

TUSTIN UNIFIED SCHOOL DISTRICT

**POLICY
5131.2**

STUDENTS

BULLYING

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

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

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

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

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

Bullying Prevention

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

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

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

The Superintendent/designee shall provide training to teachers and other school staff to raise their

TUSTIN UNIFIED SCHOOL DISTRICT

**POLICY
5131.2**

STUDENTS

BULLYING

awareness about the legal obligation of the District and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

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

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

Intervention

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

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

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

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

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform

TUSTIN UNIFIED SCHOOL DISTRICT

**POLICY
5131.2**

STUDENTS

BULLYING

complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a District compliance officer, whether or not the alleged victim files a complaint.

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

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

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

Investigation and Resolution of Complaints

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

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

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 Intra-district or Inter-district transfer, as applicable.

Discipline

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

TUSTIN UNIFIED SCHOOL DISTRICT

**POLICY
5131.2**

STUDENTS

BULLYING

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

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

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

Date

Adopted: 7/08/02

Revised (renumbered) & Adopted: 8/27/12

Revised and Adopted: 8/24/15

Revised and Adopted: 8/20/18

Revised and Adopted: 1/21/20

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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.

Compliance Officers

The District designates the individual(s), position(s), or unit(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), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure District compliance with law.

District Lead Compliance Officer:

Stephanie Yang, Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 323
syang@tustin.k12.ca.us

School Compliance Officers – Elementary Schools:

Katy Sheyka, Principal
Arroyo Elementary School
11112 Coronel Rd.
Santa Ana, CA 92705
(714)730-7381
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Ashly McNamara, Principal
Beswick Elementary School
1362 Mitchell Ave.
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Jackie Christy, Principal
Benson Elementary School
12712 Elizabeth Way
Tustin, CA 92780
(714)730-7531
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Amanda Heineman, Principal
Estock Elementary School
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TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION
AR 1312.3

COMMUNITY RELATIONS

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Deanna Parks, Principal
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15571 Williams St.
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Shannon James-Olsen, Principal
Nelson Elementary School
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(714) 730-7536
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Beth Blackman, Principal
Heritage Elementary School
15400 Lansdowne Rd.
Tustin, CA 92782
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Kristy Andre, Principal
Peters Canyon Elementary School
26900 Peters Canyon Rd.
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Deena Vela, Principal
Hicks Canyon Elementary School
3817 Viewpark Ave.
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Sean Lindsay, Principal
Red Hill Elementary School
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Santa Ana, CA 92705
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Dustin O'Malley, Principal
Ladera Elementary School
2515 Rawlings Way
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domalley@tustin.k12.ca.us

Brooke Carreras, Principal
Tustin Memorial Academy
12712 Browning Ave.
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Lauren Steinmann, Principal
Loma Vista Elementary School
13822 Prospect Ave.
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Kathi Denny, Principal
Tustin Ranch Elementary School
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TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION
AR 1312.3

COMMUNITY RELATIONS

School Compliance Officers – Middle Schools and K – 8 Schools:

Maggie Burdette, Principal
Columbus Tustin Middle School
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Tracey Vander Hayden, Principal
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2700 Pioneer Road
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tvanderhayden@tustin.k12.ca.us

Eric Kilian, Principal,
Hewes Middle School
13232 Hewes Ave.
Santa Ana, CA 92705
(714) 730-7348
ekilian@tustin.k12.ca.us

Rafael Plascencia, Principal
Sycamore Magnet Academy
1402 Sycamore Ave.
Tustin, CA 92780
(714) 730-7360
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Mindy Smith, Principal
Orchard Hills School
11555 Culver Dr.
Irvine, CA 92602
(714) 430-2078
msmith@tustin.k12.ca.us

Heather Bojorquez, Principal
Utt Middle School
13601 Browning Ave.
Tustin, CA 92780
(714) 730-7573
hbojorquez@tustin.k12.ca.us

School Compliance Officers – High Schools and 6 – 12 schools

Donnie Rafter, Principal
Beckman High School
3588 Bryan Ave.
Irvine, CA 92602
(714) 734-2900
drafter@tustin.k12.ca.us

Michelle England, Principal
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Santa Ana, CA 92705
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Tim O'Donoghue, Principal
Hillview High School
1701 San Juan Street
Tustin, CA 92780
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Jon Tuin, Principal
Tustin High School
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TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION
AR 1312.3

COMMUNITY RELATIONS

Jennifer Harrison, Principal
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School Compliance Officers – Alternative Schools, Adult School, and School Readiness

Erick Fineberg, Principal
Tustin Connect K- 8
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Erick Fineberg, Principal
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Will Nedderson, Coordinator
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Lauralee Cabibi, Principal
School Readiness Programs
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Tustin, CA 92780
(714) 730-7592
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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.

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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)

In addition, the Superintendent or designee shall annually provide written notification of the District's UCP to 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)

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
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 occur
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
6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints
7. A statement that complaints will be investigated in accordance with the District's UCP and a

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. 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
9. 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
10. 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.

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

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

COMMUNITY RELATIONS

AR 1312.3

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. 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. 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 that 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)
4. 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.
5. 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 the complainant or victim 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

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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)

Timeline for Final Decision

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.

Final Written Decision

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

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

- e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individual
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.

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 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 CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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.

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
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
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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.

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 for students in elementary schools, 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, 51223, 52075)

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 CDE within 15 calendar days of receiving the District's decision. (5 CCR 4632)

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.

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

1. A copy of the original complaint
2. A copy of the written decision

TUSTIN UNIFIED SCHOOL DISTRICT

REGULATION

AR 1312.3

COMMUNITY RELATIONS

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

Date

Effective: 01/26/04
Revised: 07/31/07
Revised: 05/12/08
Revised: 08/27/12
Revised: 02/11/13
Revised: 06/09/14
Revised: 08/24/15
Revised: 05/23/16
Revised: 08/22/16
Revised: 10/10/16
Revised: 11/14/16
Revised: 06/05/17
Revised: 08/28/17
Revised: 01/11/18
Revised: 06/10/19
Revised: 07/29/19
Revised: 06/08/20
Revised: 06/22/20



Tustin Unified School District
UNIFORM COMPLAINT FORM

APPENDIX A
1312.3

DATE: _____
Name(s) _____
Address _____ Zip Code _____
Telephone (Home) _____ Other _____
School: _____

TYPE OF UNIFORM COMPLAINT (Please check below):

1. _____ A violation of federal or state law or regulation governing the following program(s):

- Adult Education (Ed. Code Sections 8500-8538 and 52500-52616.5)
- After School Education and Safety
- Career Technical Education (Ed. Code Sections 52300 – 52490)
- Child Care and Development (Ed. Code Sections 8200-8493)
- Compensatory Education Programs (Ed. Code Sections 54400 – 54425)
- Consolidated Categorical Aid / School Plan for Student Achievement (Ed. Code Sections 64000-64001)
- Course Periods without Educational Content (Ed. Code Sections 51225.1 – 51225.2)
- Every Student Succeeds Act (ESSA)
- Foster Youth (Ed. Code Sections 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Homeless Students (Ed. Code Sections 51225.1 and 51225.2)
- Local Control and Accountability Plan (Ed. Code Sections 52060-52077)
- Migrant Education (Ed. Code Sections 54440-54445)
- Military Family Students Education (Ed. Code Section 49701)
- Physical Education, Elementary Schools (Ed. Code Section 51223)
- Regional Occupational Programs
- School Safety Planning (20 U.S.C. Section 7114(d)(7))
- School Site Council (Ed. Code 65000-65001)
- Vocational Education (Ed. Code Sections 52300-52480)

2. _____ Discrimination, harassment (including sexual harassment), intimidation, or bullying against any protected group based on the person's actual or perceived characteristics of:

- | | |
|--|--|
| <input type="checkbox"/> Race or ethnicity | <input type="checkbox"/> Marital or parental status |
| <input type="checkbox"/> Color | <input type="checkbox"/> Medical condition |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Physical or mental disability |
| <input type="checkbox"/> Nationality | <input type="checkbox"/> Sex |
| <input type="checkbox"/> National origin | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Gender |
| <input type="checkbox"/> Age | <input type="checkbox"/> Gender identity |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Gender expression |
| <input type="checkbox"/> Religion | |
- Association of a person or group with one or more of these actual or perceived characteristics
- Please check if this is a complaint concerning **sexual harassment**.
- Please check if this is a complaint concerning **bullying**.

If so, with whom have you spoken? _____ Date: _____

What was the **result** of the discussion?

What **solution or remedy** are you seeking?

I understand that the District may request further information about this matter, and if such information is available, I agree to present it upon request. I also understand that a copy of this complaint may be given to the employee or supervisor against whom the complaint is made (if applicable). I acknowledge that the District prohibits retaliation or harassment against any individual or the child of a parent who submits a complaint.

Signature of Person Filing Complaint

Date

For Uniform Complaints regarding **student-to-student sexual harassment or bullying**, please return this form to the **School Principal**.

For all other Uniform Complaints, please return this form to:

Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780

=====

FOR OFFICE USE ONLY:

Received by: _____ Date Filed: _____

Title: _____

Effective: 07/27/20