

AMENDED CHARGE OF DISCRIMINATION

Form 5 (06/24)

This form is affected by the Privacy Act of 1974.

See attached Privacy Act Statement and other information before completing this form.

CHARGE PRESENTED TO:

EEOC

AGENCY CHARGE NO.

543-2026-00666

Name (*indicate Mr., Ms., Mrs., Miss, Dr., Hon., Rev.*): Mr. Jarrell Botello

Phone No.:

Year of Birth:

Mailing Address:

Named below is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency that I believe discriminated against me or others.

Name: AZTEC MUNICIPAL SCHOOLS

No. Employees, Members: 15 - 100 Employees

Phone No.: (505) 334-9474

Mailing Address: 1117 W AZTEC BLVD

AZTEC, NM 87410, UNITED STATES OF AMERICA

Name:

No. Employees, Members:

Phone No.:

Mailing Address:

DISCRIMINATION BASED ON:

Age, National Origin, Religion, Retaliation

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: 01/28/2025

Latest: 07/09/2025

THE PARTICULARS ARE:

I was hired in August 2014 by the Aztec Municipal Schools, as a teacher. On January 28, 2025, I was summoned by school administrators to the office. The Principal and Superintendent presented me with a letter of complaint. After reading the letter I was told to turn in my laptop, keys, and my credentials. An investigation was conducted where, I was told that I was engaging in political speech and teaching religion. I informed the investigator that the concepts and words I used were covered in the approved curriculum for the last two years and that New Mexico required teaching both sides of the immigration debate. I was terminated on July 9, 2025. Non-Christian and Non-Hispanic teachers were not disciplined or terminated for using the same curriculum. I also believe that I was targeted because of my age. I believe I was a victim of anti-Christian bias in the teaching profession, as a Christian teacher, who taught accurate American history, and as a Hispanic teacher, who accurately described the current political debate about immigration to his students. The religious component claimed that because I was a Christian, my teaching of accurate American history covering Christian influences was the imposing of my religious beliefs. The racial component of the discrimination involved false accusations of racism against me (Hispanic) by a White parent and White school administrator. The school district terminated me after a sham and biased "investigation" initiated by a parent who accused me of teaching "religion, hate and racism." The parent disagreed about Christianity's influence on early America, and about accurately teaching students about the political debate over citizenship. If I had been a known Buddhist or Muslim teacher, teaching the same material, that parent would not have complained. A known non-Christian teacher covering the same material did not receive complaints. The parent knew I was personally a Christian, and I believe this was the reason for the

complaint. Those who know me know that the claims that I (a Hispanic American) taught "hate" or is "racist" against Hispanics are nonsense. Instead of getting my side after the parent complained, the District's HR Director (a white male) yanked me from the classroom within days of the complaint, and placed me on administrative leave for months. The HR Director then conducted a biased "investigation," which included the district's HR Department "losing" all of the audio recorded student interview evidence. The HR Director then convinced the superintendent to fire me. I denied all misconduct and provided alternative reasonable explanations for every other allegation levied against me. More than 90 students signed and circulated a "Bring Back Botello" petition, in support of my return. As for the false claim of "religion, hate, and racism" that started this whole thing: I simply taught about America's structure and form of government from curriculum approved by the New Mexico Public Education Department and the school district, including the Christian religious beliefs of the Founding Fathers. As part of that instruction, I showed a supplemental video in class which accurately summarized those Christian beliefs, including those of John Adams about a "moral and religious people." The district HR Director said this video summary of the beliefs at the founding was "misconduct" because of the "Lemon law." But the "Lemon law" - *Lemon v. Kurtzman* - was overruled by the Supreme Court in 2022 in the cases involving the Christian flag and *Coach Joe Kennedy v. Bremerton Public Schools*. The same "religion, hate and racism" parent also complained that I was being racist because I provided students with the civics questions asked on the historic American Citizenship "Civics (History and Government) Questions For Naturalization" Test in my "American History" class. The questions were provided without the answers (or the U.S. government logo) for this ungraded assignment. These are questions (and answers) every American should know, and the test is not "racist." As required by the New Mexico Social Studies Standards published by NM-PED, I accurately "taught both sides" of the immigration debate using the political terminology of both sides. See Social Studies Standards "8.102. Examine both sides in debate or academic discussion of politics in response to immigration." I accurately taught about the U.S. Constitution's Fourteenth Amendment, including its phrase "and subject to the jurisdiction thereof." I appropriately related the Fourteenth Amendment to current events and political debate discussing the meaning of U.S. citizenship. The political terminology I taught appropriately included terms "birthright citizenship" and "anchor babies," just like these terms have been described and used by National Public Radio in 2010, and the New York Times in February 2025. Yet the white male HR director accused me (Hispanic male) of "racism" and that "anchor baby" was equivalent to the N-word. I have since learned that this same HR director has engaged in a pattern and practice of baseless accusation and other actions that appear calculated to result in other over-40 teachers resigning.

For these reasons, I believe that I was discriminated and retaliated against because of my religion (Christian) and my national origin (Hispanic) in violation of Title VII of the Civil Rights Act of 1964, as amended. In addition, I believe that I was discriminated against because of my age (over forty) in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct, and that I have read each page of this form.

Charging Party Signature & Date

If a state or local Fair Employment Practices Agency (FEPA) requires notarization, you may need to sign the charge in the presence of a notary. If so, please do so here.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.

Notarized Signature of Charging Party

Subscribed and sworn to before me this date:

Signature of Notary _____

Printed Name _____

CP ENCLOSURE WITH EEOC FORM 5 (06/24)

PRIVACY ACT STATEMENT

Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (06/24).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so *within 15 days* of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA, Section 207(f) of GINA, and 42 USC 2000gg-2(f)(1) of the PWFA it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.