May Agnell

Subject: a-g Online Update Review Complete

UC has completed the review of your school's 2004-05 a-g course list update. Please visit Doorways public course list website to download your list. If there are additional updates that you would like to submit (i.e. revisions of courses that were not approved, other changes, etc.), we ask that you submit all of your revisions at the same time as an additional submission for the 2004-05 academic year.

Thank you for utilizing the on-line process for updating your course list. If you have any suggestions for improvement, please forward them to hsupdate@ucop.edu.