

From: OCR
Sent: Fri, 2 Jun 2023 16:49:31 +0000
To: OCR San Francisco
Subject: FW: Request for Assistance Regarding Discrimination and Failure to Accommodate (b)(6); (b)(7)(A); (b)(7)(C) Needs

Hello OCR San Francisco,

The complaint attached is being forwarded to your office for review and appropriate handling.

Thank you,

OPEN Center Customer Service Team
Office for Civil Rights
U.S. Department of Education

From: (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Thursday, June 1, 2023 1:24 PM
To: OCR <OCR@ed.gov>
Subject: Request for Assistance Regarding Discrimination and Failure to Accommodate (b)(6); (b)(7)(A); (b)(7)(C) Needs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

I hope this letter finds you well. I am writing to bring a matter of concern to your attention and request your assistance in addressing a potential violation of civil rights and discrimination within the educational setting. Specifically, I believe that the Placentia-Yorba Linda Unified School District officials, including the Principal of (b)(6); (b)(7)(A); (b)(7)(C) have failed to accommodate my (b)(6); (b)(7)(A); (b)(7)(C) needs and have potentially engaged in discriminatory behavior toward me as an individual with a disability.

As a disabled (b)(6); (b)(7)(A); (b)(7)(C) I (b)(6); (b)(7)(A); (b)(7)(C) to effectively participate in discussions and advocate for my child's education. However, I have experienced significant challenges in obtaining answers to my questions and concerns related to my child's disciplinary actions from the Placentia-Yorba Linda Unified School District. Despite numerous attempts to seek clarification through email communication, I have faced evasive responses, refusals to address my inquiries directly, and an insistence on an in-person meeting before even considering accommodations for my (b)(6); (b)(7)(A); (b)(7)(C) needs.

Moreover, the district's ADA Officer, Richard McAlindin, has not only refused to accommodate my disability but has also demanded that I schedule an in-person meeting with him before even discussing the possibility of accommodating my need for (b)(6); (b)(7)(A); (b)(7)(C) This insistence on an in-person

meeting disregards the accessibility needs of individuals with disabilities and places an undue burden on me as a parent seeking information and resolution.

These obtrusive actions and failures to accommodate my disability have significantly impeded my ability to effectively advocate for my child and ensure her well-being within the educational environment. I strongly suspect that my disability has played a role in the district's treatment and the refusal to provide reasonable accommodations for my (b)(6); (b)(7)(A); (b)(7)(C)

Therefore, I kindly request your intervention and assistance in investigating this matter to determine if the Placentia-Yorba Linda Unified School District officials have violated the civil rights of individuals with disabilities, as protected by federal laws, including the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. I believe that the district's behavior may constitute discrimination and a failure to provide reasonable accommodations for my disability.

I have attached copies of relevant correspondence, including my emails and the district's non-responsive or evasive replies, to provide a comprehensive understanding of the ongoing communication barriers and potential discriminatory treatment that I have encountered. These documents will help illustrate the challenges I have faced and the need for your intervention.

Additionally, I have reached out to the American Civil Liberties Union (ACLU) for support and guidance in addressing this matter. I am committed to pursuing all available avenues to ensure that my rights are protected and that individuals with disabilities are provided equal access to information and effective communication within the educational system.

Thank you for your attention to this matter. I eagerly await your response and any guidance you can provide. Please do not hesitate to contact me if you require any additional information or documentation to proceed with your investigation.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) at 3:15 PM (b)(6); (b)(7)(A); (b)(7)(C) wrote:

Dear Dr Cherniss and board of trustees,

I hope this letter finds you well. I am writing to you once again regarding the ongoing issue of my daughter, (b)(6); (b)(7)(A); (b)(7)(C) and the lack of transparency regarding the disciplinary actions she has faced in (b)(6); (b)(7)(A); (b)(7)(C) It has been (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) and despite my repeated attempts to seek clarification, my questions remain unanswered.

Primarily, I am seeking specific information regarding the dates and reasons for the repeated instances where my (b)(6); (b)(7)(A); (b)(7)(C) daughter was held in from recess by her new teacher, (b)(6); (b)(7)(A); (b)(7)(C) It is crucial for me, as a parent, to understand the circumstances

surrounding these disciplinary actions in order to address any concerns and support my daughter's well-being and academic progress.

Furthermore, I kindly request access to the seating chart before and after the school claims to have resolved a (b)(6); (b)(7)(A); involving my daughter, as mentioned in previous communications. Although I have been informed that the issue has been resolved, I have not received any details on how it was resolved. Clear and open communication on this matter is essential to ensure the safety and welfare of my child.

Additionally, I would appreciate information from the district, state, or federal sources regarding the approved (b)(6); (b)(7)(A); (b)(7)(C) as a form of punishment and the effectiveness it has had on my daughter, (b)(6); (b)(7)(A); (b)(7)(C). It is crucial for me to understand the educational basis and impact of such disciplinary measures. Moreover, I believe it is imperative to be informed about any intended punishments before they are enacted.

In a recent interaction, the principal mentioned the possibility of a (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) I kindly request an explanation of the actions the (b)(6); (b)(7)(C) would take in relation to this situation to better understand the potential consequences that may arise.

I feel compelled to express my deep concern with the lack of transparency and evasive responses I have encountered during this entire process. It is my belief that the school and district have an obligation to communicate openly with parents. The repeated refusals to address my questions are not in compliance with state law or your own policies. This lack of communication is preventing me from understanding the reasons why my daughter has been singled out on numerous occasions, sometimes as frequently as (b)(6); (b)(7)(A); (b)(7)(C) until I personally intervened. It is crucial to acknowledge that the school's active and consistent refusal to provide the requested information goes against both their own policies and state guidelines.

According to California law, school discipline rules and procedures should align with state statutes governing school discipline. Moreover, it is the responsibility of every school employee to enforce these rules and procedures. The governing board of each school district has the authority to establish procedures for providing written notice to pupils and their parents or guardians regarding the school discipline rules and procedures. Considering these California laws and regulations, it is reasonable for me to expect clear and open communication from the school regarding the disciplinary actions taken against my daughter. I believe it is essential for the school to provide a thorough explanation of their actions, including the specific rules or policies that were allegedly violated, in order to justify the disciplinary measures. Given the frequency of these punishments, it is imperative that the school maintains a written record of these incidents to ensure transparency, accountability, and a better understanding of the situation for all parties involved.

I am deeply concerned about the apparent inconsistencies between the school's policies and state law, or the inconsistent implementation of these policies within the school district. Other parents, teachers, and community members I have engaged with

regarding this matter share my concern and are appalled by how these policies seem to be applied.

I kindly request your immediate attention to this matter, as I believe it is crucial for the well-being and academic progress of my daughter, as well as for the sake of transparency and accountability within the school district. I look forward to your prompt response and the resolution of this ongoing issue.

Additionally, I am concerned about the prolonged delay in communication, refusal to answer my questions regarding my daughter's safety, and the lack of investigation into discrimination.

Could you please provide clarification on who at the district is responsible for addressing these matters? I believe it is crucial to resolve these issues promptly and ensure the well-being of my daughter.

Thank you for your attention to this matter.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

On Fri, May 26, 2023 at 4:42 PM Richard Mc Alindin <rmcalindin@pylusd.org> wrote:

Dear (b)(6); (b)(7)(A); (b)(7)(C)

Please be assured the District is not threatening you with legal action, it is not treating you or your daughter differently with regard to compulsory attendance requirements or the student code of conduct/discipline. The District is also willing and able to accommodate any disability related needs you may have in communicating with you. I will do my best to address your concerns in writing, though again suggest we meet or talk on the phone to better discuss and address your concerns.

Please note in reviewing this response that written communications are sometimes a more and sometimes a less effective way to communicate, depending on the circumstance. While we will strive to meet your requests and expectations, discussions among you and the educators working with your daughter are and will continue to be necessary. We continue to hope this eliminates the need for lengthy written exchanges, particularly when that mode of communication appears to be less effective, and less efficient, at answering your questions and resolving your concerns.

In sum, you are requesting information on the District's (b)(6); (b)(7)(A); as punishment, and guidance on student discipline parameters in California, and you object to signing an attendance contract. You also believe that you and/or your daughter, (b)(6); are being treated differently and unfairly. I will

attempt to address each in turn and again encourage you to agree to meet to discuss the information you requested and resolve your concerns about (b)(6); (b)(7)(A); school attendance.

1. The District is not threatening legal action against you based on (b)(6); school attendance, and is not the agency charged with enforcing California's compulsory education law. (Education Code, section 48200). The District is obligated by California law to track student attendance, and report it to the State, enforcement agencies, and also inform you as parent of the obligation to ensure your child attends school.
2. The District does not (b)(6); (b)(7)(A); (b)(7)(C); as a punishment for any student behavior. We are happy to review the school's Code of Conduct with you so you may better understand the school's approach to discipline.

With regard to number 1, the District has no authority to take any legal action against you based on compulsory education laws in California. The attendance contract you were asked to sign is for purposes of ensuring you are informed and aware of requirements for compulsory school attendance, and consequences that could flow from failure to comply with them. Whether you decide to sign it and comply with it, the conditions are enforced and pursued by other agencies, and not the District. The District is obligated to inform you, as parent, and other agencies, when any student is truant as that term is defined by California law and previously explained to you. Please be assured the District is addressing (b)(6); attendance and providing notices to you in the same manner as it does with any other student who has not attended, and absence has not been excused, or otherwise exceeds the 10% threshold.

If and when (b)(6); (b)(7)(A); is not able to attend school due to illness or any other excusable reason (e.g. not in California (b)(6); (b)(7)(A); family matters), the District endeavors to ensure the attendance record is accurate as to excused versus unexcused absences. However, and again, the District's tracking and reporting of student attendance, and whether absences are excused or not, is based on state law requirements for attendance and definitions of truancy. These are not within the District's prerogative to change or ignore. If there are court orders or other documents you believe the District should consider in this regard, please provide them.

With regard to number 2, the District does not (b)(6); (b)(7)(A); (b)(7)(C); as a punishment and has (b)(6); (b)(7)(A); (b)(7)(C); as punishment. California law limits the authority of school districts to suspend or expel students, and encourages schools, districts, and parents to work together to employ other means to address the concern. We wish to work with you to accomplish that purpose.

To reiterate, the District proposes to meet to collaborate with you in effort to work together and ensure (b)(6); (b)(7)(A); is well served by the education it offers. If you require accommodations for any disabling conditions you have, the District is willing and able to provide accommodations to you as well. That too would require meeting to discuss and engage in the interactive process required to arrive at those accommodations you may need. We regret not meeting your approval or expectations, though can assure you the District's only interest is in partnering with you to educate (b)(6); (b)(7)(A); and hope that and this email response forges the path to resolving your concerns.

Richard McAlindin

Assistant Superintendent, Executive Services
Placentia-Yorba Linda Unified

(b)(6); (b)(7)(C)

On (b)(6); (b)(7)(A); at 2:50 PM (b)(6); (b)(7)(A); (b)(7)(C) wrote:

Day 26. No one has contacted me. I looked at Parent University for the uniform complaint process procedures but those don't seem to apply since it is a teacher and principal who are involved. The video said that I didn't have to submit the specific forms though so I imagine that the district has 34 days to finish their investigation. I'm just guessing, of course, because the school and district will not communicate with me other than what you see below. Unfortunately they refused to answer my simple questions concerning the safety and harassment of my daughter.

Richard McAlindin either has a reading comprehension problem or is actively refusing to help by attempting to force phone calls. It will not work Richard. When I looked up who could help with communication since (b)(6); (b)(7)(A); (b)(7)(C) and I found that Richard McAlindin, the one who can't coordinate emails is in charge of Americans with Disabilities Act complaints. This needs to change. That is either unacceptable behavior or shocking incompetence, but it needs to be corrected either way.

It is not a mystery why they will not reply in email. Richard McAlindin has indicated that I would be contacted last (b)(6); (b)(7)(A); (b)(7)(C) **if it wasn't for my disabilities** (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Why will they not contact me now? Because it will be in writing? What is going on?

The issues that need to be resolved by communicating with me and investigating:

Primarily: Dates and reasons that my (b)(6); (b)(7)(A); (b)(7)(C) daughter was repeatedly and secretly held in from recess from her new teacher.

-The seating chart from before and after they resolved the (b)(6); (b)(7)(A); to (b)(6); (b)(7)(A); as they state they have already resolved but have not communicated to me how they resolved it.

-District, State, or Federal information on the approved (b)(6); (b)(7)(A); (b)(7)(C) as punishment and what effectiveness it has had on (b)(6); (b)(7)(A); along with informing me before the punishment is enacted;

-A meeting with the district about the implications of the state coercing parents to sign contracts which give up basic constitutional rights along with the district lawyers information so I can inform the bar.

Is it possible for a parent to get the answers to these questions without a lawyer?

Why has the school and district taken 26 days, refused to communicate, refused to answer questions concerning the safety of my daughter, refused to look into discrimination?

Who at the district is responsible for this?

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) at 1:27 PM (b)(6); (b)(7)(A); (b)(7)(C) wrote:

This is a cry for help to prevent a cover-up. I have (b)(6); (b)(7)(A); (b)(7)(C) disabilities and won't be taking calls (ok Richard Mc Alindin?). Please respond in email. This is day 23 of me asking for help. I'm hoping to show you not only my problem, but the barriers put in front of parents who are trying to protect their children from malicious school officials.

I'm most likely seeking a policy change in your attendance process, which I think is for everyone's benefit, but this has blown up and I'd like to know why no one can provide me answers.

Is this happening to all of the parents, or just the (b)(6); (b)(7)(A); (b)(7)(C) ones? Why is my daughter being singled out?

(b)(6); (b)(7)(A); (b)(7)(C) I notify (b)(6); (b)(7)(A); (b)(7)(C) that I would like more information about the armed sheriff in tactical gear guarding the entrance of the school. (b)(6); (b)(7)(A); (b)(7)(C) calls me and I ask for further information concerning the sheriff so I can follow up with the sheriff and district if necessary. (b)(6); (b)(7)(A); (b)(7)(C) volunteers that she intends for the armed officer to play with the children at recess and read them books at story time in order to influence them. I express that I am uncomfortable with her efforts to have an armed officer of the state directly interacting with children "in order to influence them." Creepy stuff on top of the normal security theater.

(b)(6); (b)(7)(A); (b)(7)(C) previous teacher, was replaced in (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) has since become her teacher. (b)(6); (b)(7)(A); (b)(7)(C) tells me that she is now being held in for recess often but I assume it is normal.

(b)(6); (b)(7)(A); (b)(7)(C) sends home a **contract which demands that I surrender my first amendment to the state** and threatens in writing that **any further violations of school rules and regulations (which they refuse to provide) will result in criminal prosecution**, among other things. My (b)(6); (b)(7)(A); (b)(7)(C) family was once taken by the state, so I'm particularly sensitive to this threat. (b)(6); (b)(7)(A); (b)(7)(C) refuses to specify the threat but I can read. This is a big deal. In the packet they stated that (b)(6); (b)(7)(A); (b)(7)(C) would follow up with me within a week. I was not contacted.

(b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) tells me she is held in for recess because I didn't sign her conduct card over the weekend. (Frankly I don't want to sign anything after (b)(6); (b)(7)(A); (b)(7)(C) state contract which I would like to see researched, admitted to, and fixed.)

(b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) leaves her homework on the table so I send it to the teacher in the official app at 8:58. (b)(6); (b)(7)(A); (b)(7)(C) tells me that she missed recess again because of it.

She informs me that she was held in from recess on Monday because I didn't sign her conduct card.

(b)(6); (b)(7)(A); (b)(7)(C) I send the below email to (b)(6); (b)(7)(A); (b)(7)(C) I ask for three items:

1. district, State, or Federal information on the approved (b)(6); (b)(7)(A); (b)(7)(C) as punishment and what effectiveness it has had on (b)(6); (b)(7)(A); (b)(7)(C) along with informing me before the punishment is enacted;
2. a list of dates/times (b)(6); (b)(7)(A); (b)(7)(C) has been (b)(6); (b)(7)(A); (b)(7)(C) as punishment along with the reasons;
3. a meeting with the district about the implications of the state coercing parents to sign contracts which give up basic constitutional rights along with the district lawyers information so I can inform the bar.

(b)(6); (b)(7)(A); (b)(7)(C) replies, ignores the three items, and tells me that she spoke to the teacher and that I should contact the teacher directly. I assume the punishment issue is solved.

(b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) comes home and tells me she was embarrassed in front of her friends because her teacher was lecturing how I "had to" sign her forms and that I "needed to listen." I sent her an email the next day asking for this to stop.

Below is my communication. I have tried my best. I am just a parent. I am not trained to handle this.

I'd like my questions answered and I'd like to have a discussion about the state contract.

(b)(6); (b)(7)(A); (b)(7)(C)
|
|
|

On Mon, (b)(6); (b)(7)(A); (b)(7)(C) at 2:02 PM (b)(6); (b)(7)(A); (b)(7)(C) wrote:

Good afternoon.

I did not provide my phone number but I was clear in my communication that I would like the response and email due to my disabilities and so we have an ongoing record. I am concerned that you are going out of your way to create barriers. There is a pattern of people are ignoring very important information in the emails.

Is there a reason you are avoiding written communication or extending this out?

(b)(6); (b)(7)(A);
(b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) 1:44 PM Richard Mc Alindin <rmcalindin@pylusd.org> wrote:

Good afternoon (b)(6); (b)(7)(A);
(b)(7)(C)

Our goal is to resolve your concerns. While you are always welcome to communicate at with the superintendents office, our job is to direct you to the individual(s) who are in the best position to address your specific areas of concern.

(b)(6); (b)(7)(A);
(b)(7)(C) tried calling you Friday afternoon. It is important that she have a conversation with you to gather additional details so that we can better understand your situation.

I will be working closely with her after her phone call with you. We will both work with the school site as a follow up.

Thank you again,

Richard

Sent from my iPhone

On (b)(6); (b)(7)(A); (b)(7)(C) at 9:24 AM, (b)(6); (b)(7)(A); (b)(7)(C) wrote:

I appreciate the update Mr. McAlindin,

Due to my disabilities and the legal threats that I received from the school, I would prefer the conversation (b)(6); (b)(7)(A); (b)(7)(C). I have simple questions and possibly seek policy changes. I don't imagine (b)(6); (b)(7)(A); (b)(7)(C) would be investigating the other issue at the school. I don't know how the district is formed so can you direct me to someone who can help? My only guess at it was to email the superintendent. Is this an office that can help?

Does the district have or follow any policy at all concerning how teachers discipline children? I imagine somebody there should know the answer and am wondering how many more hurdles are in front of me as a parent trying to find out what has happened to my daughter.

You can imagine that the teacher's refusal to document when and why she has been punishing my daughter and the principal's efforts to cover it up are making what I thought was a simple question into a giant issue. Does the district support keeping the information about punishment away from parents? Obviously not but in practice there sure seem to be a lot of unnecessary hurdles for me to get information.

Why?

I feel I have been clear in my communication and I have listed questions that have been ignored. It does not seem that the district is

functioning in the way that people expect. This is day 19 of waiting for answers.

Patterns of discrimination are obvious in hindsight. Hiding what's happening in the classroom from me is a big indicator that something is wrong. What my daughter has told me over the past couple of months shows a scary pattern that the teacher and principal are making efforts to cover up. The superintendent has been on these emails for 19 days as well. So far the teacher and principal's actions do not seem to be in the best interest of the children in their care and I'd like to understand why.

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C), 8:57 AM Richard Mc Alindin
<rmcalindin@pylusd.org> wrote:

Good Morning (b)(6); (b)(7)(A); (b)(7)(C)

I checked in with (b)(6); (b)(7)(A); (b)(7)(C) and she will give you a call later today. She is still getting some information from the school ahead of her call to you.

Thank you.

Richard McAlindin

Assistant Superintendent, Executive Services

Placentia-Yorba Linda Unified

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C)
(b)(6); (b)(7)(A); (b)(7)(C) wrote:

Good morning Mr McAlindin and (b)(6); (b)(7)(A); (b)(7)(C)

Do you have an update as I didn't receive any further communication yesterday?

Separately The school is still refusing to provide me information and the principal is covering it up and also not providing me information concerning how they've been punishing my daughter. I don't know if it's a discrimination issue or what but I need immediate answers.

This is not normal behavior for school administrators and is indicating a larger problem.

If the district ever had the misfortune of hiring a discriminating teacher, this is how they would be allowed to thrive. Why is the school hiding how they have been punishing my daughter since her (b)(6); (b)(7)(A); (b)(7)(C)
(b)(6); (b)(7)(A); (b)(7)(C) Why is my daughter being singled out?

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) Richard Mc Alindin
<rmcalindin@pylusd.org> wrote:

Dear (b)(6); (b)(7)(A); (b)(7)(C)

Thank you for your recent communication. I am responding on behalf of Dr. Cherniss as my office oversees student attendance. I have connected with (b)(6); (b)(7)(A); (b)(7)(C) Administrator of Student Services, and she will reach out to you tomorrow to discuss your concerns.

Thank you again and have a good evening.

Richard McAlindin

Assistant Superintendent, Executive Services

Placentia-Yorba Linda Unified

(b)(6); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) wrote:

(b)(6); (b)(7)(A); (b)(7)(C)

The principal at (b)(6); (b)(7)(A); and her teacher have been ignoring my requests for information on how/why they have been punishing my (b)(6); (b)(7)(A); grade daughter. You were addressed in the original email on (b)(6); (b)(7)(A); They have not provided the information at this time. I have requested the following information that I think you may be able to help with:

district, State, or Federal information on the approved (b)(6); (b)(7)(A); (b)(7)(C) as punishment;

any guidance on how school officials are to discipline children;

a meeting with the district about the implications of the state coercing parents to sign contracts which give up basic constitutional rights along with the district lawyers information so I can inform the bar.

I expect the school to provide:

Documentation of when (b)(6); (b)(7)(A); was punished, the reason that she was punished. How many children are held in for recess from her class every day? Why is (b)(6); (b)(7)(A); (b)(7)(C) being singled out?

(b)(6); (b)(7)(A); (b)(7)(C)

On Mon, (b)(6); (b)(7)(A); (b)(7)(C) wrote:

Thank you for your response (b)(6); (b)(7)(A); (b)(7)(C)

Understanding the system that you use to threaten parents is the first step to changing it. I would hope that you and the superintendent don't sit back and blame the system that you are a part of and enforce, but rather make efforts to fix it as the subject matter experts currently empowered by the citizens to do exactly that. There is a positive way to do things, a negative way to do things, and an oddly illegal way to do things. It's weird that you chose the third. I would recommend advocating for a proactive system where you reach out to parents and only send the threat when it is required, but I am a layman and imagine your expertise can come up with a better system. Considering the

fact that the parents already put the reason for the absences into your online system it really puts the ball in your court.

I look forward to the other parts of my email being addressed.

I would also like the actions taken by (b)(6); (b)(7)(A); in this required legal threat to be explained. The job of (b)(6); (b)(7)(A); (b)(7)(C) and I would like to know the exact (b)(6); (b)(7)(A); (b)(7)(C) Usually contracts cite the statute so it is less vague to the reader. Even the California law forcing you to send this would be a good start. I imagine when I get a response from the district legal department about who wrote and approved that state contract that they can supply the answer to what exactly they are threatening.

And for the record, (b)(6); (b)(7)(A); (b)(7)(C) I do not expect you to fix the district, state, or legal issues. Those are for the superintendent and the district.

If the state law is to blame then I will bother the state about their part. The school seems fine other than an unfortunate (b)(6); (b)(7)(A); (b)(7)(C) which seems unpreventable and the pro cop political messaging that is being pushed onto the children. I obviously have raised concerns about (b)(6); (b)(7)(A); safety and every study I have seen about bringing an armed police officer onto campus has negative results. I don't like propaganda, I like data.

(b)(6); (b)(7)(A); (b)(7)(C)

On Mon, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) wrote:

(b)(6); (b)(7)(A); (b)(7)(C)

Thank you for reaching out. Chronic Absentee letters are sent as part of a district and statewide attendance recovery process intended to inform families and prevent future absences when possible. The state of California identifies chronic absenteeism, both excused and unexcused, as missing more than 10% of the school year. This is a state-indicated threshold and the intervention guidelines (letter notifications) are a part of the California Education Code. You are not required to sign the agreement. As students miss more school, the schools intervene to assist the family in having more positive attendance. If attendance does not improve, as in some serious cases, the local district attorneys (who support the legality of children under 18 being enrolled in school) may get involved. That is not the case for (b)(6); (b)(7)(A); Thank you for your communication and if there is any way we can support you or (b)(6); (b)(7)(A); (b)(7)(C) please let us know.

I shared information with (b)(6); (b)(7)(A); (b)(7)(C) current teacher. Please feel free to communicate with her if you have any questions in regards to the classroom. I confirmed she will not sit out any of her recess for not completing work. We would like to keep open communication to support (b)(6); (b)(7)(A); (b)(7)(C) to have a successful remainder of the year.

Thank you,

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

Principal

(b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) wrote:

Good morning (b)(6); (b)(7)(A); (b)(7)(C)

I would like to keep all of our communication in writing because of the (b)(6); (b)(7)(A); (b)(7)(C) that (b)(6); (b)(7)(A); (b)(7)(C) School has made and the concerning (b)(6); (b)(7)(A); (b)(7)(C) statements from (b)(6); (b)(7)(A); (b)(7)(C) earlier this year. Using your position and the color of law to coerce me to sign a legally dubious contract is immoral and likely illegal. It is a weird choice for you to personally make when I am supposed to believe you are in a position of honor entrusted with my child. I wish I could say that there is a hint that you are doing this in the child's best interest, but the legal threats and contract specifically indicate otherwise. I will work with you and the district to inform you for (b)(6); (b)(7)(A); (b)(7)(C) benefit but I expect to be treated with courtesy and respect, especially from your lawyer. I also expect any threats, implied or implicit, to end immediately.

Concerning (b)(6); (b)(7)(A); (b)(7)(C) absences: one can see that the absences (b)(6); (b)(7)(A); (b)(7)(C) and I communicated with the school that she was sick. I gave the school updates and informed them when there were any significant changes. During our parent-teacher conference on (b)(6); (b)(7)(A); (b)(7)(C) indicated that (b)(6); (b)(7)(A); (b)(7)(C) was sitting in the (b)(6); (b)(7)(A); (b)(7)(C) She was telling me this in response to me being worried about how often (b)(6); (b)(7)(A); (b)(7)(C) has

state's goals. (b)(6); (b)(7)(A); is also part of the program at school where she meets with a (b)(6); (b)(7)(A); (b)(7)(C)

generally seems to be adjusting well and the only negative that I am hearing from both her teachers this year are that she is chatty. I talk to her about knowing when to talk and when not to talk, but she is a (b)(6); grader and frankly I'm glad that she has friends and isn't isolating herself, especially since we (b)(6); (b)(7)(A); (b)(7)(C) We talk about her school day and her work and friends and behavior every day on the walk home.

(b)(6); (b)(7)(A); is also in (b)(6); (b)(7)(A); I am (b)(6); (b)(7)(A); (b)(7)(C) s an obvious option, but I prefer for her to develop her social skills in public school. It's what I know and it's why I return to California with her. Other states' (b)(6); (b)(7)(A); school standards would make you weep for our future as I learned first hand last year. She is enrolled in (b)(6); (b)(7)(A); as well to build friend groups and develop social skills. (b)(6); (b)(7)(A); resilience combined with the school's (b)(6); and (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) all show positive growth despite (b)(6); (b)(7)(A); (b)(7)(C) I think the one issue we do need to resolve is any secret social isolation being imposed on her by anyone. I understand getting a card color changed if one is talking in class, but I would prefer that no one punishes (b)(6); (b)(7)(A); without informing me first. I would think this would be the standard but considering (b)(6); (b)(7)(A); unique situation I would like to resolve this in writing. (b)(6); (b)(7)(A); just started telling me that her current teacher, (b)(6); (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); (b)(7)(C) has been holding her in during recess times in an effort to socially isolate her as a punishment. I was especially concerned when this came up and she listed the many things that she was punished for, which included me not signing a form in time. Obviously my information source is a (b)(6); (b)(7)(A); so I would just like to know the real answer to how many times she has been held in for recess and what state or federally approved social isolation plan you are using to punish her. I would also like to know specifically how many times she has been punished for me not signing something in time or something that was not her own fault. Obviously this seems wrong to me but I don't have eyes in the classroom. Beyond the obvious impact on (b)(6); (b)(7)(A); I imagine that recess is built into school for a reason and repeatedly taking this away would seem to be counterproductive to meeting the basic needs of children. Are there district/state standards on how much/why children need play time that can be provided to me and (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); teacher? I would like to understand the local system better.

One last factor to consider is that the reason I am (b)(6); (b)(7)(A); (b)(7)(C) is because of my (b)(6); disabilities. I'm not asking for praise or sympathy but after (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); and more recently having (b)(6); (b)(7)(A); (b)(6); (b)(7)(A); I have a bit of (b)(6); Unfortunately I still occasionally (b)(6); (b)(7)(A); (b)(7)(C) because of (b)(6); (b)(7)(A); It's not your problem other than having to deal with me, but there are going to be times where I'm walking (b)(6); to school but (b)(6); (b)(7)(A); (b)(7)(C) or a (b)(6); (b)(7)(A); (b)(7)(C) My life seems (b)(6); (b)(7)(A); (b)(7)(C) that I have and though it hasn't been a significant problem I worry the next time something that

regularly happens to me occurs that I will be faced with more unnecessary legal threats.

On the topic of legal threats, I would like to specifically address the legal contract that I am being told to sign. Primarily I would like to speak to the district about the lawyer who wrote or approved this. The contract looks like it was written by a fascist 6th grader who has yet to hear of the first amendment, let alone American laws. This contract is an indicator of a bigger issue in the writer if they are insisting that parents give up fundamental rights. This is the opposite of what I would want my children to learn and I imagine it is the opposite of what the school teaches about America. It did prompt a good conversation with my daughter and I about censorship, malicious overreach by authorities, and how powers of government are granted.

So it comes down to: revising the seating chart with (b)(6); (b)(7)(A); (b)(7)(C) and informing me of action taken to mitigate the risk to (b)(6); (b)(7)(A);

district, State, or Federal information on the approved (b)(6); (b)(7)(A); as punishment and what effectiveness it has had on (b)(6); (b)(7)(A); along with informing me before the punishment is enacted;

a list of dates/times (b)(6); has been (b)(6); (b)(7)(A); (b)(7)(C) as punishment along with the reasons;

a meeting with the district about the implications of the state coercing parents to sign contracts which give up basic constitutional rights along with the district lawyers information so I can inform the bar.

(b)(6); (b)(7)(A); (b)(7)(C)



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

January 3, 2024

Dr. Alex Cherniss
1301 E. Orangethrope Ave.
Placentia, CA 92870
acherniss@pylusd.org

By email only to: acherniss@pylusd.org

Re: Placentia-Yorba Linda Unified School District - OCR Case No. 09-23-1563

Dear Superintendent Cherniss:

On June 2, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received a complaint against Placentia-Yorba Linda Unified School District (the District). The complaint alleges that the District discriminated against (b)(6); (b)(7)(A); (b)(7)(C) (the Complainant) on the basis of disability by requiring him to speak with a District employee to engage in the interactive process about his request that all District (b)(6); (b)(7)(A); (b)(7)(C) due to his asserted disabilities. The complaint also alleges that the District discriminated against the Complainant and (b)(6); (b)(7)(A); (b)(7)(C) (the Student), on the basis of national origin (b)(6); (b)(7)(A); (b)(7)(C) when a teacher disciplined the Student more harshly than her (b)(6); (b)(7)(A); (b)(7)(C) peers and when the District treated the Complainant differently than (b)(6); (b)(7)(A); (b)(7)(C) parents with respect to providing information about the discipline incidents involving the Student and responding to the Complainant's complaint about the discipline of the Student.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability under any program or activity receiving federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulations, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. OCR also enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin (including shared ancestry) in programs and activities receiving federal financial assistance from the Department. As a public entity and recipient of federal financial assistance from the Department, the College is subject to Section 504, Title II, Title VI, and their implementing regulations.

OCR will investigate the following issues:

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Whether the District discriminated against the Complainant on the basis of disability in violation of Section 504, Title II, and their implementing regulations by allegedly requiring the Complainant to speak with a District employee to engage in the interactive process regarding his request that all District (b)(6); (b)(7)(A); (b)(7)(C) due to his asserted disabilities.

Whether the District discriminated against the Student based on national origin (b)(6); (b)(7)(A); (b)(7)(C) in violation of Title VI and its implementing regulations by allegedly disciplining her more harshly than her (b)(6); (b)(7)(A); (b)(7)(C)

Whether the District discriminated against the Complainant based on national origin (b)(6); (b)(7)(A); (b)(7)(C) by allegedly treating him differently than (b)(6); (b)(7)(A); (b)(7)(C) parents with respect to sharing information about student discipline and by failing to respond promptly and effectively to his complaint about the discipline of the Student.

Please note that opening an investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and addresses the allegations as required by OCR's Case Processing Manual (CPM) (July 18, 2022). Please open this link for additional information about OCR's Complaint Processing Procedures.

OCR is committed to resolving complaints as promptly as possible. OCR will contact the District soon to discuss the allegations and the complaint resolution process. Complaint allegations may be resolved in a variety of ways, including through mediation under CPM subsection 201(b). Under that provision, if both parties are interested and if OCR determines that the individual allegations are appropriate for mediation, the parties may voluntarily resolve these complaint allegations through mediation that OCR will facilitate. Note that in such a case OCR does not monitor or enforce the agreement reached between the parties. Please inform OCR if you are interested in resolving this complaint through mediation.

OCR may close this complaint prior to making formal findings of compliance or non-compliance, provided that the circumstances or information gathered establishes an administrative or other basis for resolution in accordance with the CPM. OCR also would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions about this letter, please contact our office at 415-486-5514 or Lele.Yutzy@ed.gov.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Anamaria Loya
Chief Attorney

Enclosures