



WestEd 
Western Educational
Equity Assistance Center

Welcome
We will begin in 2 minutes



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Western Educational
Equity Assistance Center

Legal Rights and Responsibilities: Protecting Students From Bullying and Discrimination

August 30, 2023



Technical Assistance

Professional Learning

- by request—school boards, governmental agencies
- through equity-centered capacity building to better serve students who have experienced ongoing inequities in our educational system because of race, national origin, sex, or religion



WEEAC Webinar Series

Two-Part Bullying and Harassment Series

- **Part I: Today**
- **Part II: September 27 at 2pm PST**
“From Policy to Practice – Preventing and Addressing Bullying and Discriminatory Harassment”

Register using the link in the chat to attend.

Six-Part Chronic Absence Webinar Series

- Recordings from sessions 1-3 available on our site, weeac.wested.org/library/
- **Session 4: September 12 at 2pm PST**
“Increasing Attendance and Engagement for American Indian and Alaska Native Students”

Register using the link in the chat to attend.



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Welcome and Introductions



Dr. Tina Tranzor



Attorney Sarah Sutherland



Superintendent Anna Trunnell



Frame the Day— Agenda

Legal Rights and Responsibilities: Protecting Students From Bullying and Discriminatory Harassment

- Welcome and Introductions—Zoom Poll
- Voice From the Expert—Attorney Sarah Sutherland
- Voice From the Field—Superintendent Anna Trunnell, MA
- Closing and Survey



Poll Questions

What is your role in education today?

- Superintendent
- Principal
- Teacher
- Advocate
- State Leader
- District Leader
- Site Leader
- Parent
- Student
- Tribal Education Director



Voice of the Field Expert



Sarah L. W. Sutherland is a Partner at Orbach Huff & Henderson and manages their student services and special education practices.

With more than 15 years of experience representing public school districts and public agencies throughout the state, Sarah has assisted K–12 and community college districts in special education, student issue, charter school, and SELPA-matters. Sarah has an extensive background in special education, charter school litigation, and student issues and has litigated at the Office of Administrative Hearings, Superior Court, Appellate Court, Court of Appeals, and the 9th Circuit.

Sarah also supports public entities on Brown Act compliance, conflict of interest, the Public Record Act, and Title IV.

Addressing Bullying, Discrimination, and Harassment: A Review of Federal and State Law

Discrimination Based on Certain Classes

Both federal and state law prohibit discrimination based on certain classes listed in those laws that are protected by them.

Protected Classes, for example:

- ▶ Race
- ▶ Gender
- ▶ Age
- ▶ Disability
- ▶ Sexual Orientation
- ▶ Nation of Origin

Federal and State Law

Agencies and systems that have jurisdiction to determine whether an individual has been discriminated against:

- ▶ California Department of Education
- ▶ Office for Civil Rights
- ▶ U.S. Equal Employment Opportunity Commission
- ▶ U.S. Department of Education (OSERS, OSEP, DOJ, FPCO)
- ▶ State and federal courts

Protected Classes

Education Code Section 200 provides as follows: “It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.”

Bullying

Bullying Must Be Addressed Differently if Based on Protected Classes

“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 Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- A. Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
- B. Causing a reasonable pupil to experience a substantially detrimental effect on the pupil’s physical or mental health.
- C. Causing a reasonable pupil to experience substantial interference with the pupil’s academic performance.
- D. Causing a reasonable pupil to experience substantial interference with the pupil’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

Response to Bullying Based on Protected Class

- ▶ The primary issue is often not whether the conduct in question occurred but whether the school district's response to the conduct was sufficient to both address it and prevent the discrimination/harassment from occurring in the future or creating a hostile environment for other students at the school site.
- ▶ Accordingly, resolution of most complaints involves showing the school site administration/district took appropriate action regarding any particular bullying incident, including that they appropriately escalated their efforts when the remedial actions were ineffective.
- ▶ Essentially, the district has a duty to address discrimination or harassment based on a protected class, including by way of addressing and preventing a hostile environment.

OCR and Bullying

- ▶ How does OCR consider and investigate these types of complaints?
- ▶ How do state courts analyze the same issue?
 - ▶ *Donovan v. Poway Unified*—a good resource to review and remind administrators of their obligations with regard to addressing discrimination and harassment based on protected classes

Resources

- ▶ [Bullying and Harassment \(ed.gov\)](#)
- ▶ [Dear Colleague Letter from Assistant Secretary for Civil Rights Russlynn Ali—
p. 1 \(ed.gov\)](#)

Q & A



Thank you for participating.

Presented by Sarah L. W. Sutherland, Attorney

ssutherland@ohhlegal.com

Orbach Huff & Henderson LLP





Apply the Learning—Breakout Discussions

- **Join a Breakout Room**
 - You will have 15 minutes total in the Breakout Room
 - Discuss the following:
 - What legal points resonated with you in your capacity and role as a school leader?
(Yes, you are part of school leadership regardless of your title or role)
 - Why did these points connect with you today?
- **Add your discussion points to the Padlet Wall**



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Voice of the Field Expert

Superintendent Anna Trunnell

Protecting Students from Bullying and Discriminatory Harassment:

A Look at Santa Rosa City Schools in Sonoma County, CA

Presented by Anna Trunnell, Superintendent

WestEd–WEEAC–OCR Webinar

August 30, 2023



About the Presenter

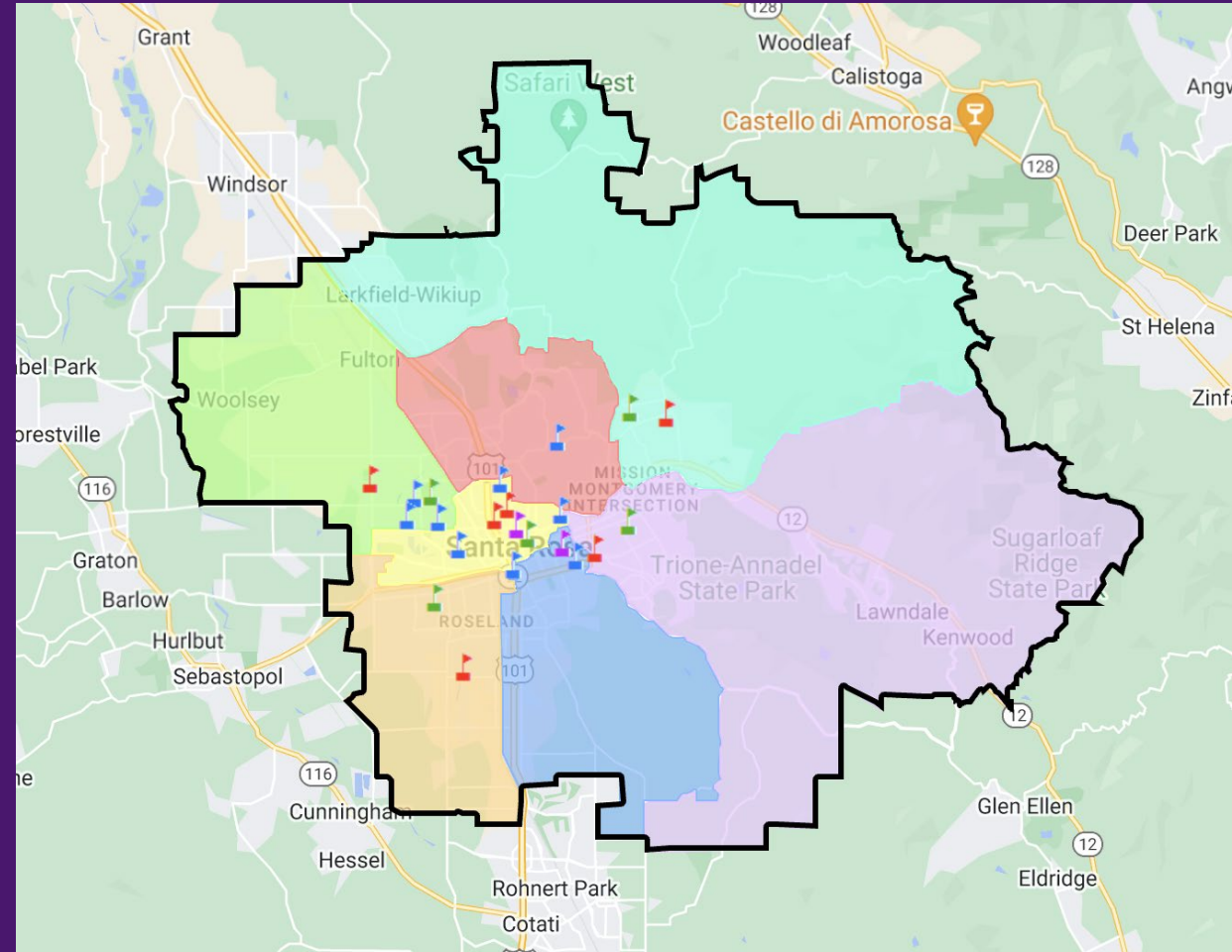


- **Anna Trunnell, Superintendent**

- Service in CA public education for 24 years
- Teacher experience
 - Middle School teacher
 - High School teacher
 - Teacher on Special Assignment
- Administrator experience
 - School Vice Principal (Coord. of Curric. & Instruct.), School Principal
 - District leadership (Director, Executive Director)
 - Cabinet-level leadership (Assist. Supt. HR, Superintendent)
 - Started as Superintendent in 2021 (Supt. #20 for the district since 1858; 4th female Supt.)



District Information



Santa Rosa City Schools

- Founded in 1858 with 50 students (165 years serving the Santa Rosa community!)
- Two school districts under the “City Schools” umbrella: Santa Rosa Elementary District and Santa Rosa High School District (middle & high)
- Seven-member school board
- Average of 15,500 students, 1,600 employees (1,000 certificated, 600 classified)
- 10 elementary schools, 4 middle schools, 6 high schools (1 continuation), and 4 dependent charter schools; preschool programs
- Eight elementary feeder districts in the region
- Geographically central to the City of Santa Rosa
- Largest district in Sonoma County (40 total school districts in the county)
- 5th largest employer in Sonoma County

[More About Us](#)

Santa Rosa City Schools—MVPs

Mission

SRCS ensures equitable access to a transformative educational experience grounded in the assets of our students, staff, and community. We nurture the whole student in an engaging, challenging, and safe environment. We recognize and value each student's individuality and our community's cultural wealth.

Vision

SRCS will send students into the world empowered to find purpose, think critically, embrace diversity, work together, and adapt to our changing planet, and live healthy and fulfilling lives.



Santa Rosa City Schools—MVPs

Priorities

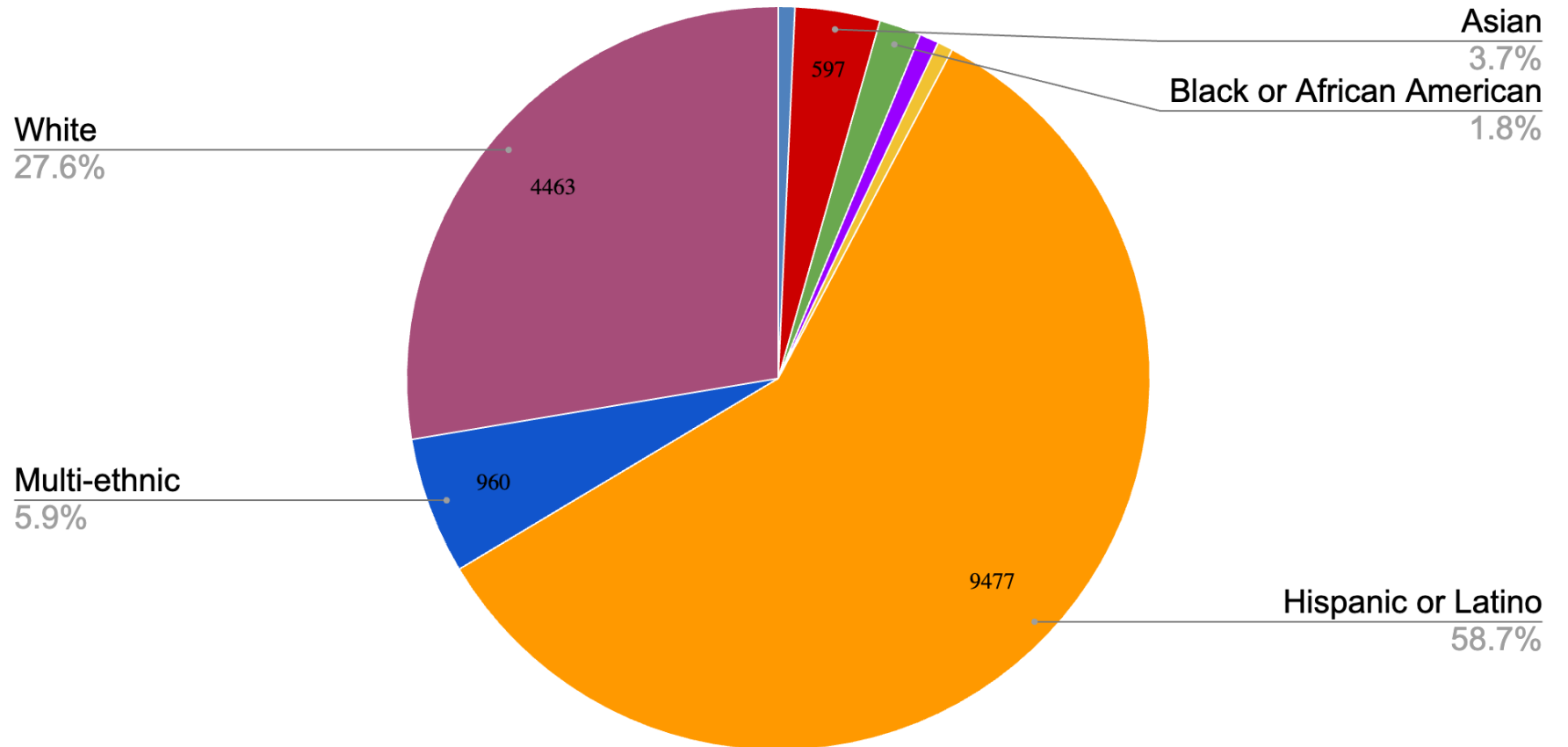
- Priority 1: Life Ready Learners
- Priority 2: Whole Person Focus
- Priority 3: High Quality Staff
- Priority 4: Teaching and Learning Environment and Resources
- Priority 5: Equity and Excellence
- Priority 6: Family Engagement and Community Partnerships
- Priority 7: Sustainable Funding

[Link to Strategic Plan](#)

Santa Rosa City Schools—Students

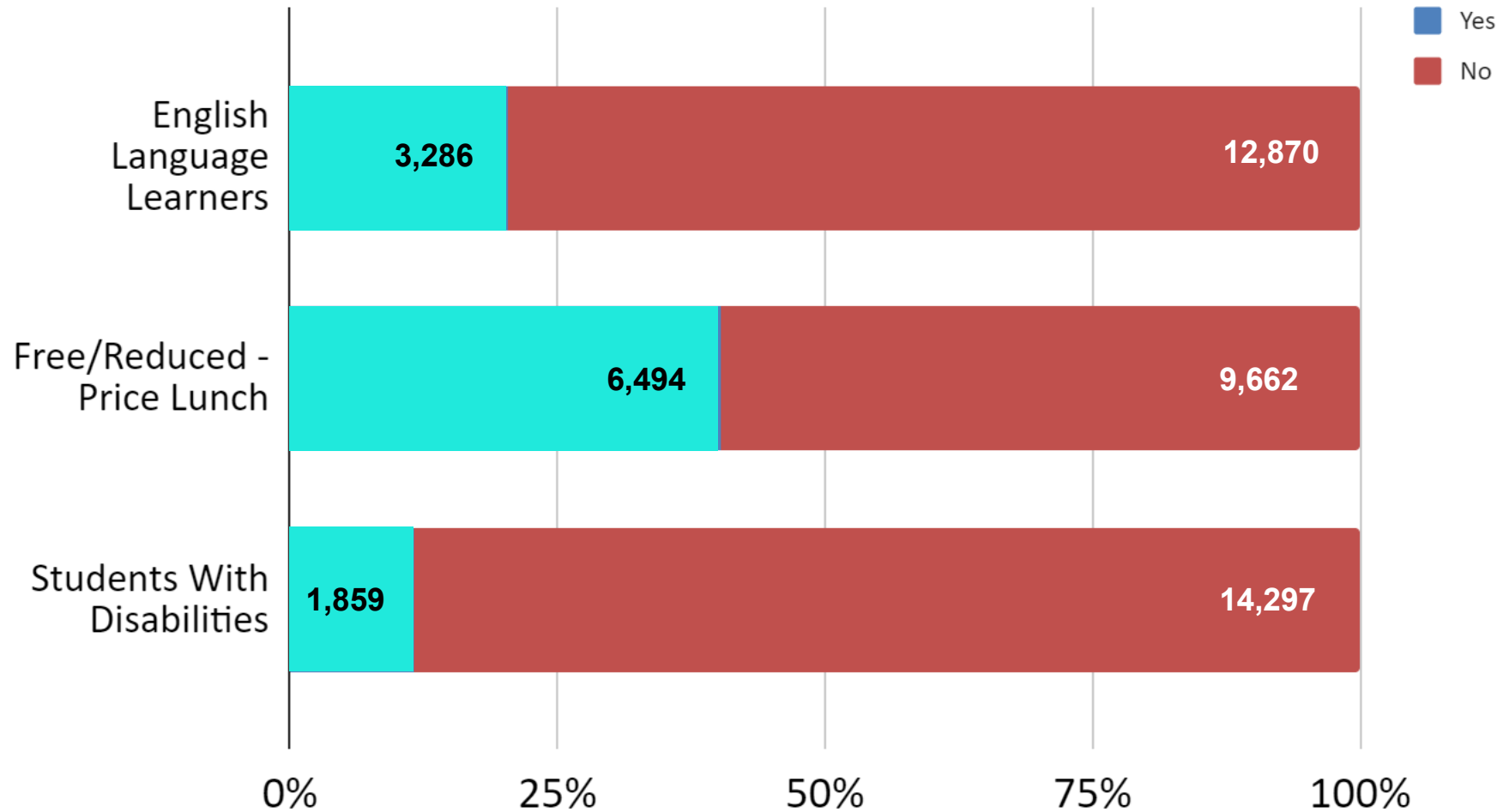
American Indian or Alaska Native	116
Asian	597 (3.7%)
Black or African American	294 (1.8%)
Filipino	136
Hawaiian/Pacific Islander	109
Hispanic or Latino	9477 (58.7%)
Multiethnic	960 (5.9%)
White	4463 (27.6%)
Total	16152

Student Demographics



[More About Us](#)

Santa Rosa City Schools—Students



Staff Demographics

Ethnicity Hispanic	Number	%
Hispanic Yes	435	26.7%
Hispanic No	1187	72.7%
Decline to State	9	0.6%
Total	1631	100.0%

Employees who identify their ethnicity as Hispanic often identify with a race that is something other than Hispanic/Latino.

Race/Ethnicity	Number	%
African American	52	3.2%
American Indian/Alaskan	31	1.9%
Asian	1	0.1%
Asian Indian	9	0.6%
Cambodian	4	0.2%
Chinese	10	0.6%
Filipino	16	1.0%
Hawaiian	1	0.1%
Hispanic/Latino	101	6.2%

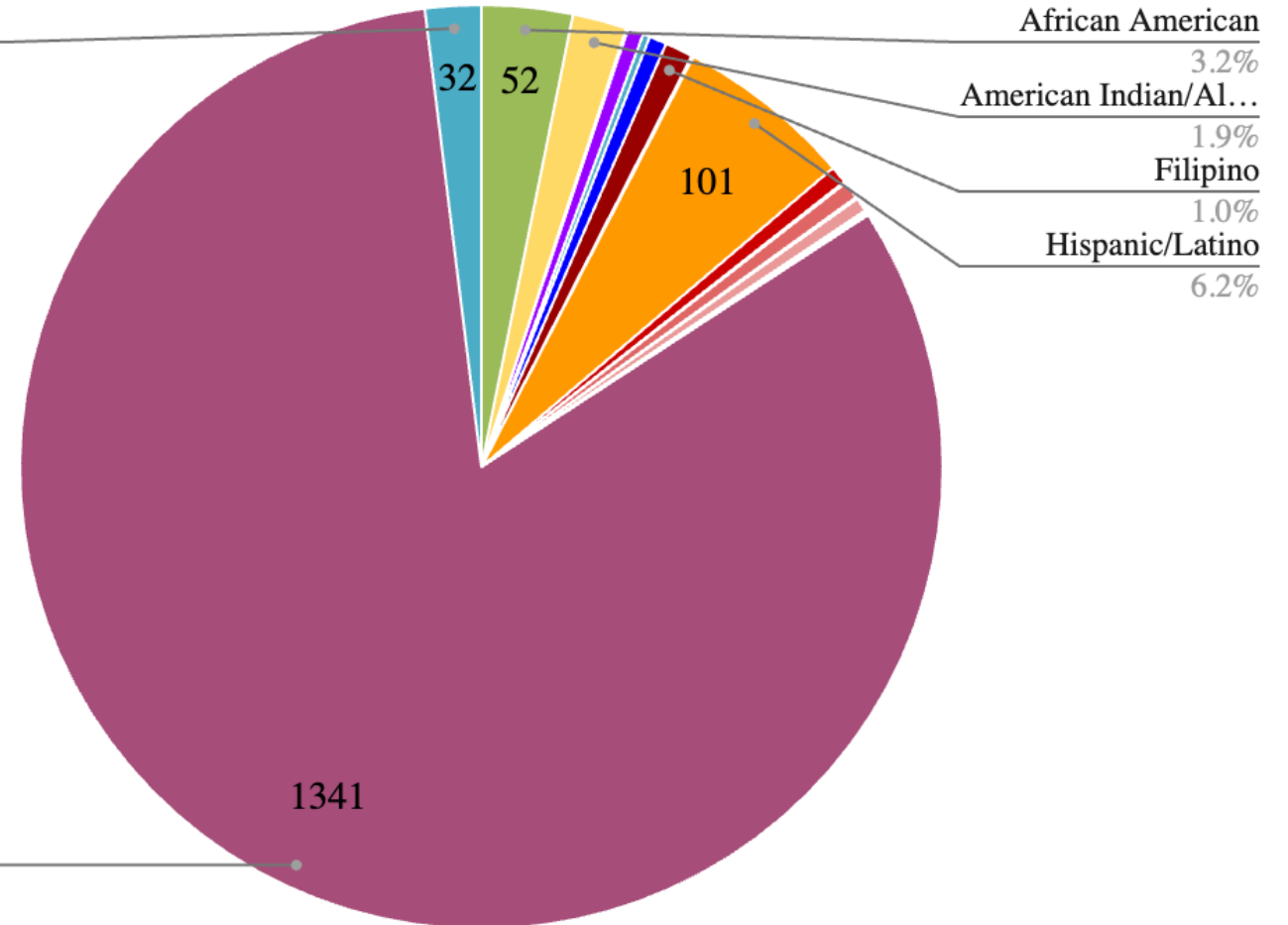
Race/Ethnicity	Number	%
Japanese	10	0.6%
Korean	1	0.1%
Laotian	10	0.6%
Multiple	1	0.1%
Other Asian	8	0.5%
Other Pacific Islander	1	0.1%
Samoan	1	0.1%
Vietnamese	1	0.1%
White	1341	82.2%
Declined to State/No Response	32	2.0%

Santa Rosa City Schools—Staff

African American	52 (3.2%)
American Indian/Alaskan	31 (1.9%)
Asian	1
Asian Indian	9
Cambodian	4
Chinese	10
Filipino	16 (1.0%)
Hawaiian	1
Hispanic/Latino	101 (6.2%)
Japanese	10
Korean	1
Laotian	10
Multiple	1
Other Asian	8
Other Pacific Islander	1
Samoan	1
Vietnamese	1
White	1,341 (82.2%)
Declined to State/No Response	32 (2%)
Total	1631

Declined to State/N...
2.0%

White
82.2%



Policies & Practices



*“Connection Before
Content”*

*“Connection
Through Content”*

“Trauma Lasagna”



Year	Event
2023	Stabbing death of a student
2022	Returning, wearing masks, isolation, guidelines, boosters, substitutes
2021	Planning to return to school, waiting on vaccines
2020	Glass Fire – School closures
2020	Economic, social, & political stress
2020	Walbridge Fire – Smoke days
2019	Distance learning
2019	COVID-19 Pandemic
2019	School lockdowns: SRHS/RHS
2019	Kincade Fire – School closures & PSPS
2018	Camp Fire – Smoke days & PSPS
2017	Tubbs Fire – School closure
2013	Andy Lopez shooting

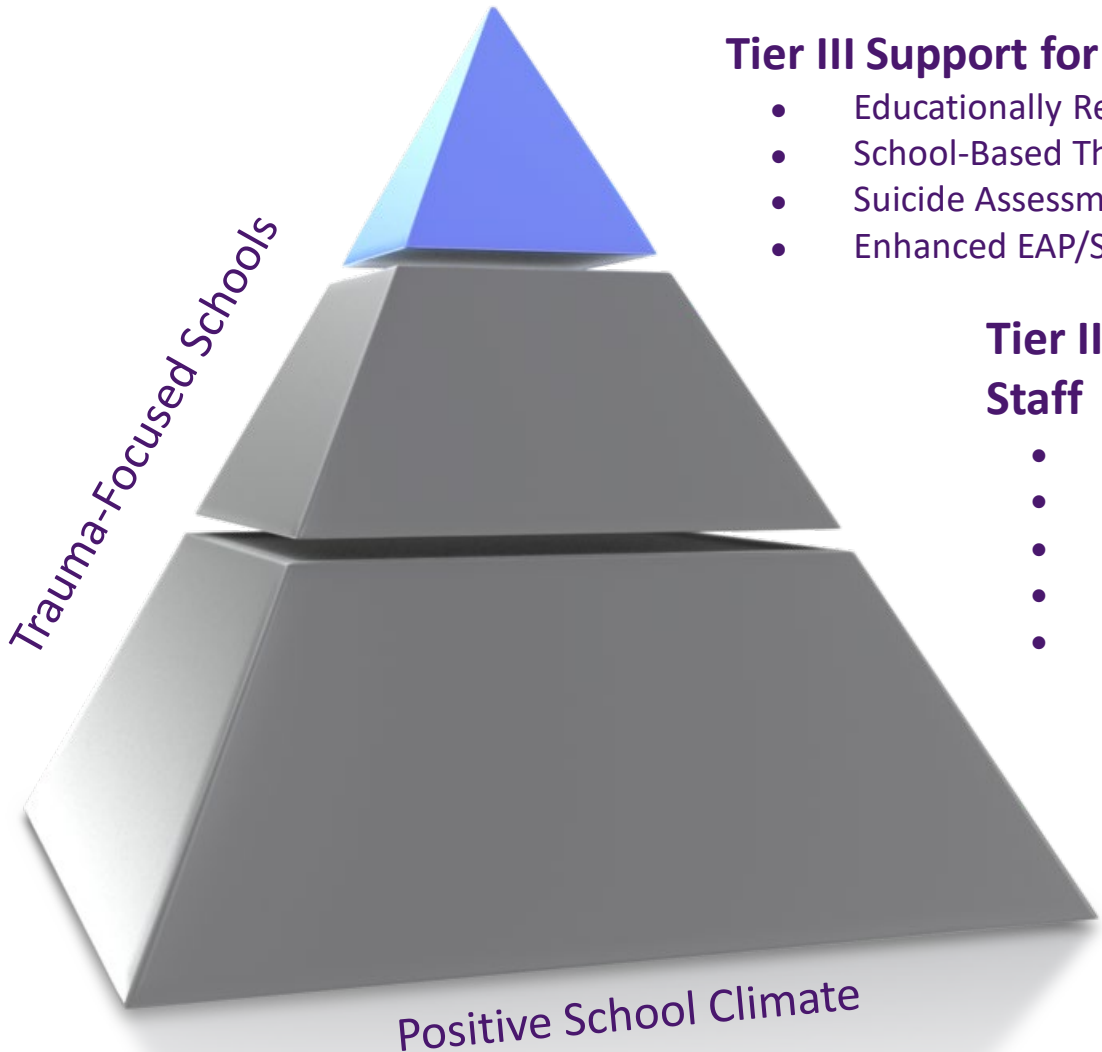
Board Policies and Administrative Regulations

- Uniform Complaint Procedures:
 - [Board Policy 1312.3: Uniform Complaint Procedures](#)
 - [Administrative Regulation 1312.3: Uniform Complaint Procedures](#)
- Civility:
 - [Board Policy 1313](#)
- Bullying:
 - [Board Policy 5131.2: Bullying](#)
- Nondiscrimination/Harassment:
 - [Board Policy 5145.3: Nondiscrimination/Harassment](#)
 - [Administrative Regulation 5145.3: Nondiscrimination/Harassment](#)

Practices

- Positive Behavior Interventions & Support (PBIS)
- Multi-Tiered Systems of Support (MTSS)
- Discipline Practices
- Restorative Practices
- Comprehensive School Safety Plans
- Safety Advisory Round Table (SART)

Current Practice



Tier III Support for Staff and Students 1:1

- Educationally Related Mental Health Services (ERHMS)
- School-Based Therapy
- Suicide Assessment and Intervention
- Enhanced EAP/SOS Counseling for Staff

Tier II Specific Groups of Students and Staff

- Coping Groups
- School Counseling Groups
- Crisis Response Teams
- Comprehensive School Counseling
- Restorative Practices

Tier I All Students and Staff

- Student SEL & Mental Health Universal Screening
- Social-Emotional Learning
- Mental Health Advocacy & Stigma Reduction
- Suicide Prevention
- Restorative Practices
- Positive Behavioral Interventions and Supports
- Safe School Ambassadors

Our Available Curriculum for **Tier 1** Social–Emotional Learning in SRCS

<u>Elementary</u>	<u>Middle School</u>	<u>High School</u>
Restorative Practices & PBIS	Restorative Practices & PBIS	Restorative Practices & PBIS
The Panorama Playbook	The Panorama Playbook	The Panorama Playbook
Wayfinder [®] (6th)	Wayfinder [®]	Wayfinder [®]
Toolbox Tools [®] Kimochis [®]	Why Try [®]	



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STATE SUPERINTENDENT OF
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1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

August 19, 2021

Dear County and District Superintendents and Charter School Administrators:

State Guidance for New Laws on Discipline

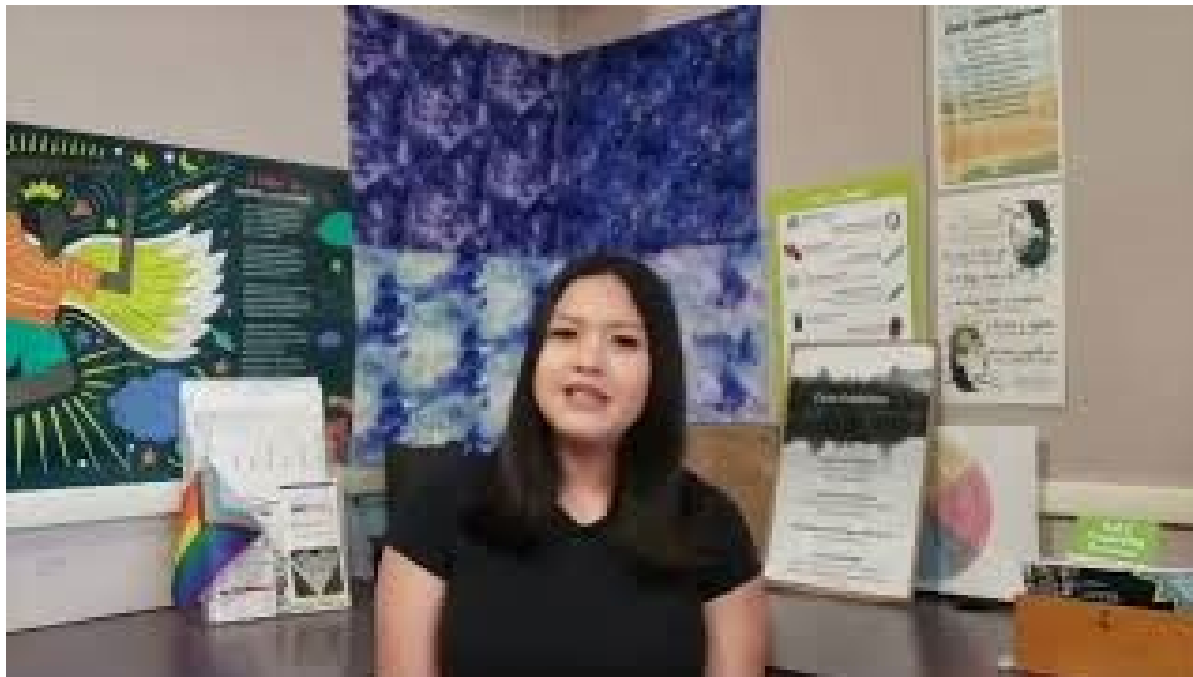
[Link to Letter](#)



State Guidance for New Laws on Discipline

- Minimize suspension for attendance issues
- Instead of suspension, support
 - restorative justice practices,
 - trauma-informed practices,
 - social–emotional learning, and
 - schoolwide positive behavior interventions and support
- Suspension as a last resort

Restorative Practices



[Restorative Practices Continuum](#)

School Site Safety Plans

- Reviewed and revised every school year at the school site and district levels
- Reviewed and approved by city emergency response organizations (Fire Dept., Police Dept.)
- Reviewed and approved by the school board annually

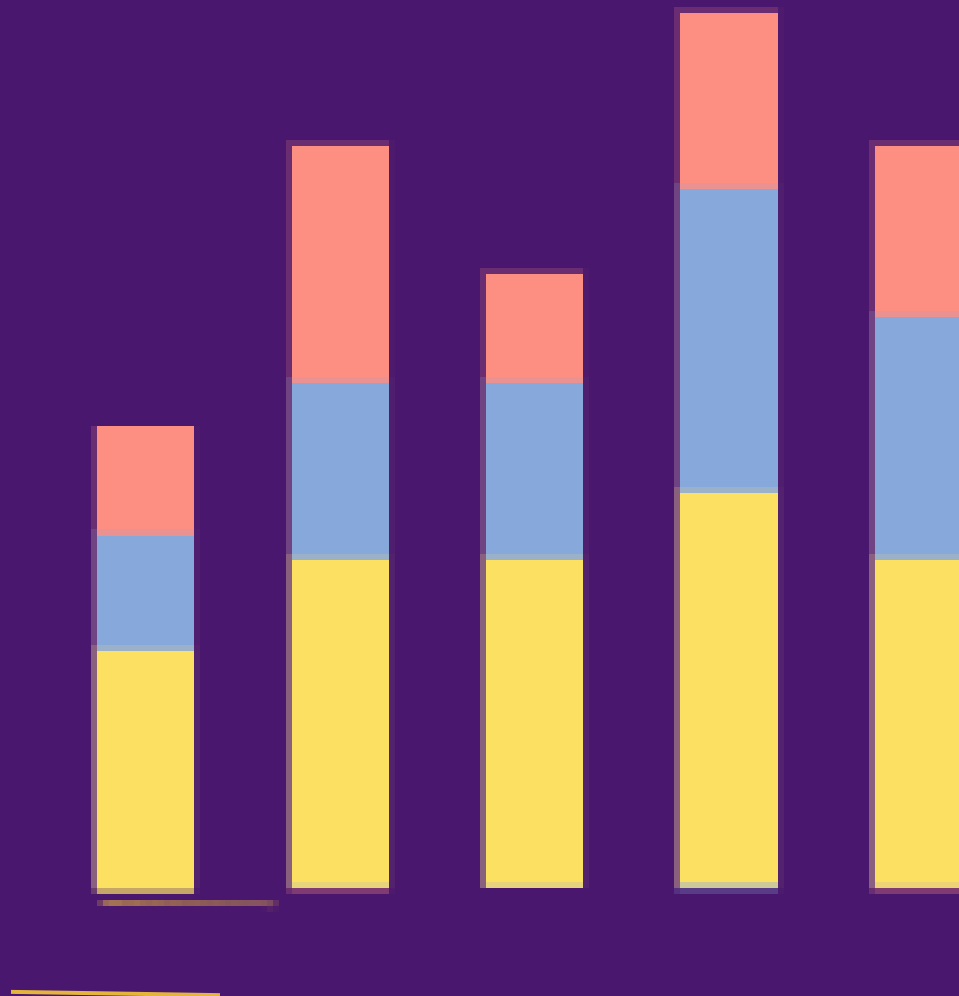
Learn more about [School Site Safety Plans](#) on the Santa Rosa City Schools website.

Safety Advisory Round Table (SART)

- Formed after tragedy on March 1, 2023
- Creation of a Strategic Plan
- Ongoing focus on four pillars:
 - Safety and Security
 - Mental Health and Counseling
 - Communication and Transparency
 - Facilities
- Fiscal accountability

Learn more about the [Safety Advisory Round Table](#) on the Santa Rosa City Schools website.

Data-Driven Culture

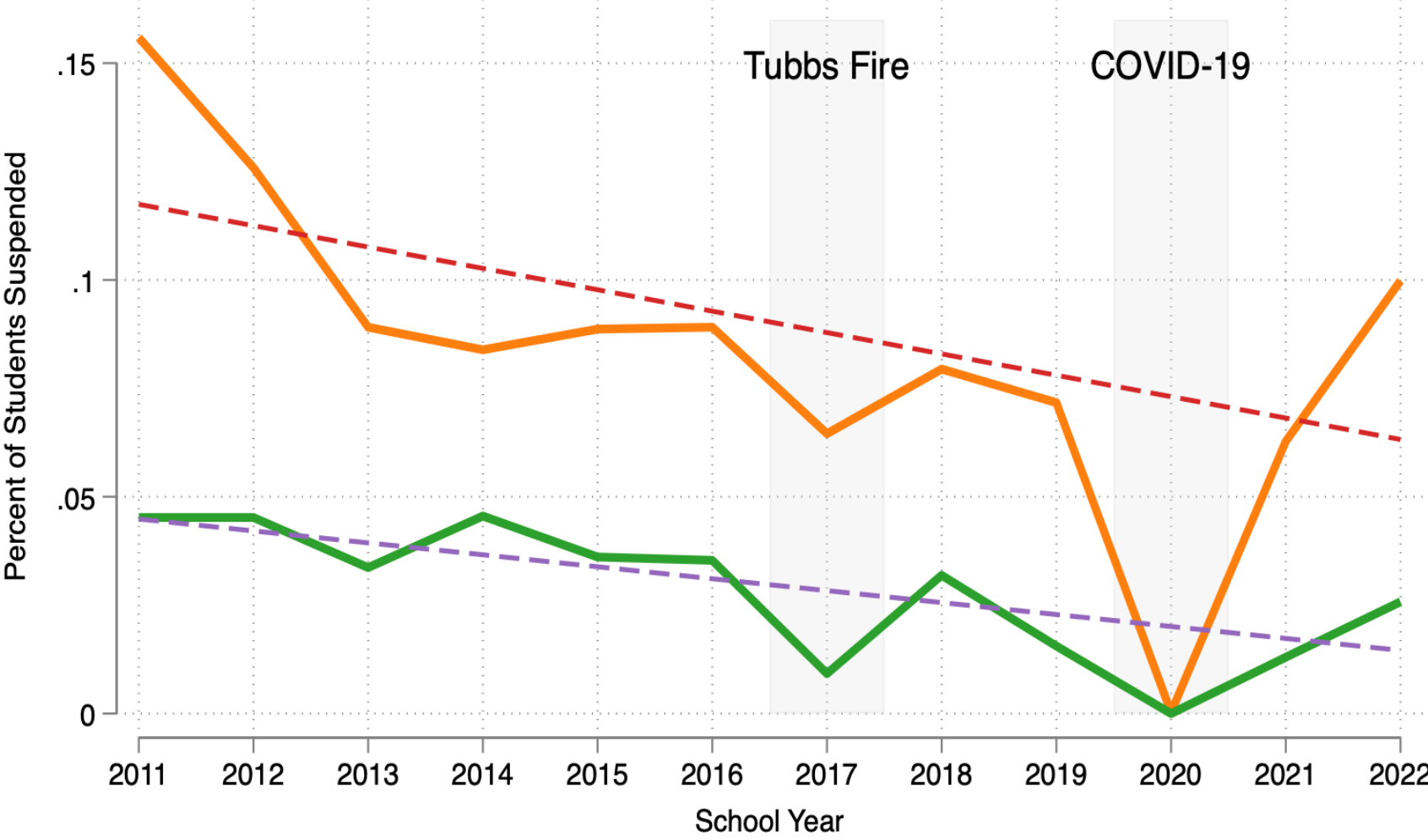


Suspensions by Primary Code for 2022/23

80%
of all
incidents
fall in the
top five
violations

Incident	Number of Incidents
Physical Injury – 48900(a)(1)	782
Intoxicant – 48900(c)	424
Use of Force – 48900(a)(2)	153
Defiance – 48900(k)	134
Harassment – 48900.4	99
Tobacco Use – 48900(h)	77
Dangerous Object – 48900(b)	68
Profanity – 48900(i)	63
Bullying – 48900(r)	52
Stealing – 48900(g)	31
Property Damage – 48900(f)	28
Sexual Harassment – 48900.2	13
Weapon Possession – 48915(a)(1)(B)	11
Imitation Firearm – 48900(m)	10
Harassment – 48900(o)	9
Terroristic Threats – 48900.7	7
Assault – 48915(a)(1)(E)	5
Hate Violence – 48900.3	2
Controlled Substance – 48915(a)(1)(C)	2
Hazing – 48900(q)	1

Suspension Rates Over Time



Secondary Elementary

Lessons From the Field



Practice Considerations

- Overcommunicate the mental health supports available to students
- Balance discipline practices with Restorative Practices
- Reinforce Positive Behavioral Interventions & Supports processes
- Consider consistency of Social–Emotional Learning TK–12 implementation
- Expand opportunities for student voice and participation in peer mediation
- Design and implement Wellness Centers
- Collaborate and offer parent education series of workshops
- Build additional support for school avoidance/attendance
- Formalize reentry processes and support (post-suspension)



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form.

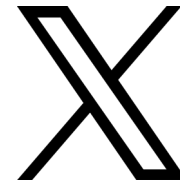
Questions for Superintendent Trunnell?

- Please ask any questions for Superintendent Trunnell using the Question & Answer function in this webinar.



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Thank you.

Thank you for your time and participation.

Please complete the [evaluation form](#) and tell us how we did!

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