

NON-DISCRIMINATION STATEMENT

The Placentia-Yorba Linda Unified School District prohibits discrimination, harassment, intimidation, and bullying in all district activities, programs, and employment based upon actual or perceived gender, gender identity, gender expression, race, ethnicity, color, religion, ancestry, nationality, national origin, ethnic group identification, sex, sexual orientation, marital or parental status, pregnancy, age, physical or mental disability or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. Reference: BP 0410; 1312.3; 4111.1; 5145.3; 5145.7; 4119.11/4219.11/4319.11.

Any student who engages in harassment/bullying of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and may be subject to disciplinary action. Disciplinary action may be progressive and may include suspension and/or expulsion.

As it relates to school activity, "bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code § 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

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

Types of conduct which are prohibited in the district and which may constitute harassment or bullying include, but are not limited to:

1. Direct physical contact, such as hitting or shoving.
2. Threats to harm another person.
3. Oral or written assaults, such as teasing or name-calling.
4. Social isolation or manipulation.
5. Posting harassing messages, direct threats, social cruelty, or other harmful texts, sounds or images on the Internet, including social networking sites.
6. Posting or sharing information about another person that is private.
7. Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships.
8. Posting or sharing photographs of other people without their permission
9. Spreading hurtful or demeaning materials created by another person (e.g. forwarding offensive emails or text messages)
10. Retaliating against someone for complaining that they have been bullied.

Any student who feels that he/she is being or has been subjected to harassment/bullying as defined above shall immediately contact a school employee. A school employee to whom a complaint is made shall report it to the principal or designee. Any school employee who observes any incident of harassment/bullying on any student shall immediately report his/her observation to the principal or designee, whether or not the victim makes a complaint. [EC 48900 (r), 220; PC 422.55; BP 5145.3, AR 5145.3]

For complaints regarding harassment /bullying, site-level grievance procedures are:

1. The principal or designee shall investigate complaints of harassment/bullying. In so doing, he/she shall talk individually with:

1. The student who is complaining
 2. The person accused of harassment/bullying
 3. Anyone who saw the harassment/bullying take place
 4. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses, other evidence of the harassment, and put a complaint in writing.
 3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 1. The Superintendent or designee
 2. The parent/guardian of the pupil who complained
 3. The parent/guardian of the person accused of harassing/bullying someone
 4. A teacher or staff member whose knowledge of the pupils involved may help in determining who is telling the truth
 5. Child protective agencies responsible for investigating child abuse reports Legal counsel for the District

DISTRICT ANTI-BULLYING POLICY

The Board of Education believes every child is entitled to a safe school environment free from bullying. Bullying is defined as any severe or pervasive physical or verbal act, including communications made in writing or by means of an electronic act, committed by a student or group of students directed towards other students

Students or parents who have knowledge of discrimination, harassment, intimidation or bullying are encouraged to inform a teacher or school administrator as soon as possible. Contact may be made directly via email to an administrator, a phone call, or in-person. Students and parents may make such complaints anonymously. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible. Students who violate this policy may be subject to discipline, ranging from counseling, detention and/or parent notification to suspension and/or expulsion pursuant to the District's discipline policies and procedures.

The district also is mindful that, at times, behavior that is rude or insensitive may nevertheless be constitutionally protected in the context of a public school environment. Such conduct can best be prevented with effective strategies that involve pupils, parents and school employees in collaborative efforts to promote respectful relationships and to improve or change inappropriate behaviors while teaching acceptance and ensuring equal educational opportunities for all.

SEXUAL HARASSMENT & BIAS-RELATED INCIDENTS

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. Disciplinary action may include suspension and/or expulsion.

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall immediately report it to the principal or designee. Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the principal or designee, whether or not the victim makes a complaint. [EC 48980 (h), 231.5, 212.5; BP 5145.7, AR 5145.7, 5CCR 4917]

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Cary Johnson, Director, Educational Services
1301 E. Orangethorpe Ave., Placentia CA. 92870
714-985-8656
carjohnson@pylusd.org

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of a negative impact on the pupil's academic performance, creating an intimidating, hostile or offensive educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about pupils enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering or blocking normal movements
9. Limiting a pupil's access to educational tools
10. Displaying sexually suggestive objects

For complaints regarding sexual harassment site-level grievance procedures are:

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party **on school grounds or at a school-sponsored or school-related activity off campus**, or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct **that did not occur in the context of a school related activity**, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal

or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects. If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer and his/her designee shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3. Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent. In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

CONFIDENTIALITY

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request. When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

RESPONSE PENDING INVESTIGATION

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities. In addition to those procedures, for complaints of sexual harassment, the following steps will also be included: Complainant requests to remain anonymous will be honored but the district will inform the complainant that this request may result in a limited investigation and/or actions the district can take. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

UNIFORM COMPLAINT PROCEDURES

The Placentia-Yorba Linda Unified School District has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, sexual harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP). We will investigate all allegations of unlawful discrimination, harassment, sexual harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and

Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Adult Education
- After School Education and Safety
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education and Career Technical and Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education of Pupils in Foster Care and Pupils who are Homeless
- Every Student Succeeds Act / No Child Left Behind
- Local Control Accountability Plans
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool

PUPIL FEES COMPLAINTS

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. A pupil fees complaint is filed with the Placentia-Yorba Linda Unified School District and/or the principal of a school.

FILING UNIFORM COMPLAINTS UNRELATED TO PUPIL FEES

Complaints other than issues relating to pupil fees must be filed in writing with the following persons designated to receive complaints:

1. Employee complaints: Kevin Lee, Assistant Superintendent, Personnel (714) 985-8406 keelee@pylusd.org
2. Title IX Sexual Harassment and any other discrimination complaints: Cary Johnson, Director, Educational Services (714) 985-8656 carjohnson@pylusd.org. Complainants may also refer Title IX inquiries to the US Department of Education Office for Civil Rights.

3. Americans with Disabilities Act complaints: Richard McAlindin, Director, Executive Services (714) 985-8727 rmcAlindin@pylUSD.org
4. Bullying, intimidation complaints: Rick Riegel, Administrator, Student Services (714) 985-8761 rriegel@pylUSD.org

PROCEDURE

- A. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
- B. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- C. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date 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.
- D. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
- E. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- F. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- G. The Board is required to adopt and annually update the LCAP and shall consult with teachers, principals, administrators, other school personnel, employee bargaining groups, parents/guardians, and students as a part of the comprehensive, data-driven planning process. The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP.
- H. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- I. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
 1. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed.
 2. Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency.
 3. If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1.
- J. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- K. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

CIVIL LAW REMEDIES

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining order or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

UCP POLICIES AND REGULATIONS AVAILABLE UPON REQUEST

A copy of our UCP compliant policies and procedures is available from any school office or from the Placentia-Yorba Linda Unified School District office, free of charge. UCP complaint policies and procedures are also available on the District's web site at www.pylusd.org.