



JJDPC AGENDA BUSINESS MEETING

This JJDPC Meeting will be a virtual meeting only due to precautions related to the spread of Coronavirus.

<https://us02web.zoom.us/j/86111131087?pwd=Z1NINIQ2OTB2RnJ2UXA5Ti9iT050QT09>

Phone: 669-900-6833; Meeting ID: 861 1113 1087; Passcode: 881719

January 13, 2022

Any public requests to speak during public comments must first register by completing the form (link below) and submitting at least 24 hours in advance. <https://forms.rivco.org/ConstituentSpeakingRequest.aspx#gsc.tab=0>

1. Call to Order Chair, Chris Collopy
2. Roll Call Secretary
3. Adoption of Resolution No. 2022-004 - A Resolution of the CCPEC Authorizing Remote Teleconference Meetings for 30 days – Action Item
4. Introduction of Guests Chair
5. Public Comment: any member of the public wishing to speak on any issue related to agenda items or any issue that falls under the purview of the Commission and may do so by first completing the form to <https://forms.rivco.org/ConstituentSpeakingRequest.aspx#gsc.tab=0>
6. County Counsel Report County Counsel
7. Probation Report Chief Deputy Probation Officer
8. DPSS Report Deputy Director, DPSS
9. Review and Approval: Chair
 - a. JJDPC Monthly Meeting Minutes – December 9, 2021.
10. Review and Accept Correspondence
 - a. Correspondence: Outreach to R.A. Director, Pupil Services re: constituent concerns from September meeting.
 - b. Correspondence with Judge Petersen re: update on Courage to Change Ex-Parte complaint and planning session with Executive Committee for lockup and/or group home inspections/other priorities
 - c. Application of Paul Parker for Commission position.
 - d. Chief Miller correspondence re: Covid impact in Institutions
 - e. Email from Georgia Hussein re: extension of Leave of Absence
11. Training

12. Activities of the Commissioners

- a. Inspections: Chair: Bob Lippert, Vice Chair: Kelly Curtis – Update on inspections
- b. Awards: Chair: Chris Collopy
- c. Anti-Bullying: Chair: Micheal Malsed, Vice Chair: Christopher Collopy
- d. By-Laws/Policies/Procedures: Chair: Laurel Cook, Vice Chair: Robert Lippert
- e. Ad-hoc Legislative Committee: Chair: Armando Ruiz-Rosas

13. New Business

- a. Treasury Report
- b. Foster system- How are group homes monitored/evaluated?- Tierra Bowen
- c. Meeting with Judge Petersen re: priorities
- d. Observation in courtroom for Commissioners

14. Items for future Commission consideration

15. Old Business

16. Commission Member Reports

17. Adjournment

Attachments: N/A

NEXT MEETING: February 10, 2021

Tentative:

Hemet Sub Station
43950 Acacia Ave.,
Hemet, CA 92544

In Accordance with State Law (The Brown Act):

- *The meetings of the Juvenile Justice & Delinquency Prevention Commission are open to the public. The public may address the commission within the subject matter jurisdiction of the Commission.*
- *Disable persons may request disability related accommodations in order to address the JJDPC. Reasonable accommodations can be made to assist disabled persons if requested 24-hours prior to the meeting by contacting Riverside County Probation Department at (951) 600-6776.*
- *The public may review open session materials at <https://probation.com.riverside.ca.us> under JJPDC tab.*
- *Items may be called out of order.*
- *Agenda will be posted 72-hours prior to meeting.*
- *Cancellations will be posted 72-hours prior to meeting.*

2
3 **RESOLUTION NO. 2022-004**

4 **A RESOLUTION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION**
5 **COMMISSION**

6 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
7 **OF THE LEGISLATIVE BODIES OF JUVENILE JUSTICE AND DELINQUENCY**
8 **PREVENTION COMMISSION**

9 **FOR THE PERIOD JANUARY 13, 2022 -FEBRUARY 12, 2022**

10 **PURSUANT TO THE RALPH M. BROWN ACT.**

11
12 **WHEREAS**, all meetings of JUVENILE JUSTICE AND DELINQUENCY PREVENTION
13 COMMISSION and its legislative bodies are open and public, as required by the Ralph M. Brown Act
14 (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and view the
15 legislative bodies conduct their business; and

16 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote
17 teleconferencing participation in meetings by members of a legislative body, without compliance with the
18 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and
19 requirements; and

20 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency
21 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of
22 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by
23 conditions as described in Government Code section 8558(b); and

24 **WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local
25 officials have imposed or recommended measures to promote social distancing, or, the legislative body
26 holds a meeting to determine or has determined by a majority vote that meeting in person would present
27 imminent risks to the health and safety of attendees; and

28 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency

1 declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California
2 Emergency Services Act (Government Code section 8625); and,

3 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
4 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a
5 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
6 not rescind the proclaimed state of emergency; and,

7 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set
8 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
9 other Executive Orders but did not rescind the proclaimed state of emergency; and,

10 **WHEREAS**, as of the date of this Resolution, neither the Governor nor the state Legislature have
11 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
12 either by proclamation or by concurrent resolution the state Legislature; and,

13 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
14 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
15 Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the
16 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
17 more than six feet, especially indoors; and,

18 **WHEREAS**, the JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION
19 finds that state or local officials have imposed or recommended measures to promote social distancing,
20 based on the California Department of Industrial Relations' issuance of regulations related to COVID-19
21 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D); and,

22 **WHEREAS**, as a consequence, the JUVENILE JUSTICE AND DELINQUENCY PREVENTION
23 COMMISSION does hereby find that it and its legislative bodies shall conduct their meetings by
24 teleconferencing without compliance with Government Code section 54953 (b)(3), pursuant to Section
25 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with
26 access to the meetings as prescribed by Government Code section 54953(e)(2).

27 ///

28 ///

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Board of
2 Supervisors, County of Riverside, State of California, in regular session assembled on January 13, 2022
3 does hereby resolve as follows:

4 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
5 Resolution by this reference.

6 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
7 Distancing. The JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMMISSION hereby
8 proclaims that state officials have imposed or recommended measures to promote social (physical)
9 distancing based on the California Department of Industrial Relations' issuance of regulations related to
10 COVID-19 Prevention through Title 8 of the California Code of Regulations, Section 3205(5)(D).

11 Section 3. Remote Teleconference Meetings. The JUVENILE JUSTICE AND
12 DELINQUENCY PREVENTION COMMISSION and any of its legislative bodies are hereby authorized
13 and directed to take all actions necessary to carry out the intent and purpose of this Resolution including,
14 conducting open and public meetings in accordance with Government Code section 54953(e) and other
15 applicable provisions of the Brown Act.

16 Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption and
17 shall be effective until the earlier of (i) February 12 2022, or (ii) such time the JUVENILE JUSTICE AND
18 DELINQUENCY PREVENTION COMMISSION adopts a subsequent resolution in accordance with
19 Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue
20 to teleconference without compliance with Section 54953(b)(3).

21 ADOPTED this Thirteenth day of January, 2022 by JUVENILE JUSTICE AND DELINQUENCY
22 PREVENTION COMMISSION by the following vote:

23
24 YES:

25 NO:

26 ABSENT:

27 ABSTAIN:



Riverside County
Juvenile Justice and Delinquency Prevention Commission

Christopher Collopy, Chair

Kelly Curtis, Vice-Chair

Pam Torres, Secretary-Treasurer

JJDPC Monthly Meeting Minutes
December 9, 2021

Location: Southwest Juvenile Hall
30755-C Auld Rd.,
Murrieta, CA 92563

IN ATTENDANCE: Christopher Collopy, Laurel Cook, Kelly Curtis, Micheal Malsed, Robert Lippert, Pam Torres, Support Secretary Cathy Piech

Absent: Tierra Bowen, Armando Ruiz-Rosas, Georgia Hussein (on Leave of Absence until 12/31/2021)

Guests: Jason Bailey and Emily Headlee

Applicants: Charles Trembly

1. Call to Order

- a. Meeting was called to order at 1:40 PM

2. Introduction of guest

- a. Secretary-Treasurer Pam Torres introduced attendees & guests in attendance-listed by name.

3. Public Comments: N/A

4. Guest Speaker: N/A

5. County Counsel Report: N/A

6. Probation Report – Chief Deputy Probation Officer Jason Bailey

- a. 141 youth in custody between all three facilities
 - i. 76 in Juvenile Halls
 - ii. 53 in AMC-YTEC
 - iii. 12 in PTS
 - 1. 135 boys
 - 2. 6 girls
- b. Recently seen a spike with Covid cases.
 - i. Five cases this week
 - ii. Youth who are Asymptomatic are in a quarantine unit in Indio Juvenile Hall.
 - iii. Southwest Juvenile Hall - A teacher recently tested positive. No youth have tested positive.
- c. PTS went 154 days without a fight.
 - i. Chapman Mediation was immediately notified after a fight.
- d. RFP for community-based services.
- e. K-9 support campaign at PTS.
- f. Some of the youth went and saw the Riverside Philharmonic show.
- g. CDPO Bailey will be retiring at the end of the month.



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- h. Director Mease is being transferred to Probation Administration. At this time, a replacement has not been announced.

7. DPSS Report: N/A

8. Review and Approval Meeting Minutes

- a. Monthly Meeting Minutes dated November 4, 2021 were reviewed by the Commission. Commissioner Malsed motioned to accept the meeting minutes. Commissioner Curtis seconded. All in favor, motion carried.

9. Review and Accept Correspondence

- a. Correspondence: Outreach to L.M. Alcott Principal re: constituent concerns from September meeting.
 - i. Response was received by Mr. Ayala, Director, Pupil Services and due to confidentiality, they cannot disclose information.
 - ii. County Counsel's suggestion was to gather general information about the District's complaint process and pass it along to Ms. Motley as a courtesy.
 - iii. An email requesting the District's complaint process was sent on November 15, 2021 and a follow up email was sent on December 1, 2021. If the JJDPC does not receive a response by January 13, 2022, the commission will take action.
- b. Correspondence with Judge Petersen re: update on courage to Change Ex-Parte complaint.
 - i. The Commissioners have done everything they can on the alleged abuse. They are waiting on Community Care Licensing for their report which takes 60-90 days to produce.

10. Training – N/A

11. Activities of the Commissions

- a. Inspections: Chair: Commissioner Lippert, Vice Chair: Commissioner Curtis
 - i. Institution inspections were held at the following locations:
 1. SJH on November 5, 2021.
 2. YTEC and PTS on November 12, 2021.
 3. IJH on November 19, 2021.
 - ii. The Commissioners will need to turn in their reports to Secretary Piech once completed.
 - iii. Commissioner Lippert asked Chairman Collopy to request a list of jail inspections that the Judges would like the JJDPC to handle.
- b. Awards: Chair: Commissioner Collopy
 - i. This should be reassigned to a new chair.
 - ii. The 2021 program is recorded for the next Chair person's reference.



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- c. Anti-Bullying: Chair: Commissioner Malsed
 - i. Commissioner Malsed has sent emails to four School Districts Presidents' instead of Superintendents. He is hoping to have a better response.
 - ii. Chairman Collopy asked that Commissioner Malsed needs to be careful on wording and not come across as threatening.
 - iii. Commissioner Malsed was asked to partner with DA on anti-bullying since the ADA; Hunter Taylor has a program in place with various districts.
 - iv. It was mentioned that the JJDPC might need to educate the public on what the JJDPC is all about.
- d. By-Laws/Policies/Procedures: Chair: Laurel Cook, Vice Chair: Robert Lippert
 - i. No report.
- e. Ad-hoc Legislative Committee: Chair: Armando Ruiz-Rosas
 - i. No report.

12. New Business

- a. Treasury Report
 - i. Balance \$819.67
- b. Confirm appointment of Membership Chair
 - i. Chairman Collopy recommended to eliminate the existing Membership Ad-hoc Committee and the by-laws be amended to provide discretion to reestablish the Ad-hoc Membership Committee as needed. Motioned made by Commissioner Lippert and seconded by Commissioner Curtis.
- c. JJCC Sub-Committees and the JJDPC involvement
 - i. The JJDPC Chairman is a voting member on the JJCC.
 - ii. Chairman Collopy asked the Chief Probation Officer for the JJDPC Chairman or designee to be included on Sub-committees.
- d. Foster System – How are group homes monitored/evaluated? – Tierra Bowen - Tabled
- e. Youth application – Ms. Terry
 - i. Chairman Collopy will discuss with Commissioner Bowen.
- f. Unit Decorating Contest
 - i. Secretary Piech will email the Juvenile Hall Secretaries and ask about the Commissioners participating in judging the contest.
 - ii. Secretary Piech will attach the judging criteria/points system in the email.



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- iii. The JJDPC committee will donate \$200 to each institution to spend on Christmas. Motion made by Commissioner Lippert and seconded by Commissioner Malsed. All in favor, motion carried.
 - g. Meeting with Judge Petersen re: priorities
 - i. Presiding Judge Petersen & Judge Mathis has a wish list that they would like the Commissioners to do.
 - ii. The JJDPC Executive Committee will have a meeting with the Judges to get more information on the wish list. Motion moved by Commissioner Curtis and seconded by Commissioner Lippert. All in favor, motion carried.
 - h. Observation in Courtroom for Commissioners
 - i. Chairman Collopy will request dates from the Judge.

13. Items for future Commission Consideration

- a. N/A

14. Old Business

- a. 2022 Regular Monthly and Quarterly Meetings/Locations Date/Time.
 - i. Approved.

15. Commission Member Reports

- a. Application submitted by Dr. Trembley.
 - i. It was agreed to move Dr. Trembley forward in the process.
- b. Commissioner Lippert asked for an update on the JJDPC Secretary position.
 - i. CDPO Bailey will investigate where the person is at in the background process.
- c. Chairman Collopy attended the DPSS Holiday party and shared his experience.

16. Meeting Adjournment

- a. Commissioner Malsed motioned to adjourn, and Commissioner Curtis seconded.

17. Next Meeting: January 13, 2021
 RCIC
 3450 14th St.,
 Riverside, CA 92501

Good Afternoon!

As you may know, RUSD has a Bullying Policy (BP 5131.2 Attached). In the body of that policy are several requirements for staff. For example, 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. All staff members and students receive a copy of the bullying policy and schools are required to review this policy with students each school year. RUSD's Board Policy (BP) 5131.2 Bullying and Administrative Regulation (AR) 5131.2 Bullying are attached for your review. Administrators are directed to review the policy and make sure all of the aforementioned requirements are met.

In addition, site administrators 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 (Click [HERE](#) for staff 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). In addition, Federal Program Monitoring Education Equity requirements dictate that Districts provide training for students as it relates to hate crimes and bullying. To meet this requirement, Pupil Services provides school sites with a slide deck that is presented to students each year.

Per Board Policy (BP 5131.2) students and parents are informed, through parent/student handbook 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. In addition, staff annually receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Pupil Services provides all school sites with a separate training for teachers and students, along with notes to facilitate presentations.

RUSD has a Bullying Reporting Form which can be found on page #79 of the Parent-Student Handbook: [Bully Report Form](#). This should be provided to parents or students who allege bullying. Bullying can also be reported on the We Tip platform: 1-800-78-CRIME -or- 1-800-782-7463 or log-on and submit a tip at www.wetip.com.

Each year in October, each site, in collaboration with students, parents and staff conducts specific campaigns tailored to engage the school to raise awareness and educate staff, students, and parents how to recognize bullying, interrupt the cycle, and stop the behavior.

Please find the attached Board Policies and Administrative Regulations that are in response to your request for information. The following link contains additional information and resources related to RUSD complaint investigation and resolution processes: https://www.riversideunified.org/departments/pupil_services/nondiscrimination_title_ix_and_uniform_complaint

As to your request for the "anti-bullying core curriculum", RUSD does not have a districtwide anti-bullying program designed for each site to follow explicitly. School sites have been addressing bullying with lessons from Positive Behavioral Interventions and Supports (PBIS), which is a framework for addressing behavior through the prevention-oriented structuring of research-based interventions and supports in a hierarchical and progressive manner for the purpose of improved behavioral and academic outcomes; click [HERE](#) for one of the websites/resources schools utilize. Another example of the curriculum sites utilize is [Character](#)

[Strong](#). Historically, RUSD has allowed each site to tailor their individual Anti-bullying campaign to meet the needs of their school site and unique student body.

Hope this helps and I apologize for my delayed response. It's been a very busy school year and I'm very thankful for Winter Break.

Happy Holidays!

Thanks!

BULLYING

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into 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)

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.

(cf. [1312.3](#) - Uniform Complaint Procedures)

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code [48900](#), the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code [46600](#), the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. [5116.1](#) - Intradistrict Open Enrollment)

(cf. [5117](#) - Interdistrict Attendance)

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)

BP 5131.2(e)

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

46600 Student transfers

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

[4600-4670 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

BULLYING (continued)

BP 5131.2(f)

Management Resources:

CSBA PUBLICATIONS

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

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

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: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

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

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

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.common Sense Media.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>

Policy

adopted: September 3, 2002

revised: September 7, 2004

revised: November 2, 2015

revised: June 26, 2018

revised: July 21, 2020

RIVERSIDE UNIFIED SCHOOL DISTRICT

Riverside, California

Uniform Complaint Procedures

The Governing Board recognizes that the district has primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR [4600-4670](#) and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing all programs and activities that are subject to the UCP and offered by the district:
 - Accommodations for Pregnant and Parenting Pupils (California *Education Code [EC]* section 46015)
 - Adult Education (*EC* sections 8500–8538, 52334.7, 52500-52617)
 - After School Education and Safety (*EC* sections 8482–8484.65)
 - Agricultural Career Technical Education (*EC* sections 52460– 52462)
 - Career Technical Education (federal) (*EC* sections 51226–51226.1)
 - Child Care and Development (*EC* sections 8200–8493)
 - Compensatory Education (*EC* section 54400)
 - Consolidated Application (*EC* section 64000)
 - Course Periods without Educational Content (*EC* sections 51228.1–51228.3)
 - Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Children of Military Families (*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
 - Every Student Succeeds Act (20 *United States Code [20 U.S.C.]* section 6301 et seq.; *EC* Section 52059)
 - Local Control and Accountability Plans (LCAP) (*EC* section 52075, California *Government Code [GC]* section 17581.6[f])

- Migrant Education (*EC* sections 54440–54445)
- Physical Education Instructional Minutes (*EC* sections 51210, 51222, 51223)
- Pupil Fees (*EC* sections 49010–49013)
- Reasonable Accommodations to a Lactating Pupil (*EC* section 222)
- Regional Occupational Centers and Programs (*EC* sections 52300–52334.7)
- School Plans for Student Achievement (*EC* section 64001)
- School Safety Plans (*EC* sections 32280–32289)
- School Site Councils (*EC* section 65000)
- State Preschool (*EC* sections 8235–8239.1)
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* sections 8235.5, California *Health and Safety Code* [*HSC*] section 1596.7925]

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5148 - Child Care and Development)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination, harassment (including sexual harassment), intimidation, or bullying } in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on actual or perceived age, ancestry, ethnicity, parental status, pregnancy status,

color, mental or physical disability, gender, gender identity, gender expression, genetic information, immigration status, marital status, medical information, nationality, race, religion, sex, sexual orientation, association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#)), or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#),

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code [222](#))

(cf. [5146](#) - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

6. Any complaint alleging district noncompliance with applicable requirements of Education Code [52060-52077](#) related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code [52075](#))

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3100](#) - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code [64000-64001](#), 65000-65001)

(cf. [0420](#) - School Plans/Site Councils)

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code [51225.2](#), alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code [48853](#), [48853.5](#), [49069.5](#), [51225.1](#), [51225.2](#))

(cf. [6173.1](#) - Education for Foster Youth)

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code [49701](#), or a migrant student as defined in Education Code [54441](#), or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code [51225.2](#) in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code [51225.1](#))

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student, a child of a military family as defined in Education Code [49701](#), a migrant child as defined in Education Code [54441](#), or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code [51225.2](#), alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code [51225.2](#))

11. Any complaint alleging district noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code [51228.3](#))

(cf. [6152](#) - Class Assignment)

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement (Education Code [51210](#), [51222](#), [51223](#))

(cf. [6142.7](#) - Physical Education and Activity)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code [1596.7925](#) and related state regulations (Education Code [8235.5](#); Health and Safety Code [1596.7925](#))

14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

15. Any other complaint as specified in district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR [4631](#) and [4633](#).

(cf. [3580](#) - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR [4611](#))

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and missing assignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code [8235.5](#), [35186](#))

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

[32280-32289](#) School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

48985 Notices in language other than English

46015 Parental leave for students

[48853-48853.5](#) Foster youth

[49010-49014](#) Student fees

[49060-49079](#) Student records, especially:

49069.5 Records of foster youth

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

[49701](#) Interstate Compact on Educational Opportunity for Military Children

[51210](#) Courses of study grades 1-6

[51222](#) Physical education, secondary schools

[51223](#) Physical education, elementary schools

[51225.1-51225.2](#) Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

[51226-51226.1](#) Career technical education

[51228.1-51228.3](#) Course periods without educational content

52059 Statewide System of Support

[52300-52462](#) Career technical education

52500-52617 Adult schools

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

59000-59300 Special schools and centers

[64000-64001](#) Consolidated application process; school plan for student achievement

65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

[1596.792](#) California Child Day Care Act; general provisions and definitions

[1596.7925](#) California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

[11023](#) Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

[4600-4670](#) Uniform complaint procedures

[4680-4687](#) Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

[6301-6576](#) Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

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

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

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 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against

National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://www2.ed.gov/policy/gen/guid/fpco>

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

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

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: September 1, 1992 Riverside, California

revised: December 20, 1995

revised: April 14, 2008

revised: February 19, 2013

revised: January 19, 2016

revised: June 26, 2018

revised: July 21, 2020

Uniform Complaint Procedures

Except as the Board of Education may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

(cf. [4030](#) - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s), position(s), or unity(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination harassment (including sexual harassment), intimidation, and bullying, AR 5145.7 – Sexual Harassment for handling complaints regarding sexual harassment, and for complaints regarding Title IX. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Director of Pupil Services 5700 Arlington Avenue Riverside, CA 92504 951-352-1200 rayala@riversideunified.org	OR	Resolution Officer 3380 14 th Street Riverside, CA 92501 951-788-7135 drmarshall@riversideunified.org
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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code [234.1](#)) If any school personnel witnesses an act of discrimination, harassment, intimidation or bullying, they shall take immediate steps to intervene when safe to do so.

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to all students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR [4622](#))

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3260](#) - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code [48853](#), [48853.5](#), 49069.5, [51225.1](#), and [51225.2](#), and the complaint process

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.1](#) - Education for Foster Youth)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

(cf. [6175](#) - Migrant Education Program)

6. A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code [HSC section 1596.7925], a notice shall be posted in each California state preschool program classroom in each school in the district notifying parents, guardians, pupils, and teachers:

- a. The health and safety requirements under Title 5 of the California Code of Regulations apply to California state preschool programs pursuant to HSC section 1596.7925.
- b. The location at which to obtain a form to file a complaint.

7. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 calendar days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

9. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code [221.61](#) shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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 the UCP 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 UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR [4600](#))

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR [4630](#))
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code [49013](#), [52075](#); 5 CCR [4630](#))
3. UCP complaints regarding state preschool health and safety issues pursuant to *HSC* section 1596.7925 shall include the following statements:

- a. File with the preschool program administrator or his or her designee.
- b. A state preschool health and safety issues complaint pursuant to *HSC* section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
- c. A state preschool health and safety issues complaint pursuant to *HSC* section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If section 48985 of the *EC* is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
- d. A complaint form for a state preschool health and safety issue pursuant to *HSC* section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

4. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination it. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR [4630](#))

5. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

6. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation.

Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to

participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR [4631](#))

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR [4631](#))

The preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

Timeline for Final Decision

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR [4631](#))

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

OPTION 2:

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

(cf. [9321](#) - Closed Session)

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR [4631](#))

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant,

shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the district's final written decision shall include: (5 CCR [4631](#))

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education

- b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code [49013](#) and 5 CCR [4600](#)

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

- 1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code [262.3](#))
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code [262.3](#))
- 3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district

environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

(cf. [5137](#) - Positive School Climate)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling

(cf. [6164.2](#) - Guidance/Counseling Services)

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following;

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference

3. Education regarding the impact of the conduct on others

4. Positive behavior support

5. Referral to a student success team

(cf. [6164.5](#) - Student Success Teams)

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code [49013](#), [51222](#), [51223](#), [52075](#))

If a public school or the district finds merit in a complaint regarding Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through twelve); or Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families, the public school or district shall provide a remedy to the affected pupil.

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code [49013](#); 5 CCR [4600](#))

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (5 CCR [4632](#))

To appeal an LEA's UCP Complaint report regarding complaints about State Preschool Health and Safety Issues in LEAs Exempt from Licensing the complainant must file a written appeal within 30 calendar days of receiving the LEA's decision.

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR [4632](#))

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

The district's UCP policies and procedures include the following statements on how to file an appeal regarding State Preschool Health and Safety Issues in LEAs Exempt from Licensing:

1. A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to the governing board of the local educational agency at a regularly scheduled hearing of the governing board.
2. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the report.
3. A complainant shall comply with the appeal requirements of 5 CCR section 4632.
4. The SSPI or his or her designee shall comply with the requirements of 5 CCR section 4633 and shall provide a written decision to the State Board of Education describing the basis for the complaint, the district's response to the state preschool health and safety issues pursuant to *HSC* section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the district's remedy.
5. The district shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to *HSC* section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board or body, as applicable, of the district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the district's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
6. All complaints and responses are public records.

Upon notification by the CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR [4633](#))

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision

4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator

5. A report of any action taken to resolve the complaint

6. A copy of the district's UCP

7. Other relevant information requested by CDE

Regulation RIVERSIDE UNIFIED SCHOOL DISTRICT

approved: January 19, 2016 Riverside, California

revised: June 26, 2018

revised: July 21, 2020

NONDISCRIMINATION/HARASSMENT

Purpose

The purpose of this policy is to clarify the district's expectations with respect to nondiscrimination and harassment.

Position

There shall be no discrimination among students applying for admission to or who attend schools of the Riverside Unified School District with respect to color, race, creed, religion, national origin, sex, age, or handicapping condition as defined by law.

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic 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 of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, immigration status, medical information, national origin, or pregnancy status or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school as well as to activities occurring off campus that have an impact or create a hostile environment on campus. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct 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.

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of 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 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 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

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 for behavior that 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 - 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)

All school personnel who witness an act of discrimination, harassment, intimidation, or bullying, shall take immediate steps to intervene when safe to do so.

The District has a duty to investigate discrimination/harassment regardless of a timeline and to maintain records of discrimination/harassment allegations and investigations.

Legal References:

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
Policy Number #5145.3
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
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 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
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
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

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

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

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

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

Policy

adopted: May 21, 1979

revised: April 1, 1986

revised: January 19, 1993

revised: September 19, 1994

revised: January 19, 2016

revised: March 7, 2016

revised: June 26, 2018

revised: June 16, 2020

RIVERSIDE UNIFIED SCHOOL DISTRICT

Riverside, 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, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, 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](#))

Director of Pupil Services

5700 Arlington Ave.

Riverside, CA 92501

951 352-1200

rayala@riversideunified.org

(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 communications.
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

(cf. [5131.2](#) - Bullying)

(cf. [5145.7](#) - Sexual Harassment)

(cf. [5145.9](#) - Hate-Motivated Behavior)

3. Post the definition of sex discrimination and harassment as described in Education Code [230](#), including the rights set forth in Education Code [221.8](#), in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students 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 [221.6](#), [221.61](#), 234.6)

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 under 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

d. A link to the Title IX information included on the California Department of Education's (CDE) web site

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on

the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code [234.5](#), 234.6)

6. 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.

7. 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, including transgender and gender-nonconforming 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)

8. 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.

9. 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, including transgender and gender-nonconforming students.

(cf. [1240](#) - Volunteer Assistance)

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

10. 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](#))

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

11. 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)

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 the 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](#) - Suspension/Disciplinary Action)

(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. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Students who feel that they have 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, students who observe any such incident are 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](#))

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, the principal or compliance officer 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)

Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code [210.7](#))

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or

offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the bathroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR [99.31](#). Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. [1340](#) - Access to District Records)

(cf. [3580](#) - District Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. 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. 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 because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's 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 the student's 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)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR [432](#) shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code [49070](#), the district shall update the student's records. (Education Code 49062.5, [49070](#)) (cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [5125.3](#) - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. [5132](#) - Dress Code)

Regulation RIVERSIDE UNIFIED SCHOOL DISTRICT

approved: June 26, 2018 Riverside, California

approved: July 21, 2020

Positive School Climate

The Board of Education 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. [5131.4](#) - Student Disturbances)

(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. [0450](#) - Comprehensive Safety Plan)

(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)

(cf. 5145.9 - Hate-Motivated Behavior)

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. [5131.9](#) - Academic Honesty)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.94 - History/Social Science Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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 - Before/After School Programs)

(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. [5138](#) - Conflict Resolution/Peer Mediation)

(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](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [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:

CSBA PUBLICATIONS

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

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

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

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 Drug-Free Schools:
<http://www.ed.gov/offices/OESE/SDFS>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: June 26, 2018 Riverside, California

Conflict Resolution/Peer Mediation

To promote student safety and contribute to the maintenance of a positive school climate, the Board of Education encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [5137](#) - Positive School Climate)

(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)

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students' ethical and social development, respect for diversity, and interpersonal and behavioral skills.

(cf. 6141 - Curriculum Development and Evaluation)

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Students' participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered

(cf. 6143 - Courses of Study)

2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills

(cf. [4131](#) - Staff Development)

3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers

4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening

5. The process for identifying and referring students to the peer mediation program

6. The types of conflicts suitable for peer mediation

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.4](#) - Student Disturbances)

(cf. [5136](#) - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5145.7 - Sexual Harassment)

7. Scheduling and location of peer mediation sessions

8. Methods of obtaining and recording agreement from all disputants

9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515.3 - District Police/Security Department)

(cf. 6020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

10. Communications to students, parents/guardians and staff regarding the availability of the program
11. Methods of following up with students to determine the effectiveness of the process
12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

32295.5 Teen court programs

35291-35291.5 Rules

44807 Duty concerning conduct of students

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to safe schools

Management Resources:

CSBA PUBLICATIONS

Protecting Our Children: Governing Board Strategies to Combat School Violence, revised 1999

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

USDE PUBLICATIONS

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

WEB SITES

U.S. Department of Education, Safe and Drug-Free Schools Program:

<http://www.ed.gov/offices/OESE/SDFS/>

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/ss>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: June 26, 2018 Riverside, California

Hate-Motivated Behavior

In order to create a safe learning environment for all students, the Board of Education desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, religious beliefs or practices, genetic information, immigration status, medical information, national origin, or pregnancy status.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.4](#) - Recovery for Property Loss or Damage)

(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. [5147](#) - Dropout Prevention)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [1700](#) - Relations Between Private Industry and the Schools)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. [6020](#) - Parent Involvement)

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [6142.3](#) - Civic Education)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. 6141.94 - History-Social Science Instruction)

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [5131](#)- Conduct)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. [5145.7](#) - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

(cf. 3515.3 - District Police/Security Department)

(cf. [4158/4258/4358](#) - Employee Security)

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)

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

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES

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

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

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

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

U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Policy RIVERSIDE UNIFIED SCHOOL DISTRICT

adopted: June 26, 2018 Riverside, California

revised: June 16, 2020

Hate-Motivated Behavior

A "hate-motivated" comment or "bias incident" is biased conduct, speech, or expression that has an impact, but does not involve a criminal action. Every student has the right to be protected from "hate-motivated" behavior. The Superintendent shall promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of their race, color, ancestry, national origin, nationality, age, ethnicity, culture, heritage, marital or parental status, gender, gender identity or expression, sexual orientation, physical/mental attributes, immigration status, genetic information, medical information or religious beliefs or practices shall not be tolerated and may be considered "hate-motivated" speech or "hate-motivated" behavior.

Hate crimes (vandalism, physical assault, arson, etc.) are crimes which are motivated, in whole or in part, by bias, by the targeted individual or group's characteristics or perceived characteristics of race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, immigration status, pregnancy status or medical information. "Hate crimes" should be reported to law enforcement.

School Climate

Everyday acts of intolerance and/or hate may manifest in a variety of ways: name-calling, slurs, sexual harassment, casual put-downs regarding actual or perceived characteristics of race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, immigration status, pregnancy status or medical information. Administrators and teachers should actively work to promote a positive school climate. School staff are encouraged to:

- Work to establish a climate where casual slurs are uncommon and are challenged when they do occur.
- Set expectations of how students should speak to each other (in-person and online), whether they are in or out of earshot of a teacher or administrator.
- Create a no-slur school by stating clear support for a safe, open learning environment free of slurs. Be specific: no insults related to actual or perceived characteristics of race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, immigration status, pregnancy status or medical information will be tolerated.
- Engage students who appear to be isolated in school settings due to potential bias or stereotyping.

- Check for signs of hostility, depression, or a marked change in behavior or academic performance, and reach out to the student's parents or guardians and/or the school counselor as appropriate.
- Model inclusive, pro-social behavior and interrupt moments of bias among staff.
- If a "hate-motivated" comment or action occurs, school staff should be prepared to discuss how the school will respond. The school should also be prepared to respond to "hate-motivated" incidents that happen in the community or off-campus if the incidents have an impact on its students or school environment.

Reporting

Any student who feels that they are a victim of "hate-motivated" behavior shall immediately contact the principal or any trusted staff member with whom the student has a relationship. Reports can be made in writing or verbally and all complaints should be reported to a site administrator. If the student believes that the situation has not been remedied by the principal or designee, the student may file a complaint with the Pupil Services Department in accordance with District Uniform Complaint Procedures.

Staff who receive notice of "hate-motivated" behavior or personally observe such behavior shall notify the principal.

Grievance Procedures & Investigation

When a staff member first hears "hate speech" or "bias speech," they should immediately utilize the RIR (Recognize, Interrupt and Repair) protocol with the student making such comments. The staff member should do an initial inquiry with the victim- student to determine if a full investigation is needed. Included in that initial inquiry should be questions regarding the harm that the student has suffered, frequency and persistence of the behavior, and the history between the students.

Once an administrator receives a report of "hate-motivated" behavior, and determines that a full investigation is needed, the administrator/investigator should begin their investigation immediately. If the administrator determines that a full investigation is needed, the administrator shall conduct a thorough and equitable investigation into the allegations and inform the victim-student/family regarding the status of the investigation. During the course of the investigation, the administrator should consider the following factors:

- Put safety first, Denounce the act, Investigate,
- Involve others where necessary,
- Provide accurate information and dispel misinformation,
- Support targeted students,
- Seek justice, avoid blame, and
- Promote healing.

A student who has been found to have demonstrated "hate-motivated" behavior shall be subject to discipline in accordance with law, Board Policy, and Administrative Regulation.

Once the full investigation is complete, the administrator should:

- Debrief with their school site, investigation team, and staff to discuss the investigation process to review lessons learned,
- Expand the discussion to include relevant students, parents and guardians and community members, keeping in mind that an individual student's disciplinary record is confidential under state law and The Family Educational Rights and Privacy Act (FERPA),
- Take notes about all suggestions and comments and include those with the Investigation Form, and discuss all follow-up steps and use them to create a roadmap for change (if needed).

Training

As necessary, the District shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting "hate-motivated" behavior. The District shall also provide counseling, guidance, and support, as necessary, to those students who are the victims of "hate-motivated" behavior.

The Superintendent or designee shall ensure that staff receives training on recognizing "hate-motivated" behavior and on strategies to help respond appropriately to such behavior.

The District shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

Reference: Teaching Tolerance, Responding to Hate and Bias at School

Regulation RIVERSIDE UNIFIED SCHOOL DISTRICT

approved: June 16, 2020 Riverside, California