

FW: PRESS RELEASE - 2023-10-06 How the Foley/Torres Resolution against Informed Parents Silicon Valley shatters the City's Ethics Code

CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

Tue 10/10/2023 9:25 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

Cc:CMOAgendaServices <cmoagendaservices@sanjoseca.gov>;Blattman, Rachele <Rachele.Blattman@sanjoseca.gov>

Hello Agenda Desk,

Please see attached public comment for item 3.4 10/17 CC meeting.

Thank you,

Gina

From: Webmaster Manager <webmaster.manager@sanjoseca.gov>

Sent: Tuesday, October 10, 2023 9:04 AM

To: CMOAgendaServices <cmoagendaservices@sanjoseca.gov>

Subject: FW: PRESS RELEASE - 2023-10-06 How the Foley/Torres Resolution against Informed Parents Silicon Valley shatters the City's Ethics Code

Good morning CMO Agenda Services,

Please find public comment via email below regarding Item 3.4 for the City Council meeting on October 17, 2023.

Thank you,

-matt

Matt Opsal

Senior Executive Analyst

City Manager's Office of Communications

City of San José

200 East Santa Clara Street, San José, CA 95113

From: SV IP <[REDACTED]>

Sent: Friday, October 6, 2023 12:35 PM

Subject: PRESS RELEASE - 2023-10-06 How the Foley/Torres Resolution against Informed Parents Silicon Valley shatters the City's Ethics Code

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The following open letter was sent to the San Jose City Council on October 6, 2023 regarding an upcoming resolution, now deferred to the October 17 city council meeting, which was largely targeted against Informed Parents of Silicon Valley:

To: All San Jose City Councilmembers

Fr: Informed Parents

Re: Open Letter Re: How the Foley/Torres Resolution against Informed Parents Silicon Valley shatters the City's Ethics Code

Date: October 6, 2023

Honored Councilmembers:

In our previous communiques, we have established how local elected officials have peddled misinformation about Informed Parents, and how the Foley/Torres Resolution targeting Informed Parents is hopelessly compromised by mistakes of fact, logic, and literacy.

In this letter, we respectfully draw your attention to how the Resolution also runs far afoul of the City's Ethics code, and places the City at great risk of formal rebuke by its own Ethics Committee, disgrace in the public eye, and possible legal action.

In a nutshell, the Resolution breaks the city's Ethics Code by hawking demonstrably dishonest claims about us, by letting partisan zealotry override basic fairness, and creating an environment that would curtail citizens' basic First Amendment rights.

To understand these grave risks, consider the opening language of the City's Ethics policy:

"In order to best serve the citizens and customers of the City of San Jose, the elected and appointed officials, and employees of the City must act individually and collectively to create a City government that is responsible, fair, honest and open."

"Responsible." "Fair." "Honest." "Open."

These are the active concepts driving the City's ethics policy—and every single one of them is undermined by the Foley/Torres Resolution.

Here are two reasons why:

First, the Resolution makes a mockery of the goal of open-ness in city government by aggressively advocating for the otherizing, shunning, and disenfranchisement of City citizens on ideological grounds.

Allow us to refresh your attention to what the Resolution actually asks for:

"WE FURTHERMORE call on all members of this Council and elected officials across Santa Clara County to affirm support of the transgender and broader LGBTQ+ communities and disavow further collaboration or support for anti-transgender and anti-LGBTQ+ groups, including the Informed Parents of Silicon Valley."

Let that sink in: "Disavow collaboration or support" for groups that the Grand Inquisitors Foley and Torres accuse-- baselessly, without evidence, and simply a wave of the hand-- of being queerphobic.

And while these clauses are poorly written and vague, even the most narrow reading of these muddled sentiments suggest that the city is using its power and authority to coerce elected officials to refrain from working with, meeting with, listening to, or hearing concerns from Informed Parents and its supporters.

And regardless of the issue, we are anxious to understand how that squares with the First Amendment which says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

A little hard to see how Informed Parents and its supporters can petition City Hall if no one at City Hall will take their call.

In case the councilmembers forgot, the City's Ethics Policy demands that all City employees support the U.S. Constitution.

Simply put, this resolution, in true McCarthyite fashion, effectively labels Informed Parents, its volunteers and supporters, as Second Class citizens, and starts to sketch the outlines of an ideological Jim Crow regime along the banks of the Guadalupe.

Second, the Resolution is Irresponsible, unfair, and dishonest because its core arguments are based on clearly false and poorly researched claims (if researched at all.)

The Resolution makes baseless accusations that Informed Parents is anti-LGBTQ. We explicitly deny the claim and the Foley/Torres Resolution provides zero evidence to support their ludicrous claims that we are. That's patently irresponsible.

The Resolution asserts that advocating for Parent Opt-out of curriculum (the core mission of Informed Parents) is unacceptable--when in fact it's protected speech as it's enshrined in the California Education Code. The Foley/Torres claim that opt-out is out of bounds is, at best, politically illiterate--and transparently dishonest.

And most obviously: the resolution makes up wild conspiracy theories by claiming Informed Parents harassed parents at a specific school on a specific date when in fact, there were no Informed Parents volunteers at that school or on the date called out in the Resolution. Even if the resolution sloppily got its dates wrong, it's vital to note that no legal findings have ever determined whether any Informed Parents volunteers harassed anybody. This is beyond unfair--and makes the resolution seem like it's inspired more by the dark corners of Internet chat rooms than from the language of the city's Charter or Ethics Code.

Let us repeat: We are 100% in favor of an open, inclusive society, and support the clauses of the Resolution that make that point. All we want is for parents to be able to exert their rights to opt out of curriculum they find inappropriate for their children--a right enshrined in the California Education Code. Whether that content is cisgendered, transgendered, straight, gay, or somewhere in transition in between, is irrelevant to us.

This resolution was planted in dishonest soil, cultivated with lies and exaggerations, and harvested in a spirit of malicious punishment. No wonder its fruits are so rotten, and fall so far from the principles demanded by the City's Ethics Code.

Respectfully,

Informed Parents.

Contact: Chris, Informed Parents of Silicon Valley

Full text of city Code of Ethics is available here:

<https://www.sanjoseca.gov/your-government/departments-offices/office-of-the-city-manager/employee-relations/city-policy-manual/city-administrative-policy-manual-section-1-2-1-code-of-ethics#!/>

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FW: Council Agenda: October 17, 2023 Item 3.4

City Clerk <city.clerk@sanjoseca.gov>

Tue 10/10/2023 2:45 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

From: SV IP [REDACTED]

Sent: Tuesday, October 10, 2023 2:41 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Webmaster Manager <webmaster.manager@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>

Subject: Council Agenda: October 17, 2023 Item 3.4

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Open Letter

To: San Jose City Councilmembers

From: Informed Parents of Silicon Valley

Re: The Facts about Informed Parents

September 28, 2023

Honored San Jose City Councilmembers:

We knew when we started Informed Parents that we would be controversial, especially as we were taking on entrenched special interests in the educational community. We are all about empowering parents to have a decisive voice in their children's education. We aim to protect our children from what their parents may deem to be age-inappropriate information. Those entrenched special interests are, on the contrary, often about disempowering parents.

So conflict has been inevitable.

And unfortunately--but not unexpectedly--that conflict has taken the form of our opponents lodging outlandish and utterly baseless charges against us.

Many of those poorly researched and defamatory charges have been repeated by San Jose Councilmembers, and show up in the parade of misinformation that characterizes your upcoming Resolution to intimidate and bully our movement.

Usually, we would not validate these bogus claims with a retort, but you--and your constituents--deserve a chance to hear the truth about what you're voting on, so here goes.

Below is a brief fact-check of the ridiculous claims from local elected officials have made about Informed Parents.

Claim #1: We're anti-LGBTQ+

Fact check: Completely False

Informed Parents is inclusive and welcomes anyone and everyone who's interested in asserting parental rights over their children's education. Whether those parents are gay, trans, cisgendered or anything else doesn't matter to us. Our movement welcomes parents and supporters from all and any sexual orientation.

Our objective is inclusive support for parents who want to be able to opt-out their children from highly sexualized or age-inappropriate material from all gendered and identity perspectives. In fact, it's straight pornography in school libraries that often generates the most parent opt-out and forms the content of disagreement with school administrators. While there are also LGBTQ+ books that raise parental eyebrows (both gay and straight), it's not the gender orientation of the material that's

in question, it's simply their highly sexualized nature and age inappropriateness some members of our community sometimes find fault with.

Claim #2: We want to ban books and censor libraries

Fact check: Baseless, and false

We're not trying to control what books go into public or school libraries, as we acknowledge that libraries service a wide range of ages and community interests. Rather, we are trying to allow a measure of access management to certain titles that some parents may feel are not right for their (usually younger) kids to see. We are trying to give parents a choice of what their children have easy and unmoderated access to in their school libraries. We hear from many parents that some of the books in the school libraries appear to be age inappropriate for younger children. Just as the motion picture industry rates movies based on sex/violence/drug content, so, too, would we like to see highly sexualized schoolbooks be moderated in a way that allows parents to approve access. We believe it is the responsibility of school board members to create and implement a system that provides that moderation. While unfettered access to highly sexualized books remains in elementary school libraries, Informed Parents will continue to draw their presence in school libraries to the appropriate school board member's attention and urge them to allow parents an avenue to protect their children from that content.

Claim #3: We engage in hate speech

Fact check: Laughably false

To see elected officials throw this charge around so loosely, so falsely, so baselessly is, quite frankly, a disgrace to their offices and their constituents. We have never engaged in hate speech; we challenge anyone to comb through our website and public statements to find evidence of the same. This is just juvenile name-calling on the part of elected officials, and beneath serious consideration.

Claim #4: We want parents to have veto power over curriculum

Fact check: Misleading.

Let us speak plainly: our organization has no opinion about curriculum content, as such. But we acknowledge that parents do, and we believe that they should have a substantial level of empowerment allowing their children to opt-out of that content. That doesn't mean those controversial books shouldn't be in the school, it doesn't mean we are opposed to other children seeing that content if their parents approve. It simply means this: that just as we allow participants of differing religious groups (or non-religious groups) the ability to opt out of curriculum that may run counter to their beliefs, so, too should parents be allowed to opt out of content in non-core curriculum (we consider Comprehensive Sex Ed to be non-core). Just as schools don't coerce Muslim and Jewish children to engage in Christmas festivities, and don't force differently abled children to compete in the same physical competitions as the typically abled, we should not demand parents approve their child being forced to entertain curricula that runs counter to their beliefs.

We are here to empower all parents in a 100% inclusive manner.

I will clear my calendar to talk to any of you further about these issues if you have any questions.

Respectfully,

Informed Parents

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City Clerk <city.clerk@sanjoseca.gov>

Tue 10/10/2023 3:03 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

From: SV IP [REDACTED]

Sent: Tuesday, October 10, 2023 2:57 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Webmaster Manager <webmaster.manager@sanjoseca.gov>; CAO Main <cao.main@sanjoseca.gov>

Subject: Council Agenda: October 17, 2023 Item 3.4

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***Council Agenda: October 17, 2023
Item 3.4***

Open Letter

To: San Jose City Councilmembers

From: Informed Parents of Silicon Valley

Re: Mistakes and Inaccuracies in Foley/Torres Resolution targeting us
October 2, 2023

Honored San Jose City Councilmembers:

With all due respect, your resolution targeting Informed Parents is full of good intentions but is seriously undermined by misinformation, shoddy research, and flat-out mistakes of logic and fact.

As we are the focus of these unfortunate inaccuracies, we thought it might be useful to set the record straight on the most obvious of the misunderstandings.

#1: The Resolution misinterprets and falsely represents the California Education Code's Opt-out clauses, which are the core of Informed Parents' advocacy efforts.

The resolution states:

WHEREAS, efforts to ban LGBTQ+ themed books, to require students to choose between their safety or being their authentic selves, and to encourage parents to "opt out" of LGBTQ+ supportive elements of our schools' curriculum inherently deprive children, and their parents, of their rights and freedom.

This is inaccurate on many levels:

* We do not advocate banning books or limiting school curriculum--at all. This is not part of our program and we challenge anybody to find calls to ban books on our website or in our literature. We are only about informing parents of their ability to monitor the books that are available to their children and to know what books they are checking out.

* Opting-out of select curricula does not deprive anyone of their rights and freedom. When a parent chooses to opt their child out of particular content they find inappropriate, that does not stop other parents and other children from seeing that

information. The act of opting out by a particular parent affects no one but that parent's child. Opting out does not censor, does not deny access to, does not coerce, nor in any way impact another parent's decision.

* If you don't like opting out, call Sacramento, don't try to shut us down. If the authors of the resolution believe--as they appear to--that opting out is on its face--"inherently," to use their language--unfair, then they should take their beef to the California legislature, where the right to opt out is baked into the California Education Code Sections 51937-51939, 51240, 51513, 60615, et. seq., 61614, and USC 1232h. For the City of San Jose to demonize Informed Parents for making people aware of a 100% legal, 100% constitutionally protected right is overreach of the wildest order, and in fact the City is becoming the censorious depriver of rights, not Informed Parents.

#2: The Resolution makes patently false claims.

The Resolution also states:

On the morning of September 1st, Informed Parents Silicon Valley, posted volunteers in front of schools in Cambrian Unified School District, San Jose Unified School District, Franklin-McKinley School District and other locations in our community, harassing children and parents trying to get to school with literature urging parents to pull students out of curriculum meant to increase acceptance and understanding of LGBTQ+ children and families.

This is flat-out inaccurate, on many levels:

- 1.) There were no Informed Parents volunteers at any San Jose Unified Schools or Franklin McKinley Schools or any other locations in our community, on September 1st. There were volunteers at two schools in the Cambrian School District. We have no idea what events the Resolution is addressing for that date, but they certainly did not include us.
- 2.) There have been zero legal findings of harassment or anything of the like regarding Informed Parents volunteers. None. Claims that we have committed harassment are simply baseless and unsupported by the facts.
- 3.) We always direct our volunteers to advocate peacefully, on public property, and treat all parents and school employees politely and respectfully.

In summary, we are aligned with the Resolution's high-level aspirations for a 100% inclusive and respectful city and society. Sadly, we find that the Resolution falls way short of achieving those goals by its baseless smearing of Informed Parents and its implicit message that advocating for 100% legal and protected rights is cause of shunning and otherizing.

Respectfully,

Informed Parents

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