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14 B.Q., a minor; by and through his guardian ad litem,  
15 Carolyn Rodriguez-Q.

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF VENTURA**

B.Q., a minor; by and through his guardian ad litem, Carolyn Rodriguez-Q.,

PLAINTIFF,

vs.

MESA UNION SCHOOL DISTRICT, a public entity;

DEFENDANT.

Case No.

**PLAINTIFF'S COMPLAINT  
FOR DAMAGES FOR:**

1. VIOLATION OF 42 U.S.C. § 1983 (MONELL CLAIM) – RATIFICATION OF FIRST AMENDMENT ESTABLISHMENT CLAUSE VIOLATION;
2. VIOLATION OF CAL. EDUCATION CODE § 220;
3. NEGLIGENCE

**DEMAND FOR JURY TRIAL**

1 Plaintiff B.Q. ("Plaintiff"), a minor by and through his guardian ad litem, Carolyn  
2 Rodriguez-Q., complains of Defendant Mesa Union School District, as follows:

3  
4 NATURE OF THE ACTION

5 1. Plaintiff B.Q., a highly dedicated former seventh-grade student at Mesa Union  
6 Elementary School in the Mesa Union School District ("MUSD"), suffered unlawful religious  
7 discrimination while in class at Mesa Union Elementary taught by his seventh-grade social  
8 studies teacher, Alexander Dekok.

9 2. Plaintiff seeks to recover damages pursuant to 42 U.S.C. §§ 1983 and 1988, under  
10 the First and Fourteenth Amendments of the United States Constitution, and under the general  
11 laws of the State of California.

12 3. Plaintiff brings this action seeking recovery for the harms and losses he has  
13 suffered at the hands of the defendants. By bringing this action, Plaintiff also seeks to improve  
14 the unlawful policies and practices of Mesa Union School District, so that no other individual  
15 student will have to suffer the same severe harms and losses Plaintiff has suffered.

16 4. This case involves important rights affecting the public interest.

17  
18 JURISDICTION

19 5. The Superior Court of the County of Ventura, State of California, has jurisdiction  
20 over this action pursuant to California Constitution Article VI, section 10, which grants the  
21 Superior Court original jurisdiction in all cases except those given by statute to other trial courts.  
22 This Court has jurisdiction over this action pursuant to the Code of Civil Procedure section  
23 410.10, et seq. Plaintiff is a California resident. Defendant is a California public entity.

24  
25 VENUE

26 6. Venue is proper in this Court as the acts complained of in this Complaint occurred  
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1 in the City of Somis, County of Ventura, State of California.

2 **PARTIES**

3 7. Plaintiff B.Q. ("PLAINTIFF") was, at all times relevant herein, a resident of the  
4 City of Somis, County of Ventura, State of California. Plaintiff was a minor at the time of the  
5 injury, and as of the date of filing this Second Amended Complaint, Plaintiff has not attained the  
6 age of majority. Plaintiff's identity should not be made public due to his young age and sensitive  
7 nature of the abuse alleged. Plaintiff brings these claims through his guardian ad litem, Carolyn  
8 Rodriguez-Q., his mother.<sup>1</sup> At all relevant times, Plaintiff B.Q. was a student covered by  
9 Education Code section 220. Section 220 of the California Education Code prohibits  
10 discrimination on the basis of religion in any program or activity conducted by an educational  
11 institution.  
12

13 8. At all times relevant herein, Defendant Mesa Union School District ("MUSD"),  
14 was a public entity, duly organized and existing under and by virtue of the laws of the State of  
15 California with the capacity to sue and be sued. MUSD was formed in 1939. Plaintiff B.Q. is  
16 informed and believes, and thereon alleges, that at all times relevant herein, MUSD was, and  
17 continues to be a "State" actor. Plaintiff B.Q. is further informed and believes, and thereon  
18 alleges, that at all times relevant herein MUSD received and continues to receive federal  
19 financial assistance. Defendant MUSD was responsible for complying with federal and state  
20 laws for the hiring, training, and supervising of the conduct, policies, and practices of its  
21 employees and agents of the MUSD, of all its members, agents, and employees.  
22

23 **EXHAUSTION OF REMEDIES**

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27 <sup>1</sup> Carolyn's last name has been abbreviated to "Q." to protect the identity of the minor plaintiff.  
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1           9.     On January 10, 2018, PLAINTIFF timely and properly filed an appeal with the  
2 California Department of Education ("CDE"). In the appeal, PLAINTIFF complied with the  
3 elements for government claims pursuant to Government Code section 910 et seq. (See  
4 Attachment "Y"). Plaintiff's appeal to the California Department of Education, filed by Council  
5 on American-Islamic Relations – Los Angeles ("CAIR-LA") provided all of the information  
6 required under the statute. Importantly, under the heading labeled "REQUESTED  
7 RELIEF/REMEDIES," the very last sentence of the 10-page appellate brief stated:  
8 "Lastly, the Quddus family demands compensation for the humiliation, emotional distress, pain,  
9 and suffering that [B.Q.] has endured as a result of Mr. Dekok's bias and school district's  
10 recklessness in defending his behavior." (See Attachment "Y" at p. 10.)  
11

12           10.    It is standard procedure for CDE to send the appeal to the school district in all  
13 cases. In this case, CAIR-LA sent the appeal to Ms. Diana Gutierrez at CDE. Ms. Gutierrez  
14 enclosed the appeal she had received from CAIR in its request to MUSD for information.  
15 Accordingly, PLAINTIFF has complied with the state claims statute. This action is therefore  
16 timely filed as to all such claims.  
17

18           11.    Moreover, under Education Code section 262.3(c), Plaintiff was not required to  
19 exhaust administrative complaint process before he could pursue civil law remedies. (See  
20 *Donovan v. Poway* (2008) 167 Cal.App.4th 567, 590-591 fn. 9, 593 ["Specifically, subdivision  
21 (d) of section 262.3 requires a 60-day 'cooling off period' before civil remedies may be pursued  
22 by private enforcement."])  
23

24           12.    Plaintiff waited for more than 60 days to elapse from the date of filing his appeal  
25 to the State Department of Education pursuant to Chapter 5.1 (commencing with Section 4600)  
26 of Division 1 of Title 5 of the California Code of Regulations before filing this lawsuit.  
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1           13. Plaintiff was only required to wait the 60-day moratorium imposed by Education  
2 Code section 262.3(d). He did.  
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1                                    **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

2            14.     Plaintiff B.Q.'s first name is Arabic meaning "water." It is the name of a close  
3 companion of the Prophet, peace and blessings of Allah upon him, whose full name is Bilal Ibn  
4 Rabah.

5  
6            15.     In the 2017-2018 school year, B.Q. and his younger sister were enrolled at Mesa  
7 Elementary School. The Mesa Unified School District ("MUSD")—located in Somis,  
8 California—served approximately 617 students in kindergarten through eighth grade for that  
9 school year.

10           16.     In 2017, B.Q. started the seventh grade; while his younger sister started the fifth  
11 grade. Both B.Q. and his younger sister are practicing Muslims in their household. B.Q attends  
12 regular classes outside of school to learn about the Quran and tenets of Islam, including  
13 attending "family night" at the local Masjid on Friday evenings.

14  
15           17.     At the start of the 2017-2018 academic school year, B.Q. had been an  
16 academically motivated student at Mesa Elementary School. He attended Mesa Elementary  
17 School for fifth and sixth grade before starting the seventh grade. In each quarter for both fifth  
18 and sixth grade, B.Q. was on the honor roll.

19           18.     Mr. Dekok taught both B.Q.'s seventh grade Language Arts and Social Studies  
20 classes. B.Q. was the only Muslim student in Dekok's classes. Mr. Dekok did not address B.Q.  
21 by his legal Arabic name during class, which name appeared on the school enrollment forms and  
22 legal education supporting documents. Instead, Dekok addressed B.Q. by calling him "Bill."

23  
24           **Bullying Incident (September 2017)**

25           19.     Around the end of September 2017, a student at Mesa Elementary School shouted  
26 "Allahu Akbar" at B.Q. in between classes. B.Q. told his parents about the incident. His parents  
27

1 promptly filed an online complaint through the "Report a Bully" form on the MUSD website.

2 20. Following this incident, no apparent follow up was taken by the school for two  
3 weeks. Two weeks after the incident, Principal Dr. Bluestein spoke to the offending student who  
4 reported that he could not remember the incident.  
5

6 21. Based on this, Dr. Bluestein informed B.Q.'s parents that he would take no  
7 further action as he "sincerely believed" the student did not remember shouting "Allahu Akbar"  
8 and the student does not speak Arabic.

9 22. Dr. Bluestein further informed the family that, if they wanted to pursue the issue,  
10 B.Q. would have to confront the other student in front of Dr. Bluestein in person.

11 23. B.Q. and his parents were uncomfortable with Dr. Bluestein's response to this  
12 incident. The length of time between the complaint and follow-up indicated to B.Q. that the  
13 report of harassment based on religion was not addressed urgently or seriously. B.Q. felt  
14 dismissed. Because Islamophobic bullying was not taken seriously at Mesa Elementary School,  
15 B.Q. began to feel unsafe and insecure at school.  
16

17 **Mr. Dekok's Inflammatory Anti-Muslim Lesson Plan (October 2017)**

18 24. On October 24, 2017, B.Q.'s seventh-grade Social Studies teacher, Defendant  
19 DEKOK, passed out a worksheet to his students (including B.Q.) containing false and  
20 discriminatory information about Sharia law and Islamic practices.  
21

22 25. The worksheet used material DEKOK obtained from an Islamophobic website  
23 titled, "billionbibles.org"; which has the stated purpose of exposing Islam to support the growth  
24 of Christianity.

25 26. The worksheet contained false and offensive alleged "translations of Sharia Law"  
26 including that "Muslim men have sexual rights to any woman/girl not wearing the Hijab"; "a  
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1 non-Muslim man who marries a Muslim woman is [an offense] punishable by death"; "a man  
2 can marry an infant girl and consummate the marriage when she is 9 years old"; "a woman or  
3 girl who alleges rape without producing 4 male witnesses is guilty of adultery"; and "a woman or  
4 girl found guilty of adultery is punishable by death." (See Attachment "A").

5  
6 27. The Islamophobic worksheet Mr. Dekok handed out to his students on October  
7 24th made repeated and blatant references to rape. At least some of the students in Dekok's  
8 class were unaware of what rape was and one student asked Dekok to explain. Dekok told his  
9 class of seventh graders that rape is "sleeping with someone you're not in a relationship with."  
10 Aside from discussing rape with seventh-grade students and providing a false definition of  
11 "rape," the discussion horrified B.Q. as Dekok's lesson and comments directly informed his  
12 classmates that Islam permits Muslims to rape with the blessing of Allah.

13  
14 28. The impact of this lesson was confirmed after class when B.Q. heard a male  
15 student tell another female student that, if he were Muslim, he could rape her if he wanted to and  
16 no one would care. Thus, because of Dekok's teaching, students at Mesa Elementary School  
17 were led to believe Islam to be a religion that condones rape.

18 29. The back of Dekok's worksheet asked students to compare this culture with  
19 American culture, further driving home the point that Muslims are different and a disfavored  
20 group.

21  
22 30. Dekok also showed two videos to his class during his October 24, 2017 lesson.  
23 These videos contained images of Muslims engaged in violent behavior, fighting with guns, and  
24 whipping and enslaving each other with chains. One of these videos was entitled "What's the  
25 Difference Between Sunni and Shiite Muslims?"

26 31. Dekok informed his class that Muslims were fighting because of their belief in  
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1 Islam and that war is a part of something he called the "Shia-Sunni divide." Dekok depicted  
2 Islam as a violent religion that supports and encourages war.

3 32. During the classroom lesson, Dekok had one boy student and one girl student  
4 come to the front of the classroom. Dekok told the students that if both the boy and girl students  
5 were Muslims in an Islamic country, and riding in the same car, the girl would be arrested for  
6 engaging in criminal activity.  
7

8 33. Dekok also told his seventh-grade students that if the boy student and girl student  
9 gave different accounts to a police officer, the boy would be believed and the girl student would  
10 be punished.

11 34. The intent and result of Dekok's October 24, 2017 lesson plan was to impose his  
12 personal bias against Islam and Muslims and create a discriminatory and hostile environment  
13 toward Islam; and thus, discrimination and hostility towards B.Q.—a practicing Muslim and  
14 student in his class—as well as other Muslims in the District.  
15

16 35. According to Dekok's students, Dekok also commented that there were many  
17 worse things in Islam, which were so bad that he could not share them with his class. In the  
18 guise of purportedly teaching about the religion, Dekok effectively invited the students to believe  
19 the worst things imaginable about Islam.  
20

21 36. When Dekok first handed out the worksheet, all of B.Q.'S classmates were  
22 offended. His classmates made comments such as, "This religion is so messed up" and "I can't  
23 believe that people actually follow this religion."

24 37. B.Q. knew that what Dekok handed out on the worksheet was against everything  
25 that B.Q. had learned about his religion.

26 38. As B.Q. sat quietly through the lesson, he felt like he did not want to exist  
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1 anymore. His eyes filled with tears and his heart filled with pain. B.Q. thought, "Is this what  
2 people are going to think about my religious beliefs?" B.Q.'s feelings were a result of the  
3 radical and derogatory manner in which DEKOK portrayed Islam.

4 39. B.Q. was not the only student who was offended by Dekok's lesson and  
5 worksheet. Two other students in Dekok's class went home and complained to their parents  
6 about the lesson. One student was Hindu, and the other non-religious. The parents of B.Q.'s  
7 two classmates telephoned B.Q.'s parents before B.Q. could tell his parents about Dekok's  
8 lesson.

10 **B.Q.'s Parents Attempts to Resolve the Issue Quickly so B.Q. could**  
11 **Return to the Classroom**

12 40. Later in the afternoon of October 24, 2017, B.Q.'s parents contacted the school  
13 after learning about the lesson from the parents of B.Q.'s classmates.

14 41. On October 25, 2017, B.Q.'s mother informed Principal Bluestein she and her  
15 advocate from Council on American-Islamic Relations – Los Angeles ("CAIR-LA") would like  
16 to meet with Bluestein and Dekok to informally resolve the situation. (CAIR-LA is a nonprofit  
17 American Muslim civil rights advocacy organization with a mission to enhance the  
18 understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims,  
19 and build coalitions that promote justice and mutual understanding.) B.Q.'s mother's proposed  
20 solution would allow Dekok apologize to B.Q. and the class and correct the lesson plan.  
21 Specifically, she requested that Dekok issue an apology to the students, shred the handout, and to  
22 explain to students that Islam must be taught in a secular way.

24 42. Principal Bluestein would not allow B.Q.'s CAIR advocate to meet with Dekok,  
25 and instead suggested arranging a meeting between B.Q.'s mother, Dekok, and MUSD's legal  
26 advocate.  
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1           43.     Principal Bluestein and Superintendent Turner also directed B.Q.'s mother to file  
2 a complaint through the uniform complaint process.

3           44.     On October 26, 2017, CAIR filed a Uniform Complaint on behalf of Plaintiff  
4 B.Q., to call attention to the religious discrimination and hostile environment created in Dekok's  
5 classroom. (See Attachment "B").  
6

7           45.     The complaint also included information about other instances on campus where  
8 B.Q. had been bullied because of his Islamic faith. The complaint concluded that these  
9 occurrences had been inappropriately addressed and that MUSD'S lack of action towards this  
10 discrimination was prejudicing B.Q.'s ability to learn and participate at school.

11           46.     The remedy sought by B.Q.'s parents in their uniform complaint included re-  
12 teaching the subject matter taught by Dekok on October 24, 2017 in order to correct the  
13 damaging perception of Islam which Dekok created. B.Q.'s parents also sought to have  
14 administrators re-trained on Islamophobia and other instances of bullying to prevent a similar  
15 future incident from occurring.  
16

17           47.     B.Q.'s parents relayed to Dr. Bluestein that B.Q. felt personally attacked by  
18 Dekok's teachings on Islam, and that B.Q. was afraid of Dekok because he felt Dekok hated all  
19 Muslims; and, therefore, B.Q. himself.  
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21           48.     From October 25, 2017 to November 1, 2017, B.Q. remained absent from school  
22 because of Dekok's classroom lecture and Bluestein and Turner's unwillingness to swiftly  
23 resolve the incident. B.Q. was unable to attend his Language Arts and Social Studies classes as  
24 he had a legitimate fear that Dekok hated all Muslims and may harm him. Instead, B.Q. was  
25 relegated to sitting in the library during these class periods, and was deprived of lesson plans or  
26 appropriate accommodations until intervention by CAIR-LA.  
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1           49.     On October 30, 2017, B.Q.'s mother informed Bluestein by telephone that three  
2 or four students came up to B.Q. at school and asked him whether it was true he was a Muslim,  
3 and that a student had interfered with his lunchbox. B.Q.'s mother told Bluestein that Dekok's  
4 inflammatory and uncorrected lesson plan caused B.Q.'s classmates to have the impression B.Q.  
5 was a "woman-hating Muslim." B.Q.'s mother explained the intense feeling of isolation B.Q.  
6 was suffering as a result of the unremedied situation.  
7

8           50.     On November 1, 2017, Bluestein and Turner informed B.Q.'S mother that no  
9 corrective action would be taken until the investigative report was completed. Bluestein and  
10 Turner explained that Dekok would not be placed on administrative leave during the  
11 investigation due to budgetary reasons. The only option Bluestein and Turner provided B.Q.  
12 was to remain in the library by himself during his Language Arts and Social Studies classes  
13 (which were both taught by Dekok) until the investigation was complete. Bluestein informed  
14 B.Q.'s mother that the duration of the investigation would likely only be a couple of days.  
15

16           51.     On November 1, 2017, B.Q. returned to school. B.Q.'s return to school was  
17 predicated on an accommodation that he would not have to attend Dekok's class. This  
18 accommodation did not resemble the solution B.Q.'s parents desired, but was the only temporary  
19 solution Bluestein provided where B.Q. could continue coming to school while MUSD  
20 continued to investigate Dekok's lesson and handout. This temporary accommodation was  
21 arranged pursuant to multiple conversations between Dr. Bluestein and B.Q.'s parents.  
22

23           52.     With no other choice, B.Q. decided to remain in the library during his Social  
24 Studies and Language Arts classes until the investigation was complete—under the belief that  
25 the investigation would conclude in several days.

26           53.     Despite this accommodation arrangement being made expressly clear to Dr.  
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1 Bluestein (and Dr. Bluestein's agreement that the situation warranted an accommodation), Dr.  
2 Bluestein attempted to pressure B.Q. into returning to Mr. Dekok's class. While Dr. Bluestein  
3 was walking with B.Q. during the school day—without either parent present—Dr. Bluestein  
4 asked B.Q. if he would return to Mr. Dekok's class. When B.Q. refused, Dr. Bluestein insisted  
5 that B.Q. should be able to return to Mr. Dekok's Language Arts class, as this was separate from  
6 the social studies class in which Islam had been discussed.  
7

8 54. Given Dr. Bluestein's position of authority and perceived power over B.Q.'s  
9 academic success, B.Q. felt extremely pressured to agree. B.Q. felt he had no option but to agree  
10 with the principal and start attending Mr. Dekok's class again, and that he had been deceived  
11 into a situation which he genuinely feared.  
12

13 55. This feeling of entrapment caused B.Q. to agree to return to Mr. Dekok's class the  
14 next day, purely to pacify Dr. Bluestein, after which he was able to relay this information to his  
15 parents who were in the position to stand up to Dr. Bluestein and insist on the agreed upon  
16 accommodation. Again, this accommodation was only agreed upon because Bluestein would not  
17 promptly correct the situation or place Dekok on administrative leave while the matter was being  
18 investigated.  
19

20 56. This was yet another instance in which Dr. Bluestein failed to adequately respect  
21 the seriousness of B.Q.'s report of religious discrimination and Islamophobia; and instead acted  
22 in a manner that directly caused B.Q. to feel uncomfortable and fearful. B.Q. never attended  
23 another class taught by Mr. Dekok fearing Dekok may retaliate against him after making his  
24 complaint to Principal Bluestein.  
25

26 57. On November 2, 2017, B.Q.'s parents attended a mediation meeting with Turner,  
27 Bluestein, and MUSD's legal counsel at the District office. At the mediation, B.Q.'s parents  
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1 reiterated to Turner and Bluestein the detrimental toll the delay was having on B.Q. and harm he  
2 was suffering due to the slowness of their response. B.Q.'s parents urged Turner and Bluestein  
3 to take prompt remedial measures. Turner and Bluestein, again, would not agree to the  
4 proposed solution of having DEKOK apologize to his classroom for his class lecture and  
5 admonish the homework handout so that B.Q. could return to the classroom.  
6

7 58. In the course of investigating the complaint, additional discriminatory behavior  
8 was revealed, both in Mr. Dekok's classroom and campus-wide. This was reported to MUSD in  
9 a letter sent November 7, 2017. (See Attachment "D").

10 59. On November 9, 2017, B.Q.'s CAIR advocate contacted Turner and MUSD'S  
11 legal counsel to inform them that B.Q. had not been provided educational materials that mirror  
12 the in-class work his classmates who attend Dekok's classes received. The CAIR advocate  
13 explained that B.Q. had only been provided with homework packets, but not textbooks to use in  
14 his absence from class. Also, B.Q. had not had a staff member available to him to clarify  
15 instructions.  
16

17 60. On November 10, 2017, MUSD's legal representative responded to the CAIR  
18 advocate's email. In the response email, MUSD promised that B.Q. would be provided daily  
19 instruction and support by a certificated employee during his assigned class period for Social  
20 Studies and Language Arts.  
21

22 61. Between November 10-12, 2017, MUSD received two more complaints  
23 concerning Dekok's Social Studies' lesson.

24 62. Beginning November 13, 2017, B.Q. was provided with a tutor. The tutor was  
25 not a teacher, but a college student who was not accredited to be a teacher. The tutor offered  
26 very little to B.Q. in terms of structure and instruction.  
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1           63.     On November 27, 2017, B.Q.'s CAIR advocate emailed MUSD's legal counsel  
2 expressing concerns about B.Q.'s growing feeling of isolation by the alternative learning plan.  
3 MUSD's legal counsel replied that the investigation was still ongoing. The CAIR advocate  
4 asked for a firm deadline to the investigation.  
5

6           **December 2017 School Board Meeting and Board Vote**

7           64.     On December 13, 2017, Superintendent Turner emailed B.Q.'s mother indicating  
8 a closed session item entitled "Conference with Legal Counsel – Anticipated Litigation," related  
9 to B.Q.'s uniform complaint, and requested B.Q.'s mother recuse herself from that closed  
10 session agenda item and exit the closed session at that time.

11           65.     Although a Board member, B.Q.'s mother was not involved in any Board  
12 discussions pertaining to this incident at the December 2017 Board meeting, or any other Board  
13 meetings.  
14

15           66.     For the December 2017 Board meeting, Brunett intentionally moved her seat one  
16 seat down from B.Q.'s mother and kept her back turned to B.Q.'s mother the entire Board  
17 meeting. (\*\*At the beginning of the 2017-2018 school year, each of the School Board members  
18 had arranged seating where each school board member would sit in the same seat for each board  
19 meeting. Brunett's designated seat was directly adjacent to B.Q.'s mother's seat.)  
20

21           67.     For the Board members' December meeting, Superintendent Turner's wife came  
22 to the Board meeting to put Christmas presents at the table for each of the Board members. As  
23 she was leaving, Turner's wife said "Happy Holidays." In a very loud, boisterous, and snarky  
24 manner, Brunett shouted, "Around here, we say Merry Christmas." Everyone present at the  
25 December Board meeting immediately became awkwardly quiet and uncomfortable as Brunett  
26 peered at B.Q.'s mother.  
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1           68.     At the same December Board meeting, B.Q. was asked to recuse herself as the  
2 Board voted on B.Q.'s uniform complaint:

3           69.     At the time of the December 2017 Board meeting, MUSD had adopted the  
4 following School Board Policies:

- 5           a.     The philosophy of the district is that every student should have an opportunity to  
6                 receive a quality education regardless of his/her social, cultural, or economic  
7                 background. (BP 0100)
- 8           b.     Every student in the district has a right to be free from discrimination,  
9                 harassment, intimidation, and bullying, as prohibited by law or district policy.  
10                (BP 0100)
- 11           c.     Highly skilled and dedicated teachers and educational support staff have the  
12                 capacity to guide students toward individual achievement and growth, and have a  
13                 direct and powerful influence on student learning and life experiences. (BP 0100)
- 14           d.     A safe, nurturing environment and positive school climate are necessary for  
15                 learning, academic achievement, and student development. (BP 0100)
- 16           e.     The needs of the whole child must be addressed, as the ability of children to learn  
17                 is affected by social, health, and economic conditions and other factors outside  
18                 the classroom. (BP 0100)
- 19           f.     The diversity of the student body and school staff enriches the learning  
20                 experience, promotes cultural awareness and acceptance, and serves as a model  
21                 for citizenship in a global society. (BP 0100)
- 22           g.     The Board has a responsibility to advocate on behalf [of] all student, keep on  
23                 legislative issues affecting education, and build positive relationships with local,  
24



1 state and federal representatives. (BP 0100)

- 2 h. Responsibility for district programs and operations is shared by the entire  
3 educational community, with ultimate accountability resting with the Board as the  
4 basic embodiment of representative government. (BP 0100)  
5  
6 i. The core aspects of teaching and learning are the interactions between the  
7 students, the teachers, and the curriculum content. The impact of boards on  
8 student achievement is therefore indirect but essential. (BP 0100 [referencing *The*  
9 *School Board Role in Creating the Conditions for Student Achievement: A Review*  
10 *of the Research, May 2017.*])  
11  
12 j. The beliefs, decision, and actions of school boards directly impact the conditions  
13 within schools that enable district efforts to improve achievement to either  
14 succeed or fail. (BP 0100 [referencing *The School Board Role in Creating the*  
15 *Conditions for Student Achievement: A Review of the Research, May 2017.*])  
16  
17 k. To improve student learning, the classroom is the essential point of  
18 change...teachers are the most important in-school contributors to student  
19 achievement, while principals set the conditions for all school-based staff to strive  
20 to improve student achievement. (BP 0100 [referencing *The School Board Role in*  
21 *Creating the Conditions for Student Achievement: A Review of the Research, May*  
22 *2017.*])  
23  
24 l. The Superintendent or designee shall annually review district programs and  
25 activities to ensure the removal of any derogatory or discriminatory name, image,  
26 practice, or other barrier that may unlawfully prevent an individual or group in  
27 any of the protected categories stated above from accessing district programs and  
28

1 activities. He/she shall take prompt, reasonable actions to remove any identified  
2 barrier. (BP 0410)

3 70. On information and belief, Brunett voted to deny B.Q.'s uniform complaint  
4 because of her religious animus against Muslims. Brunett's outspoken manner influenced other  
5 Board members to join her in unjustifiably denying B.Q.'s complaint.  
6

7 **After the Board Members' December 2017 Meeting and Vote**

8 71. On December 20, 2017, Superintendent Turner along with MUSD's legal counsel  
9 met with B.Q.'s parents. B.Q.'s parents were told that the District intended to deny B.Q.'s  
10 uniform complaint based on the investigative findings. B.Q.'s parents requested to see the  
11 investigative report; however, Turner would not disclose the report claiming it was protected by  
12 attorney-client privilege.  
13

14 72. On December 21, 2018, B.Q.'s parents requested the issue be reviewed by a  
15 neutral mediator. MUSD rejected this request.

16 **MUSD's Report of Findings**

17 73. On December 22, 2017, MUSD issued a report of finding. The report defended  
18 Dekok's worksheet by finding that there was insufficient evidence to conclude that the lesson  
19 was improperly motivated by religious discriminatory intent or that it had created a hostile  
20 environment. On information and belief, Plaintiff alleges that Superintendent Turner and Board  
21 of Trustee member Brunett voted to reject Plaintiff's uniform complaint. On information and  
22 belief, Plaintiff alleged that Defendants harbored discriminatory intent when they voted to reject  
23 Plaintiff's uniform complaint.  
24

25 74. MUSD'S report was teacher-centric, and contained inaccurate and incomplete  
26 facts that, once again, failed to grasp the seriousness of the bias and discrimination that had taken  
27  
28

1 place at Mesa Elementary School.

2 75. The Report noted that B.Q.'s complaint asserted that "on October 24, 2017, Mr.  
3 Dekok passed out a worksheet on Sharia law he obtained from an anti-Islamic website with the  
4 intent to 'discriminate and demonize Islam.'"

5 76. The Report further noted that the complaint asserted "the worksheet was neither  
6  
7 age-appropriate nor suitable to be distributed in a classroom setting."

8 77. After this brief statement of complaints, the Report made the preposterous  
9 conclusion that the website could be considered "primary source material," and that it was an  
10 appropriate authority to supplement the lesson plan as it contained citations to the Quran.

11 78. The Report's characterization of the website as an appropriate primary source  
12 material was, and is, grossly misleading. The website in question was titled "billionbibles.org"  
13 which gives immediate notice of its proselytizing nature. The website's homepage banner  
14 contained the script "Biblical Christianity," and "Urgent Issues for Biblical Christians." (See  
15 Attachment "E").

16 79. The homepage discussed the decrease of Christians in the West and  
17  
18 problematized the global advance of Islam, Sharia law, and the worship of Allah. The  
19 discriminatory nature was openly apparent from even a cursory review of the website. A quick  
20 cross-reference of the website name confirms the discriminatory nature of the website. For  
21 example, by typing "billionbibles.org" into Google's search engine, the second website that  
22 comes up warns "Anti-Muslim Propaganda Ranks High in Google..." The website describes  
23 billionbibles.org as a "low-budget but inflammatory site [which] features a list of violent  
24 punishments contained in sharia, adorned with an image of an amputated hand and a Koran, and  
25 links out to other pages labeled 'Stop Islam' and 'Spread of Islam.'"

1           80.     Thus, Dekok had sufficient warning that the materials he chose to distribute to his  
2 seventh-grade class were propaganda in a stated attempt to promote Christianity through  
3 attacking Islam. Further, the Report's depiction of the website as "well-cited" was wholly  
4 inaccurate.

5  
6           81.     The material contained on the worksheet was copied from a page titled "Sharia  
7 Law." (See Attachment "F"). The page began with a brief, partially subjective description of  
8 Sharia law, including that "of all the legal systems in the world today, Sharia law is deemed the  
9 most intrusive and restrictive," without any external citations.

10           82.     After this, the page contained twenty-seven bullet points under the heading  
11 "according to Sharia law"—twenty-four of which Dekok directly copied to form his worksheet  
12 on Sharia law. Only fourteen of the twenty-four bullet points on the worksheet contained links  
13 to other web pages, while the other ten did not even contain the pretense of a citation. However,  
14 of the fourteen cited statements only three referred directly to a verse of the Quran while none  
15 referred to a Hadith. (See Attachments "G", "H", and "I"). (The Quran is the Islamic sacred  
16 book, believed to be the word of God as dictated to Muhammad by the archangel Gabriel and  
17 written down in Arabic. The Hadith is a collection of traditions containing sayings of the  
18 prophet Muhammad that, without accounts of his daily practice (the Sunna), constituted the  
19 major source of guidance of Muslims apart from the Quran.) But even those links were  
20 problematic, as they linked to another "billionbibles.org" page, rather than containing an outside  
21 reference or authority. Moreover, these sources could not be considered neutral, as each page  
22 displayed an extreme translation of the featured verse, and two also contained openly  
23 condemnatory commentary.

24  
25  
26           83.     Notably, when reviewed in the context of the other citations, the website should  
27  
28

1 have lost all credibility to a neutral and competent observer. First, every citation linked to  
2 another "billionbibles.org" page, with no attempt to reference an outside authority. Second, the  
3 citations themselves were openly offensive. For example, among the citations (most of which  
4 were removed by Mr. Dekok when he made the worksheet) are "Allah moon god",  
5 "Compulsion", "Islamophobia", and "Religion of Peace." (See Attachments "J", "K", "L", and  
6 "M").  
7

8 84. For example, the link entitled "Islamophobia" led to a page which asserted that  
9 "'Islamophobia' is a misnomer coined by Muslims as part of their campaign to neutralize the  
10 opposition to and prevent the criticism of Islam that it deserves." It also maintained that fear or  
11 dislike of Islam was "eminently rational" and contained the phrase "rationalized racism." (See  
12 Attachment "L").  
13

14 85. The "Compulsion" link led to a page entitled "There Is No Compulsion in  
15 Religion," which contained a picture of a bearded Middle Eastern man holding a gun pointing  
16 directly at the reader and smiling. (See Attachment "K").  
17

18 86. Not only were these links openly offensive and easily recognizable as greatly  
19 biased, inaccurate depictions of one of the world's major religions; but they also contained a  
20 communicated intent to debase and denigrate Islam. (For the sake of thoroughness, the  
21 remaining linked pages from the statements Mr. Dekok decided to present to his seventh-grade  
22 students are attached at Attachments "N" – "U").  
23

24 87. Thus, the Report's assertion that "Mr. Dekok came across a website with English  
25 translations of the law next to a link to the Quran or Hadith" was demonstrably wrong.  
26 Moreover, the conclusion that the website was "primary source material" was absurd given its  
27 lack of authoritative citation and its extremely biased viewpoint.  
28

1           88.     MUSD's attempt to claim that the worksheet was reflective of the California  
2 Department of Education's seventh grade curriculum content standards is ludicrous. The  
3 relevant standard, Standard 7.2, required curriculum in which "students analyze geographic,  
4 political, economic, religious, and social structures of the civilizations of Islam in the Middle  
5 Ages." (See Attachment "V"). The content emphasized under this included: physical features  
6 and climate of the Arabian peninsula, origins of Islam including the life and teachings of  
7 Muhammad and the Quran and the Sunnah, the expansion of Muslim rule, the growth of cities  
8 and trade routes, and the contributions of Muslim scholars to later civilization. Nothing in the  
9 curriculum gave license to portray one's subjective bias of Islam as a religion that supports and  
10 condones violence, particularly violence against women.  
11

12           89.     Additionally, the Report's excuse that "Mr. Dekok did not look at any other pages  
13 on the website other than the page containing text from the Quran and Hadith" revealed two  
14 failures. First, if accurate, it revealed a gross failure on the part of DEKOK to vet his source,  
15 apparently including not even visiting the links for the extremely sensitive and graphic material  
16 he chose to provide to his seventh-grade students. Second, even if DEKOK only visited the  
17 "billionbibles.org" page entitled "Sharia Law," the page contained overt, evident anti-Islam bias.  
18 Directly below the bullet-pointed list was a line with two links: "Spread of Islam" and "How to  
19 Stop Islam."  
20

21           90.     The page then contained a section titled "Which countries use Sharia law?" which  
22 contains the statement that "in the United States ... and other European countries that resist the  
23 Sharia law, it had proven adept at infiltrating elements of the society that are left vulnerable."  
24 Thus, the very page used as a "primary source" explicitly demonized Islam and depicted it as  
25 something foreign and harmful to the United States. The links at the bottom of the page further  
26  
27  
28

1 made clear that the website depicted Islam in a negative light. (See Attachment "F" for  
2 reference.)

3 91. Further, MUSD's Report failed to discuss the highly sensitive and age-  
4 inappropriate nature of the worksheet. Nine of the bullet-points referenced violent punishment  
5 with seven of those referring to killing, and seven of the bullet-points referenced sex or rape.  
6

7 92. The inclusion of rape was extremely inappropriate for the age-level. Several  
8 parents who spoke with CAIR-LA confirmed that they were shocked by the use of the concept,  
9 and after the lesson plan they were forced to have a conversation that they, as parents, did not  
10 expect to have with their children at this age.

11 93. The Report's finding that it could not be substantiated that Dekok defined rape in  
12 the classroom, contrary to what B.Q. recalled, is questionable. Several parents confirmed that  
13 their child had not previously learned of the term "rape." Thus, it seems highly likely that  
14 Dekok would have been asked to define the term by one of the students, as it is repeatedly used  
15 in the worksheet and comprehension of the term would have been imperative to complete the  
16 assignment.  
17

18 94. Further, the impropriety of the worksheet was plainly revealed and conceded to  
19 by Dekok himself. According to the Report, when asked by a student what "consummate"  
20 means, "[Dekok] suggested the student consult a dictionary." (See Attachment "B" at pg. 3.)  
21 Dekok's response is an acknowledgment that the worksheet contained material that was  
22 inappropriate to be taught in a seventh-grade classroom.  
23

24 95. Mr. Dekok took explicit, highly inappropriate, inaccurate information, directly  
25 from an openly Islamophobic website, and presented it to his seventh-grade class as an accurate  
26 depiction of Islam. Dekok's intent to discriminate by teaching a prejudiced and false depiction  
27  
28

1 of Islam can be seen in his use of the website entitled "billionbibles.org," which is dedicated to  
2 "stop[ping] the spread of Islam in America, Canada, UK, and Europe."

3 96. The Report's fact finding regarding the videos Dekok showed to his seventh-  
4 grade social studies class was similarly insufficient and failed to account for the information the  
5 B.Q. family provided the investigator. The Report referred to only one video, found on a  
6 YouTube channel called "Now This World" which describes itself as "dedicated to bringing you  
7 topical explainers about the world around you." Notably, the video's topic—the split between  
8 Sunni and Shiite Muslims—did not appear in the state standards.

10 97. Additionally, it is highly questionable whether the content of the video discussed  
11 in the Report is age-inappropriate for a seventh-grade classroom, as it presupposes knowledge of  
12 both ISIS and Al-Qaeda, as well as the organizations' Sunni or Shiite affiliation.

14 98. Further, the B.Q. family, and B.Q. in particular, clearly communicated to the  
15 investigator that two videos were shown in class on October 24, 2017. Moreover, during the  
16 investigation, the B.Q. family were assured they would be told what videos were shown to their  
17 son, as he was greatly disturbed by what he described as people being enslaved in chains,  
18 whipped, and otherwise beaten. They were not.

19 **UCP's Erroneous Findings of Fact Regarding the Hostile Environment Created by Mr.**  
20 **Dekok's Social Studies Lesson Plan on October 24, 2017**

21 99. The Report summarily found that Dekok's actions did not create a hostile  
22 environment. In doing so, the Report did not cite any statements by B.Q. about how he felt  
23 either the day of October 24, 2017, or at any point afterwards. Nor did the Report include the  
24 large changes to B.Q.'S life at school that were necessary after Dekok's lesson plan. Rather, the  
25 Report concluded that there had been no change in "any student[s']" opinion about B.Q., and  
26 that "the students interviewed all had favorable impressions of [B.Q.]."  
27  
28



1           100. MUSD'S Report was wholly insufficient in reaching a determination regarding  
2 whether a hostile environment was created. According to federal jurisprudence, a hostile  
3 environment is one where a student's ability to participate in, or benefit from, the services,  
4 activities, or opportunities offered by a school have been interfered with or impaired, preventing  
5 a student from adequately learning or thriving. *Davis v. Monroe County Board of Education*, 526  
6 U.S. 629, 632 (1999). This had obviously been the case with B.Q.  
7

8           101. The B.Q. family supplied the investigator with many facts that supported that a  
9 hostile environment had been created. First, Dekok's lesson plan clearly affected students'  
10 understanding of Islam. For example, upon leaving Dekok's class on October 24, 2017, B.Q.  
11 heard a male student loudly announced to another female student, in front of an audience of  
12 other students, that if he were Muslim he could rape her and no one would care.  
13

14           102. Moreover, CAIR-LA had received reports from numerous parents that their  
15 children had told them other students had increasingly been displaying behavior such as putting  
16 their hoods on with their ears exposed—mimicking someone wearing a hijab—and saying,  
17 "Look! I'm a Muslim."

18           103. Moreover, multiple students reported Dekok told the class that there were many  
19 worse things in Sharia law that he could not even list on the worksheet. In doing so, he created  
20 the potential for students to legitimately believe that any horrible thing that could be imagined  
21 might be permissible for Muslims.  
22

23           104. In an attempt at catharsis, B.Q. wrote down how he had felt in class. B.Q. wrote  
24 that Mr. Dekok seemed like he was "really trying hard to persuade us that [Islam] was all about  
25 terrorism." B.Q. added, when Mr. Dekok first gave out the worksheet "all my classmates were  
26 offended and were stating that this religion is so messed up and they can't believe [sic] that  
27  
28

1 people actually follow this faith.”

2 105. The classroom environment was such that B.Q. “didn’t want to exist anymore,”  
3 and that other kids “started avoiding” him. B.Q. continued to feel this way for a long time and  
4 had expressed that he felt singled out by the lesson, and that other students continued to judge  
5 him as someone who condoned rape.  
6

7 106. Dekok’s lesson had serious impacts on B.Q., including a new habit of constantly  
8 wearing a hood in order to hide and escape attention, and a continuing concern that he no longer  
9 had any real friends.

10 107. After this incident, B.Q. felt physically unsafe around Dekok, and thus on the  
11 school campus. B.Q.’S entire demeanor changed from that of a dedicated student to spending  
12 his energy trying to remain out of Dekok’s line of vision.  
13

14 108. B.Q. further became concerned that all other students hated him, given the vile  
15 things they had been taught about Muslims.

16 109. Further, B.Q. had not been able to return to social studies class since October 24,  
17 2017, as Dekok was the school’s only social studies teacher, and was the teacher who had  
18 created the hostile and discriminatory classroom environment for B.Q. Instead, B.Q. was  
19 relegated to independent studies in the library, which denied him the experience of learning with  
20 and from other students. Notably, B.Q.’S exclusion from the classroom was due to no fault of  
21 his own, but rather the impact DEKOK’S conduct had on him and his classmates.  
22

23 110. In addition to being excluded, B.Q. was denied appropriate accommodations for  
24 weeks, as his independent study time failed to adequately reflect the classroom instruction he  
25 was forced to miss. Rather, B.Q. was told he could sit in the library and he was able to pick up  
26 any homework assigned for social studies from the front office. B.Q. was not provided with  
27  
28

1 alternative instruction, administrative support, or even a textbook.

2 111. The school's initial failure to offer B.Q. appropriate accommodations violated  
3 B.Q.'S right to a free and appropriate public education and caused him to miss out on valuable  
4 instruction. MUSD'S continued unwillingness to take corrective action that would make it  
5 possible for B.Q. to return to the classroom, continued to unfairly prejudice B.Q., who has been a  
6 blameless victim of Defendants' conduct.  
7

8 112. Moreover, B.Q. understandably interpreted Dekok's lesson as an indication that  
9 he hated Muslims and, therefore, B.Q. himself. B.Q. had stated that he felt physically unsafe  
10 around Dekok. This was especially damaging to B.Q., as he should have been able to look up to  
11 his teachers as role models, rather than feel one is a person he should fear. This fear impacted  
12 every part of B.Q.'s day at school. B.Q. completely reoriented his schedule and his movements  
13 on campus in order to avoid being seen by Dekok.  
14

15 113. The full extent of how damaging Dekok's lesson and conduct had been to B.Q.  
16 was made particularly clear during the meeting with the investigator, when Dekok walked past  
17 B.Q. near the front office. B.Q. became completely distraught at the thought that Dekok might  
18 have seen him and had trouble refocusing. Thus, Mr. Dekok's teachings about Islam created an  
19 environment in which B.Q. felt he had to devise specific plans and routes to avoid Dekok.  
20

21 114. Additionally, B.Q. communicated concerns that one or more of the other children  
22 at school may try to fight him because of what Dekok taught them about Muslims. B.Q. often  
23 dreaded going to school for that reason, and he suffered anxiety that caused him to miss  
24 numerous days of school since October 24, 2017.

25 115. After the lesson, students approached B.Q. and asked him if he was Muslim.  
26 Consequently, B.Q. felt he was treated differently by his peers and no longer able to freely  
27  
28

1 participate at school.

2 116. The inactions by MUSD school administrators prejudiced B.Q. as he was  
3 increasingly uncomfortable with the image of Islam that MUSD allowed to be preserved at his  
4 school.

5  
6 **UCP's Erroneous Findings regarding Dr. Bluestein's and the District's Failure to  
Appropriately Respond to the Complaints of Discrimination at Mesa Union School**

7 117. The Report's focus on Dr. Bluestein's actions in isolation omitted the greater  
8 concern, expressed in the complaint, that a discriminatory, Islamophobic environment had been  
9 allowed to flourish at Mesa Union School. Moreover, the Report failed entirely to respond to the  
10 concern that Dekok's Islamophobic lesson, and the school's tolerance of it, did not happen in a  
11 vacuum, but rather in the context of greater, pervasive, anti-Muslim and anti-Islamic events and  
12 sentiments at the school.

13  
14 118. Dr. Bluestein and MUSD'S lack of expedient response to serious allegations of  
15 discrimination subjected B.Q. to further prejudice. Dr. Bluestein's actions—including him  
16 asking B.Q. to return to Dekok's classroom—revealed a fundamental insensitivity to the  
17 seriousness of the discrimination on the campus and the impact his conduct had on a seventh  
18 grade child.

19  
20 119. MUSD'S failure to adequately respond was also indicated by the lengthy amount  
21 of time MUSD allowed to pass without offering any solution to the complaint. MUSD took the  
22 entirety of the authorized sixty (60) days to conduct its investigation and issue a response.  
23 During this time, DEKOK remained in his position in the classroom, and even continued  
24 teaching about Islam. After MUSD used the full timeframe allowed by the UPC, it issued a self-  
25 serving, baseless findings which were incomplete and solely from the viewpoint of District  
26 employees. Of course, MUSD found that the teacher, principal, and school district did nothing  
27  
28

1 wrong.

2 120. MUSD'S approach to the investigation is summed up in the sentence: "Dr.  
3 Bluestein also willfully participated in the investigation into the Uniform Complaint." This  
4 statement demonstrated that MUSD completely missed the point—Dr. Bluestein was legally  
5 required to participate in the investigation. It revealed that the handling of B.Q.'s complaint was  
6 done with a view that this was a courtesy, rather than a state-mandated response to employees'  
7 infringements on federal and state laws. This backwards approach further manifested into a  
8 tangible, unacceptable lack of serious engagement with the complaint.  
9

10 121. Moreover, no punitive or corrective action was taken in response to the serious  
11 hostilities committed by MUSD employees. Through today the administration has failed to issue  
12 any apology or correction for Dekok's Islamophobic lesson. Thus, the school and MUSD have  
13 implicitly condoned the discriminatory and inaccurate depiction of Islam, and have perpetuated a  
14 legitimate belief among students that the anti-Islamic and anti-Muslim information presented to  
15 them is accurate.  
16

17 122. On December 22, 2017, MUSD mailed the investigative findings to B.Q.'s  
18 parents.  
19

20 123. At no point did MUSD issue an apology for (or retraction of) the inaccurate and  
21 inappropriate materials DEKOK used to teach Islam.

22 124. On January 10, 2018, B.Q. filed an appeal with the California Department of  
23 Education.

#### 24 **Aftermath Following Board's Rejection of B.Q.'s Complaint**

25 125. January 19, 2018 would be B.Q.'s last day at Mesa Elementary School. On  
26 January 22, 2018, B.Q.'s father called the School to inform it that B.Q. would be unenrolled as  
27  
28

1 of January 19, 2018.

2 126. B.Q. left Mesa Elementary School shortly after the Board and Turner denied his  
3 complaint. B.Q.'S dread of going to school and associated anxiety before each school day,  
4 eventually culminated in B.Q. removing himself from the school, as he was no longer able to  
5 exercise his right to education there. He first tried to study through a homeschool program  
6 called Valley Oaks Charter. However, after approximately three weeks, B.Q. felt as if he was  
7 not learning enough through the homeschool program. B.Q. then enrolled in Sequoia  
8 Intermediate School in Thousand Oaks at the end of February 2018. B.Q. had a difficult time  
9 adjusting to the new school because of all the students at Sequoia Intermediate School were  
10 studying for the semester's final exams.  
11

12 127. On January 22, 2018, MUSD received a copy of the appeal, dated January 10,  
13 2018.  
14

15 128. On February 8, 2018, Bluestein finally disciplined Dekok with a written  
16 reprimand. In the letter of reprimand, Bluestein found:

17 (a) Dekok "exercised extremely poor professional judgment in the creation of the  
18 worksheet on Sharia Law";

19 (b) Dekok "exercised extremely poor professional judgment in the inclusion of the Laws  
20 which referenced rape, adultery, and sexual rights" noting that the average age of the  
21 students in his class was 12;  
22

23 (c) The use of such controversial topics were not age-appropriate in his 7<sup>th</sup> grade social  
24 studies class, and the use of such explicit content was inconsistent with the District-  
25 adopted curriculum materials for 7<sup>th</sup> grade social science; and

26 (d) Dekok's teaching performance was deficient and contrary to expected standards of  
27  
28

1 performance such as (i) requiring teachers to establish and maintain learning  
2 environments that are physically, intellectually, and emotionally safe; (ii) utilizing  
3 instructional strategies that are appropriate to the subject matter; and (iii) making  
4 subject matter accessible to all students.

5  
6 129. However, Bluestein's delayed disciplinary action occurred after B.Q. had already  
7 been unenrolled from the school for nearly three weeks. Consequently, Bluestein's untimely  
8 disciplinary action did not rectify the inflammatory school curriculum or remedy the harassment  
9 B.Q. suffered since October 24, 2017.

10 130. Sometime between February 8, 2018 and February 21, 2018, Turner terminated  
11 Bluestein as school principal. Turner's pretextual reason for terminating Bluestein was due to  
12 his claimed desire to "reconfigure" the school. To avoid being "fired", Bluestein asked to resign  
13 instead.  
14

15 131. Sometime later in 2018, Turner also terminated Dekok. On information and  
16 belief, Turner terminated Dekok due to another incident in the classroom; this time involving  
17 pornography that created a hostile learning environment.

#### 18 **California Department of Education's Appellate Decision**

19 132. On March 5, 2018, the CDE issued a decision that granted the appeal and found  
20 that the District's conclusion that it did not discriminate based on religion, was not consistent  
21 with law. (See Attachment "W").  
22

23 133. The CDE found that:

24 "The evidence showed that the Web site in question carried a discriminatory bias against  
25 Islam and in favor of Christianity. This should have triggered concern about the  
26 objectivity and accuracy of the statements about Sharia Law. The supplementary  
27 instruction material taken from the Web site had not been approved by the District. Had  
28 the District sought its School Board's approval, the Board would have been required to  
reject it based on statutory criteria. Further, the focus on violent punishment, rape and

1 adultery did not comply with framework criteria. Finally, by casting Islam in a negative  
2 light, the unapproved lesson was out of step with the content standards and the  
3 framework.”

4 134. The CDE decision found that the lesson violated Education Code (EC) § 51500,  
5 which prohibits teachers from providing instruction that promotes a discriminatory bias on the  
6 basis of religion. The CDE further concluded DEKOK’S lesson made B.Q. “so uncomfortable  
7 that he could not return to class and continue to receive his social studies instruction in the same  
8 manner as his peers.”

9  
10 135. Therefore, the CDE concluded that, under the specific circumstances of this case,  
11 DEKOK’S lesson constituted discrimination based on religion in violation of Education Code  
12 section 220.

13 136. The CDE decision also concluded that the materials and lesson did not meet  
14 statutory or framework criteria, or content standards or framework.

15 137. The CDE required the following corrective actions: (1) five one-hour sessions of  
16 counseling for B.Q.; (2) provide training to all of the social studies teachers to ensure no teacher  
17 provides instruction that promotes a discriminatory bias on the basis of religion; and (3) conduct  
18 activities for students emphasizing tolerance of cultural and religious differences and review of  
19 the school’s anti-bullying policy.

#### 20 21 **Unresolved Issues**

22 138. Two days after the California Department of Education issued its appellate  
23 decision, Superintendent Turner issued a memorandum titled “Uniform Complaint Appeal  
24 Decision.” (See Attachment “X”). In the memorandum Turner defended MUSD’S earlier report  
25 of findings stating, “Except for the conclusion with respect to worksheet...the CDE did not  
26 overturn any other factual findings or conclusions made by the District.” Turner also added  
27  
28



1 "There was no finding that Complainant's child was subject to harassment or bullying" and "no  
2 finding that the translated text used by the teacher was inaccurate."

3 139. Unresolved issues include B.Q. and the family's severe traumatization at being  
4 targeted and singled out within their community because of the entire ordeal. This has caused  
5 B.Q. humiliation, emotional distress, pain, and suffering.  
6

7 140. Despite displaying open bias and a willingness to teach children false and  
8 discriminatory materials, Dekok remained employed by MUSD. Despite being told by the State  
9 of California that they were legally wrong—and ordered to provide training and review its  
10 policy—MUSD continued to spin their story that their teaching material was factually accurate  
11 when it was not.  
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1 **FIRST CLAIM FOR RELIEF**

2 **42 U.S.C. § 1983 – (Monell Claim: Policymaker’s Ratification of First**  
3 **Amendment Establishment Clause Violation)**

4 141. Plaintiff realleges and incorporates herein by reference all other paragraphs of this  
5 Complaint, as though fully set forth in this claim for relief.

6 142. As set forth above, Plaintiff was subjected to deprivation of his constitutional  
7 rights by MUSD teachers and administrators, acting or pretending to act under color of law and  
8 of statutes, ordinances regulations and customs and usages of the Laws of the United States and  
9 of the State of California, which rights included, but are not limited to, all privileges and  
10 immunities secured to Plaintiff by the Constitution and laws of the United States.

12 143. Dekok’s October 24, 2017 lesson lacked a secular purpose.

13 144. The primary effect of Dekok’s lesson inhibited the religion of Islam while  
14 simultaneously advancing and endorsing Judeo-Christian religious beliefs.

15 145. Dekok’s October 24, 2017 lesson resulted in excessive entanglement with  
16 religion.

17 146. Dekok’s October 24, 2017 lesson represented government disapproval of Islam.  
18 The core message of the lesson was that Islam was bad

19 147. Dekok’s October 24, 2017 lesson applied pressure on B.Q.’s religious beliefs.  
20 This pressure was significant given that B.Q. was a seventh-grade student at Mesa Elementary  
21 School, 12 years and 2 months old, and as such was impressionable and vulnerable.

22 **Principal Bluestein and Superintendent Turner**

23 148. With respect to Principal Bluestein and Superintendent Turner, these individuals  
24 voluntarily undertook the task of supervising the operation of MUSD and the activities of the  
25 students and faculty members.  
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1           149. Dekok's lesson and handout created an ongoing Establishment Clause violation.  
2 It was therefore necessary for Bluestein and Turner to take actions consistent with correcting the  
3 ongoing constitutional violation and promptly end it.

4           150. These individuals knew, or reasonably should have known, that Mr. Dekok's  
5 lesson and worksheet incorporated into MUSD school curriculum and violated the constitutional  
6 rights of B.Q. Instead, of taking remedial measures to reverse Dekok's First Amendment  
7 violation, Bluestein and Turner ratified Dekok's lesson and worksheet, thus adopting the  
8 unconstitutional lesson plan and material into MUSD curriculum.

9  
10          151. Bluestein and Turner's conduct was hostile toward Islam and favored Judeo-  
11 Christian beliefs over Islam.

12          152. By Bluestein and Turner's collective conduct of acquiescing, authorizing, and  
13 ratifying the curriculum, their conduct has the primary purpose and effect of endorsing Judeo-  
14 Christian religious beliefs over Islam. Thereby Bluestein and Turner violated Plaintiff's rights  
15 under the Establishment Clause, contrary to the First Amendment. The policies, practices, and  
16 customs by these individuals and/or other school officials are the cause in fact of the  
17 constitutional violations.

18  
19          153. By including the worksheet and You Tube videos into the school curriculum, the  
20 curriculum bears the imprint of these individuals, thus putting the school age children in the  
21 untenable position of enduring and actively participating in the curriculum.

22  
23          154. Bluestein and Turner through their implementation, acquiescence, and ratification  
24 of the curriculum, affirmatively sponsored the inflammatory content of the lesson directed at the  
25 school children.

26          155. Bluestein and Turner, by initiating and requiring the students to respond to the  
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1 worksheet, these individuals have forced a coercive decision on Plaintiff: either endure the  
2 discriminatory lesson or forgo participating in the assignment, thereby risking a lower grade and  
3 other negative consequences.

4 156. A reasonable, objective student, parent, or other observer aware of Dekok,  
5 Bluestein, Turner's conduct would conclude that MUSD has disfavored Islam at Mesa  
6 Elementary School.  
7

8 157. These individuals' sponsorship of the anti-Muslim messages contained in the  
9 curriculum sends the message to Muslims, like B.Q., that he is an outsider and the accompanying  
10 messages to Judeo-Christian religious believers that they are insiders. That Judeo-Christian  
11 religious beliefs are good and Muslim beliefs are evil. That Judeo-Christian religious beliefs are  
12 consistent with American values, and Muslim beliefs are evil, violent, and consistent with  
13 rapists.  
14

15 158. MUSD deprived Plaintiff of his rights guaranteed under the Establishment Clause  
16 of the United States Constitution.

17 159. Dekok's lesson plan and homework handout created a particularized risk that  
18 B.Q. would not be able to continue studying in his Social Studies and Language Arts classes if  
19 Dekok (or another MUSD school administrator) did not promptly admonish and correct the  
20 lesson plan and homework handout.  
21

22 160. Turner and Bluestein knew about the hostile learning environment that Dekok's  
23 lesson—and MUSD's accommodation during the lengthy investigation—were causing B.Q., but  
24 consciously chose to act in a reasonable manner to address the hostile learning environment.

25 161. Turner and Bluestein knew that B.Q.'s constitutional rights had been violated, and  
26 both Turner and Bluestein had the authority, opportunity, and means to prevent the foreseeable  
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1 harm to B.Q., by swiftly admonishing Dekok and swiftly remedying the situation to halt the  
2 ongoing Establishment Clause violation and ensuing hostile learning environment for B.Q.

3 162. Turner and Bluestein knew that their proposed remedial measures (e.g.,  
4 conducting a sham investigation for two months while B.Q. remained isolated in the library for  
5 two classes) were inadequate under the circumstances of his complaint, and would almost  
6 certainly lead to further damage to B.Q.'s learning environment. However, Turner and Bluestein  
7 continued to ignore B.Q.'s pleas for a swift reasonable remedy.

8 163. Turner and Bluestein created a situation that virtually ensured B.Q. would suffer  
9 further humiliation and hostility to his learning environment.

10 164. Turner and Bluestein's acts set in motion a series of acts by which MUSD knew  
11 or reasonably should know would perpetuate the ongoing Establishment Clause violation and  
12 create a hostile school environment for B.Q. to learn.

13 165. Turner and Bluestein were legally required to ensure that DEKOK's lesson was  
14 free from discrimination, and take the proper actions to admonish discrimination and promptly  
15 end any and all harassment that followed Dekok's discriminatory lesson. Turner and Bluestein  
16 chose not to.

17 166. Moreover, Turner and Bluestein failed to enforce the school policy on religious  
18 discrimination and introducing curriculum that violates the First Amendment's Establishment  
19 Clause.

20 167. As a result of Dekok, Bluestein, and Turner's actions, Plaintiff suffered harms  
21 and losses.

22 168. By virtue of the provisions of 42 U.S.C. § 1988, Plaintiff is entitled to an award of  
23 reasonable attorney's fees and costs according to proof.

1                                   **SECOND CLAIM FOR RELIEF**

2                                   **(Violation of Cal. Educ. Code § 220)**

3           169. Plaintiff realleges and incorporates herein by reference all other paragraphs of this  
4 Second Amended Complaint, as though fully set forth in this claim for relief.

5           170. B.Q. suffered severe, pervasive, and offensive discriminatory harassment, that  
6 effectively deprived him of equal access to educational benefits and opportunities. Mr. Dekok's  
7 lesson—and its ratification by Bluestein, Turner, and Brunett—made B.Q. so uncomfortable that  
8 he could not return to class and continue to receive his social studies instruction in the same  
9 manner as his peers.

10           171. Bluestein, Turner, and Brunett had actual knowledge of the discriminatory  
11 harassment.

12           172. Bluestein, Turner, and Brunett acted with deliberate indifference in the face of  
13 such knowledge.

14           173. As a result of Bluestein, Turner, and Brunett's actions, Plaintiff suffered harms  
15 and losses.

16           174. By virtue of the provisions of California Code of Civil Procedure section 1021.5,  
17 Plaintiff is entitled to an award of reasonable attorney's fees and costs.

18                                   **THIRD CLAIM FOR RELIEF**

19                                   **(Negligence)**

20           175. Plaintiff realleges and incorporates herein by reference all other paragraphs of this  
21 Complaint, as though fully set forth in this claim for relief.

22           176. MUSD had a legal duty to conform to a standard of conduct, which includes not  
23 breaching that duty by action, or inaction, taken to assure the appearance of competence by their  
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1 subordinates, to not fail to exercise ordinary care under the circumstances herein and not  
2 breaching their duty of selecting training, reviewing and periodically evaluating the competency  
3 of these individually school administrators, and to take corrective measures to protect the  
4 Plaintiff.

5 177. MUSD failed to meet this standard of conduct.

6 178. MUSD's failure was a legal cause of the resulting injury, and Plaintiff was  
7 damages.  
8

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for judgment against defendants and each of them, and  
12 DOES 1 through 10 individually, jointly and severally, as described in the Claims for Relief  
13 Actions set forth above, as Defendants as follows:

- 14 1. For general damages according to proof;  
15 2. For special damages according to proof;  
16 3. For interest on all sums as allowed by law;  
17 4. For punitive damages against individual defendants in an amount to be determined at  
18 trial;  
19 5. For attorney's fees incurred by the Plaintiff pursuant to 42 U.S.C. Section 1988;  
20 6. For an award against Defendants and in favor of Plaintiff of all costs incurred herein by  
21 Plaintiff; and  
22 7. For such other and further relief as the Court deems just and proper.  
23  
24

25 Dated: June 4, 2019

LAW OFFICES OF MARK PACHOWICZ

26  
27 By   
28

1 Mark Pachowicz  
2 Jonny Russell  
3 Attorneys for Plaintiff  
4 B.Q., a minor; by and through his guardian ad  
5 litem, Carolyn Rodriguez-Q.,

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a trial by jury of all issues properly triable by jury.

8 Dated: June 4, 2019

**LAW OFFICES OF MARK PACHOWICZ**

9  
10 By   
11 \_\_\_\_\_

12 Mark Pachowicz  
13 Jonny Russell  
14 Attorneys for Plaintiff  
15 B.Q., a minor; by and through his guardian ad  
16 litem, Carolyn Rodriguez-Q.,  
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