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**INVESTIGATION REPORT**

Regarding

- (I) DISTRICT AWARENESS/ RESPONSE TO RACIST SOCIAL MEDIA SCREENSHOTS IN 2015
  
- (II) ANECDOTAL REPORTS OF RACIAL DISCRIMINATION, HARASSMENT, INTIMIDATION OR BULLYING AT VISTA MURRIETA HIGH SCHOOL WHICH REPORTEDLY OCCURRED DURING THE PERIOD OF 2015 TO THE PRESENT

Prepared for

**MURRIETA VALLEY UNIFIED SCHOOL DISTRICT**

Investigation Conducted and Report Prepared by  
Jack B. Clarke, Jr. and Dina Harris of Best Best & Krieger LLP

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## TABLE OF CONTENTS

	<b>Page</b>
INTRODUCTORY COMMENTS .....	1
BACKGROUND .....	2
ISSUES .....	3
SUMMARY CONCLUSIONS.....	3
PART I – INVESTIGATION OF GROUP CHAT .....	4
NATURE AND SCOPE OF INVESTIGATION .....	4
FINDINGS AND CONCLUSIONS .....	6
RELATING TO PART I - 2015 GROUP CHAT.....	6
PART II – INFORMATION RECEIVED RELATING TO RACE-RELATED INCIDENTS AND CLIMATE AND CULTURE.....	8
A. COMMUNITY INPUT ON RACE-RELATED MATTERS AND CLIMATE AND CULTURE - ANECDOTES.....	8
C. EQUITY INITIATIVES, POLICIES & REGULATIONS.....	13
SUGGESTIONS RELATING TO PART II – CULTURE AND CLIMATE.....	14
LEGAL STANDARDS TO CONSIDER WHEN ADDRESSING FUTURE INCIDENTS.....	16
CONCLUDING COMMENTS .....	19
EXHIBITS .....	20



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Regarding

(II) District Awareness/ Response to Racist Social Media Screenshots in 2015

(II) Anecdotal Reports of Racial Discrimination, Harassment, Intimidation or Bullying at Vista Murrieta High School which Reportedly Occurred during the Period of 2015 to the Present

**INTRODUCTORY COMMENTS**

At the outset, we would note that this is an uncommon investigation in a number of ways. First, we were asked to investigate incidents which took place nearly five years ago. The students who were involved in the incidents are now adults. By law, when school districts investigate matters under their Uniform Complaint Procedures, they are generally limited to investigating incidents that happened within the past six to twelve months, depending on the type of claim. (5 C.C.R. § 4630.) There are reasons for this. Memories fade or even can change. Documentary evidence can be deleted or get lost.<sup>1</sup> Thus, it is important to note that if a particular allegation cannot be substantiated by the evidence, it does not mean that the alleged event did not take place. It also does not mean that one party or the other was not honest in describing their version of events. All information gathered was considered and weighed in order to make findings and conclusions.

We also note that public comments about the investigation raised the issue of transparency. While the District has been clear about its desire to make the outcome of this investigation public, there are legal and ethical limitations. State and federal law generally do not allow school districts to disclose personally identifiable information about students or former students without consent from the parent/guardian or adult student or former student. (See

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<sup>1</sup> See, e.g., Otgaar, Sauerland and Petrilu, *Novel Shifts in Memory Research and their Impact on the Legal Process: Introduction to the Special Issue on Memory Formation and Suggestibility in the Legal Process*, 31 Behav. Sci. & L. 531–540 (2013).



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generally, Cal. Const., art.1, § 1; 20 U.S.C. § 1232g(b); 34 C.F.R. § 99.1 et seq; Cal. Educ. Code § 49076; 34 C.F.R. § 300.610 through 34 C.F.R. § 300.627.) In addition, many interviewees participated in the investigation based on an express request and expectation that their identities would remain confidential. Many interviewees expressed a fear of retaliation or retribution should their participation in the investigation become known, either to District personnel or to the public. Indeed, there have been reports of threats made against persons believed to have had any knowledge of the 2015 Group Chat. As such, while this report includes findings, conclusions and suggestions to aid the District in addressing concerns raised, the identities of individuals have been protected to the extent possible. We have had to navigate these issues as we have prepared the investigation report which follows.

**BACKGROUND**

On June 4, 2020, screenshots of a private group chat (“Group Chat”) that took place in 2015 were posted publicly on social media by former students of Vista Murrieta High School (“VMHS”), a school of the Murrieta Valley Unified School District (“District”). The private Group Chat contained highly offensive comments and photos about African Americans and other racial and ethnic groups. The posted screenshots quickly received widespread attention on various social media platforms, including Twitter, Instagram, and Facebook. A former student who originally captured the screenshots in 2015 posted comments on social media, publicly stating that VMHS staff was aware of the Group Chat in 2015, but did not respond appropriately and instead “covered up” the chat.

On June 5, 2020, the District asked the law firm of Best Best & Krieger to conduct an investigation into whether VMHS or other District personnel knew about the Group Chat in 2015 and, if so, what was done in response (Part I). In addition, Best Best & Krieger was asked to receive information about other incidents of alleged racial discrimination, harassment, intimidation, or bullying at VMHS over the past five years, in order to present an overview of



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how VMHS students, parents, and staff perceive the climate and culture of VMHS as it relates to matters of race and equity (Part II).<sup>2</sup>

**ISSUES**

1. Did VMHS or any other District personnel have knowledge of the Group Chat screenshots in 2015? If so, what was the response?<sup>3</sup>
2. What concerns were reported to the investigators concerning allegations of racial discrimination, harassment, intimidation, or bullying at VMHS over the past five years?

**SUMMARY CONCLUSIONS**

1. **Group Chat.** The allegation that VMHS or any other District personnel saw the Group Chat screenshots in 2015, or had specific knowledge of their contents, was not substantiated by evidence gathered during the investigation.
2. **Climate and Culture.** The investigative team received many anecdotal reports of alleged racial discrimination, harassment, intimidation, or bullying at VMHS over the past five years and how those incidents were handled. It was beyond the scope of the investigation

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<sup>2</sup> This report uses racial identification language currently contained in the California Department of Education’s California School Dashboard to describe Student Groups (*e.g.*, African American, Hispanic, American Indian, and White), except when such language is attributable to a particular speaker. Note, “Hispanic” may refer to people who identify as Latino or Latinx; “American Indian” may refer to Indigenous people; and “African American” may also mean Black or of African descent. See June 26, 2020 New York Times article, “A Debate Over Identity and Race Asks, Are African-Americans ‘Black’ or ‘black’?”

<https://www.nytimes.com/2020/06/26/us/black-african-american-style-debate.html> and American Psychological Association Style manual, Racial and Ethnic Identity, <https://apastyle.apa.org/style-grammar-guidelines/bias-free-language/racial-ethnic-minorities>.

<sup>3</sup> It is important to be clear about the limited scope of the investigation. The investigation was not a personnel investigation. It was also not a bullying investigation, or an investigation into whether bullying allegations in 2015 were addressed in accordance with applicable law, policies, and procedures. While those matters may have been appropriate for investigation when the events took place, they are outside the scope of the current investigation.



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to determine the accuracy of those reports, but they are shared as additional information for the District to consider. Of note, many interviewees shared that students and in some cases staff do not feel comfortable bringing complaints forward to VMHS administration, either because they believe nothing will be done in response, or because they are concerned about negative consequences to themselves.

**PART I – INVESTIGATION OF GROUP CHAT**

**NATURE AND SCOPE OF INVESTIGATION**

The investigative team completed the following tasks:

- Reviewed screenshots of the 2015 Group Chat; reviewed extensive social media activity (Twitter, Instagram, Facebook) in June 2020 regarding the Group Chat
- Reviewed allegations made in the news media regarding the Group Chat
- Requested and reviewed documentation provided by the District relevant to the investigation, including emails, calendars, and student records
- Made or attempted contact with approximately 80 individuals to request interviews, including all students who were part of the 2015 Group Chat and their parents
- Conducted approximately 60 interviews of more than 50 individuals from June 5, 2020 through August 20, 2020, including:
  - 12 former VMHS students, including 7 students who either participated in the 2015 Group Chat or subsequently saw the screenshots
  - 32 current or former District employees, the vast majority of which were administrators, teachers, and/or coaches at VMHS in December of 2015
  - 7 parents of current or former VMHS students, including parents of students in the Group Chat

Individuals were interviewed if (1) they were likely to have direct knowledge of the circumstances surrounding the Group Chat; (2) they reached out to District administration or BBK wishing to share information relevant to the Group Chat or other incidents of alleged racism; or (3) they were likely to have relevant information



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about District or VMHS operations. Interviews were not recorded by the investigators to encourage participation and candid discussion.

- Reviewed information submitted by interviewees and/or persons who responded to (1) inquiries from the investigators requesting an interview or (2) the District Superintendent's email invitation to VMHS staff to participate in the investigation
- Reviewed the "Call to Action" petition prepared and circulated by VMHS Alumni, as well as information provided by signatories in response (including 947 signatures and 285 comments)
- Sent an email with the subject "Invitation to Submit Statements" to approximately 25 individuals who commented on the Call to Action petition on issues of race, inviting them to submit a written statement for the investigation; reviewed written statements that were submitted in response to the "Invitation to Submit Statements"
- Reviewed information presented to the District Board of Education at its meeting on June 18, 2020 by the African American Parent Advisory Council ("AAPAC")
- Reviewed and analyzed applicable District Board Policies and Administrative Regulations (from 2015 and current)
- Reviewed applicable statutes and court decisions in the areas of discrimination, discipline, free speech, privacy, and bullying
- Reviewed District and VMHS Equity Plans and prior actions taken to promote equity, diversity, and inclusion
- Reviewed comments and input provided by Dr. Judy D. White, Riverside County Superintendent of Schools, at the July 29, 2020 District Board of Education meeting
- Prepared Investigation Report

The investigative team encountered a number of challenges in gathering information about the 2015 Group Chat. Due to the passage of time, many interviewees did not recall details of what took place in 2015. In addition, most of the interviewees had spoken with other people in early June 2020 about the Group Chat, to reach their own conclusions about what took place or to refresh their recollections, and many comments were based on this shared information rather than direct experience. Further, many interviewees made statements such as the school officials



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“had to know,” or “I believe they knew,” but when asked for the basis of their belief, they could not provide specifics. Many interviewees expressed significant anxiety over participating in the investigation for fear that their identities may become known. Finally, several individuals who may have firsthand knowledge of the Group Chat are not current students, parents, or employees of the District, and did not respond to requests for interviews or expressly declined.

**FINDINGS AND CONCLUSIONS**

**RELATING TO PART I - 2015 GROUP CHAT**

Due to the privacy rights of former students, and due to the fact that many interviewees were fearful of retaliation and/or retribution for participating in the investigation, the findings that resulted from this investigation are summarized below in a manner to protect confidentiality.

1. On or about Saturday, November 28, 2015, several VMHS students engaged in a private Group Chat on social media that included highly offensive racist content. By Monday, November 30, 2015, those screenshots were captured by someone outside the private Group Chat and shared with friends on the football team, who further shared the screenshots with teammates.
2. Based on interviews conducted, a small group of football players saw the Group Chat screenshots in 2015.<sup>4</sup> Interviewees described the matter as being handled among the football players themselves (for example, by going harder on the offending students during football drills, or calling them out in the locker room or in the parking lot), but not involving the coaches. There was a concern among screenshot recipients regarding whether and how widely the screenshots should be shared with others due to concerns

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<sup>4</sup> The investigators could not ascertain how many football players may have known about the Group Chat. It was shared that some, but not all, players actually saw the screenshots, while others heard about the chat by word of mouth. Recollections of interviewees varied on this point. There was information which showed that, at the time, one of the players stated to another that the screenshots should not be shared publicly.



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about potential backlash or other consequences. The investigation did not reveal that football players either showed the screenshots or reported the Group Chat to coaches or other District staff.

3. There was a conflict in information gathered during the investigation regarding whether the Group Chat was raised as an issue during a meeting in 2015 between a school staff member and a student's parent and/or the student. Due to the passage of time, and after reviewing all information available, the investigators cannot substantiate what was said at that meeting with respect to the Group Chat. There was no substantial evidence that the Group Chat screenshots were shown to the school staff member at that meeting, or that their specific contents were described.
4. There was no substantial evidence that any person showed, or described the specific contents of, the Group Chat screenshots to VMHS or District personnel in 2015.
5. Several District employees and students believed that VMHS coaches and/or administration "must have known" about the Group Chat in 2015, but did not have specific knowledge of any staff member seeing the Group Chat. They also did not have direct knowledge of anyone reporting it to staff.
6. Some interviewees who were administrators and/or coaches in 2015 were asked by the investigators what they would have done in 2015 if the Group Chat had come to their attention. Most described an assertive response, ranging from suspension of privileges and football playing time, to education and restorative justice, to school suspension.
7. The allegation that VMHS personnel had specific knowledge of, but did nothing about, the Group Chat in 2015 is not substantiated based on information gathered during the investigation.



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**PART II – INFORMATION RECEIVED RELATING TO RACE-RELATED  
INCIDENTS AND CLIMATE AND CULTURE**

The Murrieta Valley Unified School District asked the investigative team to receive information regarding incidents of alleged racial discrimination, harassment, intimidation, and bullying over the past five years, and how those incidents were allegedly addressed by VMHS personnel. Because the focus of the investigation is the 2015 Group Chat, it was beyond the scope of the investigation to verify the accuracy of the reports received. Rather, they are shared as part of this report in order to provide the District with information regarding how students, parents, teachers, and other personnel at VMHS perceive how racial matters have been handled in the recent past, and to provide information regards perception of the climate and culture at VMHS. These are not findings of fact. They are allegations and statements of belief held by the particular reporter of the incident or circumstances. The examples listed are not exhaustive, but are representative of input provided by members of the community.

**A. COMMUNITY INPUT ON RACE-RELATED MATTERS  
AND CLIMATE AND CULTURE - ANECDOTES**

- Many interviewees expressed concerns about the culture and climate at VMHS interfering with the ability of students and staff to bring forward complaints of discrimination, bullying, and harassment of any nature. Multiple concerns were raised about the ability to bring complaints forward such that (1) the complainants will be heard and taken seriously; and (2) there will be no retaliation or retribution.
- A parent reported that her African American daughter and a friend were sending memes to each other on Instagram, when her daughter received a picture with a caption that included the N word. She reported it to school administration and was told to write a statement. She turned in a written statement, but the student reports that administration never got back to her.



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- Multiple persons reported that, statistically, more than one-third (1/3) of the student population at VMHS is Latino and yet there is no Latino administration. It was stated that there is a need for leadership staff that can understand the culture. Interviewees believed that the District should review its hiring procedures.
- A former African American football player reported that he saw the Group Chat in 2015 but did not report it, in part, because he was dealing with a situation at the school in which he felt he was being unfairly treated as an African American male.
- A parent reported that her African American children have not had one African American teacher during their time in the District, even though the family has attended District schools for many years. In addition to the lack of representation among staff, the parent reported that her children do not feel comfortable reporting incidents.
- A former African American student felt that at times teachers are “tone-deaf” in how they teach the history of slavery as experienced by Black people.
- A former student reported that there is not a lot of diversity at VMHS, and that administration is largely White and male.
- A student of color, who had chosen to not stand during the Pledge of Allegiance due to cultural heritage, expressed concern about treatment by fellow students and some school staff regarding the student’s decision not to stand.
- A parent reported concerns about curriculum and instruction, noting that VMHS still uses books with the N word in them. She believed that VMHS does not teach Black history and celebrate how Black people contributed to America. This parent suggested that the District include Black history curriculum that does not only discuss slavery, starting in Kindergarten. She believed that discussing Black people only in the context of slavery gave some students a superiority complex, and made others feel inferior.



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- A staff member reported that students were playing a song during a football game which included the N word. It was reported that new protocols are now in place that requires the team to have the music reviewed by administration before it can be used at school events.
- A staff member expressed that there needs to be more diversity in the curriculum and in leadership; that students need to see themselves in literature and curriculum and also in staff. This staff member expressed that there needs to be systemic change; that the District needs to break certain systems and cycles if it wants change.
- A staff member reported that there was an incident in the locker room where a White student shouted racial slurs to an African American student. The staff member sent the White student to the office, and the White student never came back to school.
- A former student reported that, during meetings with administrators, race was brought up sometimes as a subject for discussion, but some administrators would say things that the student took as dismissive.
- A former student suggested the following changes at VMHS:
  - A clear protocol for online racism and discrimination
  - A system of educating students when there are racial incidents. If something happens, the offending student should be required to complete an assignment or class relating to racism
  - “Real” American History about people of color, which would require a drastic change in curriculum
  - Teachers to be more welcoming to their students of color (kind and considerate) and not impose their political or racial views
  - More African-American teachers
  - An effective complaint process



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- A former student reported that racial comments were made on social media by other students, such as “people need to get over slavery.” The student did not believe staff members were as responsive as they should have been.
- Several interviewees believed that the dual-roles of some staff members (especially administrator/coach, dean of students/coach, and counselor/coach) created a dynamic that did not serve the interests of all students.
- There is a concern with whether administrators are making implementation of the Equity Initiatives a priority. Multiple reporters expressed concern as to whether the District is doing enough to create an environment in which concerns about racial sensitivity will be fully engaged and addressed.
- It was reported that a VMHS staff member was heard making derogatory statements about members of the LGBTQ community.
- Multiple interviewees expressed concern regarding whether interactions between students and administration (*e.g.*, for discipline, counseling, transfers, bullying or other complaints, etc.) are properly documented in the student information system.
- The “Call to Action” document posted by VMHS alumni made several observations about culture and climate. It was expressed that the tenants of C.L.A.S.S. (Character, Leadership, Attitude, Scholarship, Service) have not been upheld by those in positions of power in the MVUSD, both at the school and the district-wide levels. The following initiatives were suggested:
  - Update the representation of Black history curriculum to reflect the modern times. Including analysis of current events regarding race and inclusion of works by non-white authors.
  - School-level objectives and items list to address diversity, equity, and inclusion (DEI).



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- Establishing some form of a Race, Equity, and Inclusion Taskforce comprise of current students, alumni, community members and limited representation from MVUSD administration/faculty.
  - Student Handbook to be updated to specifically address hate crimes and racism of any kind.
  - Implement a system where all instances of accused racism, hate speech, bullying, and sexual harassment/assault are both filed at each school and directly with the district office for correct oversight, investigations, and accountability. Also include an ability for individuals to follow up on these cases.
  - Career development days for racial sensitivity training for all faculty and staff. Long-term faculty/staff training programs on DEI.
  - Concrete responses from every member of the school board about ways that they can implement change through their roles and what power they have to enforce change.
  - Resources library on district page and individual school sites including names of movies, podcasts, books, artists, etc. for students and parents to access to learn about systemic racism.
- The AAPAC reported general concerns regarding: (1) Acts of collusion; (2) Microaggression/Implicit Racism not identified or addressed; (3) a “Cancer” cluster at VMHS that creates a hostile work environment where students and staff will not report; and (4) Mistrust based on past experiences of not addressing concerns. These concerns were also reflected by multiple persons interviewed as part of the investigation. Several “Expectations/Recommendations” were made by AAPAC, including the creation of a MVUSD Race Relations Task Force; an Independent Reporting App; a protocol for discipline matrix that includes racism (anti-Black/African American); the hiring of personnel that reflect the diverse students, families, and community; explicit direction to District staff on how to address racism; the incorporation of more African American content throughout all curriculum content, and a continued focus on equity and professional development.



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**C. EQUITY INITIATIVES, POLICIES & REGULATIONS**

The District has taken a number of steps in recent years toward promoting equity, diversity, and inclusion district-wide, including requiring the development of equity plans at the site level. VMHS shared with the investigators a timeline that shows many VMHS equity-related activities from 2019-2020. VMHS's Equity Plan from 2019-2020 was developed in conjunction with a team of staff members and students and continues to be developed for the 2020-2021 school year. Continued development of the plan was suspended when schools were closed in March 2020 due to the COVID-19 pandemic, but is expected to start up again when teachers and students return to school virtually in the fall of 2020.

At its Board meeting on July 29, 2020, the District's newly-appointed Coordinator of Student Support: Equity, Diversity, and Inclusion made a presentation entitled, "MVUSD Equity Journey," which outlined the equity efforts that have already been taking place (including professional development, clubs and organizations, mentoring), as well as short-term and long-term goals of the District. Data from the California School Dashboard showed significant academic performance growth among all student groups, including and especially African American and Hispanic/Latino student groups. In addition, compared to State and County figures, students in the District experience very high graduation and college readiness scores.

The District's Short-term Equity goals include:

- Continued Implementation of Local Control and Accountability Plan
- Systemic district-wide professional development (*e.g.*, equity during distance learning; implicit bias; micro/macroaggressions; cultural proficiency)
- Enhance PTSF efforts on equity (formerly Human Relations Council)
- Collaborating with student and parent advisories
- Restorative efforts with African American students, families, and staff
- Incident reporting applications
- Incident document and tracking of discrimination



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- Hiring practices
- Expand Male Mentoring program
- Implementation of District and Site Equity Plans

The District's Long-term Equity goals include:

- K-12 Curriculum (Culturally Proficient)
- Literature (Diverse and Multicultural Authors)
- Ethnic Studies Course
- Continued Systemic Professional Development
- Staff diversity
- Male Mentoring in all schools

The District has also updated or adopted several Board Policies ("BP") and Administrative Regulations ("AR") since 2015 to in the areas of school climate, discrimination, harassment, intimidation, bullying, and hate-motivated behavior. These include:

- BP 0410 – Nondiscrimination in District Programs (last updated 12/11/18)
- BP 5131.2 – Bullying (last updated 11/8/18)
- AR 5131.2 – Bullying (adopted 4/16/20)
- BP 5137 – Positive School Climate (adopted 10/25/18)
- BP 5145.3 – Nondiscrimination/Harassment (last updated 12/6/18)
- AR 5145.3 – Nondiscrimination/ Harassment (last updated 12/11/18)
- BP 5145.9 – Hate-Motivated Behavior (adopted 12/11/18)

**SUGGESTIONS RELATING TO PART II – CULTURE AND CLIMATE**

The District may wish to consider the following suggestions relating to climate and culture at VMHS in light of the information gathered during the investigation. Some of these may already be in place or are being developed:



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- Review the anecdotes shared in this report to determine whether further inquiry and/or investigation is warranted into those incidents. Implement any corrective action, intervention, or other support that may be needed.
- Review with students and staff the importance of reporting alleged bullying, and documenting those reports. Encourage students to go to a second staff member if they do not believe their concerns are being addressed by their initial contact.
- Review and consider implementing items recommended in the “Call to Action” petition to the extent they are not already being implemented.
- Review items recommended by the AAPAC, and increase efforts to include input and participation by AAPAC, the Latino Parent Advisory Council (“LPAC”), and other parent advisory councils to promote equity, diversity, and inclusion.
- Continue utilizing PLUS and other student groups in discussions on race and inclusion at VMHS. Continue administering and reviewing results of student surveys to guide efforts.
- Review whether the dual-role of coach/administrator or coach/dean of students at VMHS creates real or apparent conflicts with respect to serving students in light of perceptions shared by students, parents.
- Provide professional development on current Board Policies and Administrative Regulations in areas relating to equity, diversity, and inclusion, including policies on Nondiscrimination, Bullying, Positive School Climate, Hate-Motivated Behavior.
- Update Board Policies and Administrative Regulations relating to Free Speech and Social Media and provide professional development relating to those updated documents.
- Implement District and VMHS Equity Plans and review ways that equity, diversity and inclusion can be reflected in personnel, curriculum and activities.
- Consider developing a means by which students and staff can submit concerns anonymously to a District person outside of the school site; review with students how to report allegations of discrimination, harassment, or bullying and how to file complaints.
- Review curriculum needs with input from parent advisory councils. Consider incorporating student-directed instruction/ curriculum/ programming around issues of race.
- Review and monitor statistics involving disciplinary actions (by race, gender, etc.) to inform discussions surrounding equity, student support, and alternative means of correction.



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**LEGAL STANDARDS TO CONSIDER WHEN ADDRESSING FUTURE INCIDENTS**

The investigation included a review of various statutes, policies, regulations, and court decisions relevant to the allegations, including the allegation that District employees engaged in a “cover-up,” suggesting that discovery of student social media activity off campus was wrongfully hidden or suppressed by school staff.<sup>5</sup> The investigators noted that VMHS administration and staff members who were interviewed expressed that, had the Group Chat been brought to their attention in 2015, disciplinary or action would have been taken against students in the private group chat.

When faced with off-campus social media incidents, it is important for District and school administration to be cognizant of and act in accordance with defined legal standards, responsibilities, and limitations. These include the areas of (1) Student Records and Privacy; (2) Student Freedom of Speech; (3) Suspension and Expulsion Procedures; and (4) Bullying. Moving forward, it is important that the District keep in mind the following legal principles with respect to off-campus student speech or behavior:

**Privacy Rights and Student Record Information.** Due to privacy rights afforded under both state and federal law, school district personnel may not share information, except with authorized individuals, regarding whether a student has been disciplined, counseled, or received other interventions in connection with a violation of school rules. (Cal. Const., art.1, § 1; 20 U.S.C. § 1232g(b); 34 C.F.R. § 99.1 *et seq*; Educ. Code § 49076.) Student record information must be kept confidential, except when such release is specifically authorized by law. Due to the privacy rights of students, any District response (e.g., discipline or interventions) to students’ social media activity must be maintained as confidential except as permitted by law.

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<sup>5</sup>“Cover-up” is defined in the *Merriam-Webster.com Dictionary* as: (noun) “a device or stratagem for masking or concealing” or “a usually concerted effort to keep an illegal or unethical act or situation from being made public” and (verb) “to keep from being publicly known.” (“Cover (up).” (Cover-up.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/cover-up>. Accessed 9 Aug. 2020.)



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**First Amendment to the U.S. Constitution - Student Freedom of Speech.** School districts may not discipline (*i.e.*, suspend, expel, revoke privileges, or otherwise punish) high school students for speech that is protected by the First Amendment to the U.S. Constitution. (See Educ. Code §§ 47607, 47650; see also the Exhibits, which include a brief summary of court decisions and other information relating to the First Amendment and student speech.) As a general rule, off-campus social media activity is outside the disciplinary reach of a school district unless it specifically targets or threatens harm to students or staff, is used to bully, harass, or intimidate students or staff, or is likely to cause a substantial disruption at school. For example, in a recent 3rd Circuit case, the Court held that the First Amendment was violated by school officials when a high school student was removed from the J.V. cheer squad for posting a picture on Snapchat of herself and a friend holding up their middle fingers with the words “f\_ school, f\_ softball, f\_ cheer, f\_ everything” on the image. (*B.L. v. Mahanoy Area Sch. Dist.* (3d Cir. June 30, 2020).) Note, however, that although discipline or other adverse action may not be taken against students for legally-protected speech, school officials may engage in educating and counseling students, both to support the social emotional growth of those students and to reduce the likelihood of creating a substantial disruption or a racially hostile environment on campus.

**Suspension and Expulsion Procedures - Jurisdiction and Grounds.** School districts do not have jurisdiction to suspend or expel a student for a violation of school rules committed off-campus unless it is related to school activity or attendance. (Educ. Code § 48900(s).) In addition, even when there is jurisdiction, school districts may suspend or expel a student only if the offense meets the definition of one of the listed grounds for suspension or expulsion in the Education Code. These definitions are often very detailed and can require an element of intent and sometimes effect. (See, for example, Bullying (Educ. Code § 48900(r); Harassment, Threats or Intimidation (Educ. Code § 48900.4); Hate Violence (Educ. Code § 48900.3), and Terroristic Threats (Educ. Code § 48900.7).) Therefore, for any type of off-campus student misconduct, in order to suspend or expel a student, school officials must examine whether the off-campus activity is sufficiently related to school activity or attendance, and if so, whether the misconduct fits the definitions of one or more of the grounds listed in Education Code section 48900 *et seq.*



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It should also be noted that suspension may be imposed “only when other means of correction fail to bring about proper conduct,” except for certain types of offenses. (Educ. Code § 48900.5.) “Other means of correction” can include any number of interventions, including but not limited to: a parent conference; referral of the student to a school counselor, psychologist, social worker, or other school support personnel; partnership with the student and parent; enrollment in a program for teaching prosocial behavior or anger management; or participation in a restorative justice program. (Educ. Code § 48900.5) This emphasis on interventions to address inappropriate behavior is also reflected in language added to Education Code section 48900 by Senate Bill 419 in 2019, as follows:

*“(w)(2) It is further the intent of the Legislature that Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, may be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.”*

Therefore, schools have a variety of options available to address incidents that may be impacting students at school, even if they may not be subject to suspension or expulsion.

**Bullying.** School districts are required to establish a policy that prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived legally-protected characteristics (such as race or ethnicity, immigration status, religion, disability, gender, gender identity or expression, and sexual orientation) and must adopt a process for receiving and investigating complaints of such discrimination, harassment, intimidation, and bullying. (Educ. Code § 234.1.) In 2014, the District adopted BP 5131.2 to implement Education Code section 234.1 and other legal requirements.<sup>6</sup> Since then, BP 5131.2 has been updated, and AR 5131.2 has been added, by the District to more aggressively prevent and combat bullying at school. For

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<sup>6</sup> Education Code section 234.1 specifically relates to bullying based on a protected characteristic, such as race. District BP 5131.2, was written broadly to apply to all types of alleged bullying.



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example, school officials are now required to ensure that bullying allegations are put in writing and complaints are investigated. In addition, the definition of “bullying” for purposes of investigating and addressing complaints under BP/AR 5131.2 has been broadened beyond that which is required for discipline. It now reads:

*“Bullying” is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).”*

AR5131.2 also includes a description of possible corrective actions:

*“Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations....When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify parents/guardians of victims and perpetrators and may contact law enforcement.”*

**CONCLUDING COMMENTS**

The investigators, in conclusion, would note that the issue we were asked to investigate was whether VMHS staff or administration or District administration saw or knew the content of the Group Chat and, if so, what was the response of District personnel. Again, we could not make a finding as “substantiated” that District personnel saw or knew the contents of the Group Chat in 2015. That said, we believe it is important to note that many interviewees were certain that District personnel “had to know” about the Group Chat, especially given the climate and culture at the school and the close relationships (and sometimes dual roles) of some coaches and administrators. Thus, it would seem to be prudent to take those beliefs into consideration as the District moves forward. The investigators were struck by the depth and range of emotions this issue brought to the surface. The District has put initiatives in place prior to and during this investigation. The District may wish to consider continue expanding those efforts in the future.



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

**EXHIBITS**

1. MVUSD Call to Action document from VMHS Alumni
2. AAPAC Presentation material to Board of Education on June 18, 2020
3. MVUSD Board Policies and Administrative Regulations
4. MVUSD Equity Journey Presentation material to Board of Education on July 29, 2020 and MVUSD Educational Services Equity Action Plan
5. VMHS Draft Equity Action Plan and Timeline of prior activities focused on equity
6. First Amendment / Student Free Speech case summaries and other materials

# EXHIBIT 1

# MVUSD Call to Action

This Letter Campaign is a call to action, urging the MVUSD to support, expand and create initiatives to better address diversity, equity and inclusion (DEI) throughout the district. It is clear that current programs are failing to uphold the wellbeing of students, especially those from minority and disadvantaged communities.

Please help us advocate for our initiatives by providing your information below and signing onto our letter. Thank you!

-VMHS Alumni

\* Required

## An open letter to the Murrieta Valley Unified School District Board of Education:

As former students of the MVUSD, we wish to express our major concerns over racism and abuse of power within the Murrieta school system:

C.L.A.S.S. Character. Leadership. Attitude. Scholarship. Service. These tenants guided our time at Vista Murrieta High School. They defined who we were as Broncos, being repeatedly ingrained in us from the moment we set foot on campus for freshman orientation. Many of us have gone on to become members of the workforce, are about to graduate or have graduated from college, and these tenets laid the foundation we built upon during our journeys. We are indebted to Vista Murrieta High School for being a wonderful community to begin our young adult lives in. However, we are extremely disappointed, deeply hurt, and beyond upset that these values have not been upheld by those in positions of power in the MVUSD both at the school and the district-wide levels. It has recently come to our attention that a select group of students made racist remarks about the Black community during their time at VMHS. These conversations included immensely degrading comments about Black and Jewish communities, comparing each group to animals while using blatantly racist and demeaning language. This is not an isolated incident; we are learning more about other racial incidents from our peers which occurred before and after these specific images came to light. This has been just one of many racially charged acts of violence within our schools. It is, unfortunately, one of the few actually recognized and brought into the public light. This is a call to action to facilitate conversation around such an important issue so that we can create concrete initiatives that both strengthen current programs and establish new ones focused on uplifting our fellow peers from disadvantaged and minority communities.

We have seen examples of programs at Vista Murrieta and in the MVUSD already working towards change. For example, the PLUS program, a group focused on preventing prejudices and civil rights violations, has been a positive force on campus. Vista Murrieta additionally has a very strong Link Crew program, working to promote diversity and inclusion via mentorship. Moreover, district wide initiatives such as the Parent Action Committees are powerful resources to enable parents involvement in the educational process and a point of leverage for parents to enact meaningful change. However, the accessibility and visibility of such programs has prevented their role from being fully realized. Faculty and community members want to promote diversity and inclusion in our school system, but ultimately, they lack the necessary resources and support to enact real change. It is time for the MVUSD to recognize this and mobilize towards tangible change.

We recognize that these aforementioned efforts have been made and work towards promoting equity; however, there needs to be more done to support and uplift similar programs. Words that try to console the matter at hand are only sentiments to appease, what we need right now is action, working to ensure that our schools are safe for students of color. It is the MVUSD Board's responsibility to have active, community-engaged discussions around racism and what our district can do to combat it, not sweep it under a rug for students to work to combat it themselves. We do not wish for this to be a statement condemning the district's handling of race relations, but an announcement that the status quo was previously not sufficient, and it is very obvious that it is still not sufficient. Schools need to be a place of safe learning, where individuals of all backgrounds can expose themselves to diversity and understand the basic core of humanity. What we have been recently witnessing in our schools does not uphold our humanity. We call for reforms to the MVUSD education. This conversation needs to happen now. We need equity-minded, responsible students leaving our school systems to move on to universities and other areas to implement much larger societal change. In order for such to happen, we need an equity-minded and responsible administration focused on shaping our educational system and curricula

Many of us have siblings attending the same schools we did many years ago. We notice that the curriculum has not changed. The work they are completing is the same work we completed during our time as MVUSD students many, many years ago. This is an injustice to progressing society towards a better future. For many of us, the first real conversations we had around race and equity began in college. For others, such conversations have yet to happen. The foundation for learning needs to begin early, and one of the most tangible spaces this can occur is during high school and perhaps even earlier. Simply reading To Kill a Mockingbird and having basic discussions around race rooted in past tense is insufficient. Using literature such as Toni Morrison's, Beloved, which we add was only available to select

students in advanced classes, as a prized example of diving into Black literature does nothing when harmful structures are in place that do not support our students of color. Our literature needs to evolve. Our classroom discussions need to evolve. Racism is real and it is happening every day in modern times, as we are witness to now. The narrative around racism in the MVUSD needs to change from one that speaks about it in a past tense to one that contextualizes it in the modern world. Four years of high school and never once did we have conversations about the Central Park Five, Redlining, Apartheid, and countless other recent events stemming from racism. We are working to unlearn and relearn. The MVUSD has the potential to educate fantastic future leaders, and we owe it to our students to critically evaluate current actions and do better. As it stands, you are not equipping future scholars for the realities many minorities are facing today.

Only so much of what can be done is classroom-based. All faculty at schools should be there for both the education and protection of students. Staff and administrators must not only hold students accountable for their actions but also hold themselves accountable to the same standards. Abuses of power, cover-ups, and negligence are not markers of a well-run city, let alone of a place people can trust to educate their children. We need administrators and staff who are accountable for protecting all students.

Education of your students is just one of many steps that we are asking you to address. It is also of utmost importance to us that education happens on a staff and an administrative level as well. We hope that you will work alongside us in implementing the changes that are needed to see our schools truly flourish.

#### Initiatives:

- Update the representation of Black history curriculum to reflect the modern times. Including analysis of current events regarding race and inclusion of works by non-white authors.
- School-level objectives and items list to address diversity, equity, and inclusion (DEI).
- Establishing some form of a Race, Equity and Inclusion Taskforce comprised of current students, alumni, community members and limited representation from MVUSD administration/faculty.
- Student Handbook to be updated to specifically address hate crimes and racism of any kind.
- Implement a system where all instances of accused racism, hate speech, bullying, and sexual harassment/assault are both filed at each school and directly with the district office for correct oversight, investigations, and accountability. Also include an ability for individuals to follow up on these cases.
- Career development days for racial sensitivity training for all faculty and staff. Long-term faculty/staff training programs on DEI.
- Concrete responses from every member of the school board about ways that they can implement change through their roles and what power they have to enforce change.
- Resources library on the district page and individual school sites including names of movies, podcasts, books, artists, etc for students and parents to access to learn about systemic racism.
- Concrete timeline for implementing initiatives listed above.

This is just the beginning and as we work together with our community members, we hope to use their voices to add to the list of concrete ways that we can work together to make the MVUSD better and safer for our students now and to come. We hope that you recognize the urgency of this matter, and look forward to hearing your response.

Signed,

John Bennett VMHS 2015, Colgate 2019, Current Stanford PhD Student  
 Jet Lewis VMHS 2015, SUNY ESF 2019, Current Masters Student at Tufts  
 Mili Patel VMHS 2016, UCLA 2020



Tori Paller VMHS 2017, Dixie State 2021  
and the Murrieta Community as follows:

Name \*

Your answer

Email \*

Your answer

School (s) \*

- Alta Murrieta Elementary
- Antelope Hills Elementary
- Avaxat Elementary
- Buchanan Elementary
- Cole Canyon Elementary
- E. Hale Curran Elementary
- Lisa J. Mails Elementary
- Monte Vista Elementary
- Murrieta Elementary
- Rail Ranch Elementary
- Tovashal Elementary
- Shivela Middle School
- Thompson Middle School
- Warm Springs Middle School
- Dorothy McElhinney Middle School
- Murrieta Valley High School
- Murrieta Mesa High School
- Vista Murrieta High School
- Murrieta Canyon Academy
- Murrieta Valley Adult and Community Education

School Affiliation \*

- Teacher/Staff
- Parent/Family
- Student
- Former Student
- Community Member

Current Affiliations (Universities etc.)

Your answer

Comments/Suggestions

Your answer

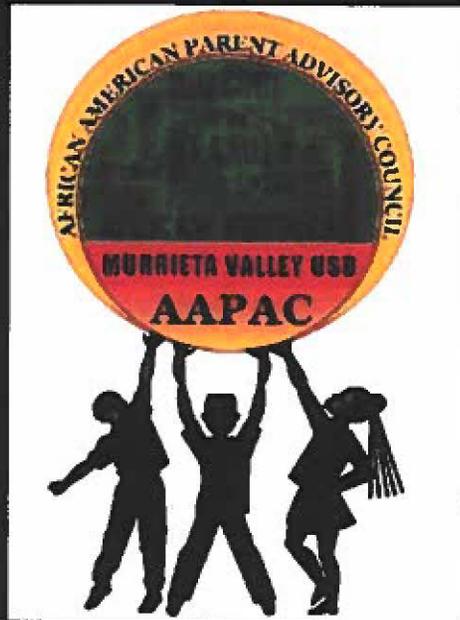
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## EXHIBIT 2



**African-American Parent Advisory Council  
(AAPAC)**

The mission of the African-American Parent Advisory Council (AAPAC) is to support the academic and social-emotional growth of African-American students.

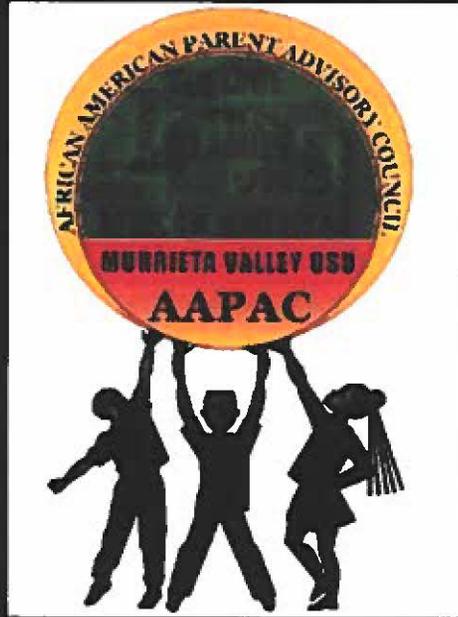
## **Agenda**

**Introductions**

**Thank You**

**Investigation**

**Expectation/Recommendations**

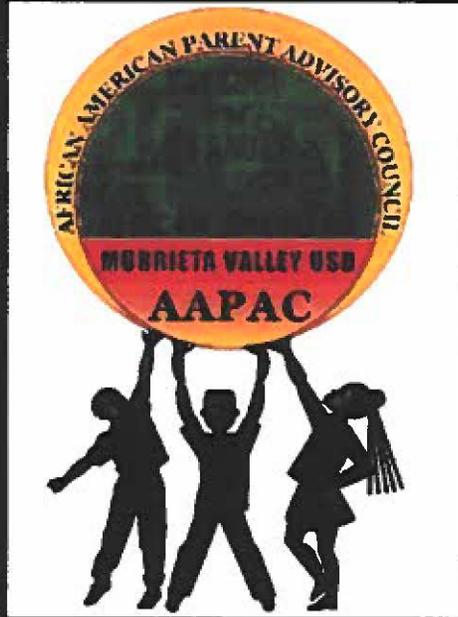


African-American Parent Advisory Council  
(AAPAC)

The mission of the African-American Parent Advisory Council (AAPAC) is to support the academic and social-emotional growth of African-American students.

## Concerns

- **Acts of Collusion**
- **Microaggression/Implicit Racism Not Identified or Addressed**
- **“Cancer” Cluster at VMHS creates a hostile work environment where staff or students will not report**
- **Mistrust based on past experiences of not addressing concerns**

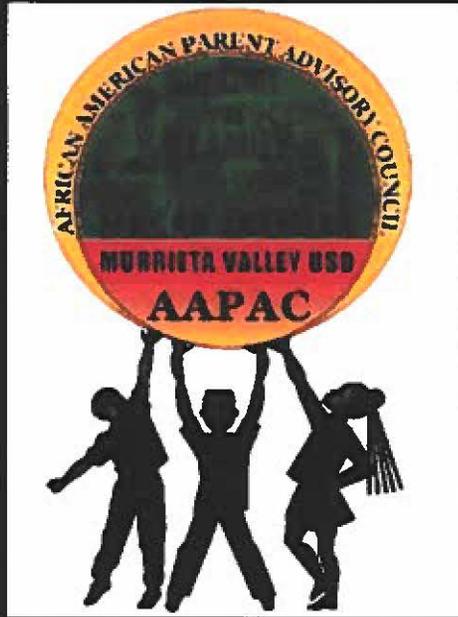


## African-American Parent Advisory Council (AAPAC)

The mission of the African-American Parent Advisory Council (AAPAC) is to support the academic and social-emotional growth of African-American students.

## Expectations/Recommendations

- **Discipline consequences for any staff based on the results of investigation and/or a call for resignation**
- **MVUSD Race Relations Task Force**
- **Independent reporting app**
- **Protocol for discipline matrix that includes racism (anti-Black/African American)**

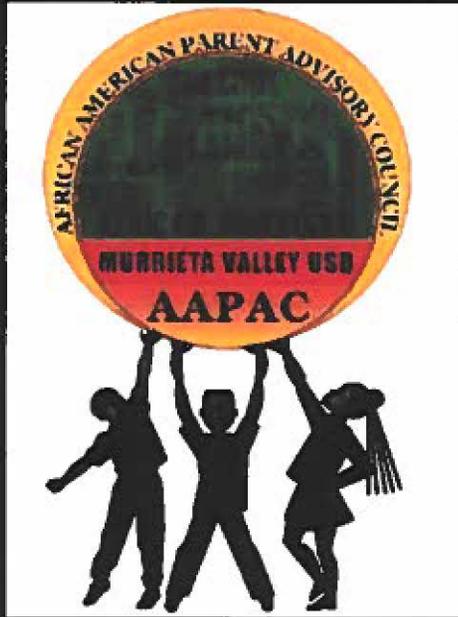


## African-American Parent Advisory Council (AAPAC)

The mission of the African-American Parent Advisory Council (AAPAC) is to support the academic and social-emotional growth of African-American students.

## Expectations/Recommendations

- **Hiring personnel that reflect the diverse students, families, and community**
- **District wide staff is provided explicit direction on how to address racism**
- **MVUSD curriculum committee to incorporate more African American content throughout all content**
- **Need to “scrub” VMHS administration and begin anew**



African-American Parent Advisory Council  
(AAPAC)

The mission of the African-American Parent Advisory Council (AAPAC) is to support the academic and social-emotional growth of African-American students.

## Expectations/Recommendations

- **Break the “Cycle of illusion”**
- **Expeditious timeline to report investigation and implement changes**
- **Continued district focus on equity and professional development**
- **Workshops and training on “anti” black and anti-racial topics.**

THANK  
YOU



Mr. Kelley, Superintendent Murrieta Valley Unified School District

Murrieta Valley Unified School District Board Members

Mrs. Mary Walters, Assistant Superintendent, Educational Services

Mr. Howard Dimler, Executive Director Student Support

We as Murrieta Valley Unified School District (MVUSD) African American Parent Advisory Council (AAPAC) leaders are proud of the high caliber education our students receive. The concerns AAPAC brings to your attention today stem from racism, acts of collusion, and the continual non addressing of concerns brought to the attention of administration and staff. The deaths of several Black Americans recently and throughout our 400-year history of systemic racism, has brought people, especially Black Americans to be motivated and demand change.

Amid our country's turmoil, on June 4, 2020, former MVUSD graduates shared experiences of online racist rants and derogatory images that were previously posted during their time in high school. In the last few days, our AAPAC stakeholders have voiced demands for attention and timely solution to our concerns. Listed below, are the collective questions, concerns, expectations and potential recommendations from our parents, community stake holders, staff, and leadership.

## AAPAC Questions, Concerns, Expectations, Consequences and Recommendations

### Key Notes/Themes

#### Investigation

##### **General Concerns**

- **Level of mistrust of investigation** in terms of who hired law firm.
- **Why** did the district hire Best, Best and Kreiger? Does anyone on the investigative team have a social and/or personal relationship with key Murrieta Valley Unified School District Personnel related to this matter?
- **Is the law firm contacting every staff member who was employed at VMHS** during the time of the online racist rants and derogatory images? What is the scope of the investigation? How is the firm **deciding who will be contacted**? Who will have **access** to investigative report? How will investigation findings be **reported** to staff and community?
- While the **investigation in underway**, it's only right that staff be placed on **administrative leave**. That is a customary response to such allegations of neglect and negligence. Do not subject our families and students to that type of pressure at these times.

- There are **concerns over people tainting, interfering, being involved and colluding** during the investigation.
- Acts of **collusion/history of cover-up**
- **Who knew what and when?** Was it covered it up? As a parent with a child on the Vista Murrieta High School (VMHS) campus who has experienced racism, I want to know when staff members became aware of the online racially charged messages.
- **Microaggression/ implicit racism not identified and or addressed**
- **“Cancer” cluster at Vista Murrieta HS creates a hostile work environment** where staff and students will not report and voice concerns. **Break the cycle of illusion (Excuses: “I didn’t think it was that bad or I didn't know”)**.

### District Recommendations

- **Resignation of Asst. Superintendent of HR** – How can a key personnel member oversee human resources where **policy, practices, hiring and firing of employees takes place?** If he wasn't made aware, then his subordinates covered up something without his knowledge and that **speaks to his lack of leadership**. If he did know, **he was complicit in the cover-up and needs to resign**. We in no way believe he did not know his son was capable of such hatred. He learned it at home. We also don't believe that he was not made aware of the posts. Sons’ reflect their fathers' views. These are taught behaviors and views. **You are not born a racist. It is a learned behavior.**
- **Development of a Race Relations Task Force** (composed of staff, parents, community stake holders and students).
- **Independent reporting app/website** that gives students and staff the opportunity to report harassment (racial, sexual, religious) is electronically monitored from inside and outside the district
- **Develop a culture and expectation to empower students and staff** to serve as an “ally” and/or “upstander” and report microaggressions, racist or discriminatory commentary.
- **Clear protocol for the discipline matrix** that includes racism (Anti-Black/African American)
- **Formation of committee for curriculum development** to incorporate more African American content into all areas of the curriculum.
- **Focus on hiring practices** that reflect the students/families within the district and community most especially of **African American descent**.
- **VMHS and MVUSD staff members** who are found to **have had knowledge** of the racial social media posts **should resign or lose their position**.

### Questions

- During the investigation and based on the outcome, the following questions need to be answered: For the staff that have been initially identified, have they been placed on **administrative leave?** If not, why not? What will be the **consequence for staff and/or administration?** Will staff and/or administration be fired, removed or asked to resign?
- **Why isn't RCOE overseeing the investigation?**
- What **restorative efforts** will be implemented to address the **social-emotional needs** of your African American **certificated and classified employees?**
- What **restorative efforts** will be implemented to address the **social-emotional needs** of your African American **students?**

## Concerns

- Many families and those in the surrounding communities are watching and taking notes as to how the district and/board handle this situation.
- There is already a level of mistrust of MVUSD regarding racism by the Black/African American families and there will continue to be a level of mistrust if any staff/administrators are found to be involved and there are no consequences.
- **As parents, I think we have a right to know who is not safe for our children.** I'm sure there are some union rules that may hinder that information, but I don't want my child at that school knowing they aren't safe with specific teachers or admin.
- We need people in our schools that are not going to stand for this type of behavior. **No Silence.**
- Going forward concerns on how the **administration is NOT protecting our students** and how they are **complicit in creating the behavior.**
- Not shocked by **racist language** because I knew it was **there many years ago.** Children reported language and phrases that were racists against African Americans and Mexicans.
- **Microaggression** was part of the **culture, especially on sports teams.**
- **Concerned that nothing will come of all this.** It will get brushed under the rug even when we see the information with our own eyes. **No way all these children are lying.** Where there is smoke there is fire.
- Even though texts are 5 years ago, they do include **threats to physical harm involving, "hanging from trees, gas chambers for Jews, feminist, and black people, calling for the assassination of President Obama,** using terms like **Father Hitler, Aryans must reign supreme, shoot/hunting f--- N-word.** Please note the screenshot images can be found on social media under #notmyvista and reference in local news outlets such as *My Valley News*

## District Expectations

- If it is discovered that members of staff/administration who did help in the cover-up are still on campus, **they need to resign from their positions.** They should not be **educating and/or supervising students and staff.**
- **Admin at VMHS and MVUSD need explicit direction on how to address our students** and the rest of the student body **about racism.**
- I don't feel as if the district has taken our concerns in the past and applied them effectively, but now we are dealing with a need to **scrub the administration and begin anew**
- **Expeditious timeline to report investigation results and implement changes**

## Investigation Consequences

- Parents choosing to **remove their children from Vista Murrieta High School** and the district if parties involved are just **"shuffled around"**.
- Dependent upon the outcome of the investigation, if matters are not handled correctly, **stakeholders may choose to pursue additional levels of investigation (i.e.: RCOE, CDE and/or OCR).**

## Potential Recommendations

- **Workshops and training** for administration/teachers/staff on “anti” black/ anti racial topics. **Requirement of proficiency and a consequence if not met.**
- **The Assistant Superintendent of Human Resources also needs to resign.**
- Regardless of the outcome of the investigation, named staff members need to be **reassigned to another site or position.**
- **Continued focus on equity and cultural proficiency for staff.**
- **Black/African American contributions are infused** throughout the year and within all core content curricular areas.
- **Minority Hiring Practices/Focus on African American**
- Development of **future policies** and/or practices and **incorporate community stakeholders**
- Investigative forms, processes’ and policies
- **Tip Line App/online form for retaliation.** Who will be monitoring? How will the person reporting be notified of the process and outcome?
- **Ways to report racism** or discrimination w/ timelines. Student friendly flowchart.
- **Quarterly/Yearly report** of accusations of racism (founded and unfounded).
- **Clear protocol in the discipline matrix** and student handbook for students who are disciplined for racial discrimination or harassment are required to complete a re-entry requirement (restorative justice, parent conference/s, racial sensitivity training, continuous meetings with a school counselor or administrator).
- **Development of a race relations task force.**
- Implementation of Ethnic Studies course.
- Create a culture and expectation to develop and empower students and staff to serve as an “ally” and/or “upstander” and report microaggressions, racist or discriminatory commentary.

## A letter to MVUSD from parent/educator

Dear MVUSD:

In light of recent world-wide protests regarding police brutality against Black/African American citizens and residents, many politicians and civic leaders have publicly acknowledged the systemic anti-Black racism that has plagued our nation for over 400 years. The gravity and breadth of protests as well as the acknowledgement of systemic racism by some leaders who have historically avoided the issue or even participated in the gas lighting of complainants, has inspired many people to speak up and report their experiences with racism. One such report includes the sharing of racist social media posts made by the son of Murrieta Valley Unified School District’s Assistant Superintendent of Human Resources. As educators, parents, and community role models, it is imperative that we proactively eliminate racism, discrimination, and harassment from the institution that, outside of home life, has the most significant influence on the development of our children, the schools.

Note- For the purpose of my communication, I will focus on the need to eliminate anti-Black racism in the MVUSD. This is in no way a dismissal of other forms of racism or discrimination or the effects of intersectionality; instead, it is to avoid convoluting issues of racism, discrimination, and/or harassment for various groups. Anti-Black racism in this country is fundamentally different from discrimination of other groups due to systemic/government sanctioned discriminatory laws, policies, and/or practices. Anti-Black racism is documented as the longest form of systemic racism or discrimination against a group in this country. For this

reason, I demand that education laws and policies specifically address by name, anti-Black racism not just in the statistics, but most importantly in policy solutions.

As an educator from a public-school district and parent of Black students who attended MVUSD, I have observed the educational system from both sides and am presenting a list of concerns and needed changes/improvement.

1. Investigate the handling or mishandling of the report made by a student regarding racist social media posts. Identify who received the report and what happened that led to inaction or lack of appropriate action. The district and staff involved need to take accountability for failing the student who was brave enough to report the racism, the students who attend MVUSD, and the public.
2. Investigate Assistant Superintendent and place him on administrative leave during the investigation. Given the close relationship that the offending student has to the Assistant Superintendent of Human Resource (who was not the Assistant Superintendent at the time of the offense, but still a district employee), it reasonable to investigate whether nepotism played a role in the lack of action taken regarding the racist posts/behavior.
3. Call for the resignation of the Assistant Superintendent of HR. If indeed it is found that the assistant superintendent was unaware of his own son's behavior and the student's report of the behavior, demonstrates lack of critical observation skills/discernment of character; qualities that are essential of a Human Resource professional in choosing educators and support staff who are committed to serving every district student and stakeholder equitably. If the district has failed to adequately train the Assistant Superintendent of HR in equity practices, I still question why the Assistant Superintendent of HR would not have independently sought proper training for such a position as Assistant Superintendent of Human Resources. It is worth noting that the State of California has held struggling single Black mothers accountable for the truancies of their children while at work. In fact, the mothers were sent to jail which further burdened their financial status and ability to raise and supervise children. It is discriminatory in and of itself to hold parents accountable for the undesirable behaviors of their children, even when they struggle with a lack of resources, yet allow a highly educated professional with access to all necessary resources to avoid accountability for the actions of his child.
4. The district needs to take action to align informal practices with formal culture. It is not enough to state that the district values equity. Through policies and practices, the district must ensure that the behavior of staff and students support equity and a learning environment (both on campus and distance/online) free of racism, discrimination, and harassment. These policies need to address accountability and consequences for staff and students who violate anti-racist laws and policies. The investigations need to be done in a timely manner. Make the process for complaints of racial discrimination and/or harassment easy to report and allow for reporting to go to an independent office. This will reduce anxiety and fear of retaliation/intimidation. Provide a clear and written definition of anti-Black racial discrimination and harassment that is protected by law. Create district policy that will hold accountable those who demonstrate or enable discrimination and/or harassment without requiring victims to go through the lengthy and draining process of reporting through the EEOC or Department of Fair Employment and Housing. Include microaggressions in the definition of racial harassment and discrimination. Sit with members of African American Parent Advisory Committee and Black/African American civic leaders to learn what common microaggressions occur against members of the Black community.
5. Remove the excuse of "not knowing" what constitutes racism and/or other forms of discrimination or harassment. We live in a day and age that offers various and flexible modes of training and accessibility to information. It is no longer acceptable for people in positions of leadership and expected to provide service and care for people of various backgrounds to claim ignorance. The district should be responsible for providing

comprehensive anti-Black racism awareness and discrimination/harassment prevention training. Meet with the AAPAC to get recommendations for lectures, books, speakers.

6. Form a committee of Black/African-American educators, curriculum writers, and counselors to give recommendations on how to incorporate lessons of Black/African-American contributions and experiences in all academic subjects Math, Science, English, History, Government, Economics, Geography, Religion, Humanities, Art, and Nutrition and Physical Education with the goal of these contributions being included in state approved textbooks. There needs to be an emphasis on the great contributions Black/African Americans made to the security, strength, innovation, and wealth of the United States.

7. There needs to be an accurate depiction of the Trans-Atlantic Slave trade, Jim Crow era, and terrorist group KKK, its brutality and how it has oppressed Black/African-American people in the areas of education, healthcare, housing, economics and jobs, mental health, and social-emotional. Education of these issues will help other race Americans to not only understand the great challenges posed against Black/African-American citizens and residents of the United States, but also the strength, innovation, perseverance/resilience of the Black community to invent and make great contributions in spite of oppression. It will also help people to recognize the historical development and reinforcement of a racist system so that the rebuilding of such systems can be prevented once dismantled.

We must work quickly to eliminate systemic Anti-Black racism. Again, given the amount of time children spend in school and the influence that schools have on their development, it is the district's duty to be trailblazers and role models in eradicating racism. Historically, other marginalized groups have used the blueprint created by Black/African American civil rights leaders to seek equity and equality for their groups. While my current focus is the eradication of anti-Black racism, I hope other groups will continue to be inspired and guided by the Black/African-American fight against racism, discrimination, harassment, and/or oppression in any form and that they too will fight for policies and laws to address their specific concerns and experiences.

Thank you for your attention and let's get to work.

## EXHIBIT 3

**Students**

BP 5131.2(a)

**BULLYING****Definition**

The definition of bullying (EC 48900 (r)) involves any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3 or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil, or pupils in fear of harm to that pupil's or those pupils' person or property
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance
4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

*(cf. 5131 – Conduct)*

*(cf. 5136 – Gangs)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

**BULLYING** (continued)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

*(cf. 0420 – School Plans/Site Councils)*  
*(cf. 1220 – Citizen Advisory Committees)*  
*(cf. 6020 – Parent Involvement)*

**Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

*(cf. 6164.2 – Guidance/Counseling Services)*

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 – Comprehensive Health Education)*  
*(cf. 6163.4 – Student Use of Technology)*

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

*(cf. 4131/4231/4331 – Staff Development)*

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

## **BULLYING (continued)**

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

### **Complaints and Investigation**

Students may submit to any school employee a verbal or written complaint of conduct they consider to be bullying.

Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 – Uniform Complaint Procedures)*

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline**

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

**BULLYING (continued)***(cf. 5144 – Discipline)**(cf. 5144.1 – Suspension and Expulsion/Due Process)**(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))**(cf. 6159.4 – Behavioral Interventions for Special Education Students)***Legal Reference:****EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

**PENAL CODE**

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

**UNITED STATES CODE, TITLE 47**

254 Universal service discounts (e-rate)

**COURT DECISIONS***J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094**Lavine v. Blaine School District, (2002) 279 F.3d 719***Management Resources:****CSBA PUBLICATIONS***Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012**Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010**Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS***Health Education Content Standards for California Public Schools: Kindergarten through Grade Twelve, 2008**Bullying at School, 2003***U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS***Dear Colleague Letter: Harassment and Bullying, October 2010***WEB SITES**CSBA: <http://www.csba.org>California Cybersafety for Children: <http://www.cybersafety.ca.gov>California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ss>Center for Safe and Responsible Internet Use: <http://cyberbully.org>National School Boards Association: <http://www.nsba.org>National School Safety Center: <http://www.schoolsafety.us>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES**

The Governing Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

- (cf. 1240 – Volunteer Assistance)*
- (cf. 4030 – Nondiscrimination in Employment)*
- (cf. 4032 – Reasonable Accommodation)*
- (cf. 4119.11/4219.11/4319.11 – Sexual Harassment)*
- (cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)*
- (cf. 5131.2 – Bullying)*
- (cf. 5145.3 – Nondiscrimination/Harassment)*
- (cf. 5145.7 – Sexual Harassment)*
- (cf. 5145.9 – Hate-Motivated Behavior)*
- (cf. 5146 – Married/Pregnant/Parenting Students)*
- (cf. 6145 – Extracurricular and Cocurricular Activities)*
- (cf. 6145.2 – Interscholastic Competition)*
- (cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)*
- (cf. 6164.6 – Identification and Education Under Section 504)*
- (cf. 6178 – Career Technical Education)*
- (cf. 6200 – Adult Education)*

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

- (cf. 3540 – Transportation)*
- (cf. 3553 – Free and Reduced Price Meals)*

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

*(cf. 1330 – Use of Facilities)*

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 – Uniform Complaint Procedures)*

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

*(cf. 1113 – District and School Web Sites)*

*(cf. 1114 – District-Sponsored Social Media)*

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

*(cf. 5145.6 – Parental Notifications)*

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

**Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

*(cf. 6163.2 – Animals at School)*  
*(cf. 7110 – Determining Needs)*

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

*(cf. 6020 – Parent Involvement)*  
*(cf. 9320 – Meetings and Notices)*  
*(cf. 9322 – Agenda/Meeting Materials)*

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Assistant Superintendent, Human Resources  
41870 McAlby Court  
Murrieta, CA 92562  
(951) 696-1600

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

48980 Parental notifications

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

8310.3 California Religious Freedom Act

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2414 Carl D. Perkins Career and Technical Education Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

*Management Resources:*

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

**NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES (continued)**

*Management Resources: (continued)*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Dear Colleague Letter, May 26, 2011*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, Fact Sheet, August 2010*

*Dear Colleague Letter: Electronic Book Readers, June 29, 2010*

*Nondiscrimination in Employment Practices in Education, August 1991*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*2010 ADA Standards for Accessible Design, September 2010*

*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines, December 2008*

WEB SITES

*California Office of the Attorney General: <http://oag.ca.gov>*

*California Department of Education: <http://www.cde.ca.gov>*

*California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>*

*Safe Schools Coalition: <http://www.casafeschools.org>*

*Pacific ADA Center: <http://www.adapacific.org>*

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

*U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>*

*U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>*

*World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>*

*CSBA: <http://www.csba.org>*

Policy  
adopted: February 14, 1990  
revised: August 9, 2001  
revised: January 21, 2010  
revised: December 11, 2018

**MURRIETA VALLEY USD**  
Murrieta, California

**BULLYING**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

*(cf. 5131 – Conduct)*

*(cf. 5136 – Gangs)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5145.9 – Hate-Motivated Behavior)*

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

*(cf. 5145.2 – Freedom of Speech/Expression)*

*(cf. 6163.4 – Student Use of Technology)*

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

*(cf. 0420 – School Plans/Site Councils)*

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 0460 – Local Control and Accountability Plan)*

*(cf. 1220 – Citizen Advisory Committees)*

*(cf. 6020 – Parent Involvement)*

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

*(cf. 1020 – Youth Services)*

**BULLYING** (continued)

**Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

*(cf. 5137 – Positive School Climate)*

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 – Comprehensive Health Education)*

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences.
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims.
3. Identify the signs of bullying or harassing behavior.
4. Take immediate corrective action when bullying is observed.
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

*(cf. 4131/4231/4331 – Staff Development)*

**BULLYING** (continued)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

**Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 – Guidance/Counseling Services)*

**Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 – Uniform Complaint Procedures)*

## **BULLYING (continued)**

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

### **Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

### **Discipline**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 – Behavioral Interventions for Special Education Students)*

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 – Dismissal/Suspension/Disciplinary Action)*

*(cf. 4119.21/4219.21/4319.21 – Professional Standards)*

*(cf. 4218 – Dismissal/Suspension/Disciplinary Action)*

**BULLYING (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

COURT DECISIONS

*Wynar v. Douglas County School District, (2013) 728 F.3d 1062*

*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094*

*Lavine v. Blaine School District, (2002) 279 F.3d 719*

*Management Resources:*

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*Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014*

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

*Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

*Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009*

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

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*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*

*Bullying at School, 2003*

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*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018*

**BULLYING** (continued)

*Management Resources: (continued)*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Guidance to Schools: Bullying of Students with Disabilities, October 2014*

*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*

*Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

WEB SITES

*California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>*

*California Office of the Attorney General: <http://oag.ca.gov>*

*Center on Great Teachers and Leaders: <http://gtlcenter.org>*

*Collaborative for Academic Social and Emotional Learning: <http://casel.org>*

*Common Sense Media: <http://www.commonsensemedia.org>*

*National School Safety Center: <http://www.schoolsafety.us>*

*Partnership for Children and Youth: <http://www.partnerforchildren.org>*

*U.S. Department of Education: <http://www.ed.gov>*

*CSBA: <http://www.csba.org>*

Policy  
adopted: April 17, 2014  
revised: November 8, 2018

**MURRIETA VALLEY USD**  
Murrieta, California

## **BULLYING**

### **Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 6163.4 - Student Use of Technology)*

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

### **Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

*(cf. 5131 - Conduct)*  
*(cf. 5137 - Positive School Climate)*

**BULLYING** (continued)

2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

**Staff Development**

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed

**BULLYING** (continued)

5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

**Information and Resources**

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

*(cf. 5141.52 - Suicide Prevention)*

2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

*(cf. 1113 - District and School Web Sites)*

## **BULLYING (continued)**

### **Student Instruction**

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.94 - History-Social Science Instruction)*

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

## **BULLYING (continued)**

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline/Corrective Actions**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

*(cf. 5116.2 - Involuntary Student Transfers)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

### **Support Services**

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 - Guidance/Counseling Services)*

**BULLYING** (continued)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

**POSITIVE SCHOOL CLIMATE**

The Governing Board desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 3515 – Campus Security)*

*(cf. 3515.2 – Disruptions)*

*(cf. 5030 – Student Wellness)*

*(cf. 5142 – Safety)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

*(cf. 4119.21/4219.21/4319.21 – Professional Standards)*

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

*(cf. 3513.3 – Tobacco-Free Schools)*

*(cf. 4020 – Drug and Alcohol-Free Workplace)*

*(cf. 5131 – Conduct)*

*(cf. 5131.1 – Bus Conduct)*

*(cf. 5131.6 – Alcohol and Drugs)*

*(cf. 5131.7 – Weapons and Dangerous Instruments)*

*(cf. 5136 – Gangs)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 5145.2 – Freedom of Speech/Expression)*

*(cf. 5145.7 – Sexual Harassment)*

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

*(cf. 6141 – Curriculum Development and Evaluation)*

*(cf. 6142.4 – Service Learning/Community Service Classes)*

*(cf. 6161.1 – Selection and Evaluation of Instructional Materials)*

## **POSITIVE SCHOOL CLIMATE (continued)**

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

*(cf. 1240 – Volunteer Assistance)*  
*(cf. 5126 – Awards for Achievement)*  
*(cf. 5131.5 – Vandalism and Graffiti)*  
*(cf. 5148.2 – Child Care)*  
*(cf. 6020 – Parent Involvement)*  
*(cf. 6145 – Extracurricular and Cocurricular Activities)*  
*(cf. 6145.5 – Student Organizations and Equal Access)*

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

*(cf. 6164.2 – Guidance/Counseling Services)*

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

*(cf. 4131/4231/4331 – Staff Development)*

### *Legal Reference:*

#### **EDUCATION CODE**

**233-233.8 Hate violence prevention**

**32280-32289 School safety plans**

**32295.5 Teen court programs**

**35181 Governing board policy on responsibilities of students**

**35291-35291.5 Rules**

**44807 Teachers' duty concerning conduct of students**

**48900-48925 Suspension and expulsion**

### **Management Resources**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

***Bullying at School, 2003***

***Creating Safe and Drug-Free Schools: An Action Guide, 1996***

**POSITIVE SCHOOL CLIMATE (continued)**

Management Resources: (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Preventing Bullying: A Manual for Schools and Communities, 1998*

CSBA PUBLICATIONS

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010*

WEBSITES

*California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>*

*National School Safety Center: <http://www.schoolsafety.us>*

*U.S. Department of Education, Office of Safe and Healthy Students:*

*<https://www2.ed.gov/about/offices/list/osee/oshs>*

*CSBA: <http://www.csba.org>*

**NONDISCRIMINATION/HARASSMENT**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 5131 – Conduct)*

*(cf. 5131.2 – Bullying)*

*(cf. 5137 – Positive School Climate)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5145.9 – Hate-Motivated Behavior)*

*(cf. 5146 – Married/Pregnant/Parenting Students)*

*(cf. 6164.6 – Identification and Education Under Section 504)*

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discrimination, harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Any school employee who witnesses an incident of unlawful discrimination, including harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

**NONDISCRIMINATION/HARASSMENT (continued)**

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

*(cf. 1312.3 – Uniform Complaint Procedures)*  
*(cf. 1330 – Use of Facilities)*  
*(cf. 4131/4231/4331 – Staff Development)*  
*(cf. 6145 – Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 – Athletic Competition)*  
*(cf. 6164.2 – Guidance/Counseling Services)*

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 – Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4119.21/4219.21/4319.21 – Professional Standards)*  
*(cf. 4218 – Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5144 – Discipline)*  
*(cf. 5144.1 – Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 5145.2 – Freedom of Speech/Expression)*

## **NONDISCRIMINATION/HARASSMENT (continued)**

### **Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

*(cf. 3580 – District Records)*

#### *Legal Reference:*

##### EDUCATION CODE

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

##### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

##### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

##### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

##### CODE OF REGULATIONS, TITLE 5

432 Student record  
4600-4670 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

##### UNITED STATES CODE, TITLE 20

1681-168 Title IX of the Education Amendments of 1972  
12101-12213 Title II equal opportunity for individuals with disabilities

##### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

##### UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975

##### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

##### CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Prohibition of discrimination based on age

**NONDISCRIMINATION/HARASSMENT (continued)**

*Legal Reference: (continued)*

COURT DECISIONS

*Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567*  
*Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130*

*Management Resources:*

CSBA PUBLICATIONS

*Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016*

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018*

FIRST AMENDMENT CENTER PUBLICATIONS

*Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016*

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, Fact Sheet, August 2010*

WEB SITES

*California Department of Education: <http://www.cde.ca.gov>*

*California Safe Schools Coalition: <http://www.casafeschools.org>*

*California Office of the Attorney General: <http://oag.ca.gov>*

*First Amendment Center: <http://www.firstamendmentcenter.org>*

*National School Boards Association: <http://www.nsba.org>*

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

*CSBA: <http://www.csba.org>*

Policy  
adopted: September 14, 2004  
revised: May 18, 2006  
revised: December 9, 2010  
revised: December 11, 2018  
revised: February 6, 2019

**MURRIETA VALLEY USD**  
Murrieta, California

**NONDISCRIMINATION/HARASSMENT**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Executive Director of Student Support Services  
41870 McAlby Court  
Murrieta, CA 92562  
951 696-1600

*(cf. 1312.1 – Complaints Concerning District Employees)*  
*(cf. 1312.3 – Uniform Complaint Procedures)*

**Measures to Prevent Discrimination**

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them on the district's web site and other prominent locations and providing easy access to them through district-supported social media, when available.
2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)

**NONDISCRIMINATION/HARASSMENT (continued)**

- a. The name and contact information of the district's Title IX coordinator, including the phone number and email address.
- b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR).
- c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:
  - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
  - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
  - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.

*(cf. 1113 – District and School Web Sites)*

*(cf. 1114 – District-Sponsored Social Media)*

3. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

*(cf. 5145.6 – Parental Notifications)*

**NONDISCRIMINATION/HARASSMENT (continued)**

5. The Superintendent or designee shall ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.

*(cf. 1240 – Volunteer Assistance)*

*(cf. 4131/4231/4331 – Staff Development)*

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
8. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.

*(cf. 5131.5 – Vandalism and Graffiti)*

**NONDISCRIMINATION/HARASSMENT (continued)**

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond.
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination.
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment.

*(cf. 4112.6/4212.6/4312.6 – Personnel Files)*

*(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 – Student Records)*

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true.

*(cf. 4118/4218 – Dismissal/Suspension/Disciplinary Action)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 – Behavioral Interventions for Special Education Students)*

**Process for Initiating and Responding to Complaints**

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

**NONDISCRIMINATION/HARASSMENT (continued)**

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

*(cf. 5141.4 – Child Abuse Prevention and Reporting)*

**Accessibility to Sex-Segregated Facilities, Programs, and Activities**

When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. (Education Code 221.5)

To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

*(cf. 6145 – Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 – Athletic Competition)*

*(cf. 6153 – School-Sponsored Trips)*

*(cf. 7110 – Facilities Master Plan)*

## HATE-MOTIVATED BEHAVIOR

The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote respectful relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

The Local Education Agency (LEA) shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. These policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

The LEA shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General. The LEA shall inform students who are victims of hate crimes of their right to report such crimes.

*(cf. 0410 – Nondiscrimination in District Programs and Activities)*

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5131 – Conduct)*

*(cf. 5131.2 – Bullying)*

*(cf. 5131.5 – Vandalism and Graffiti)*

*(cf. 5136 – Gangs)*

*(cf. 5137 – Positive School Climate)*

*(cf. 5141.52 – Suicide Prevention)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

*(cf. 1020 – Youth Services)*

*(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1700 – Relations Between Private Industry and the Schools)*

*(cf. 5148 – Child Care)*

## **HATE-MOTIVATED BEHAVIOR (continued)**

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

*(cf. 6142.4 – Service Learning/Community Service Classes)*

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

*(cf. 6164.2 – Guidance/Counseling Services)*

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The LEA shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

*(cf. 4131/4231/4331 – Staff Development)*

The LEA shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics listed above. Such training should, as a minimum, provide agency personnel with the skills to do the following:

1. Discuss the varying immigration experiences among members of the student body and school community;
2. Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

## **HATE-MOTIVATED BEHAVIOR (continued)**

### **Complaint Process**

The LEA shall adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of the aforementioned characteristics.

The complaint process must include, but is not limited to, the following steps:

1. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.
2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency.
3. An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
4. The LEA shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
5. The LEA shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

*(cf. 5145.11 – Questioning and Apprehension by Law Enforcement)*

## **HATE-MOTIVATED BEHAVIOR (continued)**

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

*(cf. 1312.1 – Complaints Concerning District Employees)*

*(cf. 1312.3 – Uniform Complaint Procedures)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))*

### **Legal Reference:**

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*32282 School safety plans*

*48900.3 Suspension for hate violence*

*48900.4 Suspension or expulsion for threats or harassment*

#### **PENAL CODE**

*422.55 Definition of hate crime*

*422.6 Crimes, harassment*

#### **CODE OF REGULATIONS, TITLE 5**

*4600-4670 Uniform complaint procedures*

*4900-4965 Nondiscrimination in elementary and secondary education programs*

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

*35.107 Nondiscrimination on basis of disability; complaints*

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

*100.3 Prohibition of discrimination on basis of race, color or national origin*

*104.7 Designation of responsible employee for Section 504*

*106.8 Designation of responsible employee for Title IX*

*110.25 Prohibition of discrimination based on age*

### **Management Resources:**

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Bullying at School, 2003*

#### **CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS**

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist*

*California K-12 Schools in Responding to Immigration Issues, April 2018*

#### **U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Dear Colleague Letter: Prohibited Disability Harassment, July 2000*

#### **WEB SITES**

*California Association of Human Relations Organizations: <http://www.cahro.org>*

*California Department of Education: <http://www.cde.ca.gov>*

*California Office of the Attorney General: <http://oag.ca.gov>*

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>*

*U.S. Department of Justice: <http://www.justice.gov>*

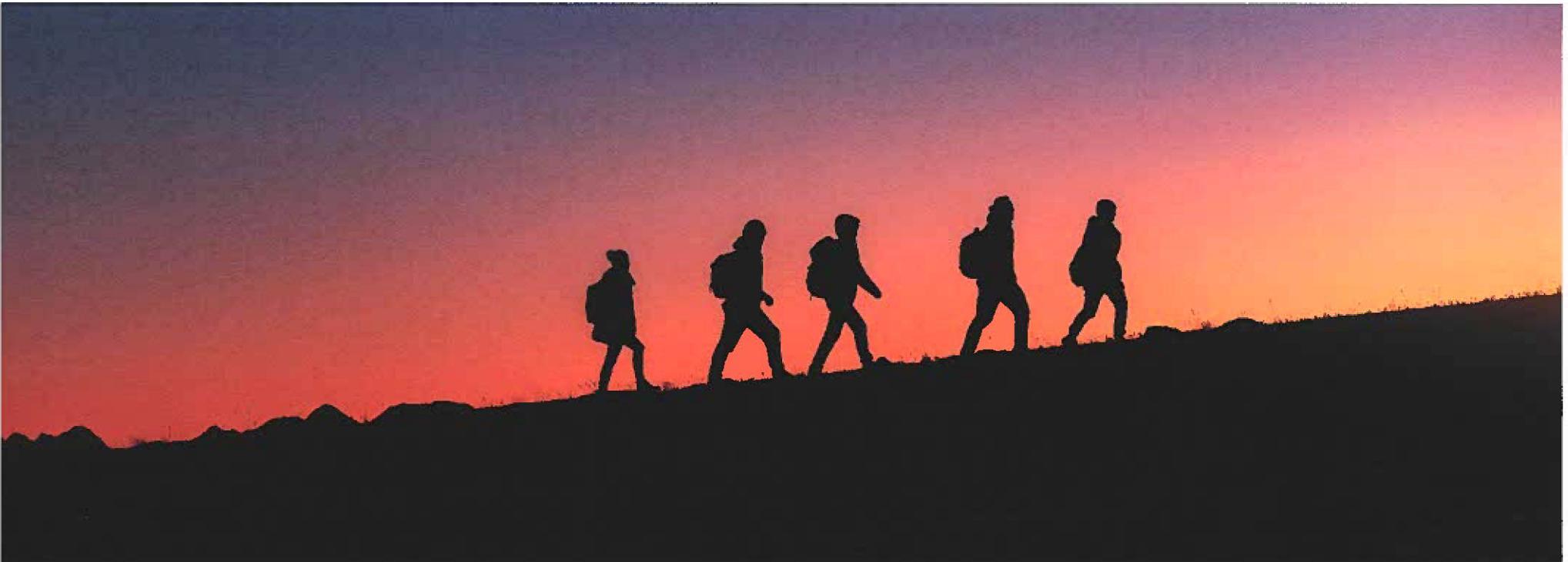
*CSBA: <http://www.csba.org>*

**HATE-MOTIVATED BEHAVIOR (continued)**

Policy  
adopted: December 11, 2018  
revised: January 24, 2019

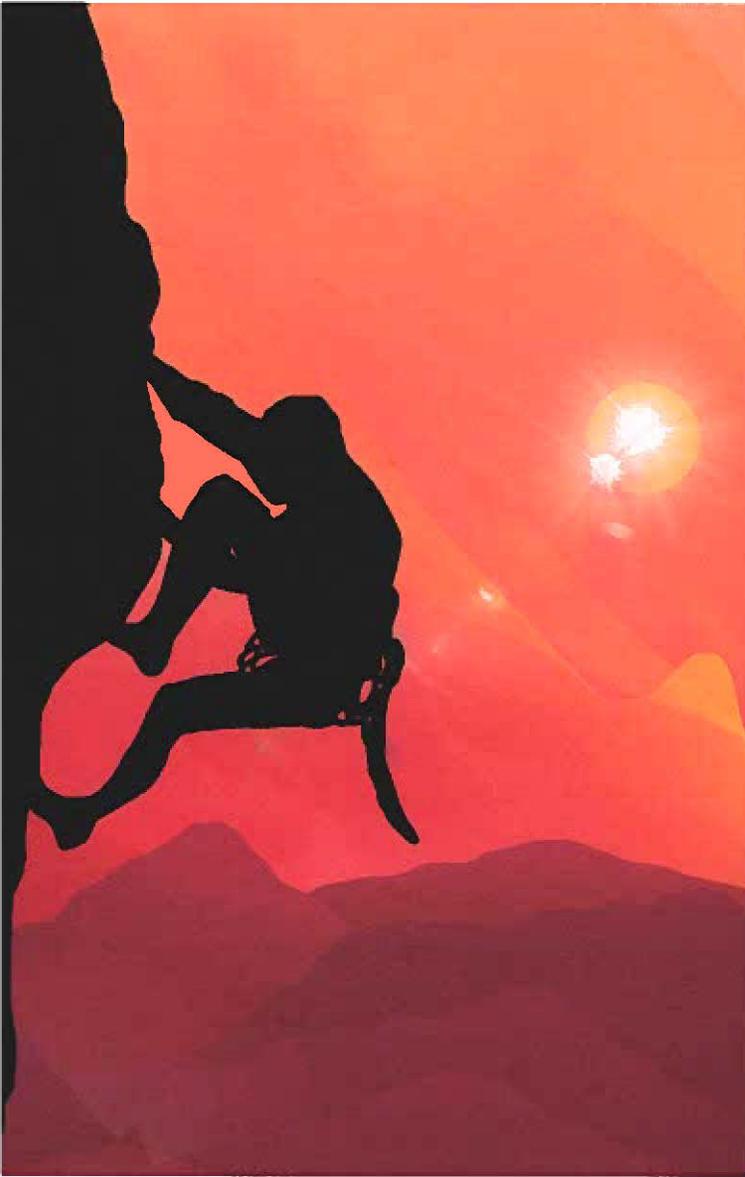
**MURRIETA VALLEY USD**  
Murrieta, California

# EXHIBIT 4

A photograph showing the silhouettes of five hikers with backpacks walking across a dark hill against a vibrant sunset sky. The sky transitions from a deep purple at the top to a bright orange and red near the horizon. The hikers are positioned in a line, moving from left to right across the ridge of the hill.

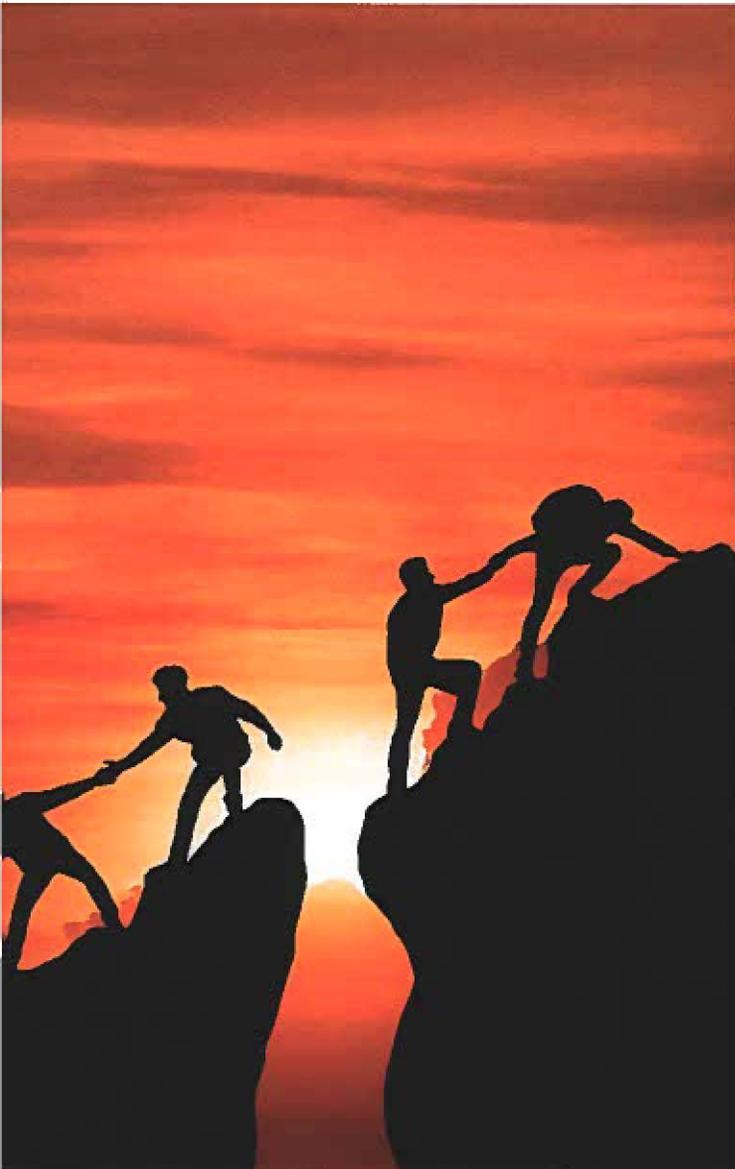
# MVUSD EQUITY JOURNEY

July 29, 2020



# Equity Coordinator

Tamara Dewey



# Equity Efforts in Place

Professional Development

- Administrative, Institutes, Speakers, Book Studies

Excellence Through Equity Conference since 2015

- Admin, teachers, and stakeholders have attended

Clubs and Organizations

- AAPAC, LPAC, DELAC, SEPAC, Student Advisories

Male Mentoring

- Currently taking place at Murrieta Mesa

District and Site Equity Plans

- Created by site teams that attended the Equity Cohort

# MVUSD 2018 Dashboard Data

## Student Group Report for 2018

Pivot Data by St

Student Group	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/Career	English Language Arts	Mathematics
All Students	Orange	Green	Blue	Green	Green	Yellow
English Learners	Orange	Blue	Green	Yellow	Yellow	Yellow
Foster Youth	Red	Red	None	None	Red	Red
Homeless	Red	Orange	Orange	Yellow	Yellow	Orange
Socioeconomically Disadvantaged	Orange	Orange	Blue	Orange	Orange	Yellow
Students with Disabilities	Orange	Orange	Green	Red	Orange	Orange
African American	Orange	Yellow	Blue	Green	Orange	Orange
American Indian or Alaska Native	Yellow	Yellow	None	None	None	None
Asian	Yellow	Green	Blue	Green	Blue	Green
Filipino	Yellow	Blue	Blue	Yellow	Green	Green
Hispanic	Orange	Yellow	Blue	Orange	Yellow	Orange
Native Hawaiian or Pacific Islander	Orange	Blue	None	None	Green	Green
White	Orange	Green	Blue	Green	Green	Green
Two or More Races	Orange	Yellow	Blue	Green	Green	Green

# MVUSD 2019 Dashboard Data

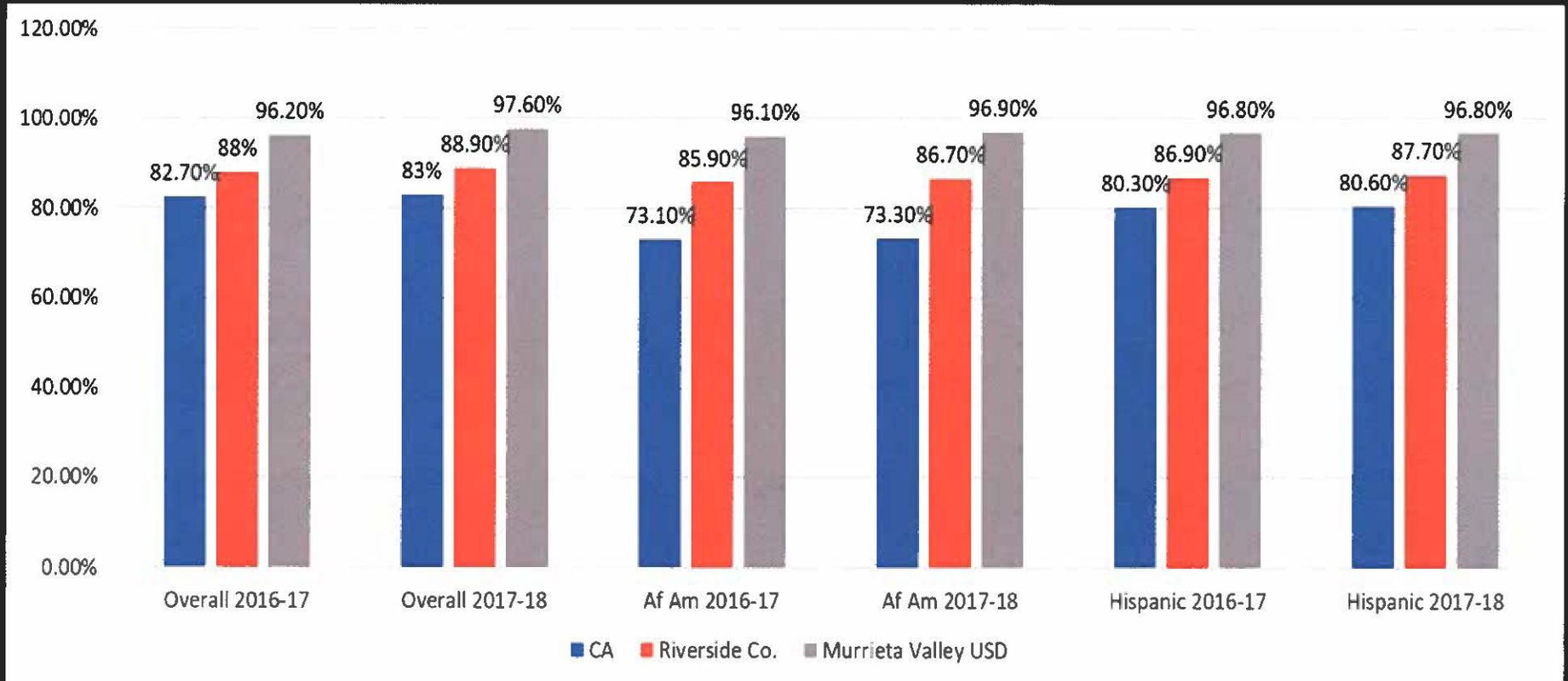
Efforts have resulted in closing the achievement gap for all student groups

Student Group Report for 2019

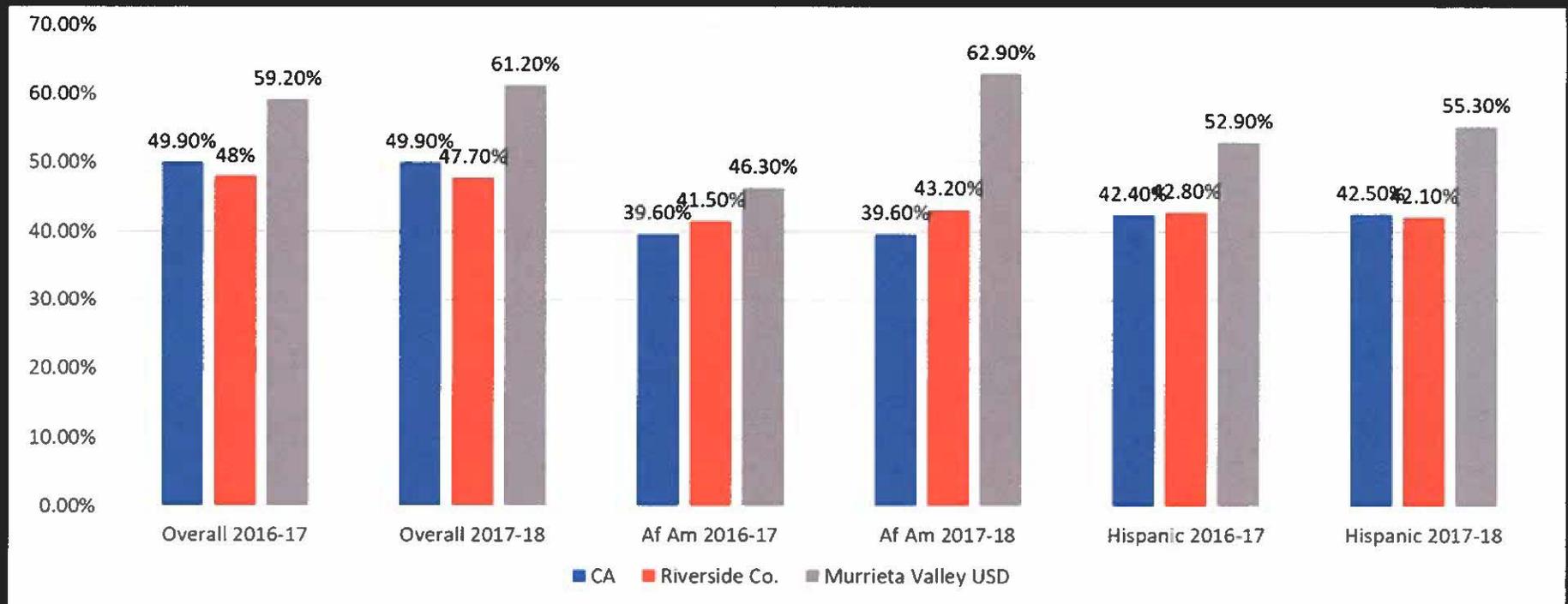
[Pivot Data by St](#)

Student Group	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/Career	English Language Arts	Mathematics
All Students	Yellow	Green	Blue	Yellow	Green	Green
English Learners	Orange	Yellow	Green	Yellow	Yellow	Yellow
Foster Youth	Yellow	Yellow	None	None	Yellow	Yellow
Homeless	Yellow	Green	Blue	Green	Green	Yellow
Socioeconomically Disadvantaged	Orange	Green	Blue	Yellow	Green	Yellow
Students with Disabilities	Orange	Green	Green	Yellow	Yellow	Yellow
African American	Green	Green	Blue	Yellow	Green	Yellow
American Indian or Alaska Native	Red	Green	None	None	Green	Yellow
Asian	Green	Blue	Yellow	Yellow	Blue	Blue
Filipino	Orange	Blue	Blue	Blue	Blue	Blue
Hispanic	Yellow	Green	Blue	Green	Green	Green
Native Hawaiian or Pacific Islander	Orange	Yellow	None	None	Yellow	Yellow
White	Orange	Green	Blue	Orange	Green	Green
Two or More Races	Orange	Green	Blue	Yellow	Green	Green

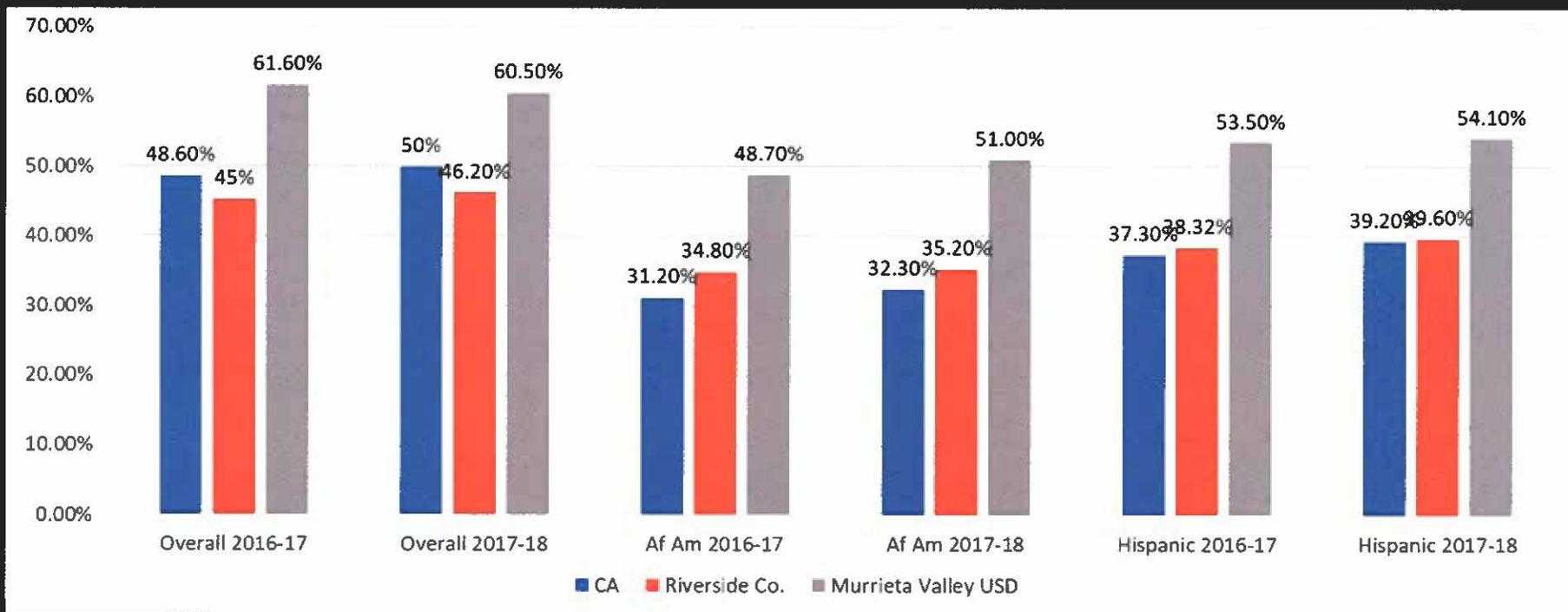
# MVUSD Cohort Graduation Rates



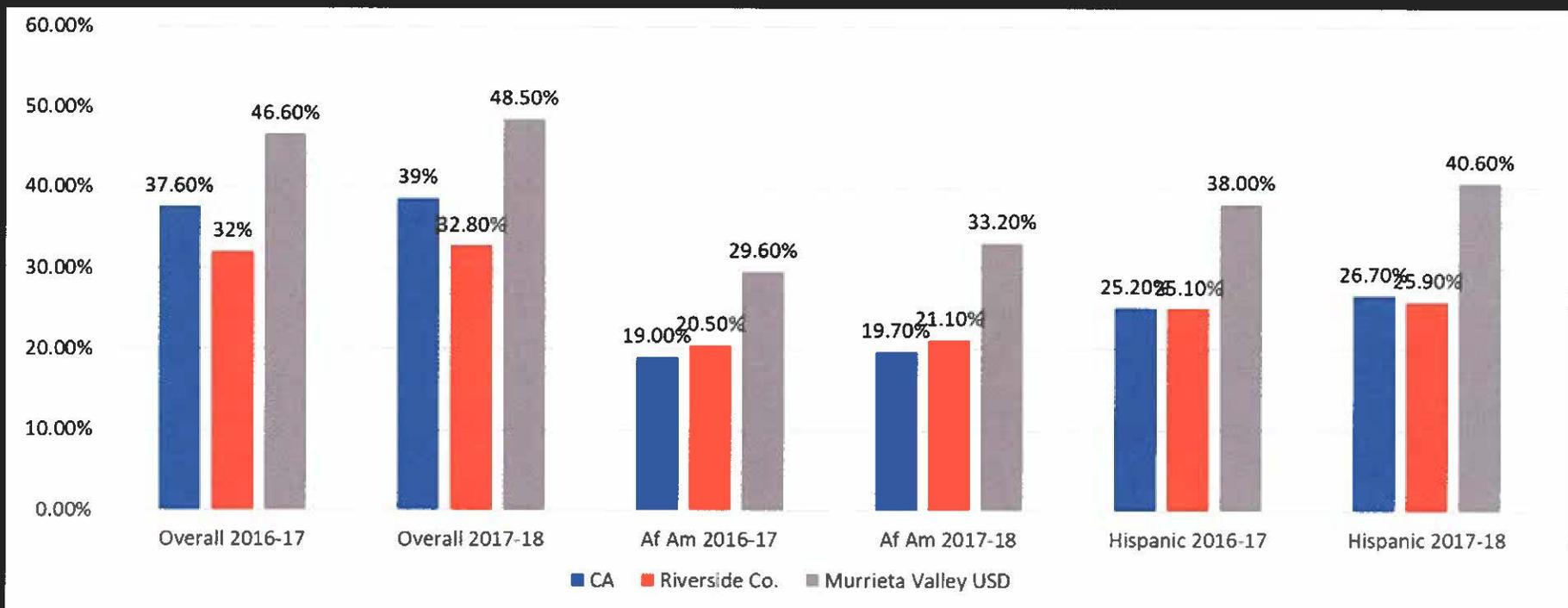
# MVUSD College Admission Requirement (A-G) Rates



# MVUSD CAASPP ELA Scores

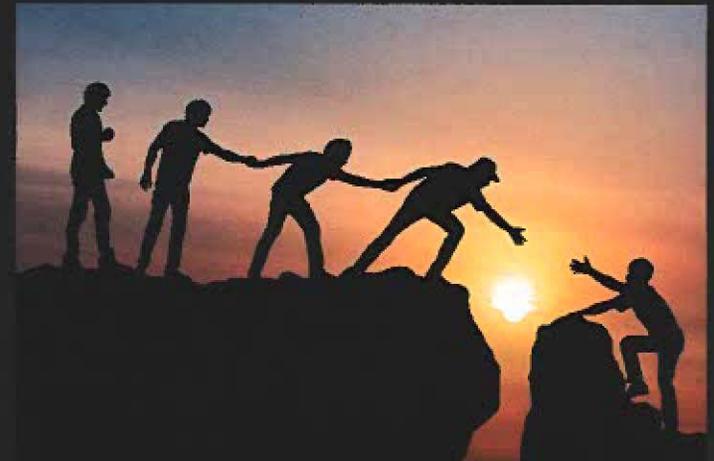


# MVUSD CAASPP Math Scores



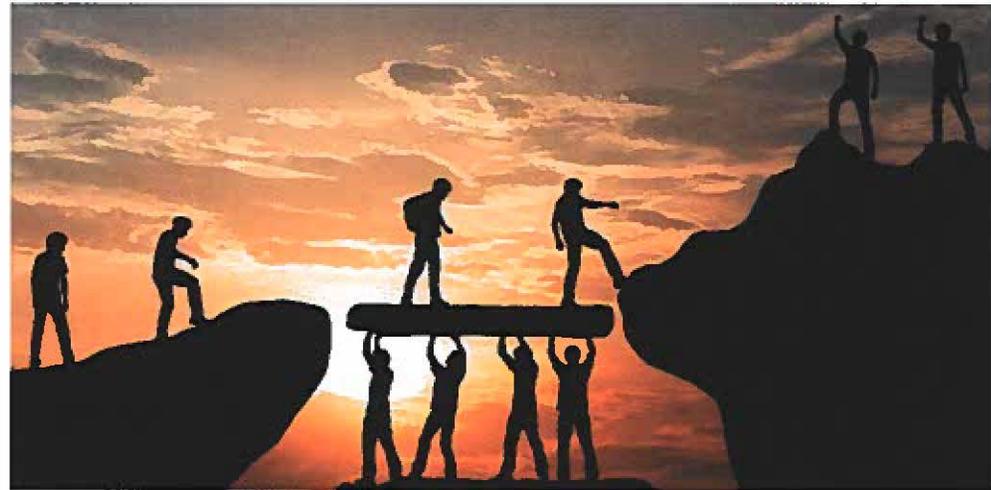
# Short-Term Goals

- ◇ Continued Implementation of Local Control and Accountability Plan (\$17.2 million)
- ◇ Systematic district-wide professional development
  - ◇ Equity during distance learning
  - ◇ Implicit Bias
  - ◇ Micro/macroaggressions
  - ◇ Cultural proficiency
- ◇ Enhance PTSF efforts on equity (formerly Human Relations Council)
- ◇ Collaborating with Student and Parent Advisories
- ◇ Restorative efforts with African American Students, Families, and Staff
- ◇ Incident reporting application
- ◇ Incident document and tracking of discrimination
- ◇ Hiring Practices
- ◇ Expand Male Mentoring Program
- ◇ Implementation of District and Site Equity Plans



# Long-Term Goals

- ◆ K-12 Curriculum
  - ◆ Culturally Proficient
- ◆ Literature
  - ◆ Diverse and Multicultural Authors
- ◆ Ethnic Studies Course
  - ◆ Offered to MVUSD students with updated and relevant curriculum
- ◆ Continued Systematic Professional Development
  - ◆ Focused on how to apply equitable practices in the classroom
- ◆ Staff Diversity
  - ◆ Achieved through new hiring practices
- ◆ Male Mentoring at all Schools





Thank You

## EQUITY ACTION PLAN

**Mission Statement: MVUSD Educational Services** embraces the diversity of students, families, and staff by fostering intentional, equitable learning experiences focused on the whole student which leads to personalized achievement and career and/or college readiness culminating in lifelong learners who make positive contributions to society.

**Equity Target Goal:** *(What are you trying to achieve – what will success look like?)*

MVUSD’s equity goals are based on intentional actions to advocate and promote all stakeholders to recognize, understand, and value various cultural identities.

- ★ **Goal 1: Assessing & Valuing Cultural Knowledge**—We will increase communication and provide more opportunities for professional development, collaboration, and data analysis in order to build a greater understanding of what equity is and why it is important in all of our work, including the focus on closing the achievement gap.
- ★ **Goal 2: Managing and Adapting**—We will implement intentional actions (i.e.: systematic data analysis) to acknowledge and understand our various stakeholders and provide opportunities for their perspectives to be seen, heard and represented.
- ★ **Goal 3: Institutionalize Cultural Knowledge**—We will strategically collaborate by implementing, sustaining, and reevaluating district structures that engage staff, students, and our families in shaping an equitable school district for all stakeholders.

CURRENT SITUATION/Critical Analysis	Supporting Evidence	ASSUMPTIONS
	(Data, feedback, observations, etc.)	

**Assessing Cultural Knowledge**

On the continuum, we are currently: Cultural Blindness/Cultural Pre-competence

- The English Learner / African American data, presented at Admin Collab, has yet to reach the teachers and staff at the various sites and departments.
- We need to focus on the transformation for equity and assess where we are at to provide consistent communication and PD that include opportunity gaps and data analysis
- There needs to be a collective awareness and understanding of why equity and what it looks like.

- Equity definitions
- Elementary/ Principles
- Focus on equity from the past
- Admin Retreat
- Self-Assessment
- EL, AA Data Sets
- Equity Conference
- Equity Institutes

**Assumptions**

- Yields more inclusive community, engaged students, fewer discipline issues, lower suspensions, fewer communication issues, higher attendance rates, higher achievement rates, closing the opportunity gap
- All will feel and believe that they are valued and respected
- Identifying the needs and strengths of the individual (student, staff, parent) that leads to increased learning, engagement and success

**External Factors**

- Cannot control family/cultural values, religion, and income.
- Media, social media, business actions
- Community values
- Political/Social climate
- Legislation/Policies

<p><b>Valuing Diversity</b></p> <p>Cultural Blindness/Cultural Pre-competence</p> <ul style="list-style-type: none"> <li>• The perception is that not all district employees value diversity.</li> <li>• We need to create an environment where people can discuss equity.</li> <li>• There needs to be support and accountability measures to carry out this important work.</li> <li>• There needs to be interview/hiring/evaluation practices setting and supporting a culture of equity.</li> </ul> <p>Assumptions</p> <p>External factors</p> <p>Cannot control family values, religion, factors we cannot control, upbringing</p> <hr/>	<p><b>Supporting Evidence</b></p> <ul style="list-style-type: none"> <li>• AAPAC, LPAC, DELAC, Focus on Equity, hiring of a variance of people</li> <li>• Nami</li> <li>• GSA</li> <li>• Workshops/PD suicide prevention, risk assessment</li> <li>• LGBT</li> </ul> <hr/>	<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>• Value diversity this yields more inclusive community, less discipline issues, lower suspensions, less communication issues</li> <li>• All will feel and believe that they are valued and respected</li> </ul> <p><b>External Factors</b></p> <p>Value diversity this yields more inclusive community, less discipline issues, lower suspensions, less communication issues.</p> <p>All will feel and believe that they are valued and respected.</p>
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<p><b>Managing the Dynamics of Difference</b></p> <p>Cultural Blindness</p> <p>We don't acknowledge the changes of our community, students, families, or don't want to see. We have added questions of equity in our interviews. The degree of meeting the changing needs of all, varies from site to site. Students are further along than adults.</p> <hr/>	<p><b>Supporting Evidence</b></p> <p>We don't acknowledge the changes of our community, students, families or don't want to see it.</p> <hr/>	<hr/> <p><b>Assumptions</b></p> <p>If we are proactive, better address their needs, meet them at their level, wjcje have to be open to it first</p>
<p><b>Adapting to Diversity</b></p> <p>Cultural Blindness/Cultural Pre-competence</p> <p>Moving toward to pre-competence, LCAP is leading us in that direction.... Mental health team and their parent workshops is an example of pre-competence. Professional development to staff is moving in the positive direction. The problem is the needs are greater than the resources available. Do we know the needs of our sub groups? Better data tracking, universal screener to assess needs, need to be more proactive....</p> <hr/>	<p><b>Supporting Evidence</b></p> <p>SE Support Fair</p> <p>Parent Workshops</p> <p>PD Staff</p> <p>MVUSD Equity Training</p> <p>Substitute Training</p> <p>GRIP, LCAP, Induction Training</p>	<p><b>External factors</b></p> <p>Cannot control family values, religion, factors we cannot control, upbringing</p> <hr/> <p><b>Assumptions</b></p> <p>If we are proactive, better address their needs, meet them at their level, which have to be open to it first</p>

<p><b>Institutionalize Cultural Knowledge</b></p> <p>CP Cultural Pre-competence</p> <p>We don't include ALL stakeholders</p> <p>Should be integrated into systems</p> <p>Employee handbook should include training, new employee orientation</p> <p>Add equity interview questions</p> <p>Add equity themes to the evaluation</p> <p>Not always welcoming and engaging to all</p> <p>Pockets of things happening, not built into the curriculum,</p> <p>Not incorporated into the curriculum.</p>	<hr/> <p><b>Supporting Evidence</b></p> <p>LCAP District and student groups</p> <p>AAPAC</p> <p>MTA</p> <p>LPAC</p> <p>CSEA</p> <p>DELAC, inclusion practices, BSU's, Latino clubs, LCAP stakeholder survey, cultural clubs at various sites.</p> <p>CEPAC</p>	<p><b>External factors</b></p> <p>Ditto from previous</p> <p>Current political climate</p> <hr/> <p><b>Assumption</b></p> <p><u>If incorporated</u> measured and accessed we will have it, you have to make it happen, if we access and measure it will get done</p> <p><b>External factors</b></p> <p>All have individual beliefs, no easy metric</p>
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INPUT Resources Available Now:		Resources Needed:		
<p>★ <b>Goal 1: Assessing &amp; Valuing Cultural Knowledge--</b>  <i>We will increase communication and provide more opportunities for professional development, collaboration, and data analysis in order to build a greater understanding of what equity is and why it is important in all of our work, including the focus on closing the achievement gap.</i></p> <p><b>OUTPUT</b>  <b>Activities for Short-Term (1-2 years)</b></p>	<b>Timeline</b>		<p><b>Communication Plan</b> (How will we communicate the details of the activity to stakeholders?)  <b>Staff Involved (Participation)?</b>  <b>What methods? How often?</b></p>	<p><b>Responsibilities</b>  <b>Who Will Do It?</b></p>
	Start Date	End Date		
<p>1. Continue Cohort 1 (2018-2019) and add Cohort 2 [2019-2020]</p> <p>A. Cohort 1 will meet two times during the year</p> <p>B. Cohort 2 will complete the Institute of 5 sessions</p> <p>C. Both groups will get together to work on the equity plan and implementation at the site</p>		6/20	<ul style="list-style-type: none"> <li>• Cohort 1 and 2 members</li> <li>• Cohort 2 members have been selected</li> <li>• Email and joint meetings</li> <li>• Equity plans</li> <li>• Presentations/empathy interview</li> </ul>	<p>-Mary Walters</p> <p>-Site/Dept Leadership (Principals/Directors)</p>

Comment [BV1]: Green = Done; Yellow = in process

<p>D. <u>Presentations and empathy Interviews with principals/dept leads so they can lead this work with their staff</u></p> <p>E. <u>January Professional Development Day Listening Activity</u></p>			<p>notes</p>	<p>-Cohort 1 leadership (Erika, Jay, Valerie, Monica, Mary, Gabby, Jennifer, Faythe, Dawn, Parisa, Gertie, Zhanna, Darren)</p>
<p>2. <u>Administrative Collaborative Equity focus –book study LCAP Data modules</u></p> <p>A. Continue Book Study, LCAP and student group data analysis</p> <p>B. Modules - January PD day was a module</p> <p>C. Best Practices in Administrative Collaborative, sharing potential PD ideas for all to benefit Spring 2020</p> <p>D. Principal empathy interviews with their staff, doing as part of evaluation</p> <p>E. Leadership talks (one on one) with focus on following up after the January PD day, perspectives on how went</p>	<p>8/19</p>	<p>6/20</p>	<ul style="list-style-type: none"> <li>• Emails and meetings</li> <li>• Admin Collaborative Haiku Class</li> </ul>	<p>-Ed Services Team</p>
<p>3. DSC Staff Inclusive Communication and Customer Service</p> <p>A. <u>Areas of Focus Communication (LCAP Response letter)</u></p> <p>B. Info graph on Equity</p> <p>C. Department Team Meetings</p> <p>D. Site Visits with Departments and Leadership Team meetings</p> <p>E. Professional Development on customer service that incorporates equity</p> <p>F. Module Equity Definitions Part 2</p>	<p>8/19</p>	<p>6/20</p>	<ul style="list-style-type: none"> <li>• Departmental Staff – equity rep.</li> <li>• Monica, Mary and Team</li> <li>• Once a quarter</li> <li>• Once a semester</li> </ul>	<p>-HR</p> <p>-Departmental Leaders</p>

<p>4. <b>Equity Discussion and Audit for Staff – Assessing where we are</b></p> <p>A. Include in department and site leadership team meetings Various departments in the district need student group information and have time to process and develop an action plan (i.e. transportation needs to work on this piece).</p> <p>B. Why and definition of Equity and culture in layman’s terms.</p> <p>C. Brainstorm ideas of how equity applies in their department. What does it look like?</p> <p>D. Equity facilitator with DSC department leaders</p>	8/19	6/20	<ul style="list-style-type: none"> <li>• Mary and Cohort 1 Team</li> <li>• Quarterly Meetings</li> <li>• Initial Layers of Equity Presentation to include: know your own story, building relationships and connections w/ the various stakeholders, cultural proficiency</li> <li>• Why Equity? What are the categories and/or levels of equity? Small pieces and concrete examples of what it looks like.</li> <li>• Conversations w/ administrators regarding their perspective, understanding and/or implementation of equity/cultural proficiency</li> </ul>	<p>-Mary and Cohort 1 Team</p> <p>DSC Equity Cohort 1 Team</p> <p>Erika, Jay, Mary</p> <p>Mary, Jennifer, Faythe</p>
<p><b>Short term goals</b></p> <ol style="list-style-type: none"> <li>1. Parent involvement (APAC, LPAC, DELAC, ATR) and coordinating better</li> <li>2. PLC review and Calibrate</li> <li>3. Grading practice calibration</li> <li>4. Alternate model of education (CTE) to support all students</li> <li>5. English Learner program</li> <li>6. College and Career Indicators align with equity goals</li> <li>7. MFT counselors at the middle school</li> </ol>				

8. Elementary School Counselors at each Elementary Site			
9. LCAP student advisories			
10. Equity conferences			

**OUTCOMES (What do we expect to happen?)**

- 1) Results we expect – derived from Short-Term Output.
- 2) District-wide awareness and understanding of the need for an equitable lens.
- 3) Consistent Messaging – Info graph
- 4) Welcoming environments and Customer Service at the DSC and Sites
- 5) Completion of Institutes and Equity Plans for each site and department
- 6) Strengthen relationships and understanding of equity in departments and sites

OUTPUT Activities for Medium-Term	Timeline		Communication Plan Staff Involved (Participation)? What methods? How often?	Responsibilities Who Will Do It?
	Start Date	End Date		
1.				
2.				
3.				
4.				

**OUTCOMES**  
Results we expect – derived from Medium-Term Output

OUTPUT	Timeline	Communication Plan	Responsibilities

Activities for Long-Term EQUITY ACTION PLAN		Staff Involved (Participation)? What methods? How often?	Who Will Do It?
<b>Equity Target Goal:</b> <i>(What are you trying to achieve – what will success look</i>			
<b>CURRENT SITUATION/Critical Analysis</b>			
<p><b>Assessing Cultural Knowledge</b></p> <p>Cultural Blindness/Cultural Pre-competence</p> <p>The English Learner / African American data, presented at Admin Collab, has yet to reach the teachers and staff at the various sites and departments. Various departments in the district need to this information and have time to process i.e. transportation needs to work on this piece. We are struggling with buy in at the district-wide level receiving the message, this transformation for equity is the focus of our practice.</p> <p>Assumptions</p> <p><b>Valuing Diversity</b></p> <p>Cultural Blindness/Cultural Pre-competence</p> <p>We have some issues here. The perception is that not all district employees value diversity. Question: Have we created the environment that people can dialogue on issues of equity? The discussion has not been done before. Is accountability or supports given to do this important work? We have acknowledged it but we may not be doing much but the awareness is happening. We are figuring out this and actions are not there yet. Interview practices should include questions on equity. Revamp interview questions.</p> <p>Assumptions</p> <p>Value diversity this yields more inclusive community, less discipline issues, lower suspensions, less communication issues</p> <p>All will feel and believe that they are valued and respected</p>			

1.				
2.				
3.				
4.				
<b>OUTCOMES</b> Results we expect – derived from Long-Term Output				

### EQUITY ACTION PLAN

<b>Equity Target Goal:</b> <i>(What are you trying to achieve – what will success look like?)</i>		
<b>CURRENT SITUATION/Critical Analysis</b>	<b>Supporting Evidence</b> <i>(Data, feedback, observations, etc.)</i>	<b>ASSUMPTIONS</b>

<p><b>Assessing Cultural Knowledge</b></p> <p><b>Cultural Blindness/Cultural Precompetence</b></p> <p>The English Learner / African American data, presented at Admin Collab, has yet to reach the teachers and staff at the various sites and departments. Various departments in the district need to this information and have time to process i.e. transportation needs to work on this piece. We are struggling with buy in at the district-wide level receiving the message, this transformation for equity is the focus of our practice.</p>	<p>EL and AA data sets</p> <p>Achievement data</p> <p>Dashboard indicators</p>	<p>If we focus on equity, yields positive results close the achievement gap</p> <p>Trained staff equates to more equity</p>	
		<p><b>EXTERNAL FACTORS</b></p>	
<p><b>INPUT Resources Available Now:</b></p>		<p><b>Resources Needed:</b></p>	
<p><b>OUTPUT</b></p>	<p><b>Timeline</b></p>	<p><b>Communication Plan</b></p>	<p><b>Responsibilities</b></p>

Activities for Short-Term	Start Date	End Date	Staff Involved (Participation)? <i>What methods? How often?</i>	<i>Who Will Do It?</i>
1.				
2.				
3.				
4.				

**OUTCOMES**

Results we expect – derived from Short-Term Output.

OUTPUT Activities for Medium-Term		Timeline		Communication Plan Staff Involved (Participation)? <i>What methods? How often?</i>	Responsibilities <i>Who Will Do It?</i>
		Start Date	End Date		
1.					
2.					

3.				
4.				
<b>OUTCOMES</b> Results we expect – derived from Medium-Term Output				
OUTPUT Activities for Long-Term	Timeline		Communication Plan Staff Involved (Participation)? <i>What methods? How often?</i>	Responsibilities <i>Who Will Do It?</i>
	Start Date	End Date		
1.				
2.				
3.				
4.				
<b>OUTCOMES</b> Results we expect – derived from Long-Term Output				

# EXHIBIT 5

## VMHS EQUITY ACTION PLAN

**Equity Target Goal:**

Vista Murrieta High School will work to create a climate and culture that supports systemic equity and increased student achievement by:

- Developing programs, support systems, and practices to close known achievement gaps.
- Providing Professional Development and Training on equity and diversity including relevant resources to diversify curriculum and promote equitable grading practices.
- Engaging all stakeholders in training and development of equitable practices, cultural and cross-cultural learning opportunities, and the acquisition and implementation of student learning needs.
- Promoting various activities and events to help create a campus culture and climate of equity, diversity, and cultural proficiency.

CURRENT SITUATION/Critical Analysis	Supporting Evidence <small>(Data, feedback, observations, etc.)</small>	ASSUMPTIONS
<p><b>Assessing Cultural Knowledge:</b></p> <p>Although we have established the motto of CLASS, we need to work on our staff's awareness of how our own cultural biases affect our student's experience.</p>	<p><b>PLUS Survey Data (8%):</b> I have been disrespected or mistreated by an adult at my school because of my race, ethnicity, or nationality within the last 60 days.</p> <p><b>Site Training:</b></p> <p>Although the district has made Cultural Proficiency a priority, our site needs to conduct a self-assessment and a systematic approach to increasing our cultural proficiency.</p> <p><b>Equity Committee:</b></p>	<p>When our staff becomes more aware of how their cultural biases affect our student's experience, we will begin to see a shift in our mindset and the lens in which we approach student achievement will become more equitable.</p> <p>When our staff begins to increase equitable practices, then students will feel safer and more connected to learning and achievement.</p>

	<p>Encourage those who have been exposed to Cultural Proficiency training to share their knowledge and experience through staff meetings, PSG's and Professional Development.</p>	
<p><b>Valuing Diversity:</b></p> <p>Although we collect data regarding cultural groups, we still need to work on creating structures that provide ongoing opportunities to learn about these groups.</p>	<p><b>Cultural Clubs:</b></p> <p>While our campus has a wide range of cultural clubs offered to students (BSU, LSU, NASA, PCC, Fil-AM, Ohana, Ballet Folklorico, YGLC, BCRS, GSA, Haka) we need to create meaningful opportunities for these organizations to engage the rest of the student body in educational experiences.</p> <p><b>Achievement Gaps:</b></p> <p>We collect data to identify achievement gaps and continue to develop culturally relevant support systems.</p> <p><b>Discipline Data:</b></p> <p>We need to disaggregate discipline data with regard to demographics, offenses, and consequences to determine equitable practices.</p>	<p>As we increase opportunities to learn about cultural diversity, our staff and students will begin to value diversity in a way that allows for greater student support and student achievement.</p>

**Managing Dynamics of Difference:**

We provide experiences for students to learn about and interact with ideas, cultures, and other students of various backgrounds, ideologies, and cultural groups.

**Culture Club Activities:**

Cultural Clubs on campus promote activities for students to learn about culture and interact with students of different backgrounds. Club meetings, Club activities, and community nights open the door for more understanding.

**Culture Nights:**

The PLUS Team and Commissioners of Cultural Awareness plan and execute culture night activities that are open to all students and community. Cultural Clubs are invited to participate and share.

**Student Involvement:**

PLUS Survey Data states that 65% stay after school for a sport, club, or band.

5-Star Data indicates a higher percentage as it includes participation in activities. All of these extra-curricular activities provide opportunities for students of diverse backgrounds to interact with each other and learn from one another.

**Students Not Involved in After School Activities:**

By providing opportunities for students and staff to learn about people with different backgrounds, we will increase communication and understanding. This will result in reduced conflict and tension on campus. If we can reduce conflict, students will be more engaged in school and take ownership of their education.

	<p>The most recent PLUS survey data noted the following about students <b>not involved</b> after school with sports, clubs, activities, or arts:</p> <p>30% African Americans</p> <p>26% African American Males</p> <p>54% ELD</p> <p>62% Below 2.0 GPA</p> <p>40% Latinos</p> <p>42% Latino Males</p>	
<p><b>Adapting to Diversity:</b></p> <p>PLCs are meeting to align curriculum but often do not talk about diversifying curriculum that reflects diverse backgrounds, interests, and educational needs.</p>	<p><b>PLC:</b></p> <p>PLCs are not all fully engaged about the social/emotional wellness of each cultural group</p> <p>There is not a consistent purpose to address</p> <p><b>Professional Development:</b></p> <p>Vista has had equity training at our general staff meeting and participated in District equity training at the beginning of 2<sup>nd</sup> semester. We have also begun our Equity PSG and have scheduled meetings in the future. We are also</p>	<p>By adapting to diversity in the classroom, students from all backgrounds will become more engaged with the curriculum and with each other. This will increase understanding of and respect for differences.</p>

	<p>encouraging more staff members to take advantage of District and County Equity training opportunities. During the first PSG meeting the staff members were surveyed on their perception of equitable practices at our school. Students were given the same survey and in the following PSG we will discuss the results and differences in perceptions.</p> <p><b>Resources:</b></p> <p>Teachers need more training about how to diversify curriculum and more readily available resources to be able to incorporate new materials in order to be able to greater diversify content and curriculum. We need to look at purchasing or accessing materials.</p>	
<p><b>Institutionalize Cultural Knowledge:</b></p> <p>We need to implement intentional practices which promote cultural competence.</p>	<p><b>Professional Development:</b></p> <p>Vista has had equity training at our general staff meeting and participated in District equity training at the beginning of 2<sup>nd</sup> semester. We have also begun our Equity PSG and have scheduled meetings in the future. We are also encouraging more staff members to take</p>	<p>When the staff can understand the different cultural backgrounds of their students, they will be able to understand the needs of their students.</p> <hr/> <p><b>EXTERNAL FACTORS</b></p>

		<p>advantage of District and County Equity training opportunities.</p> <p><b>Community Involvement:</b></p> <p>Information and Data is shared with Parent Advisory Groups, PTSA, and School Site Council in order to increase communication and brainstorm solutions to improve and increase equity.</p> <p><b>Campus Culture &amp; Climate:</b></p> <p>PLUS monitors campus climate and culture through surveys and forums. Current PLUS data is showing an improvement in areas related to race and equity.</p>		
<p><b>INPUT Resources Available Now:</b></p> <ul style="list-style-type: none"> <li>• Clubs and organizations.</li> <li>• Social and emotional supports (mental health professionals)</li> <li>• Staff training</li> <li>• Activities</li> <li>• PLUS Survey Data</li> </ul>		<p><b>Resources Needed:</b></p> <ul style="list-style-type: none"> <li>• Materials for diversifying content and curriculum.</li> <li>• Mentorship programs for targeted student groups.</li> <li>• Further training and development for staff and teachers.</li> </ul>		
<p><b>OUTPUT</b></p> <p><b>Activities for Short-Term (1-2 years)</b></p>	<p><b>Timeline</b></p>		<p><b>Communication Plan</b></p> <p>Staff Involved (Participation)? <i>What methods? How often?</i></p>	<p><b>Responsibilities</b></p> <p><i>Who Will Do It?</i></p>
	Start Date	End Date		
<p>1. Have Lindsay's meet with Admin and Equity Warriors to do a needs assessment.</p>	<p>9/26</p>	<p>9/26</p>	<p>VMHS Administration Team</p>	<p>Celeste Scallion</p>

2. Develop an African American/ Latino Parent Advisory	10/9	Ongoing	October 9 (Navigating through high school) Dec 4 (Reviewing Student Data: Culture/Climate)	Celeste Scallion
3. Administer a staff-wide survey assessing our cultural proficiency	11/4		Administration will express the importance of the survey	Celeste Scallion
4. Create a campus Equity PSG and administer a survey to assess cultural proficiency.	12/10	Ongoing	Dec. 10, Feb 11, March 10, May 12	Kelly Parsons/Greg Dowden
5. <i>Developing Culture Nights – Every other month</i> <i>Inviting community, staff, and students to engage in cross-cultural education.</i>	10/21	Ongoing	Oct 21 (Welcome Home) Nov 19 (Polynesian Culture Night) Dec 17 (Desserts Around the World)	Greg Dowden
6. Design and develop Mentorship programs to support low performing students.	01/2020	Ongoing	Determine staff interest, research organizations structures, identify students, develop structures, begin student recruitment.  PSG	Greg Dowden
7. Provide opportunities for student voice in small group (PD, PSG)				Administration
Additional Activities:		Ongoing		Greg Dowden Kelly Parsons
8. LINK Crew/PLUS Luncheons to embrace new students – focus on LPSG to share resources and supports available.				
9. PSA's through BNN to address student concerns identified through surveys and provide possible solutions/effective communication strategies.				
10. Increase opportunities for students in CLIMB (Moderate/Severe program) to participate in and have exposure to campus wide activities/events.				

11. 5-star to monitor student engagement			
12. Meet the Pros luncheon for foster students to help them acclimate to campus.			

**OUTCOMES**

1. Educating our administration will allow them to develop a plan of action for staff training and the implementation of equitable practices.
2. Engaging Stakeholders will increase support systems for students.
3. Assessing our staff's position on equity will help develop training plans to increase equitable practices.
4. The PSG will provide professional development and training of equitable practices, cultural and cross-cultural learning opportunities and increase equitable grading practices.
5. Developing Culture Nights will engage stakeholders and increase student connections while providing opportunities for student learning.
6. Increasing student involvement and connection in special populations will help increase student performance and achievement and help close the achievement gap.

OUTPUT Activities for Medium-Term (3 Years)		Timeline		Communication Plan Staff Involved (Participation)? What methods? How often?	Responsibilities Who Will Do It?
		Start Date	End Date		
1.					
2.					

3.				
4.				

**OUTCOMES**  
Results we expect – derived from Medium-Term Output

OUTPUT Activities for Long-Term (4-5 years)	Timeline		Communication Plan Staff Involved (Participation)? <i>What methods? How often?</i>	Responsibilities <i>Who Will Do It?</i>
	Start Date	End Date		
1.				
2.				
3.				
4.				

**OUTCOMES**  
Results we expect – derived from Long-Term Output

Date	Activity
11/7/2019 1/30/2020 3/5/2020	<b>District Equity Institute (Cohort 2)</b>
10/18/2019 12/6/2019 2/27/2020	<b>LCAP Student Advisory - 30 Students</b>
11/4/2019 3/2/2020 5/26/2020	<b>LCAP District Advisory Admin w/Student Rep.</b>
12/10/2019 2/11/2020 3/10/2020	Development of Professional Study Group Focus: Equity Plan and Systemic Growth
9/13/2019	<b>Principal's Advisory Council</b>
10/4/2019  11/8/2019 12/13/2019 2/7/2020 3/13/2020	<i>Purpose: Gain insight and assess the climate and culture of the school from student perspective.</i>
	<b>AAPAC and LPAC Site Meetings (@VMHS)</b>
10/9/2019	Topic: Navigating Programs and Performance
12/4/2019	Topic: Hearing the Student Voice and PLUS Student Survey Data - Cultural Proficiency Journey
	<b>PLUS Forums</b>
10/28/2019	Topic: Racism/The N Word
11/14/2019	Topic: Racism/Student and Teacher Relationships/Mental Health
12/9/2019	Topic: Mental Health
2/18/2020	Topic: Racism/Mental Health
	<b>Milestones</b>
10/29/2019	Explore 4 Tools of Cultural Proficiency

10/29/2019 Self-Assessment (Assessing Culture and Valuing Diversity)

9/26/2018 Admin Team Met with Randal and Delores Lindsey/Cultural Proficiency - Needs Assessment

8/14/2019 Implementation of Updated English Curriculum 3 to include Multicultural Reader

**Staff Meetings**

8/12/2019 Topic: Teacher/Student Relationship as it relates to collective teacher efficacy (Hattie)

10/29/2019 Topic: PLUS student survey results and what we were hearing from our student meetings (student voice)

1/13/2020 Topic: Review updated PLUS student survey results and Panorama survey results. Also conducted district's "listening activities"

3/3/2020 Topic: Share-out from the Equity Professional Study Group

**Professional Study Group/Equity PD**

Book Study: Cultural Proficiency

12/10/2019 Topic: Cultural Proficiency/Inside Out Approach

2/11/2020 Topic: Self Assessment/Students Perspective vs. Teacher

3/10/2020 Topic:

**PLUS Surveys**

9/10/2019 Baseline: (Addressed Racism, Mental Health, Harrassment, School Connectivity)

10/17/2019 Survey 2: Racism as identified from Baseline Survey

12/3/2019 Survey 3: Mental Health/Suicide Prevention and Student to Staff Connectivity

2/12/2020 Semester 2 Baseline: Measure Sem1 Progress

Survey 5: Drugs and Alcohol

**Student Group Meetings**

Admin met with:

11/19/2019 PLUS - Racism Through Education

10/9/2019 BSU

11/5/2019

10/17/2020 Principal's Student Advisory (w/Equity discussion on the agenda)  
11/21/2020  
1/23/2020  
2/20/2020

**Culture Nights and Activities**

9/4-9/5/2019 Suicide Awareness Walk  
Jan-20 "My Name, My Story" Empathy Training  
10/21/2019 Theme: Welcome Home (Share a dish from your culture and performances)  
11/19/2019 Theme: Polynesian Family Night  
12/17/2020 Theme: Holidays Around the World  
\*Ballet Folklorio  
\*Synergy  
\*Native American Club

9/29/2019 **RCOE Unity Conference**

## EXHIBIT 6

**EDUCATION CODE EXCERPTS  
RELATING TO FREEDOM OF SPEECH**

**EDUC. CODE 48907**

“(a) Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

(b) The governing board or body of each school district or charter school and each county board of education shall adopt rules and regulations in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its respective jurisdiction. . . .

(f) This section does not prohibit or prevent the governing board or body of a school district or charter school from adopting otherwise valid rules and regulations relating to oral communication by pupils upon the premises of each school....”

**EDUC. CODE 48950**

“(a) A school district operating one or more high schools , a charter school, or a private secondary school shall not make or enforce a rule subjecting a high school pupil to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.

(b) A pupil who is enrolled in a school at the time that the school has made or enforced a rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section. . . .

(d) This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) This section does not supersede, or otherwise limit or modify, the provisions of Section 48907.

(f) The Legislature finds and declares that free speech rights are subject to reasonable time, place, and manner regulations...”

**COURT DECISIONS ON FIRST AMENDMENT  
STUDENT FREE SPEECH**

**Tinker v. Des Moines Ind. Comm. Sch. Dist. (1969) 393 U.S. 503**

- Students maintain their right to freedom of speech at school, and school officials are prohibited from disciplining them for otherwise protected speech, so long as such expression does not cause a substantial disruption to the education environment or is reasonably forecast to cause such a disruption or impinge on the rights of others

**Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675**

- School officials may prohibit the use of vulgar and offensive language at school. First Amendment does not prohibit school from prohibiting vulgar and lewd speech since such discourse is inconsistent with the “fundamental values of public school education”

**Morse v. Frederick (2007) 551 U.S. 393**

- School officials may discipline a student for violating school policy prohibiting the advocacy of illegal drugs during a school sponsored event. (Bong Hits 4 Jesus”) Schools may restrict student expression that school officials may reasonably regard as promoting illegal drug use.

**Smith v. Novato USD (2007) 150 Cal.App.4th 1439**

- High school student's opinion editorial entitled “Immigration,” which was published in school's student newspaper, was protected speech, inasmuch as it was not speech likely to incite disruption of the orderly operation of the high school, within the meaning of statute guaranteeing students free speech rights in public schools. Plain language of Education Code section 48907 guarantees student free speech rights in public schools and mandates that a school may not prohibit student speech simply because it presents controversial ideas and opponents of the speech are likely to cause disruption; schools may only prohibit speech that incites disruption, either because it specifically calls for a disturbance or because the manner of expression, as opposed to the content of the ideas, is so inflammatory that the speech itself provokes the disturbance.

**J.C. v. Beverly Hills (C.D.Cal. 2010) 711 F.Supp.2d 1094**

- School district may discipline students for off-campus, electronic speech only if: (1) the speech is subsequently brought onto school campus, brought to the attention of school officials or could foreseeably make its way onto campus, AND (2) the speech caused substantial disruption to the education environment or it was reasonably foreseeable that such a disruption would occur. Such disruption or foreseeable disruption had to be based on specific facts and not on undifferentiated fears of the administration

**Kowalski v. Berkeley County Schools (4th Cir. 2011) 652 F.3d 565**

- School may punish student for creating (at home) a MySpace page with the heading S.A.S.H. – Students Against Shay’s Herpes, inviting other to join the group (which mocked a student). Student left school. It was reasonable to expect the speech would reach the school or impact the school environment.

**Layshock v. Hermitage Sch. Dist. (3d Cir. 2011) 650 F.3d 205**

- District could not punish student for “expressive conduct which occurred outside the school context,” when the student created a profile of his principal on his MySpace account that was disrespectful and rude.

**J.S. v. Blue Mountain Sch. Dist. (3d Cir. 2011) 650 F.3d 915**

- Middle school student created a spoof MySpace profile page on her home computer calling her principal a “hairy slut” who hits on students and other personal attacks. Court held district could not discipline the plaintiff students for creating fake MySpace profiles of school administrators. Was created off campus and school district failed to demonstrate that it could reasonably forecast that the student’s words would cause substantial disruption in school. Therefore, student’s suspension was in violation of First Amendment right to free speech

**SJW v. Lee’s Summit R-7 Sch. Dist. (8th Cir. 2012) 696 F.3d 771**

- Twin brothers created a blog to vent about their experiences in high school, and in it they mocked black students and made sexually degrading comments about fellow female students and identified them by name. Several school computers were used to access the blog and teachers reported difficulty in managing their classes because students were distracted and upset. Tinker standard applied because the blog was “targeted at” the high school, and as such, the appellate court upheld the discipline.

**Wynar v. Douglas County Sch. Dist. (9th Cir. 2013) 728 F.3d 1062**

- High school student sent multiple violent and threatening messages to his friends through MySpace, who were also students at his high school, detailing a potential school shooting, which individuals he planned to kill, a potential date of the event and the ammunition he had to execute this plan. Student’s violent and threatening off campus, electronic speech was not protected by the First Amendment and could be a basis for school discipline. Court held that the Tinker standard applies to off-campus, electronic communications that amount to an “identifiable threat of school violence.”

**Dariano v. Morgan Hill Unified School District (9th Cir. 2014) 767 F 3d 764.**

- School officials reasonably forecasted that high school students' wearing of clothing bearing American flag on Cinco de Mayo Day could cause substantial disruption, and therefore, requiring students to turn their shirts inside out, remove them, or leave school with excused absence did not violate students' First Amendment right to expression; school had ongoing racial tension and gang violence, near-violent altercation occurred prior year on same day over display of American flag, students warned officials that there might be physical fighting at break, and officials' actions were tailored to avert violence and focused on student safety, without punishing students.

**C.R v. Eugene School District 4J (9th Cir. 2016) 835 F.3d 1142**

- School district may suspend student for harassing two disabled sixth-grade students in public park, shortly after school let out. As a matter of first impression, school district had authority to discipline seventh-grade student for his **off-campus, sexually harassing speech**. The suspension did not violate seventh-grade student's First Amendment free speech rights.

**Shen v. Albany Unified School District (N.D. Cal. 2017) WL 5890089**

- Ninth circuit has “identified two tests used ... to determine when a school may regulate off-campus speech” (citing C.R. v. Eugene) The first test looks for a **sufficient nexus** between the speech and the school and was applied by the Fourth Circuit in *Kowalski v. Berkeley County Schs.*, 652 F.3d 565 (4th Cir. 2011). The second test asks whether it was **reasonably foreseeable that the off-campus speech would reach the school** and was applied by the Eighth Circuit in *S.J.W. v. Lee’s Summit R-7 Sch. Dist.*, 696 F.3d 771 (8th Cir. 2012). The Ninth Circuit has declined to choose between the two approaches, noting that both tests “rely on the speech’s close connection with the school to permit administrative discipline.”

**McNeil v. Sherwood School District 88J (9th Cir. 2019) 918 F.3d 700**

- Oregon public school district's decision to expel high school student because of his off-campus private journal entry containing “hit list” naming other students that “must die” did not violate student's First Amendment right of free speech, even though student did not intend to communicate list to anyone and school district was only notified of list because student's mother contacted therapist, who notified police, and police notified district; district reasonably determined that student presented credible threat, as he identified specific targets of violence, lived in gun-owning home that was close to high school, and had had thoughts of suicide, it was reasonably foreseeable that student's speech would disrupt school environment, as Oregon statute required news of list be communicated to parents of students named as targets, which could cause students to be fearful of their safety, and content of speech directly involved school, and invaded the rights of other students to be secure.

**B.L. v. Mahanoy Area School District (3d Cir. June 30, 2020)**

- High school sophomore was kicked off the J.V. cheer squad for posting a picture on Snapchat of herself and a friend holding up their middle fingers with the words “f\_ school, f\_ softball, f\_ cheer, f\_ everything” on the image. Student’s speech was protected by the First Amendment, and she did not waive that right by agreeing to the rules (which did not directly relate to the specific post). Court held that the Tinker “substantial disruption” test should not apply to all off-campus speech, and developed new test that requires speech to be on campus in order

# # #

**FREEDOM OF SPEECH / EXPRESSION: PUBLICATIONS CODE**

Free inquiry and exchange of ideas are essential parts of a democratic education. The Governing Board respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, writings, printed materials and/or the wearing of buttons, badges and other insignia.

*(cf. 6144 - Controversial Issues)*

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community. Students shall not be disciplined solely on the basis of constitutionally protected speech or other communication.

*(cf. 1113 – District Related Websites)*

*(cf. 1325 - Advertising and Promotion)*

*(cf. 5144 - Discipline)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 6163.4 – Student Use of Technology)*

*(cf. 6145.5 Student Organizations and Equal Access)*

The Superintendent or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

*(cf. 6145.3 - Publications)*

**Legal Reference:**

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

CALIFORNIA CONSTITUTION

Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

Amendment 1 Freedom of speech and expression

COURT DECISIONS

*Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439*

*Lavine v. Blaine School District, (2001) 257 F.3d 981*

*Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088*

*J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)*

*Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175*

*Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530*

*Lovell v. Poway Unified School District, (1996) 90 F.3d 367*

*Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562*

*Leeb v. DeLong, (1988) 198 Cal.App.3d 47*

*Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675*

*Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350*

*Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503*

**FREEDOM OF SPEECH / EXPRESSION: PUBLICATIONS CODE**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

*Limitations on Student Expression in School-Sponsored Publications, March 4, 1988*

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California School Boards Association: <http://www.csba.org>

Policy  
adopted: May 9, 1990  
revised: March 13, 1997

**MURRIETA VALLEY USD**  
Murrieta, California

**FREEDOM OF SPEECH / EXPRESSION: PUBLICATIONS CODE**

Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous or slanderous, or which demonstrably incite students to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school's orderly operation. (Education Code 48907)

Conduct by a student, in class or out of it, which for any reason materially disrupts class work or involves substantial disorder or invasion of the rights of others, is not immunized by the constitutional guarantee of free speech. (*Tinker v. Des Moines School District* (1969) 393 U.S. 503)

The use of "fighting words" or epithets is not constitutionally protected where:

1. The speech, considered objectively, is abusive and insulting rather than a communication of ideas, and
2. The speech is actually used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace. (*Collin v. Smith* (1978) 447 F. Supp. 676, affd. (1978) 578 F. 2d 1197, cert. den. (1978) 439 U.S. 916)

*(cf. 5137 - Positive School Climate)*

Students shall be free to post or distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out-of-school issues.

All printed matter and petitions distributed, circulated or posted on school property shall bear the name and the address or contact location of the sponsoring organization or individual.

Printed materials or petitions may be distributed only:

1. Before school begins, during lunch time, or after dismissal
2. In locations that do not obstruct the normal flow of traffic within school or at entrances
3. Without undue noise.

No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

*(cf. 1321 - Solicitation of Funds From and By Students)*

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

## **FREEDOM OF SPEECH / EXPRESSION: PUBLICATIONS CODE (continued)**

### **Clothing/Buttons and Badges**

Buttons, badges, armbands or clothing bearing slogans or sayings may be worn unless their message falls within the categories prohibited above. No teacher or administrator shall interfere with this practice on the grounds that the message may be unpopular with students or faculty.

*(cf. 5132 - Dress and Grooming)*

*(cf. 5136 - Gangs)*

### **Bulletin Boards**

Bulletin boards may be provided where students and student organizations may post materials of general interest.

*(cf. 1325 – Advertising and Promotion)*

*(cf. 6145.5 – Student Organizations and Equal Access)*

### **Appeals**

The following procedures shall be used to address disputes regarding student freedom of expression:

1. The student and faculty member shall first attempt to resolve the problem by themselves.
2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the principal or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
3. If the principal or designee is unable to resolve the dispute, the student and/or faculty member may bring the matter to the Superintendent or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
4. If the Superintendent or designee is unable to resolve the dispute, the student and/or faculty member may ask for a hearing to determine whether a deprivation of freedom of expression was justified under the above regulations. This hearing shall be held before the Board or impartial person(s) appointed by the Board as soon as possible after it is requested. Both sides shall be given an opportunity to demonstrate that Board policy and administrative regulations were properly applied.

Regulation  
approved: May 9, 1990  
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Murrieta, California



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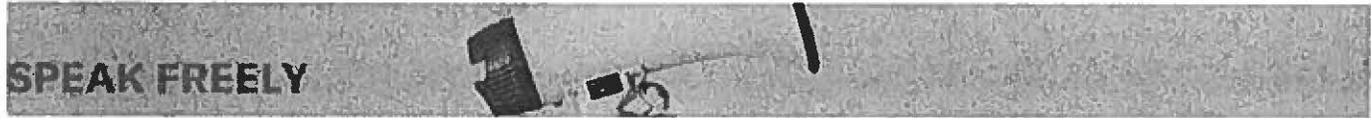
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## The ACLU's Longstanding Commitment to Defending Speech We Hate



By David Cole, National Legal Director

JUNE 23, 2018 | 10:00 AM

TAGS: Free Speech



The ACLU, the nation's oldest and largest civil liberties organization, has always had its share of critics. Many condemned us for defending Nazis' right to march in Skokie in the 1970s. Some, like former Attorney General Ed Meese, labeled us the "criminals' lobby" for advocating for constitutional rights for those accused of crime. We earned few friends when we

represented Anwar al-Awlaki, an American citizen suspected of terrorist ties and killed in a drone strike by the Obama administration. After we represented a white supremacist denied a permit by the city of Charlottesville, we were criticized for defending white supremacists. Such criticism comes with the territory, and does not dissuade us from defending the Bill of Rights, no matter how unpopular our clients may be.

But Wendy Kaminer's criticism, published in the Wall Street Journal, is different from those challenges to our work. Her critique is predicated on a fundamental misrepresentation. She falsely accuses the ACLU of having secretly changed its policy regarding free speech – and of launching an investigation to determine who “leaked” the “secret” document that she claims reveals this asserted change in policy. In fact, the ACLU remains fully committed to defending free speech as the document she cites – our guidelines for case selection – expressly reaffirms. That document does not change our longstanding policies and has never been secret.

After the tragic events in Charlottesville, we reaffirmed our commitment to defending speech with which we disagree. The ACLU Board – the only entity with the authority to change ACLU policy – discussed Charlottesville, and no one on the staff or the board asked the board to change our policies.

Nonetheless, it seemed clear to us that guidelines would help ACLU affiliates and national staff in considering cases that might pose conflicts between our values. We are a multi-issue organization, and some cases may present conflicts, such as between gay rights and religious freedom, privacy and women's rights, or speech rights and equality. The guidelines, which have been distributed to all ACLU staff members, are explicitly designed to help affiliates and national staff think through various factors in case selection decisions.

Kaminer claims the guidelines change our policy. But the guidelines clearly state that they do not “change ACLU policy, which is set by the Board.” They reaffirm our view that free speech rights “extend to all, even to the most repugnant speakers – including white supremacists – and pursuant to

ACLU policy, we will continue our longstanding practice of representing such groups in appropriate circumstances to prevent unlawful government censorship of speech.” Nothing in the guidelines supports Kaminer’s claim that “free speech has become second among equals.”

Kaminer objects to any acknowledgement that speech can cause harm. But that is simply a recognition of fact, and denying it flies in the face of lived experience and ignores the costs of free speech. All rights come with costs, from privacy to due process to the right against compelled self-incrimination. Acknowledging this hardly means one lacks commitment to the rights. It simply recognizes the stakes. The guidelines do not suggest that the ACLU should not represent a speaker because his speech causes harm. Rather, they “attempt to identify the kinds of questions that ought to be considered, the processes for their consideration, and the measures that can help mitigate the harms to competing interests.” We will continue to represent those expressing offensive and harmful views, but we as an organization also insist on our right to condemn a speaker’s views even as we defend the right to express them.

And if you don’t believe our words, judge us by our acts. We represent Milo Yiannopoulos in a suit against the Washington, D.C. Metro system for suppressing ads for his book. We are defending a student group in San Diego that was penalized for publishing a satire of “safe spaces” that some students and faculty deem offensive. We disagree sharply with those who engage in terrorism, criminal activity, homophobic or racist speech, or attempts to dissuade women from obtaining abortions. Yet we have defended the constitutional rights of terrorists, criminals, anti-gay and racist bigots, and right-to-life advocates. We don’t burn flags, but we defend the rights of those who do. Indeed, we’ll even defend Kaminer’s right to criticize the ACLU. But we do wish she’d get the facts straight.

*This article first appeared in The Volokh Conspiracy.*



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## Some Schools Need a Lesson on Students' Free Speech Rights



Vera Eidelman, Staff Attorney, ACLU Speech, Privacy, and Technology Project  
& Sarah Hinger, Staff Attorney, ACLU Racial Justice Program

SEPTEMBER 18, 2018 | 5:15 PM

TAGS: Student Speech and Privacy, Free Speech, Race and Inequality in Education, Racial Justice

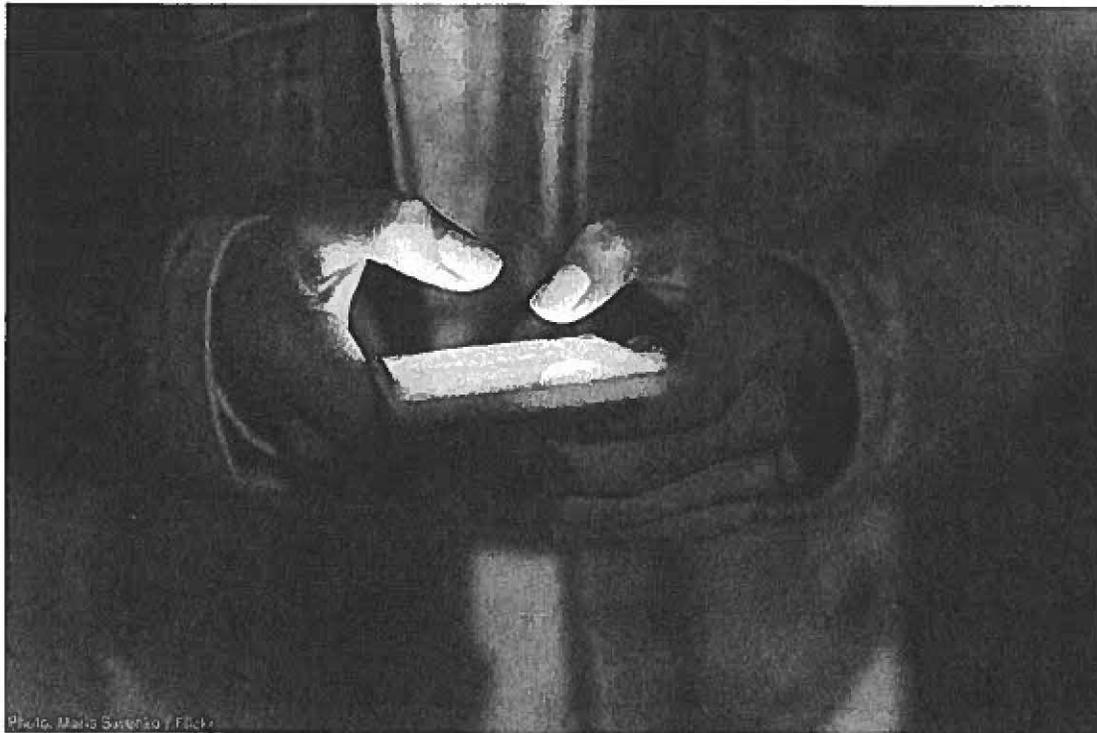


Photo: Marco Sestini / Flickr

School is back in session, and that means school administrators may be back to surveilling students on social media and unjustly disciplining them for what they say on it.

We've seen both of these troubling trends before. And in today's era of inspiring student activism, they may become all the more prevalent. Moreover, experience shows that discipline for student expression is not always applied evenhandedly, and can be invoked to silence youth of color and other marginalized students.

Fortunately, the First Amendment protects student speech. While public schools can regulate student speech that substantially disrupts the functioning of the school, as the Supreme Court held in the landmark 1969 case *Tinker v. Des Moines*, students do not lose their First Amendment rights simply by virtue of walking into school. Nor do they give up their right to speak out outside of school simply by virtue of being a student. To the contrary, outside of school, students enjoy essentially the same rights to protest and speak out as anyone else.

In the last five years, more than 100 public school districts and universities have hired companies to monitor the social media of their students. At least one district asked a surveillance company for alerts on any post mentioning "protest" or "walkout." Another surveillance company offered to help public schools monitor "behavioral information" about specific individuals, including keeping tabs on their conversations with others.

### **KNOW YOUR RIGHTS: STUDENTS' FREE SPEECH RIGHTS**

Much like other forms of surveillance, government monitoring of students' social media accounts — which often includes surveillance of their lives outside of school — can have a disproportionate effect on people of color.

For example, after an Alabama town contracted with a consulting firm to watch students' social media, more than 85 percent of the students expelled due to social media posts in a one-year period were students of color, even

though more than 60 percent of the town's population is white. As the Southern Poverty Law Center reported, one student was expelled for wearing a sweatshirt depicting her murdered father, and another was expelled for posting a photo of himself "holding too much money."

Elsewhere, the ACLU has challenged school districts that disciplined students of color over photographs taken while dancing at home, with the schools alleging that these constituted "gang-related messages."

This disproportionate effect is perhaps not surprising, given that some school officials around the country have disciplined students of color who, in an effort to criticize and push back against the racist speech of classmates, reposted it. One school in North Carolina suspended two Black students for reposting a video of a white classmate using a racial slur while criticizing gun control laws. Similarly, an Ohio school suspended two students for reposting a classmate's racist remarks on Snapchat.

Schools are meant to teach the Constitution – and follow it. That means respecting equality and freedom of speech. And when students speak out on the political issues of the day, it should lead to engagement, not wrongheaded punishment.

Fight for everyone's rights -  
support the ACLU.

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