



September 1, 2020

VIA EMAIL

Eimear O'Farrell, Ed.D.
Clovis Unified School District
1450 Herndon Avenue
Clovis, CA 93611
eimearofarrell@cusd.com

RE: Uniform Complaint Procedure Complaint re: Clovis Unified School District's Failure to Comply with the California Department of Education and Clovis School Board's Requirements Pertaining to Racially Hostile Environments, Retaliation, and Disparate Discipline

Dear Superintendent O'Farrell,

The American Civil Liberties Union Foundation of Northern California ("ACLU") submits the following Uniform Complaint Procedure ("UCP") complaint regarding Clovis Unified School District's ("District") failure to comply with the California Department of Education and Clovis Unified School Board's requirements pertaining to racially hostile environment, on behalf of [REDACTED] [REDACTED] through his father, Dr. [REDACTED] [REDACTED]. This complaint details how Clovis High School ("CHS") staff and District leadership discriminated against our client; illustrates how our client's civil and constitutional rights were violated; and enumerates the appropriate remedies.

1. District Climate for Black Students

The District's hostility and apathy towards Black students has been well-documented by both advocates and the press in recent months. As news organizations have widely reported, the District has time and again failed to discipline students who racially abuse Black students¹, has allowed teachers to racially abuse students of color², has fired District employees for expressing

¹ See, e.g., "As Clovis Unified Aims to Combat Racism, Complaints About Slurs Continue" Fresno Bee, Feb. 2018, available at <https://www.fresnobee.com/news/local/education-lab/article199021119.html>; "'Let's Race our Slaves.' Were these Messages Sent by Clovis Unified Students?" Fresno Bee, Sept. 2017, available at <https://www.fresnobee.com/news/local/article176383386.html>

² See "Clovis Teacher Told Student 'Go Back to Your Country' for Sitting During Pledge, Report Says" Fresno Bee, Feb. 2019, available at <https://www.fresnobee.com/news/local/education-lab/article199678934.html>

support for the Black Lives Matter movement³, and has responded to reports of racial abuse with mealy-mouthed calls for diversity that have not addressed the serious issues in the District.⁴ The District's schools, to put it simply, are not a welcoming place for Black students. In fact, even the District's advertising of its programs fails to *portray* a welcoming, diverse environment.⁵

The ACLU has intervened in the past as well because of the racially insensitive remarks and actions by District staff towards Black students. Indeed, our client William Pleasant was a Black biracial senior in the District who District staff told him that he either cut his afro or he would not be able to enroll in classes. When he asked for a cultural exemption, District staff told William that Black students did not have culture that would meet the requirements of a dress code exemption. Moreover, the District disparately disciplined another Black ACLU client who was involuntarily transferred over a sexting message off campus during the summer. The same discipline measures were not in place for non-Black students for similar behavior.

Recently, the Fresno State chapter of the National Association for the Advancement of Colored People ("NAACP") released the results of a survey of over 4,000 former alumni of the District. The survey, which was conducted in June 2020, highlights the pervasive racism and racial harassment suffered by Black alumni of the District at the hands of both other students and staff. According to NAACP representatives, numerous survey respondents who identified as a person of color or LGBTQ "said they experienced verbal, physical or sexual abuse, including rape."⁶ Other respondents reported that their complaints to District staff went ignored.⁷

California Department of Education ("CDE") data⁸ also shows that Black students in the District are disciplined at disproportionate rates compared to white students: in 2018-19, despite representing only 3.2% of the students in the District (and 2.4% of students at CHS), Black students represented 7.2% of all suspensions (and 7.4% at CHS). CDE data shows that Black students are suspended at over three times the rate of white students at CHS – 12.8% for Black students versus 3.8% for white students. Likely due to this hostile environment, Black students in the District also graduate at lower rates (88.7% versus 94.7% for white students) and meet UC/CSU requirements at lower levels (52% of Black graduates met UC/CSU levels in 2018-19, versus 64% of white graduates).

In this environment, our client [REDACTED] [REDACTED] has unsurprisingly struggled. As the only Black student in many of his classes, he often feels alienated and undervalued by District teaching staff. His repeated experiences with racially hostile treatment from District teachers

³ See "A Teacher Wore a Black Lives Matter Pin to Class. Now He is Banned from a Clovis School" Fresno Bee, Dec. 2016, available at <https://www.fresnobee.com/news/local/education-lab/article118591388.html>

⁴ See "Clovis Students Faced 'Unchecked' Racism, NAACP Says. Schools Confront Troubled History" Fresno Bee Jun. 2020, available at <https://www.fresnobee.com/news/local/education-lab/article243577847.html>

⁵ See "All the Faces on this School Catalog are White. Clovis Unified Must Do Better in 2020." Fresno Bee August 2020, available at <https://www.fresnobee.com/opinion/opn-columns-blogs/marek-warszawski/article244785572.html>

⁶ See "Clovis Students Faced 'Unchecked' Racism, NAACP Says. Schools Confront Troubled History" Fresno Bee Jun. 2020, available at <https://www.fresnobee.com/news/local/education-lab/article243577847.html>

⁷ *Id.*

⁸ Available at <https://dq.cde.ca.gov/dataquest/>

have underscored that alienation, driving ██████'s parents to decide to move out of the District in the coming year.

2. Client ██████ ██████

██████ ██████ is a Black junior at Clovis High School in Clovis Unified School District. Since the eighth grade, ██████ has faced racist, insensitive, and profiling behavior from his English teachers at the District. While ██████ was in the 8th grade, his English and History teacher Ms. Lisa Brown profiled him at a book fair, searching him without his consent. In the 9th grade, his English teacher Ms. Katherine Urrutia read a novel with the N-Word aloud and refused to censor the word as she read. His sophomore year, his 10th grade English teacher, Mrs. Lori Herb, refused to accommodate ██████'s 504 Plan, which was developed in part due to mounting anxiety over the actions of his racially hostile teachers. That same teacher later attempted to read a novel containing the N-Word aloud to ██████'s class without censoring the word. After Dr. ██████ intervened, Mrs. Herb canceled the book assignment, but then played a film containing the N-Word without parents' permission.

Due to this racially hostile environment, ██████'s grades have plummeted, his attendance at classes has slipped, and he has grown to dread going to school every day. Only the mandatory distance learning prompted by the coronavirus pandemic has averted ██████'s entire alienation from CHS. While ██████ would like to return to CHS upon the resumption of in-person classes, he reasonably fears further racially hostile incidents at the hands of his teachers. He feels he is being pushed out of the District through the actions of his teachers and failure to act by the District. The District is on notice that CUSD schools create a racially hostile environment because of Dr. ██████ persistent advocacy. The District is also on notice of the serious failures to reasonably accommodate ██████'s disability because of the same advocacy. The District has failed to act or intervene despite having this information.

3. Racially Hostile and Discriminatory Behavior by District Staff

██████ has been subjected to at least four separate incidents of racial and/or disability discrimination by District teachers over his three years in District schools. These incidents have come at the hands of multiple District teachers and have wholly alienated him from the District, ruining his grades and mental well-being. They continue to have an impact on ██████'s ability to concentrate and feel safe and welcome in the District.

A. Profiling Incident in December 2017

On December 7, 2017, while an 8th Grade student at Clark Intermediate School, ██████ attended a book fair that was organized by his English and History teacher, Ms. Lisa Brown. At the time, ██████ was the only Black student in his class.

While looking at the books at the book fair, ██████ noticed an employee of the book fair company watching him from behind the front desk as ██████ walked up and down the rows looking at the books. As he looked at the books, ██████ saw the man walk over to his teacher

and whisper something in her ear. Ms. Brown then demanded [REDACTED] come over to her and told him to open his jacket. Without asking his permission, Ms. Brown searched [REDACTED] by patting him down, frisking his coat and pockets in front of the other students. After finding nothing in [REDACTED]'s coat, Ms. Brown told him to go back to what he was doing. It is unclear what Ms. Brown believed she would find. She never actually stated the purpose of this search to [REDACTED]

After hearing what had happened, Dr. [REDACTED] objected to the discriminatory search in an email to the school principal, Teresa Barber. *See* Dec. 12, 2017 [REDACTED] Email re Racial Profiling Incident, enclosed hereto as **Exhibit A**. In a subsequent meeting, Ms. Barber told Dr. [REDACTED] that the District had ended its relationship with the vendor but failed to promise an investigation into Ms. Brown's actions, who was still in employ of the District and the school that [REDACTED] would continue to attend.

This incident rightfully changed [REDACTED]'s relationship with Ms. Brown and with the District as a whole. Before the incident, Ms. Brown was a teacher [REDACTED] felt he could trust and respect. After this happened, he felt uncomfortable every time he was around her. After the incident, [REDACTED] began to feel that he could not trust any of his teachers, as he worried that any of them may profile him as Ms. Brown did. Unfortunately, [REDACTED] was exposed to racially hostile treatment by his English teacher the next year as well.

B. Racially Hostile Book Reading in December 2018

In December 2018, [REDACTED]'s 9th grade English teacher, Ms. Katherine Urrutia, said that the class was going to read the novel *Of Mice and Men*. Ms. Urrutia told the class that the novel contained the N-Word but said that she was not going to censor the word when she read the book out loud because she did not believe in censorship. Ms. Urrutia then took the students through an exercise on whether the N-word should be read in class or not. After a brief discussion, she said that she would read the word aloud because, again, she did not believe in censorship.

Ms. Urrutia then read *Of Mice and Men* out loud to the class and said the word multiple times, again and again. [REDACTED] and the only other Black student in the class sat stunned as they heard the N-Word read again and again. [REDACTED]'s recounting of this incident – in which he repeatedly remarked that he felt frozen at the time, unable to cope with the sudden repetition of the most hateful word in the English language – makes clear that this was a deeply traumatic experience, one that deeply altered [REDACTED]'s relationship both with his teacher and with the District at large. Especially for the next two weeks, this incident was all that was on his mind despite his best efforts to dismiss the memory. A year and a half later, [REDACTED] reported still feeling triggered by the incident, as every incident of racial hostility triggered his recollections of Ms. Urrutia's actions.

After this incident, [REDACTED] felt very overwhelmed in school. His schoolwork piled up. It became very hard for him to listen to Ms. Urrutia or pay attention in class. Whereas before he felt that Ms. Urrutia was a symbol of authority, he now felt that his teacher had abused her authority to repeat a hateful word without regard for how it may impact him or other Black students in his class. His grades plummeted. Before this incident, [REDACTED] felt very comfortable

at CHS, but after – again like the 8th Grade incident at the book fair – he felt very isolated and alienated.

C. Lack of 504 Accommodations in 10th Grade English Class

Due to these discriminatory incidents, ██████ began to feel increasingly anxious and struggled to focus in school starting in the spring of 2019. The following fall, given ██████'s continued struggles in school, his parents requested that the school evaluate ██████ for a learning disability and create a 504 Accommodation Plan to help ██████ focus in class. *See* Sept. 30, 2019 504 Plan Referral, enclosed hereto as **Exhibit B**. Following an evaluation on November 4, 2019, District staff verified that ██████ has “mild deficits in attention processing” and created a 504 Plan to help ██████ focus in class. *See* Nov. 4, 2019 504 Plan, enclosed hereto as **Exhibit C**. The 504 Plan repeatedly emphasizes that ██████ struggles pay attention in class, that he is “easily distracted” during classes, and that he “has to be reminded to get back on task. *Id* at 4.

After the development of his 504 Plan, ██████ cooperatively worked with most of his teachers and built up better trust with them. His English teacher, Mrs. Lori Herb, however, refused to follow ██████'s 504 Plan and dismissed his parents' concerns at meetings in the fall of 2019. On October 10, 2019, Dr. ██████ emailed Mrs. Herb to request a meeting so that they could discuss ██████'s failing English grades. ██████'s parents met with Mrs. Herb on October 16, 2019. At that meeting, ██████'s parents created a plan with Mrs. Herb by which ██████ would go to English during his Physical Education (“PE”) class to work on outstanding assignments.

However, only two weeks later, ██████'s parents met with Mrs. Herb again to discuss his 504 Plan. At that meeting, Mrs. Herb was unprepared and flippant, telling ██████'s parents that ██████ could no longer come to her classroom during PE class and that ██████ could not have more time to complete homework assignments because it would be “unfair” to other students – even as CHS's 504 Plan Leader Mr. Wilson told the ██████ that ██████'s teachers should give him extra time to complete assignments under the 504 Plan. Following this meeting, Dr. ██████ contacted CHS Principal Stephanie Hanks and Head Chief Counselor Stephanie Frazier to raise his concerns about Mrs. Herb's indifference to ██████'s welfare. *See* November 4, 2019 Email to District Staff, enclosed hereto as **Exhibit D**. Neither Ms. Hanks nor Ms. Frazier responded.

Without intervention from District administrators, ██████'s problems with Mrs. Herb continued. Throughout November 2019, Dr. ██████ sent repeated messages to Mrs. Herb, raising his concerns about ██████'s poor attendance and increasing alienation from his teachers. Finally, on December 12, 2019, Mrs. ██████ emailed Mrs. Herb to ask whether ██████ had any missing assignments. Mrs. Herb did not reply until January 1, 2020, when she informed the family that ██████ had two missing assignments that had taken his grade down to a D. She told the family that ██████ had until January 7, 2020 to make up the missing assignments to get a C in the class. This response all but ruined the ██████ holiday break, as Mrs. Herb forced ██████ to make up his outstanding work on an expedited timeframe, violating the agreed upon 504 Plan, which directs that ██████'s teachers should “[b]reak large assignments/projects into chunks.”

Ex. C at 6. Coming back from the winter break, ██████'s relationship with Mrs. Herb was at the brink.

D. Racial Hostility from 10th Grade English Teacher

At the beginning of the next semester, on January 9, 2020, Mrs. Herb told her English class that they would be reading the novel *To Kill a Mockingbird* aloud in class. She told the class that the N-Word repeatedly appears throughout the novel and that she would not censor the word as she read because, as Ms. Urrutia had likewise opined, she did not believe in censorship. She told the class that she wanted them to hear the “shock” of the word. ██████ was again stunned. The only other Black student in the classroom immediately asked to use the bathroom and left the classroom for the remainder of class.

Mrs. Herb then started a scaffolding project, where she gave reasons why the word should be said and why it shouldn't be said, such as lack of censorship (in the pro column) and racial hurt (in the con column). Mrs. Herb then told the class that she would conduct a poll on whether they thought the N-word should be read aloud. She told the students to write their opinion down on a piece of paper to hand in. ██████ sat there, frozen, and listened as he heard other students discuss whether they read the word aloud or not. He heard students parrot Mrs. Herb, saying “I don't believe in censorship either, it's just a word, it shouldn't be taken seriously, it should just be read.” None of the other students looked at him – the only Black student in the class at that point – or asked him what he thought about the assignment. ██████ remembers his hands visibly shaking as he left the class that day.

The next morning, Dr. ██████ overheard his son talking to himself, saying that he did not want to go to school that day. After speaking with his son, Dr. ██████ contacted Mrs. Herb and school administrators to request that the assignment be changed. In response Mrs. Herb at first told Dr. ██████ that his son could leave the room while she read aloud from *To Kill a Mockingbird* – effectively giving ██████ the option of whether to be severed from the class physically or emotionally. After Dr. ██████ understandably rejected this option, Mrs. Herb told ██████'s father that the class would read the novel *Night* instead of *To Kill a Mockingbird*.

However, rather than begin this second novel, Mrs. Herb showed the class the film *Hotel Rwanda* on January 13, 2020. Mrs. Herb gave no explanation for this change of plans and did not provide any context for why the class was suddenly watching the film. Mid-way through the film, one of the characters yelled the N-Word loudly. ██████ was stunned. At the end of the class, Mrs. Herb apologized to ██████ telling him that she was unaware that the N-Word was in the film.

After this second incident, ██████ did not want to go to Mrs. Herb's class at all. His anxiety deepened. When he went to class, he would sit in the back and try to get the class over with. He felt – and still feels – that this incident was the final straw in his relationship with teachers at Clovis High. His teachers either do not care or are openly hostile to the welfare of their Black students. Just told his father about the showing of *Hotel Rwanda* that night. Dr. ██████ recalled that ██████ was very upset by the experience.

E. Lack of 504 Accommodations in Disciplinary Process

In the weeks following the showing of *Hotel Rwanda* in Mrs. Herb's class, ██████ grew increasingly disillusioned with Clovis High. On January 29, 2020, ██████ was found by CHS staff with two other students in a bathroom using a THC vape pen. ██████ and the two other students were taken to the Principal's office and questioned about their actions.

The next week, as part of the disciplinary process, ██████ Dr. ██████ and Mrs. ██████ met with school administrators and ██████'s teachers for a Manifestation Determination Review ("MAR") to discuss whether ██████'s disability had played a role in his actions. At that meeting, the group considered the two questions mandated by Federal Law:

- a. Was the conduct in question caused by, or have a direct and substantial relationship to the student's identified disability?
- b. Or was the conduct in question the direct result of the District's failure to implement the 504 plan?⁹

For ██████'s punishment to be mitigated, school administrators told the ██████ that the room had to reach consensus on each question. The school administrators, led by Learning Director Sarah McAvoy (who is in charge of school discipline at CHS), all told the ██████ that they did not believe ██████'s disability played a causal role in his actions or that ██████'s behavior directly resulted from the District's failure to accommodate him. It was clear that there would be little discussion from the administration on the matter. Dr. ██████ disagreed with the staffs' findings and told the administrators that he felt ██████'s 504 Plan had not been fully implemented, leading to ██████'s problems both inside and outside the classroom. Dr. ██████ next told the administrators that, if they truly wanted to assess the role of ██████'s disability in his actions, they should ask ██████ for his opinion.

After this prompting, ██████ told the administrators that he felt very anxious and unfocused at the time and that those feelings played a role in what he had done. He told the teachers that he smoked with the other students to ease his anxiety, which was related to the ongoing racial hostility from Mrs. Herb. As he said this, teachers rolled their eyes. Learning Director Sarah McAvoy then wholly abandoned a disability accommodation perspective and told the family: "Well, [██████] knew the difference between right and wrong, so it doesn't matter." The District staff then decided to fully punish ██████

At that meeting, Dr. ██████ told administrators that ██████ had an anxiety disorder and that he wanted that detail added to ██████'s 504 Plan. Although District administrators added that detail to ██████'s 504 Plan, they did not refer him to speak to a school guidance counselor or psychologist about his anxiety. To date, ██████ has not received any counseling or support from school administrators to help him deal with his anxiety.

⁹ These questions are contained in the District's notes from the meeting, which are attached hereto as **Exhibit E**.

██████ was then suspended for a week. Three to four days into the suspension, an Assistant Superintendent called to tell Dr. ██████ that they had determined that the other student had not actually brought in the vape pen and that they had confirmed that ██████ had brought in the vape pen. Before reaching this decision, the administrators did not interview ██████ or provide any evidence to substantiate their findings.

In addition, according to ██████'s report, District administrators did not suspend one of the other students, a white male, who was in the bathroom with ██████ instead only suspending ██████ and the third student, who is Asian-American. It is concerning that the District only meted out punishment to the two students of color involved in the incident.

4. District Administration Have Notice of the Failed Environment for ██████ and are Unresponsive to Dr. ██████ Advocacy Attempts for His Son

Dr. ██████ has painstakingly advocated to District administrators on his son's behalf, but to little avail. In the 2019-2020 schoolyear alone, Dr. ██████ sent at least twenty emails to ██████'s teachers and District administrators raising concerns about the District's compliance with his son's 504 Plan and the racially hostile treatment from District teachers. After Mrs. Herb's repeated actions in February 2020, Dr. ██████ contacted the administration to complain about her intransigent behavior and to request a meeting on February 19, 2020.

Dr. ██████ then met with Dr. Scott Dille, the Clovis Area Assistant Superintendent, on February 25, 2020. At that meeting, Dr. Dille expressed dismay at Mrs. Herb's actions, told Dr. ██████ that she should not have shown *Hotel Rwanda* without parent permission, and promised to investigate the situation. Before Dr. ██████ could respond, Dr. Dille also said that the District would use professional development to resolve the misconduct of Mrs. Herb.

On March 9, 2020, Dr. ██████ emailed Mr. Dille to request another meeting. In this email, he laid out Mrs. Herb's entire history of misconduct. *See* Mar. 9, 2020 Email, enclosed hereto as **Exhibit F**. Dr. Dille responded that District administrators had investigated Dr. ██████ concerns and would like to meet with him to discuss them. Ex. F at 1. In response, Dr. ██████ asked for an email summary of the District's investigation and proposed next steps. *Id.* Dr. Dille never responded to this email. To this day, the ██████ have received no response to their concerns about Mrs. Herb's actions.

In his March 9 email, Dr. ██████ warned District administrators of the danger of sweeping the actions of District teachers under the rug, writing that "Professional Developments cannot undo deeply-entrenched, racist paradigms and abuses of power that a teacher may possess... when left unaddressed or under-addressed, this type of toxicity has the potential to define a school's culture, while also shaping the community's perception of the entire District." Ex. F at 4. As ██████'s experiences and news accounts make clear, the District's refusal to adequately investigate or discipline its teachers in response to reports of racially hostile or disparate treatment have created *exactly this perception* in the community.

Dr. ██████ advocacy attempts on behalf of his son in the disciplinary process have also come to naught. As detailed in section (1)(E), *supra*, District staff ignored the ██████ attempts to address the role of ██████'s anxiety and attention deficits in his alleged misbehavior on January 29, 2020. Instead, District staff – the Learning Director in charge of school discipline, no less – dismissively reduced the disability assessment process to an inappropriate right versus wrong calculus that should have no place in a 504 assessment.

5. Legal Claims

A. The District Violated its Policies by Allowing the Unwarranted Search of ██████, ██████

District policies allow the searching of students only “when there is reasonable suspicion that the search will uncover evidence that he/she is violating the law.” District Board Policy 2104 at 1. Moreover, before conducting a search, the school official must “articulate the circumstances which support the reasonable suspicion which warrants a search.” *Id* at 2. Ms. Brown did none of these things. Ms. Brown is an agent of the school, District, and government entity who forced ██████ to allow her to search him in public.

It should not have to be said that searching a student because they are Black does not constitute a reasonable suspicion. Ms. Brown not only searched ██████ without cause, but also failed to articulate any justification whatsoever for her search. By disciplining the vendor solely, the District erred. Under their own policies, it is the *teacher's* responsibility to ensure that searches are conducted only when there is a reasonable suspicion of law-breaking and that the reasons for a search are articulated prior to that search. Indeed, the District has yet to explain why Ms. Brown searched ██████. There has not been an apology, and without explaining what the suspicion was, the District has violated ██████'s rights under the education code and basic constitutional rights. We are not only concerned at the lackadaisical attitude by the District in knowing this information but believe that the District needs to take immediate steps to correct this constitutional violation. As a school district, how can the District staff expect that fairness will happen in the classroom when the same staff are willing to perpetuate racism towards their students?

B. The District Violated its Policies by Creating a Racially Hostile, Unwelcoming, and Discriminatory Educational Environment

The District currently violates its nondiscrimination Board Policies, Administrative Regulations, and the California Education Code by creating a learning environment that is hostile to Black students. The District's nondiscrimination Board Policy prohibits discrimination against students on the basis of race in “any educational program or activity administered by the District.” District Board Policy 2108 at 1. Likewise, teachers are required to provide equal educational opportunities to all students regardless of background. *Id*. These policies mirror the California Education Code, which mandates that school districts create safe and inclusive environments for all students and affirmatively combat discrimination based on race. *See* Cal. Ed. Code §§ 201, 220, 32261(a).

The District has failed to implement its own policies in a fair and equitable manner. Due to his teachers' repeated actions, ██████ feels alienated and anxious at school. His grades have slipped. He is openly distrustful and anxious around all his teachers, not just those who have been deliberately indifferent to his welfare. Rather than create an environment that welcomes ██████ into an inclusive setting, Mrs. Herb and ██████'s past teachers have placed their values and the opinions of white students ahead of ██████'s safety and mental health.

To create a learning environment that is welcoming to Black students, District staff must create an environment that validates and affirms the experiences and culture of students of color. Neither the actions of staff nor the actions of administrators have done this. For instance, Mrs. Herb's syllabus for English 101 for the 2019-20 school year lists several novels and films who focus explicitly on the topic of race, such as *To Kill a Mockingbird*, *Scottsboro: An American Tragedy*, and *The Help*. None of the syllabus's descriptions of these novels or films contain any clear reference to race or racism. For instance, *Scottsboro: An American Tragedy* – a film about the trial and lynching of nine young Black men in Alabama and the virulent racism of US society – is described as a film documenting “the social climate of the 1930's when the Scottsboro trial became one of America's most famous or infamous court cases.” Lori Herb English Syllabus, enclosed hereto as **Exhibit G**, at 2. Similarly, *The Help* – a film about the racism faced by Black maids in 1960s Mississippi – is blandly described as a film about “very different women in the 1960's South who build an unlikely friendship around a secret writing project that breaks society's rules and puts them all at risk.” *Id.* By sidestepping the clear and important issues of race and racism, the syllabus – and by extension, Mrs. Herb's lessons – leaves open ample space for microaggressions and misunderstandings, thus contributing to a racially hostile environment in District schools.

C. The District Violated its Own Policies, the California Education Code, and Federal Civil Rights Statutes by Failing to Accommodate ██████'s Disability in his Classes and in the Disciplinary Process

By failing to provide ██████ with appropriate accommodations in his 10th Grade English class, the District and Mrs. Herb also violated Section 504 of the Rehabilitation Act, which requires that students with disabilities be provided with a fair appropriate public education. §1415(f)(3)(E)(i). District Policies likewise require that District students be provided with a fair appropriate public education, including “aids and services that are designed to meet the educational needs of each disabled person as adequately as the needs of non-disabled students are met.” BP No. 2109 (“Identification, Evaluation, and Education of Students Who are Qualified Disabled Persons Within the Meaning of Section 504 of the Rehabilitation Act of 1973.”)

District Policies and Administrative Regulations, as well as State and Federal Law, require that District staff assess whether a student's disability played a determining role in any alleged misconduct. *See* District Policy 2102 (“Student Discipline”, requiring that the discipline of 504 Plan students follow the Rehabilitation Act of 1973), §1415(k)(C); 34 C.F.R. §§ 300.530(c) & 300.536(a)(1) & (2). By instead substituting an improper and wholly inappropriate right-versus-wrong analysis into the disability accommodation discussion, District staff failed to

follow these requirements. *See, e.g., Student v. Southern Kern Unified District*, OAH Case No. 2017070207 (finding that a MAR failed to adequately consider whether student’s behavior was a manifestation of his disability, in part because the student’s counselor claimed that he knew right from wrong).¹⁰ Instead, they conducted a cursory and perfunctory review of ██████’s disability that unsurprisingly failed to accommodate him.

Ignoring disability law and the need to reasonably accommodate students with disabilities in the disciplinary process can have grievous consequences for such students. CDE data shows that students with disabilities are suspended at higher rates than nondisabled students; in the most recent academic year, 2018-19, students with disabilities were suspended at over twice the rate of nondisabled students (8.0% versus 3.2%). Alarming, these rates climb still further for Black students with disabilities: CDE data shows that 20.5% of Black students with disabilities in the District – over one-fifth – were suspended in 2018-19. In comparison, white students with disabilities were suspended less than one half of that (7.9%) and white nondisabled students were suspended nearly ten times less often (2.7%). The District assuredly has a discipline problem against Black students with disabilities. As the United States Department of Education has emphasized, this sort of racial discrimination “not only unlawfully limits a student’s current access to necessary services, but can have serious long-term educational consequences.”¹¹

The District failed in its duties to accommodate ██████ ██████ long before the MAR. Despite ██████’s suspension in November 2019, ██████ was not reassessed to determine if his disability may have played a role in his decision-making and ability to follow school rules. Despite his second suspension in February 2020, District Staff again did not change ██████’s 504 Plan to direct more attention to his compliance with school rules. ██████’s 504 Plan was first formulated on November 4, 2019 – before his suspensions. Ex. C at 4. In that initial 504 Plan formulation, staff documented that ██████’s disability would not cause him to violate school rules. *Id* at 5. Despite his two suspensions in the following months, there is no indication that District staff revised ██████’s 504 Plan, reevaluated ██████ to assess that his plan met his needs, or referred him to the school psychologist to determine whether his actions were part of a maladaptive response to the difficulties he faced from Mrs. Herb and his other teachers. From the ██████ reports and District documentation, the District appears to have solely moved to fully discipline ██████ and nothing more.

6. Requests for Relief

For the reasons described in this UCP complaint, to comply with the law, the District must amend its policies and procedures to reflect the changes below.

1. The District will foster a community of teachers and administrators that are knowledgeable about child development and are culturally competent and sensitive. To accomplish this goal:

¹⁰ Available at <https://www.californiaspeciallaw.com/wiki/hearing-decisions/oah-2017070207/>

¹¹ “Dear Colleague Letter: Preventing Racial Discrimination in Public Education”, Dept. of Ed., Dec. 12, 2016, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-racedisc-special-education.pdf>

- a. The District shall provide educators at all levels within the District with training about the unique historical and cultural experiences of Black students, and effective methods for engaging Black students in the educational process.
 - b. The District shall provide professional development for teachers, staff and administrators in: childhood brain development; trauma-informed responses and interventions; implicit bias; mental health issues and symptoms in children; developmental and learning disabilities; and special education procedural requirements. According to the National Child Traumatic Stress Network, when examining culturally responsive responses for Black students the District must “work towards ending the cycle of trauma and violence, [and] it is necessary to acknowledge both how racism and oppression are embedded in American society, and to understand how the massive historical trauma of slavery continues to shape the lives of individual children, families, communities, and the systems with which they interact.”¹²
 - c. The District shall recruit a Black student-focused Liaison to work directly with Black parents and students at CHS and recruit Black student focused liaisons at other high schools in the District.
2. The District will remove ██████’s suspensions from his Central File and provide him with counselling and other support as appropriate.
 3. The District will formally request the expungement of any juvenile charges that ██████ has received while a student at CHS.

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¹² National Child Traumatic Stress Network Position Statement Racial Injustice and Trauma: African Americans in the U.S. (2016), available at https://www.nctsn.org/sites/default/files/resources//racial_injustice_and_trauma_african_americans_in_the_us.pdf.

4. The District will revamp its disciplinary processes to provide guidance to school administrators on how to accommodate students with disabilities. To accomplish this goal:
 - a. The District shall prepare written guidance for administrators and staff who participate in 504 Plan MARs regarding the proper standards for accommodating students with disabilities.
 - b. The District shall provide professional development and training for all administrators and staff who participate in 504 Plan MARs regarding implicit bias, the presentation of disability in students of color, and the intersection between race and disability in the classroom.
 - c. The District shall review all suspensions and expulsions of students with disabilities from 2019-20 *de novo* to ensure that students with disabilities receive a fair and appropriate public education in District schools.

Sincerely,



Abre' Conner
Staff Attorney
ACLU Foundation of Northern California



Dylan Verner-Crist
Investigator
ACLU Foundation of Northern California

CC: Dr. [REDACTED]
Norm Anderson

EXHIBIT A

----- Forwarded Message -----

From: Dr. [REDACTED] <[REDACTED]>
To: teresabarber@cusd.com <teresabarber@cusd.com>
Cc: Eimearofarrell@cusd.com <Eimearofarrell@cusd.com>; [REDACTED] >
Sent: Thursday, December 7, 2017, 05:40:35 PM PST
Subject: Offended Parents/Clarke Intermediate

Good Evening,

My son ([REDACTED]) came home from school today, totally distraught at how he was treated by his teacher, Ms. Brown, and a Book Fair representative. According to my son, an adult male Book Fair representative shadowed his actions for a considerable amount of the time that his class was attending the Book Fair. When my son attempted to exit with his class, he was detained, while Ms. Brown began to pat him down and have him empty his pockets.

I am a school administrator, and I am livid that my son was profiled and treated like a common criminal. Since my family moved here from San Francisco in August of this year, we have had a pleasant experience in Clovis. I do recall; however, receiving a voice message from you, alerting me about some of the unfortunate experiences that African Americans students had, regarding social media. At that time, I was very concerned for my children's well-being, but I was encouraged that the District took a proactive approach to resolving the situation.

That said, once again I am very concerned. I would appreciate a meeting with you, because I have questions about the District's policies on student searches, (i.e. who conducts them) and a few other things. I look forward to your prompt response.

Respectfully,

"The mere imparting of information is not education."

-Carter G. Woodson

Dr. [REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT B

CLOVIS UNIFIED SCHOOL DISTRICT

504-1a
8/08

1450 HERNDON AVENUE • CLOVIS, CALIFORNIA 93611 • (559) 327-9000

REFERRAL FOR 504 EVALUATION

Student:	██████████	Student ID #	██████████	Date of Birth:	██████████
Address:	██████████	City	Clovis	Zip:	93611
Phone #:	██████████				
Parent/Guardian:	██████████	School:	Clovis High School	Teacher:	_____
Evaluation Requested By:	_____				

1. What are your specific concerns about the student's performance?

Academic: ██████████ is not completing his classwork in most of his classes.

Behavioral: ██████████ is challenged with organizing his school materials. Also, ██████████ has difficulty following through on multi-step directives at school and at home.

2. What interventions have been tried to help the student?

Seating change. Parent/Teacher conferences.

Parents devised a morning checklist to ensure that ██████████ leaves with the all of his accoutrements.

What were the results?

██████████'s grades are much better this year. We attribute this success to the SST meeting, which helped to bring ██████████'s challenges to his teachers' attention, as well as to the morning checklist (which has helped to reduce the number of instances that ██████████ loses points for either submitting work late or failure to bring the appropriate gear/resources to class.)

3. What other problems, concerns, or observations would you like to share? N/A

Referral completed by _____ Date _____

Parent/Guardian signature ██████████ Date 09/27/2019

Referral received by Todd Wilson Date 9/30/19

PLEASE NOTE: Consideration for a Section 504 Evaluation will not begin until this Referral for 504 Evaluation is received by the school site.

NOTICE OF SECTION 504 EVALUATION

Student _____ Student ID # _____ B.D. _____
 School Clovis High Grade 10th Teacher/Counselor Stephanie Frazier
 Parent(s)/Guardian _____ Home Tel. _____ (Father's
 Cell#) _____
 Address _____ Work Tel. _____

As part of our on-going effort to assist your child to be a better learner, members of our Section 504 Team would like to complete an evaluation. The results of the evaluation will be used to determine the best ways to meet your child's educational needs in his or her classroom. A copy of Section 504 parent and student rights is on the back of this form.

School staff will be involved in observations, interviews, administration of behavior checklists, review of cumulative records, work samples, and other data collection. When indicated, the school nurse will complete a review of medical records and update the student's health history. Any information you wish to make available to the 504 team will be considered in this evaluation.

Method of Data Collection	Team Member/Title
*Review of School Records	School Psychologist/Nurse
*Private Evaluations from Parents (Mental Health/Medical Records)	School Psychologist/Nurse
*Parent/Student Interviews	School Psychologist/Nurse

Please sign and return this form if you agree to have your child evaluated as indicated above. The results of the evaluation will be shared with you at a 504 Team Meeting. A notice of this meeting will be sent to you. If you have any questions about this evaluation, please call:

Site 504 Coordinator: Todd Wilson Phone 327-1318

- I **give** permission for the proposed 504 Evaluation to be completed.
- I **do not give** permission for the 504 Evaluation to be completed.

Parent(s)/Guardian Signature _____ Date 09/27/2019

Distribution: WHITE -Cumulative File YELLOW-Parent Copy PINK-Site 504 Coordinator GOLD -District Office

Date Sent _____ Date Received 9/30/19

NOTICE OF SECTION 504 TEAM MEETING

Date: 10/10/2019

Dear: [Redacted]

The school's Section 504 Team requests your attendance at a meeting for:

Student: [Redacted]

Meeting Date: 11/04/2019

Time: 7:15 AM

Where: Clovis High School Room D-31

The purpose of the Section 504 Team meeting is to:

review the 504 evaluation results.

review the Individualized 504 Plan.

other:

This process encourages parents and school staff, working as a team, to combine their knowledge of the student and their expertise to assist the student in his/her education program. You are a vital part of this process. Please sign and return the white copy of this letter to Todd Wilson as soon as possible.

If you have any questions, please call me at 327-1318.

Sincerely,

Site 504 Coordinator



via mail

Yes, I will be able to attend the 504 meeting on 11/04/2019 at 7:15 AM

No, I will not be able to attend the meeting. Please call me at 327-1318 to reschedule the meeting. These are good dates/times for me to attend the meeting

[Redacted Signature]

Parent/guardian signature/date

EXHIBIT C

Clovis Unified School District

Individualized 504 Plan

Student [redacted] Student ID: [redacted] B.D. [redacted] M or F
Parent/Guardian: Dr. [redacted] Cell Phone: [redacted] (Father's cell#)
Address: [redacted] Clovis, CA Zip 93611
School Clovis High School Grade: 10th Ethnicity: African American
Meeting Date: 11/04/2019 Initial Annual Triennial Other:
Next scheduled review date: First Semester 2020 (must be completed)

TEAM ACTION

Student does have a disability pursuant to Section 504. Indicate disability: ADHD attention process.
Describe how disability affects a major life activity: The student's disability interferes with every-day school activities.

Mild deficits in

Student does not have a disability pursuant to Section 504 because:

- Student does not exhibit a Section 504 disability.
- Student does not exhibit a substantial limitation in learning or other major life activity.

TEAM RECOMMENDATIONS

- Continue in present program
- 504 Interventions in the regular program (see attached plan)
- Refer for special education assessment
- Other _____

DISCIPLINE

- The student's disability would not cause him or her to violate school rules; therefore, the student will be accountable for following school rules.
- The student's disability would require that modifications be made to ensure compliance with school rules (see attached Individualized 504 Plan).

I have participated in the meeting in which this Individualized 504 Plan was developed and have received a copy of the Notice of Section 504 Parent and Student Rights.

[redacted] 11/4/19
Parent or Guardian Signature Date

[redacted] 11/4/19
Parent Signature Date

SECTION 504 TEAM (signatures and titles)
[Signature] (504 Coord.)
[Signature] (nurse)
[Signature] (PE)
[Signature] (counselor)
cc: All Serving Teachers

[Signature] School Psych
[Signature] (Physics & Technology)
[Signature] (PE)
[Signature] (Math)
[Signature] (MATH 1)

Distribution: WHITE - Cumulative File YELLOW - Parent Copy PINK - Site 504 Coordinator GOLD - District Office

[redacted]

student

Draft

Final

Clovis Unified School District

Individualized 504 Plan

Date 11/04/2019

ID# [Redacted]

Page 1 of 1

Student's Name: [Redacted] School Clovis High Grade 10th

Teacher(s)/Class(es) L. Herb (English 10); N. Scharton (Math 1); L. Hash (World History); C. Patrick (PE); A. Inouye (Physics/Technology); and E. Quintana (PE)

Case Manager Todd Wilson 504 Disability ~~ADHD (Attention Deficit Hyperactivity Disorder)~~ Mild Deficits in Attention Processing.

Area(s) of Need	Actions, Strategies, Accommodations	Person Responsible Who When	Additional Comments
Focusing, Attention, & Behavior	<ul style="list-style-type: none"> • Preferential seating in proximity to instruction and away from distractions if possible • Check for understanding of directions • Allow movement breaks when possible • Follow classroom/school rules and expectations 	<ul style="list-style-type: none"> *Teachers /Student *Teachers *Teachers *Student 	
Organization	<ul style="list-style-type: none"> • Use a daily planner to write down assignments and due dates • Clean out and organize backpack at least once a week • Allow student to take pictures of classroom schedule/assignments with phone • Provide an extra set of classroom notes upon student request • Provide extra set of books for home upon student request 	<ul style="list-style-type: none"> *Student *Parent/Student *Teachers *Student/Teachers *Teachers 	
communication	<ul style="list-style-type: none"> • Email teachers for progress • Check Parent/Student Connect • Check teacher's websites for classroom information/guidelines/expectations 	<ul style="list-style-type: none"> *Parents *Parent/Student *Parent/Student 	
Work Completion	<ul style="list-style-type: none"> • Reduce repetitive drill or shorten assignments when needed without compromising the standards • Break large assignments/projects into chunks • Attend any/all labs necessary to finish assignments • 1-2 days or weekend extended time on ^{homework} essays and projects (To be prearranged w/ Teacher) 	<ul style="list-style-type: none"> *Teacher discretion *Teachers *Student *Teacher/Student 	
Testing	<ul style="list-style-type: none"> • Allow extra time on classroom tests • Test in separate setting as necessary • Allow tests to be read out loud upon request in separate setting 	<ul style="list-style-type: none"> *Teachers *Teachers/Student *Teacher/Student 	

MEETING SUMMARY

STUDENT'S NAME [REDACTED] MEETING DATE: 11/04/2019

REASON FOR MEETING: Initial 504 Meeting

STUDENT'S STRENGTHS: _____ AREAS OF CONCERN: _____

- * Friendly
- * Likeable
- * Capable
- * Attention/processing
- * Organization
- * Distracted easily by other students.

* Parents received copy of rights/504 plan.

RECOMMENDATIONS/COMMENTS

* (Physics/Technology) - Easily distracted in class at times. [REDACTED] is not getting assignments turned in consistently. Dad asked if [REDACTED] best was moved toward the front. [REDACTED] can retake tests. Mom asked how far [REDACTED] can go back to redo assignments. Dad asked how the class works daily, and how the teacher interacts with [REDACTED]. Mom asked if the activities are in groups. Mom said that she discussed the assignments w/ [REDACTED]. Mom has a check list for [REDACTED] to complete assignments. Mom stated that [REDACTED] says his work is done.

* (World History) - Is often tardy for class. Has not made up lunch detentions. He will often not work in class consistently. He is on his cell phone all of the time. [REDACTED] stated that he attends lab after school on Tues/Thurs. The teacher recommended that [REDACTED] attend the "BROWL", working with Mr. Tucker after school. There is an aid in the class to assist w/ testing.

* Dad asked if there are consequences in place to hold [REDACTED] accountable. The teacher asked Dad if Sat. school is an option. Dad requested one day of Saturday school.

Parent	[REDACTED]	Teacher	L. Hersh (W. History)	C. Patrick	N. Schinton (Math)	E. Quintana (PE)	L. Herb (English)	A. Inouye (Physics)	Psychologist	Keith Williams
Parent	_____	Administrator	Stephanie Frazier	_____	_____	_____	_____	_____	Specialist	Todd Wilson
Student	[REDACTED]	Other	Ellen Gates (Nurse)	_____	_____	_____	_____	_____	Other	_____

MEETING SUMMARY

STUDENT'S NAME: [REDACTED] MEETING DATE: 11/04/2019

REASON FOR MEETING: Initial 504 Meeting

STUDENT'S STRENGTHS: _____ AREAS OF CONCERN: _____

* Dad stated that [REDACTED] is very much like himself.

RECOMMENDATIONS/COMMENTS * (Counselor) asked why [REDACTED] is late for class.

[REDACTED] said he wishes w/ friends. Mom asked how [REDACTED] can make up assignments in history. The teacher explained how he can make up the assignments. Focus on current assignments first.

* (Math) - Test score average is a "B" Overall, grade is a "C". [REDACTED] has to be reminded to get back on task. [REDACTED] knows how to do the work. Teacher highlighted the assignments missing. Mom said that [REDACTED] has the assignments completed. There is also a book available online. Teacher discussed how to access the book.

* [REDACTED] brings his book to class. The teacher gives points for late work. The parents saw the math assignments complete. The teacher checks in with all of the students lit.

* (Dad) said that [REDACTED] does better in class when he knows the teachers care about him

* English 10 - Teacher discussed assignments that [REDACTED] needs to turn in. Dad asked about grades on specific assignments. Dad - stated that the way Mrs. Herb grades is too late for him to make corrections. Dad expressed that he would like to get feedback on essays sooner, so he can help [REDACTED] make corrections. Mom asked how assignments are turned in. Dad wants [REDACTED] to go to intervention during P.E. every time.

* PE - This is a "C+" (Mr. Patrick) * PEO - Wood Kid, In w/ Mr. Quintero. Has a difficult time staying away from other kids who are distractions. Needs to do a better job w/ physical fitness. * Grade is 82.8%

Parent _____ Teacher _____ Psychologist _____

Parent _____ Administrator _____ Specialist _____

Student _____ Other _____ Other _____

Clovis Unified School District

Individualized 504 Plan

Date 11/04/2019

ID# [REDACTED]

Page 1 of 1

Student's Name: [REDACTED] School Clovis High Grade 10th

Teacher(s)/Class(es) L. Herb (English 10); N. Scharton (Math I); L. Hash (World History); C. Patrick (PE); A. Inouye (Physics/Technology); and E. Quintana (PE)

Case Manager Todd Wilson 504 Disability ADHD (Attention Deficit Hyperactivity Disorder)

Area(s) of Need	Actions, Strategies, Accommodations	Person Responsible Who When	Additional Comments
Focusing, Attention, & Behavior	<ul style="list-style-type: none"> • Preferential seating in proximity to instruction and away from distractions if possible • Check for understanding of directions • Allow movement breaks when possible • Follow classroom/school rules and expectations 	<ul style="list-style-type: none"> *Teachers /Student *Teachers *Teachers *Student 	
Organization E-book → Clever → CPM	<ul style="list-style-type: none"> • Use a daily planner to write down assignments and due dates • Clean out and organize backpack at least once a week • Allow student to take pictures of classroom schedule/assignments with phone • Provide an extra set of classroom notes upon student request • Provide extra set of books for home upon student request 	<ul style="list-style-type: none"> *Student *Parent/Student *Teachers *Student/Teachers *Teachers 	
communication	<ul style="list-style-type: none"> • Email teachers for progress • Check Parent/Student Connect • Check teacher's websites for classroom information/guidelines/expectations 	<ul style="list-style-type: none"> *Parents *Parent/Student *Parent/Student 	
Work Completion	<ul style="list-style-type: none"> • Reduce repetitive drill or shorten assignments when needed without compromising the standards • Break large assignments/projects into chunks • Attend any/all labs necessary to finish assignments • 1-2 days or weekend extended time on essays and projects (To be prearranged w/ Teacher) 	<ul style="list-style-type: none"> *Teacher discretion *Teachers *Student *Teacher/Student 	
Testing	<ul style="list-style-type: none"> • Allow extra time on classroom tests • Test in separate setting as necessary • Allow tests to be read out loud upon request in separate setting 	<ul style="list-style-type: none"> *Teachers *Teachers/Student *Teacher/Student 	

→ Allow to make up missing HW

Clovis Unified School District

Individualized 504 Plan

Student [redacted] Student ID: [redacted] B.D. [redacted] M or F
Parent/Guardian: [redacted] Cell Phone: [redacted] (Father's Cell#)
Address: [redacted] Zip 93611
School Clovis High School Grade: 10th Ethnicity: African American
Meeting Date: 02/21/2020 Initial Annual Triennial Other: Parent Requested Meeting with English Teacher/504 Coordinator/Administration
Next scheduled review date: First Semester 2020 (must be completed)

TEAM ACTION

Student does have a disability pursuant to Section 504. Indicate disability: Mild Deficits in Attention Processing
Describe how disability affects a major life activity: The student's disability interferes with every-day school activities.

Student does not have a disability pursuant to Section 504 because:

- Student does not exhibit a Section 504 disability.
- Student does not exhibit a substantial limitation in learning or other major life activity.

TEAM RECOMMENDATIONS

- Continue in present program
- 504 Interventions in the regular program (see attached plan)
- Refer for special education assessment
- Other _____

DISCIPLINE

- The student's disability would not cause him or her to violate school rules; therefore, the student will be accountable for following school rules.
- The student's disability would require that modifications be made to ensure compliance with school rules (see attached Individualized 504 Plan).

I have participated in the meeting in which this Individualized 504 Plan was developed and have received a copy of the Notice of Section 504 Plan.

[Redacted Signature Area]

Parent or Guardian Signature	Date	Parent or Guardian Signature	Date
SECTION 504 TEAM (signatures and titles)			
<u>[Signature]</u> (504 Coord)	_____	_____	_____
<u>[Signature]</u>	_____	_____	_____
<u>[Signature]</u>	_____	_____	_____
<u>[Signature]</u> (LD)	_____	_____	_____

cc: All Serving Teachers

Distribution: WHITE - Cumulative File YELLOW - Parent Copy PINK - Site 504 Coordinator GOLD - District Office

Clovis Unified School District

Individualized 504 Plan

Date 01/23/2020ID# [REDACTED]Page 1 of 1Student's Name: [REDACTED] School Clovis High Grade 10thTeacher(s)/Class(es) L. Herb (English 10); N. Scharon (Math 1); L. Hash (World History); C. Patrick (PE); A. Inouye (Physics/Technology); and E. Quintana (PE)Case Manager Todd Wilson 504 Disability Mild Deficits in Attention Processing

Area(s) of Need	Actions, Strategies, Accommodations	Person Responsible Who When	Additional Comments
Focusing, Attention, & Behavior	<ul style="list-style-type: none"> • Preferential seating in proximity to instruction and away from distractions if possible • Check for understanding of directions • Allow movement breaks when possible • Follow classroom/school rules and expectations 	*Teachers /Student *Teachers *Teachers *Student	
Organization	<ul style="list-style-type: none"> • Use a daily planner to write down assignments and due dates • Clean out and organize backpack at least once a week • Allow student to take pictures of classroom schedule/assignments with phone • Provide an extra set of classroom notes upon student request • Provide extra set of books for home upon student request 	*Student *Parent/Student *Teachers *Student/ Teachers *Teachers	
communication	<ul style="list-style-type: none"> • Email teachers for progress • Check Parent/Student Connect • Check teacher's websites for classroom information/guidelines/expectations 	*Parents *Parent/Student *Parent/Student	
Work Completion	<ul style="list-style-type: none"> • Reduce repetitive drill or shorten assignments when needed without compromising the standards • Break large assignments/projects into chunks • Attend any/all labs necessary to finish assignments • Provide books on tape if available • 1-2 days or weekend extended time on assignments, essays, and projects (To be prearranged w/ Teacher) 	*Teacher discretion *Teachers *Student *Teachers *Teacher/ Student	
Testing	<ul style="list-style-type: none"> • Allow extra time on classroom test • Test in separate setting as necessary • Allow tests to be read out loud upon request in separate setting 	*Teachers *Teachers/ Student *Teacher/ Student	

EXHIBIT D

----- Forwarded Message -----

From: Dr. [REDACTED] <[REDACTED]>
To: Stephanie Hanks <stephaniehanks@clovisusd.k12.ca.us>; Stephanie Frazier <stephaniefrazier@clovisusd.k12.ca.us>
Sent: Monday, November 4, 2019, 03:31:26 PM PST
Subject: Parents of [REDACTED] concerned about Teacher's position on 504 plan

Ms. Hanks,

I am writing to you to express utter frustration with my son's English Teacher, Ms. Herb. Based on Ms. Herb's untimely grading procedures and her unwillingness to comply with neither our established agreements nor the law, we feel that she has deliberately targeted [REDACTED] for failure.

In every meeting we have had with Ms. Herb to date, she has arrived unprepared, flippant about her obligation to provide information in a timely fashion, and (most recently) exhibiting an unwillingness to adhere to the law.

Months ago, we all agreed that [REDACTED] must go to Ms. Herb's classroom during P.E. to complete any missing or incomplete assignment. She described it as part of the configuration of her English program for all of her students. (To date, [REDACTED]'s attendance in the part has been "hit or miss", but we have made progress.)

However, in today's meeting, Ms. Herb stated that she does not want to continue to do that, because of [REDACTED] P.E. standards that must also be met. In effect, Ms. Herb is attempting to unilaterally dissent from the plan we established months ago. If [REDACTED] is not permitted to make up English work during P.E., it will have a detrimental effect on his grade. Ms. Herb's motives seem mean-spirited. Hence, we are not convinced that she has [REDACTED]'s best interest at heart. As parents, we expect [REDACTED] to be able to take advantage of this support as are Ms. Herb's other students.

Near the end of today's 504 plan meeting, Ms. Herb stated that "her policy" will be that [REDACTED] can make up some of his missing tests, but not his homework, "Because that's just not fair", she added.

Ms. Hanks, I suggest someone educate Ms. Herb quickly about Equity vs. Equality, because for some reason, she seems to think that all students require the exact same services in order to master the standards.

[REDACTED] exhibits the same anxiety condition that I have when it comes to managing multiple tasks. The difference is that I have grown adept at using calendars to plan for and meet deadlines, whereas [REDACTED] is still "A work in progress". That said, we expect the same type of support and nurture that Ms. Herb would want for her own child -the kind the State requires.

Regarding teacher preparation, in today's 504 meeting, all of the teachers presented a snapshot of [REDACTED]'s academic performance on paper, except Ms. Herb. Instead, Ms. Herb arrived and offered the excuse that she had a field trip this weekend as the reason she didn't have hand outs. (In the previous meeting, she was unprepared and cited the reason as "i have a lot going on in my personal life.": Similarly, at the Back-To-School Night, we got the same excuse for not receiving a syllabus.

I digress. When it was Ms. Herb's turn to provide an update on [REDACTED]'s performance today, she pointed out that [REDACTED] is missing 3 assignments. However, when I asked probing questions about the missing assignments, she was unable to satisfactorily articulate the details, other than to say that one of them is an essay.

This prompted me to ask her about the previously submitted essay, which [REDACTED] completed and submitted on October 21st under my supervision. It was entitled the "\$1000 essay". Thus when I asked he had performed on it the \$1000 essay, she quickly glanced at something on her screen and said that the essay was submitted, but that it did not conform to her guidelines.

As a former English teacher, and as a parent who wants to ensure that his son does not receive inferior "customer service" simply because the teacher is not organized or prepared, I am hereby asking you or a Guidance Learner Director to audit [REDACTED]'s essay so that he and I may receive some timely feedback on the essay for his educational growth. This, after all, is one of the primary aims of school.

Furthermore, why would a teacher assign another essay to students before they ever receive constructive feedback on the one previously submitted? This practice does not seem conducive to students' educational growth. It's not educationally-sound.

All said, we are beginning to believe that [REDACTED] has been assigned to an English classroom that is detrimental to his success. Admittedly, [REDACTED] has organizational and anxiety challenges. However, there are supports for that. But when the teacher deviates from the plan and whimsically chooses which parts of the 504 plan she is going to follow, we take issue with that and will pursue [REDACTED] for our son at the local and State levels.

Please intervene.

Dr. and Mrs. [REDACTED]
[REDACTED]

EXHIBIT E

NOTICE OF SECTION 504 TEAM MEETING

Date: 02/03/2020

Dear: Dr. [REDACTED]

The school's Section 504 Team requests your attendance at a meeting for:

Student: [REDACTED]

Meeting Date: 02/04/2020

Time: 2:45 PM

Where: Clovis High School

The purpose of the Section 504 Team meeting is to:

review the 504 evaluation results.

review the Individualized 504 Plan.

X other: "Manifest Determination Meeting"

This process encourages parents and school staff, working as a team, to combine their knowledge of the student and their expertise to assist the student in his/her education program. You are a vital part of this process. Please sign and return the white copy of this letter to Todd Wilson as soon as possible.

If you have any questions, please call me at 327-1318.

Sincerely,



Site 504 Coordinator



in
mail on
2/3/20

Yes, I will be able to attend the 504 meeting on 02/04/2020 at 2:45 PM

No, I will not be able to attend the meeting. Please call me at 327-1318 to reschedule the meeting. These are good dates/times for me to attend the meeting.

[REDACTED SIGNATURE]

Parent/guardian signature/date

SECTION 504 MANIFESTATION DETERMINATION

[Redacted] 02/04/2020

Student's Name	Student's ID #	Birth Date	Meeting Date
[Redacted]	[Redacted]	[Redacted]	[Redacted]
Address	Parent/Guardian	Cell/Work Telephone	
Clovis High School	10 th	01/23/2020	
School	Grade Level	Date of Last Assessment	Date of Last 504 Plan

1. Reason for Individualized 504 Plan Manifestation Determination Meeting:
 * The student used THC on campus, and was in possession of a THC vape pen.

2. Summary of Student's Disability:
 * Mild Deficits in Attention Processing

3. a) Was the conduct in question caused by, or have a direct and substantial relationship to the student's identified disability?

yes no

b) Or was the conduct in question the direct result of the District's failure to implement the 504 plan?

yes no

SIGNATURES

I, parent/guardian, have received a copy of the Notice of Section 504 Parent and Student Rights. Initials gmk

Parent/Guardian comments attached.

Parent/Guardian	Date	Principal/Designer	Date
[Redacted]		[Signature]	2/4/20
Student	Date	Site 504 Coordinator	Date
[Redacted]		[Signature]	2/4/20
Teacher	Date	Psychologist	Date
[Signature]	2-4-20	[Signature]	2-4-2020
Other	Date	District 504 Coordinator	Date
[Signature]	2/4/20	[Signature]	2/4/2020
Other	Date	Other	Date

DISTRIBUTION: Cumulative File; Parent Copy; Site 504 Coordinator; District Office

MEETING SUMMARY

STUDENT'S NAME: [REDACTED] MEETING DATE: 02/04/2020

REASON FOR MEETING: Manifest Determination

STUDENT'S STRENGTHS: _____ AREAS OF CONCERN: _____

- * Quiet/Cooperative/respectful
- * Able to be refocused

- * Focus/Attention
- * Organization
- * Anxiety

RECOMMENDATIONS/COMMENTS

- * Parent received copy of rights.
- * Introductions of 504 Team.
- * Teachers report progress in the classroom.
- * School Psychologist reviews disability w/ Parents and 504 Team.
- * Learning director discusses Education Code Infraction w/ parents and 504 Team. (Possession of a Vape cartridge and under the influence^(THC))
- * [REDACTED] stated that he used the substance on campus.
- * [REDACTED] stated that he believes anxiety caused him to use the substance on campus.
- * (Dad) requested that the anxiety piece be added to the 504 plan.

Parent <u>Dr. [REDACTED]</u>	Teacher <u>Lindy Hersh</u> (W. History)	Psychologist <u>Keith Williams</u>
Parent <u>Mrs. [REDACTED]</u>	Administrator <u>Sarah McAvoy</u> (Learning Director)	Specialist <u>Todd Wilson</u>
Student <u>[REDACTED]</u>	Other <u>Wendy Karsever</u> (Dist. Coordinator)	Other _____

EXHIBIT F

From: Dr. [REDACTED]
To: Scott Dille <scottdille@clovisusd.k12.ca.us>
Cc: Eimear OFarrell <eimearofarrell@clovisusd.k12.ca.us>; Stephanie Hanks <stephaniehanks@clovisusd.k12.ca.us>
Sent: Monday, March 9, 2020, 01:57:24 PM PDT
Subject: Out of My Concern for All Students

Good Morning Dr. Dille,

Last week, Terri telephoned me from your office in an attempt to schedule a meeting with me, you and Mrs. Hanks. At that time, I inquired about the nature of the meeting so that I could prepare. Terri could not be sure about the objective of the meeting. She only knew that it was related to our previous meeting. Please reply or call me if I missed something.

As far as I remember, I have already laid out my concerns to you, regarding my son's English teacher, Mrs. Herb:

1. At Back To School Night (Fall 2019), Mrs. Herb explained to parents that our children had been selected and deliberately placed in her class, so that she could offer them additional support. She elaborated that, in the event that one of her students was ever missing an assignment or had less than satisfactory performance on an assignment, they are automatically required to give up one of their elective classes so they could return to English class later that day to receive support.

Four weeks later, when my son received an F in her class, I requested a meeting. (In this meeting, Mrs. Herb was ill-prepared to inform us about gaps in my son's progress in English. (She had no current grades, no missing assignments, etc.)

When I asked why she had no information, Mrs. Herb apologized, tossed her hair and explained that she had just experienced a challenging weekend with her daughters. Next, I asked whether my son had been required to give up an Elective and make up work, (a protocol she had described to parents during Back To School Night). Mrs. Herb's response was simply, "No". When I asked "Why Not?", she said, "I mean, we can set that up if that's what you'd like to do; I would have to have your approval to do that."

In response, my wife and I gave an overwhelming, "Yes, that's what we would like to do!" "During Back to School Night, that's what you said would be happening with automaticity."
Mrs. Frazier, who was also present, smiled at us.

2. Fall 2019, in the initial 504 plan meeting held on a Monday morning, Mrs. Herb was ill-prepared again. This time, she apologized and explained that she doesn't have any reports or notes about my son, because she had just chaperoned a field trip on the previous Friday.

Near the end of this meeting, the school site's 504 plan leader, Mr. Wilson, explained that teachers should give my son "additional time to submit assignments", as a means of providing him equity, in light of his eating disorder and chronic, abnormal delays in follow through both at school and home.

Upon hearing this, Mrs. Herb voiced that she would not comply to such a plan, because "It is not fair to everyone else".

In response, I sent emails to school administration. In the weeks that followed, Mrs. Herb began to display a supportive demeanor.

3. December 12, 2019, I sent all my son's teachers (including Mrs. Herb) an email, requesting to know whether my son had an missing assignments. (We have established a pattern of sending weekly emails to my son's teachers, in an effort to keep him from falling behind.) All of the teachers responded, except Mrs. Herb.

To the contrary, on the last day before Winter Break, Mrs. Herb personally pulled my son aside and assured him that his semester grade would be C. Then, on Jan 4, 2020, Mrs. Herb sent my son an email that launched him on a race to complete two huge assignments during Winter Break, thereby ruining the remainder of the vacation.

*Given Mrs. Herb's failure to respond to our December 12th email and her initial resentment to the terms of the 504 plan, this seemed like a calculated assault against our son.

4. As son as students returned from Winter Break, I learned that Mrs. Herb had already begun to teach a racially offensive lesson that focused on the explicit use of the word Nigger. This lesson was so emotionally and psychologically damaging to my son that he had another anxiety attack and refused to go to school. Later that day, I participated in a conference call with Mrs. Herb and Mrs. Thao.

During this call, I learned more details about the disgusting truth, which was that Mrs. Herb had, in fact, sat before the class of students and said that she would be saying the word Nigger to students on the following day, without censoring it, because she "doesn't believe in censorship." Next, Mrs. Herb told me that, in this lesson, students would be pitted against one another and asked to justify why the word "nigger" should or shouldn't be used. Needless to say, my son and the only other African American student in the room felt helpless and were disturbed to the core of their very being.

I objected to the absurdity and insensitivity of the lesson, and was assured that it would not happen.

However, later that night, [REDACTED] shared with me that the lesson had already begun, with Mrs. Herb standing at the White Board, using scaffolding techniques to provide students with reasons why the word "nigger" **should be** used colloquially. My son described to me how he wanted to simply "dissolve" in that instance.

Making the racial climate worse, in the days that followed, Mrs. Herb decided that it was appropriate to show the movie "Hotel Rwanda", without parental consent. According to my son, on the day the movie was shown, the students were all unpleasantly shocked to discover that the movie had been cued, in advance, to a part in which a character exclaims the word, "NIGGER!" in a loud prolonged way. Immediately stopping the movie and feigning embarrassment, Mrs. Herb quickly looked at my son, smirked, and said, "I'm sorry....I had no idea it was on that part."

In my professional opinion, all of these incidents wreak of a person who is unethical, retaliatory, racist and possibly incompetent to teach. Clearly, there is an abuse of power here, as promises are being made to all of Mrs. Herb's, but clearly only delivered to the Non-Black students. Instead, the Black students are attacked in the name of "Education". Honestly, I have never condoned having a student skip class, but when I consider the unwelcoming, hostile atmosphere Mrs. Herb has created for Black students, I can begin to understand why my son has chosen not to go there on a few occasions..

Lastly, Dr. Dille, when you and I discussed these matters on February 25, 2020, you inquired about what I would like to see done about this situation. However, before I could answer, you suggested that Professional Development might be appropriate for Mrs. Herb.

Please know that I appreciate the attention you are giving this matter, because I firmly believe that, when we turn our faces from things that are clearly bad for students, we do everyone a disservice, including the perpetrators.

Certainly, the District can do whatever it chooses to do in an attempt to rectify this. However, it has been my experience that Professional Developments cannot undo deeply-entrenched, racist paradigms and abuses of power that a teacher may possess. In other words, when left unaddressed or under-addressed, this type of toxicity has the potential to define a school's culture, while also shaping the community's perception of the entire District.

As I mentioned in our meeting, my concern extends beyond my love for my own son. Fortunately for him, he has an advocate.

Rather, I am also concerned for the throngs of Black students who will continue to feel the stings of these assaults at the hands of someone entrusted to be their daily custodian. Undoubtedly, Mrs. Herb's pedagogy is psychologically and

emotionally harmful for Black students. (And please keep in mind that we're only discussing the microaggressions that have come to my attention. It could possibly be much worse, but I am reluctant to probe further into Mrs. Herb's harmful pedagogy.)

That said, the District can address this however it chooses. However, personally, I cannot rest at night until I feel that it is being addressed responsibly for all students. Thus, I plan to forward my concern to another agency.

Thank you for leading your District and for accommodating me with a meeting. Blessings.

[REDACTED]

On Tuesday, February 25, 2020, 04:38:53 PM PST, Dr. [REDACTED] wrote:

Dr. Dille,

It was great to meet and speak with you in your office today!

Thank you for allowing me to vent my frustrations as well as my concern for all students who are in Mrs. Herb's classroom. After meeting with you today, I feel strongly that you are committed to creating an educational environment where all students feel safe, respected, and connected; so that they may thrive.

Blessings!

-Dr. [REDACTED]

EXHIBIT G

Clovis High School
English 10 Syllabus Documents 2019-2020
Mrs. Herb

The overall goal for English 10 is to enhance students' listening, speaking, reading and writing skills for college and career readiness and in accordance with the California Content Standards for Language Arts.

Classroom Conduct

- Use appropriate actions and respectful language in speaking and writing (profanity will not be tolerated).
- Arrive to class on time and prepared with the necessary materials to participate in the lesson. The CUSD tardy policy will be strictly enforced.
- Conform to the CUSD dress code.
- Store cell phone or other smart devices in assigned pocket holder and keep earbuds/airpods put away and out of sight during class unless teacher permission is given. **If a device is seen during a quiz or test, the student at fault will be referred to Student Services and may receive a grade of zero.**

Necessary and Recommended Materials

- Core textbook to keep at home or access online-*Collections*, Houghton Mifflin Harcourt, 2017; class novel (when needed); and independent reading novel (when needed)
- Binder (with dividers) or folders or accordion file to organize subjects separately
- Three-hole punched, lined binder paper
- Dark blue or black ink pen and #2 pencil
- Planner (CHS provides a planner each semester for 9th and 10th graders)
- Highlighter - recommended

Core and Supplemental Literature which may be studied *Various poems, speeches, media, articles, children's stories, etc. which relate to topics studied and/or discussed in class may be used to help students better understand an issue or theme found in curriculum literature or to help with research assignments.

- ★ *A Midsummer Night's Dream* by William Shakespeare
Thwarted but determined young lovers escape to an enchanted forest where fairies play havoc with attempts to unravel some complicated situations.
- ★ *To Kill A Mockingbird* by Harper Lee
A child's recollection of growing up in the Depression Era South when a black man is accused of raping (not graphically described) a white girl, and the child's father is called upon to defend the accused. The themes of fear, rumor, prejudice, and justice are explored.
- ★ *Night* by Elie Wiesel
A candid, horrific, and deeply poignant autobiographical account of his survival as a teenager in the Nazi death camps, it also eloquently addresses many of the philosophical as well as personal questions implicit in any serious consideration of what the Holocaust was, what it meant, and what its legacy is and will be.
- ★ *The Outsiders* by S.E. Hinton
A classic story of a boy who finds himself on the outskirts of regular society, as well as a heroic story of friendship and belonging

Videos, Audios, and Supplemental materials which may be viewed

- ★ *A Midsummer Night's Dream* PG-13
Michelle Pfeiffer and Kevin Kline star in this production about a group of young lovers who are bewitched by Puck, a mischievous elf. After a series of humorous mix-ups, the end of the play reunites the lovers.
- ★ *To Kill A Mockingbird* not rated
Based on the novel by Harper Lee, the narrator reflects on the incidents leading to her brother's broken arm. Set in the South, the novel reveals the prejudice and ignorance that threatens and ultimately destroys the innocence of childhood. Adult language. Mature topics and situations.

- ★ *Last Will and Testament* not rated
A PBS documentary that explores questions over the authorship of Shakespeare's plays and poems
- ★ *Eyes on the Prize: America's Civil Rights Years 1954-1965* not rated
Created and produced by Blackside Inc., Boston, MA 1991.
"The American civil rights struggle has been called the second American Revolution. This amazing drama of the civil rights movement comes to life in this sweeping story of the people who changed America."
- ★ *Scottsboro: An American Tragedy* not rated
This film documents the social climate of the 1930's when the Scottsboro trial became one of America's most famous or infamous court cases.
- ★ *The Help* 2011 PG-13
A story about very different women in the 1960's South who build an unlikely friendship around a secret writing project that breaks society's rules and puts them all at risk.
- ★ *2081* not rated (Running time-28:08)
Based on Kurt Vonnegut's short story, "Harrison Bergeron," it is a poetic tale of triumph and tragedy about a broken family, a brutal government, and an act of defiance that changes everything
- ★ *Hotel Rwanda* PG-13
A powerful and moving story of one man's stance against savagery during the 1994 Rwandan conflict

Grading Policy

Student work will be evaluated on the basis of quality, range of style, depth and complexity of thinking, creativity, originality, and mechanical correctness. Following is a breakdown of the grading scale:

89.5 - 100% = A 79.5 - 89.4% = B 69.5 - 79.4% = C 59.5 - 69.4% = D 0 - 59.4% = F

Weight of Assignment Categories

Classwork & Homework: 50%

Essays & Assessments: 50%

Late Work

Late work is accepted until the end of the 6-week grading period in which it was assigned. However, students will incur consequences for missing work until a complete, high-quality late assignment is turned in.

Consequence examples: parent contact, after-school tutorial referral, lunch detention, loss of privileges, etc.

Make-Up Work

When a student is absent or tardy, it is his/her responsibility to find out what was missed by asking a fellow student, looking at the agenda on the whiteboard, or looking it up on Google Classroom or Student Connect prior to asking the teacher. After returning from an excused absence, students will be given at least the equivalence of the number of days missed to make up and turn in the missed work as well as any missed quizzes and tests.

Q Parent Connect, Google Classroom and Remind

- I recommend that all parents/guardians set the option on Q Parent Connect to receive email notifications. To do this: Log onto Parent Connect and click the "Email Notifications" link at the top right. Click the box for "Assignments" and hit "Submit." As a result, any time a teacher enters an assignment or grade, the parent/guardian will be notified by email and able to follow up with his/her student about it. I also strongly suggest that parents/guardians regularly check student assignments and grades in Q Parent Connect, especially after an absence.
- Google Classroom will be used to assign and collect many assignments. You may ask your student to log onto a device at home or on your smartphone to monitor his/her progress on assignments.
- Messages and reminders will be sent out via our class Remind account. If you want to receive these messages, dial 81010 and text the message: @7k68kad

English 10 Intervention Opportunity

When a student of mine needs extra help, time and/or support on an essential reading or writing skill, I will, on a temporary basis, bring him/her from PE (especially period 2, 4, or 7) into my classroom to help strengthen those skills, only as needed. In this case, the missed PE is excused and does not need to be made up. If you have any questions or concerns, please email me at loriherb@cusd.com.

District Literature Selection Letter

August 19, 2019

Dear Parent:

The Clovis Unified School District has developed a comprehensive literature curriculum which reflects the contributions of many religious, ethnic, racial, and cultural groups to our American heritage and mirrors our pluralistic society. The core, extended core, and supplemental literature selections for each course have been made with attention to maturity levels, abilities, and interests of the students served so as to foster factual knowledge and literary appreciation which will enrich and support the curriculum. Guided lessons have been designed for all works so that your student's experience in reading will enhance the understanding of themes, characters, and social/cultural issues.

Since literature is a matter of taste, we encourage parents to review the core, extended core and supplementary literature which will be used in the course their student will be taking. To help parents review the selections, a brief summary has been included with the attached course syllabus.

If you have any questions regarding a title(s) on the reading list, please contact your student's teacher to discuss your concerns. We look forward to discussing specific works of literature with parents.

The Clovis Unified School District realizes its responsibility in allowing choice to educators, parents, and students in the selection and use of instructional materials, and the choice of parents and students to decline participation where personal values are in conflict with said materials. When selections are found to be in conflict with parent or student values, alternative assignments will be provided upon receipt of a written or verbal parent request. Prior to requesting an alternate selection, parents are encouraged to read the entire piece of literature to ensure an informed choice can be made.

Plagiarism Policy

PLAGIARISM:

Plagiarism is taking someone else's words and claiming them as one's own. Plagiarism includes but is not limited to:

1. Writing an essay or assignment that uses one person's work as a basis for another's. It may be word for word or changed somewhat, in order to appear original.
2. Copying sentences, phrases, or terminology from a formal source without using quotation marks and/or without giving appropriate documented credit. A formal source is anything in printed form that is published in books, pamphlets, magazines, newspapers, etc., or posted on reliable internet web sites.
3. Another's artistic or scholarly work represented as one's own, such as musical compositions, computer programs, photographs, etc.

HOW TO AVOID PLAGIARISM:

1. Know the types of documentation your teachers require or allow.
2. Know if your teachers allow you to work together with other students on assignments. This may vary from teacher to teacher and from assignment to assignment. This includes copying of class notes.
3. Know the difference between "working together" and plagiarism. There is a point at which working together can become plagiarism. Ask your teachers to discuss their policies on plagiarism and working together, if they do not cover it within the first two weeks of the semester.

* The following guidelines are for all printed and online works:

4. When taking notes, write down information about the source you are using right away.
5. When paraphrasing, read whole sections at a time, then look away from the text and put the ideas in your own words. List the source of this information in your bibliography (works cited page) and parenthetically cite it in your paper.
6. If you want to use another writer's exact phrases or sentences, put them in quotation marks, give his or her name and page number in parenthetical citation, and include the source on your Works Cited page. **ONLY A SMALL PORTION OF YOUR PAPER SHOULD CONSIST OF QUOTES, and these must all be parenthetically documented.**
7. Do not cut and paste Internet material into a word processing program unless you include information about the source material along with it. Printed Internet material is not exempt from citation rules.
8. Any ideas or information that are not your own or are not common knowledge **must be cited**. This includes: written or spoken material of any length, original theories or ideas (even if not repeated word for word), facts, statistics, graphs, drawings, photos, lab results - ANY material you borrow from other sources.

Disciplinary Action for Plagiarism Violations:

FIRST VIOLATION: results in an automatic "ZERO" on the assignment, test, or project AND a Thursday or Saturday school.

SECOND VIOLATION: results in an automatic "ZERO" on the assignment, test, or project AND a suspension.

THIRD VIOLATION: results in an automatic "ZERO" on the assignment, test, or project, a suspension, and a possible referral to Alternative Education (Gateway).

CUSD Board Policy 3305