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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

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16 **THE PEOPLE OF THE STATE OF CALIFORNIA,
EX REL. ROB BONTA, ATTORNEY GENERAL OF
17 THE STATE OF CALIFORNIA,**

Case No. **24STCV13334**

18 Plaintiff,

**COMPLAINT FOR INJUNCTIVE
RELIEF**

19 v.

20 **REDLANDS UNIFIED SCHOOL DISTRICT,**

21 Defendant.
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1 The People of the State of California, by and through Rob Bonta, Attorney General of the
2 State of California, allege on information and belief as follows:

3 INTRODUCTION

4 1. This complaint results from the Office of the Attorney General’s (OAG) investigation
5 of Redlands Unified School District’s compliance with laws and regulations that concern
6 prevention of and response to notice and allegations of sexual harassment, assault, and abuse.
7 As this complaint describes in greater detail below, the OAG’s investigation identified
8 multiple violations of these laws and regulations, which have resulted in harm to students.

9 JURISDICTION AND VENUE

10 2. The Court has jurisdiction over the allegations, which arise under the Constitution,
11 laws, and regulations of the State of California, and subject matter of this complaint. The Court
12 has jurisdiction over the parties to this action and venue is proper in this County. The Court has
13 jurisdiction to enter the judgment sought by this Complaint.

14 PARTIES

15 3. Plaintiff Rob Bonta is the Attorney General of the State of California. The Attorney
16 General is the State’s chief law officer. (Cal. Const., art. V, § 13.) It is the Attorney General’s
17 duty to see that the laws of the State are uniformly and adequately enforced for the protection of
18 public rights and interests. (*Ibid*; *Pierce v. Super. Ct.* (1934) 1 Cal.2d 759, 761-762.)

19 4. Defendant Redlands Unified School District (District) is a public school district
20 organized and existing under the laws of the State of California. The District is responsible for
21 providing public education to its students. The District receives state and federal education funds.

22 5. Plaintiff and Defendant may be referred to collectively herein as the “Parties.”

23 BACKGROUND

24 I. LEGAL BACKGROUND

25 6. In California, the right to education is a fundamental right. (*Serrano v. Priest* (1971) 5
26 Cal.3d 584, 608-609.) And “[i]t is the policy of the State of California to afford all persons in
27 public schools . . . equal rights, and opportunities in the educational institutions of the state,”
28 regardless of, among other protected grounds, their “gender, gender identity, [and] gender

1 expression[.]” (Ed. Code, § 200.) Consistent with that policy, state law and regulations create a
2 comprehensive framework requiring school districts to take specific steps to prevent, respond to,
3 and remedy sexual harassment, assault, and abuse of students.

4 7. Sexual harassment is a form of discrimination on the basis of sex or gender. As such,
5 it is prohibited, under Education Code section 220, “in any program or activity conducted by an
6 educational institution that receives, or benefits from, state financial assistance[.]” (Ed. Code, §§
7 220; 212.5.) And Title IX of the Education Amendments of 1972 (Title IX) similarly prohibits
8 discrimination and harassment “on the basis of sex” in “any education program or activity
9 receiving Federal financial assistance.” (20 U.S.C. § 1681(a); see also Cal. Code Regs., tit. 5, §
10 4620 [giving school districts “the primary responsibility to ensure compliance with applicable
11 state and federal laws and regulations” and requiring districts to “investigate complaints alleging
12 failure to comply with applicable state and federal laws and regulations”].)

13 8. School districts must create and disseminate to staff, students, and parents/guardians
14 notices and policies regarding these prohibitions on discrimination and sexual harassment. (See
15 Ed. Code, §§ 221.61; 231.5, subd. (b), 231.6; 34 C.F.R. § 106.8(b)(1).)

16 9. School districts must also enact policies and procedures for receiving, investigating,
17 and resolving complaints alleging sexual harassment, assault, and abuse in their educational
18 programs and activities. (See Ed. Code, § 33315, subd. (a)(1)(F); Cal. Code Regs., tit. 5, § 4620;
19 34 C.F.R. § 106.44.) Those policies and procedures must satisfy certain minimum requirements.
20 (See Cal. Code Regs., tit. 5, § 4621, subd. (a); 34 C.F.R. § 106.45(b).)

21 10. For example, school district policies and procedures must require that the school
22 district investigate complaints of sexual harassment, assault, and abuse and issue an
23 “investigation report” to the complainant within 60 days. (Cal. Code Regs., tit. 5, § 4631, subd.
24 (e).) And the policies and procedures must also require that all investigation reports include,
25 among other things: (1) findings of fact and conclusions as to the merits of each allegation in the
26 complaint; (2) if an allegation is sustained, corrective actions and/or remedies; and (3)
27 information about the right to appeal the outcome of the investigation to the California
28 Department of Education. (*Ibid.*)

1 11. And for complaints alleging “sexual harassment” as defined in 34 C.F.R. § 106.30,
2 the Title IX implementing regulations require districts to have a grievance process that
3 “[i]nclude[s] reasonably prompt time frames” for resolving complaints. (34 C.F.R. §
4 106.45(b)(1)(v).) A districts’ Title IX grievance process must also require a “written
5 determination” that includes, among other things: (1) a “description of the procedural steps taken
6 from the receipt of the formal complaint through the determination”; (2) findings of fact; (3) an
7 explanation of the district’s determination of each allegation, including any sanctions imposed or
8 remedies issued; and (4) an explanation of the appellate process. (34 C.F.R. § 106.45(b)(7)(ii).)

9 12. If a school district enacts policies and procedures that involve additional safeguards
10 or guarantees than those which are required as a baseline, then the district is legally required to
11 follow those more-rigorous procedures when investigating and resolving complaints of sexual
12 harassment, assault, and abuse. (Cal. Code Regs., tit. 5, § 4620.)

13 13. School districts are also required to designate a specific employee to oversee and
14 ensure the district’s compliance with the laws and regulations that require the district to prevent
15 and respond to notice and allegations of sexual harassment, assault, and abuse. (*Id.*, § 4621, subd.
16 (b); 34 C.F.R. § 106.8.) That employee must receive specific training on, among other things,
17 “the definition of sexual harassment . . . how to conduct an investigation and grievance process[,
18 and] how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of
19 interest, and bias.” (See Cal. Code Regs., tit. 5, § 4620; 34 C.F.R. § 106.45(b)(1)(iii).) Any
20 employee designated as compliance coordinator must also be “knowledgeable about the
21 laws/programs that he/she is assigned to investigate.” (See Cal. Code Regs., tit. 5, § 4621, subd.
22 (b).)

23 14. When a school district disciplines a credentialed employee due to misconduct, or
24 when a credentialed employee resigns or retires amid pending allegations of misconduct, the
25 superintendent must notify the Commission on Teacher Credentialing within 30 days. (Ed. Code,
26 § 44030.5, subd. (a).)

27 15. Additionally, the Education Code bars school districts from hiring individuals
28 convicted of certain qualifying offenses. (*Id.*, §§ 44830.1, subd. (a); 44836.) And it also requires

1 that all credentialed employees, non-credentialed applicants for employment, and contractors who
2 will be with minors outside of the supervision of their parents obtain a criminal records check.
3 (*Id.*, §§ 44340, 44341, 45125, 45125.1.)

4 16. Lastly, as concerns sexual abuse, the Child Abuse and Neglect Reporting Act
5 (CANRA) imposes on school district employees who are “mandated reporters” the obligation to
6 report to law enforcement or the relevant child-welfare agency if they know of or reasonably
7 suspect that a child has been abused. (Penal Code, § 11166, subd. (a).) Districts must also provide
8 annual training on CANRA’s requirements to mandated reporters in their employ. (Ed. Code, §
9 44691, subd. (b)(1).)

10 **II. THE OFFICE OF THE ATTORNEY GENERAL’S INVESTIGATION AND FINDINGS**

11 17. The OAG opened an investigation under Government Code section 11180, et seq.,
12 which was expanded in October 2022, to determine whether the District has complied with laws
13 and regulations related to its obligations to prevent and respond to notice and/or allegations of
14 sexual harassment, assault, or abuse of its students. The OAG’s investigation focused on the
15 period of time between 2016 and the early fall of 2023.

16 18. During its investigation, the District was cooperative and diligent in providing
17 documents and information requested. The OAG reviewed over 80,000 pages of documents. The
18 OAG also interviewed or examined 49 District administrators, staff members, students, former
19 students, parents/guardians, and other witnesses. And the OAG conducted an in-depth review of
20 actions taken by the District in responding to notice or allegations of sexual harassment, assault,
21 or abuse of District students by 64 different respondents, including 53 respondents between the
22 time period of 2016 and 2023. The OAG also reviewed thousands of pages of incident reports
23 from discipline and other school reporting systems.

24 19. At the conclusion of its investigation, the OAG found that the District has not
25 complied with laws and regulations that require it to: (1) designate and provide oversight
26 authority to and train a compliance coordinator and/or Title IX Coordinator responsible for
27 ensuring the District’s compliance with laws and regulations related to preventing and responding
28 to notice and allegations of sexual harassment, assault, and abuse of students, and ensure that the

1 Title IX Coordinator and/or compliance coordinator carries out their duties; (2) respond in a
2 legally adequate manner to notice or allegations of sexual harassment, assault, and abuse of
3 students; (3) promulgate legally adequate procedures and policies governing the District’s
4 response to notice and allegations of sexual harassment, assault, and abuse of students; and (4)
5 properly disseminate and post its notice of nondiscrimination and written policy on sexual
6 harassment.

7 20. The Parties worked together cooperatively to negotiate a remedial plan that addresses
8 the violations found and concerns identified by the Attorney General during the investigation.
9 The remedial plan includes, but is not limited to: (1) a permanent injunction barring the District
10 from violating any law or regulation, including those included in this complaint; (2) a minimum
11 five-year term; (3) revisions to policies and procedures; (4) designation and training of a
12 compliance coordinator/Title IX coordinator; (5) training for staff, students, and
13 parents/guardians regarding how to prevent and stop sexual harassment, assault, and abuse of
14 students; and (6) review by the OAG of the District’s investigation and response to notice and
15 allegations of sexual harassment, assault, and abuse for compliance with all laws and regulations,
16 and its own policies.

17 **A. The District has Systemically Failed to Prevent and Adequately Respond to**
18 **Notice and Allegations of Sexual Harassment, Assault, and Abuse of Students in**
19 **its Educational Programs and Activities.**

20 21. The OAG’s investigation found systemic deficiencies in the District’s efforts to
21 prevent and respond to notice and allegations of sexual harassment, assault, and abuse of students
22 participating in its educational programs and activities.

23 **1. The District has failed to designate, provide appropriate oversight**
24 **authority to, and train a compliance coordinator, and has failed to**
25 **ensure that its compliance coordinator carries out their duties.**

26 22. The District is required, under Education Code section 33315, to “establish and
27 implement a system of complaint processing, known as the Uniform Complaint Procedures,”
28 (UCP) for complaints alleging, among other things, “sexual harassment” as defined in Education
Code section 212.5. Regulations set forth the minimum procedural attributes that the District’s
UCP must have. (See Cal. Code regs., tit. 5, § 4621, subd. (a). [“Each [school district] shall adopt

1 policies and procedures consistent with sections 4600 through 4694 of this chapter for the
2 investigation and resolution of complaints.”].)

3 23. The District must also include in its UCP “employee(s) or agency position(s) or
4 unit(s) responsible for receiving complaints, investigating complaints and ensuring LEA
5 compliance.” (*Id.*, § 4621, subd. (b).) And the District’s UCP “shall ensure that the person(s),
6 employee(s), position(s) or unit(s) responsible for compliance and/or investigations shall be
7 knowledgeable about the laws/programs that he/she is assigned to investigate.” (*Ibid.*)

8 24. Section 4621, subdivision (b) of title five of the California Code of Regulations also
9 requires that the District abide by the Title IX implementing regulations’ requirement that it
10 “designate and authorize at least one employee to coordinate its efforts to comply with [the Title
11 IX regulations] which employee must be referred to as the ‘Title IX Coordinator.’” (34 C.F.R. §
12 106.8(a).) The Title IX Coordinator must receive training on “the definition of sexual harassment
13 in [34 C.F.R.] § 106.30, the scope of the [District’s] education program or activity, how to
14 conduct an investigation and grievance process including hearings, appeals, and informal
15 resolution processes, as applicable, and how to serve impartially, including by avoiding
16 prejudgment of the facts at issue, conflicts of interest, and bias.” (*Id.*, § 106.45(b)(1)(iii).)

17 25. Upon the District’s receipt of notice or allegations of sexual harassment, the Title IX
18 Coordinator “must promptly contact the complainant to discuss the availability of supportive
19 measures . . . , consider the complainant’s wishes with respect to supportive measures, inform the
20 complainant of the availability of supportive measures with or without the filing of a formal
21 complaint, and explain to the complainant the process for filing a formal complaint.” (*Id.*, §
22 106.44(a).) In the event that a formal complaint is filed, “[t]he Title IX Coordinator is responsible
23 for effective implementation of any remedies” ultimately awarded. (*Id.*, § 106.45(b)(7)(iv).)

24 26. From 2013 to March 12, 2024, the District’s Administrative Regulation (AR) 1312.3
25 designated the Assistant Superintendent of Education Services and nine other positions as UCP
26 compliance officers. As of March 12, 2024, the District’s AR 1312.3 states that it “designates the
27 individual(s), position(s), or unit(s) identified below” as UCP compliance officers, but then fails
28 to list any individuals, positions, or units.

1 27. From 2014 to 2019, the District’s AR 5145.3 designated the Assistant Superintendent
2 for Educational Services as “Compliance Officer to handle complaints regarding discrimination,
3 harassment, intimidation, or bullying and to answer inquiries regarding the district’s
4 nondiscrimination policies.” AR 5145.3 was amended in 2019 such that it now lists eight
5 positions “responsible for coordinating the district's efforts to comply with applicable state and
6 federal civil rights laws, and to answer inquiries regarding the district's nondiscrimination
7 policies.”

8 28. Although numerous positions were formally designated as compliance officers during
9 the years on which the OAG’s investigation focused, the OAG found that, during this period, no
10 District employee effectively served either as UCP compliance coordinator or Title IX
11 Coordinator. Many witnesses identified the Assistant Superintendent for Human Resources as the
12 individual ultimately responsible for investigating and resolving complaints alleging the sexual
13 harassment, assault, or abuse of District students. The Assistant Superintendent for Human
14 Resources, however, emphatically disclaimed any such responsibility.

15 29. Since July 2023, the District has treated one specific employee as the District’s
16 compliance coordinator. But the District has not formally designated that employee as such in any
17 Board Policy or AR. Additionally, that employee reports to the Assistant Superintendent of
18 Human Resources, meaning that they are not ultimately responsible for ensuring the District’s
19 compliance with the applicable laws and regulations.

20 30. In the vast majority of individual cases that it reviewed, the OAG did not find that
21 any individual designated or purporting to act as a compliance coordinator had any involvement
22 in the receipt, investigation, or resolution of complaints alleging sexual harassment, assault, or
23 abuse, or in tracking and logging such complaints to assess the District’s overall compliance and
24 assess for patterns. In the small number of cases in which an individual designated as a
25 compliance officer did play a role in a complaint’s receipt, investigation, or resolution, the OAG
26 found that that individual failed to follow the governing laws and regulations and District policies
27 and procedures.

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1 31. Accordingly, the OAG found that—to the extent that any District employee served as
2 compliance coordinator during the years under review—that employee was not sufficiently
3 knowledgeable about the relevant laws to properly discharge their duties as required by law and
4 did not discharge their duties.

5 **2. The District has failed to investigate and resolve complaints alleging**
6 **sexual harassment, assault, and abuse in conformity with the**
7 **Uniform Complaint Procedures regulations.**

8 32. The UCP regulations set forth minimum procedural requirements that school districts
9 must follow when investigating and resolving UCP complaints. (Cal. Code Regs., tit. 5, § 4621,
10 subd. (a); see also *id.*, § 4600, subd. (e) [defining “complaint” for purposes of the UCP
11 regulations].) The OAG found that the District failed to comply with those minimum
12 requirements in many of the cases reviewed involving UCP complaints alleging sexual
13 harassment, assault, and or abuse of District students.

14 33. For example, in 2021-2022 school year, the District received written complaints
15 alleging that a male teacher: (1) habitually walked into the girls’ locker room and looked at girls;
16 (2) inappropriately touched female students’ shoulders; (3) inappropriately made female students
17 perform exercises in front of their cameras during distance learning; and (4) referred to one or
18 more female students as “sluts”. The District investigated only the first of these allegations,
19 thereby violating the requirement in the UCP regulations that it investigate all UCP complaints.
20 (See *id.*, § 4631, subd. (a).) Despite conducting an investigation of the first allegation, finding it
21 unsubstantiated, the District also failed to issue any written investigation report to the
22 complainant, as the UCP regulations required it to do within 60 days of receiving the complaint.
23 (*Id.*, § 4631, subds. (a), (e).) Accordingly, the complainant was never informed of the District’s
24 findings of fact and conclusions as to their merits of the allegations in the complaint, or the
25 complaint’s appellate rights and the procedures for initiating an appeal—all of which are required
26 components of the investigation report that the UCP regulations requires. (See *id.*, § 4631, subd.
27 (e).)

28 34. As an additional example, during the 2022-2023 school year, the District received a
UCP complaint alleging that a teacher had touched a female student’s buttocks. The District

1 investigated and found the allegation unsubstantiated. But the OAG found that the District did not
2 provide the complainant with any investigation report. Thus, the District never provided the
3 complainant with its reasons for finding the complaint unsubstantiated, or an explanation of the
4 complainant’s appellate rights or the procedures for initiating an appeal.

5 35. Section 4620 of title five of the California Code of Regulations makes the District
6 responsible for following federal law and regulations when investigating and resolving
7 complaints alleging sexual harassment, assault, or abuse. Such applicable federal regulations
8 include the requirement that, upon the District’s receipt of notice of allegations of “sexual
9 harassment” as defined in 34 C.F.R. § 106.30, the Title IX Coordinator must: (1) promptly
10 contact the complainant to discuss potential supportive measures; (2) explain the formal Title IX
11 Complaint process to the complainant; and (3) implement supportive measures for the parties as
12 appropriate. (34 C.F.R. § 106.44(a).) Upon receiving a formal Title IX complaint, the District is
13 required to investigate and resolve the complaint in accordance with the procedures set forth at 34
14 C.F.R. § 106.45(b). Those procedures, among other things, require the District to: (1) provide the
15 parties with an equal opportunity to present witnesses and evidence during the investigation; (2)
16 provide the parties with the opportunity to review and respond to all evidence gathered during the
17 investigation; and (3) issue a comprehensive written decision that makes findings of fact,
18 conclusions, and a rationale as to the merits of each allegation in the complaint, awards remedies
19 or sanctions as appropriate, and describes the applicable appellate procedures. (See *ibid.*)

20 36. The OAG found that in many of the cases reviewed, the District failed to follow the
21 Title IX regulations, as incorporated into state law via section 4620 of title five of the California
22 Code of Regulations.

23 37. For example, during the 2022-2023 school year, the District received notice that an
24 instructor teaching at a District school had sexually harassed a District student enrolled in a class
25 at a District campus. A year passed before the Title IX Coordinator contacted the complainant to
26 offer supportive measures and discuss the formal complaint process, in violation of 34 C.F.R. §
27 106.44(a).

1 38. In another example, during the 2022-2023 school year, the District received notice of
2 allegations that a student was sexually assaulted by another student. Here too, a year passed
3 before the Title IX Coordinator discussed supportive measures or the formal complaint process
4 with the complainant, in violation of 34 C.F.R. § 106.44(a). After a formal complaint was filed,
5 the District did not give the complainant the opportunity to respond to evidence that the District
6 gathered during its investigation, as 34 C.F.R. § 106.45(b)(5)(vi) requires, including evidence that
7 the District believed exculpated the person alleged to have committed the assault. Additionally,
8 the District’s determination letter—which it issued a year after the incident—was not “reasonably
9 prompt,” in violation of 34 C.F.R. § 106.45(b)(1)(v). And even though the District ultimately
10 found that the complainant had been sexually assaulted, it did not discuss or otherwise offer any
11 remedies to the complainant, in violation of 34 C.F.R. § 106.45(b)(7)(ii)(E).

12 39. The OAG also found that, until the 2023-2024 school year, the District had an
13 unwritten policy, in cases in which a law-enforcement agency might be investigating allegations
14 of sexual harassment, assault, or abuse of District students, of waiting for a “green light” from the
15 law-enforcement agency before seeking to investigate or otherwise resolve the complaint.

16 40. In a number of cases, the District did not follow-up with law enforcement to
17 determine whether law enforcement had concluded its investigation or to assess whether law
18 enforcement had any concerns about the District proceeding. In many cases reviewed, the OAG
19 found that this policy resulted in violations of the requirements that the District: (1) complete its
20 investigation within 60 days of receiving a UCP complaint (see Cal. Code Regs., tit. 5, § 4631,
21 subd. (e)); (2) conduct a “reasonably prompt” investigation of the allegations in a Title IX
22 complaint (see 34 C.F.R. § 106.45(b)(1)(v)); and (3) offer and provide supportive measures to the
23 complainant (see *id.*, § 106.44(a)), among other violations.

24 41. The OAG further found that in many of the cases reviewed the District failed to
25 provide a legally adequate response to notice or allegations of sexual harassment, assault, or
26 abuse against substitutes, volunteers, contractors, and other third parties. This violates the
27 Education Code’s prohibition on discrimination in the District’s educational programs and
28 activities. (See Ed. Code, § 220; see also 20 U.S.C. § 1681(a) [same]; 34 C.F.R. §§ 100.3(b)(1)

1 [prohibiting discrimination by contractors], 106.30 [defining “respondent” as “an individual who
2 has been reported to be the perpetrator of conduct that could constitute sexual harassment”].)

3 42. The OAG found that while a finding of sexual harassment, assault, or abuse might
4 lead to a substitute teacher being “blocked” from a particular school site, the District lacked
5 procedures for ensuring that substitutes found to have committed sexual harassment, assault, or
6 abuse were not utilized at other school sites in the District.

7 43. The OAG further found that although multiple students accused one substitute teacher
8 of sexual harassment in 2023, the District did not investigate those allegations, did not offer
9 supportive measures to the complainants, and did not remove that substitute teacher from the
10 District’s list of approved substitutes.

11 44. The OAG also found that the District failed to provide a legally adequate response to
12 notice or allegations of sexual harassment, assault, or abuse that it received through District-
13 maintained complaint-submission platforms or memorialized in school-site incident reports or
14 mandated reports under CANRA.

15 45. For example, in 2022, the District received a complaint via the Sprigeo complaint-
16 submission platform that a student was regularly sexually harassing another student while
17 changing in the locker room. The OAG did not receive evidence that the District sought to
18 investigate these allegations or contacted the complainant to discuss supportive measures or the
19 formal complaint process.

20 46. In another example, in 2017, District staff recorded in the AERIES student
21 information system an incident in which a student allegedly sexually assaulted another student.
22 Despite this, the OAG similarly did not receive any documentation or evidence indicating that the
23 District investigated those allegations or contacted the complainant to discuss supportive
24 measures or the formal complaint process.

25 47. In 2022, the District recorded in AERIES reports from multiple students alleging that
26 a substitute teacher had inappropriately touched a female student’s chest. Although the District
27 made a mandated report and conducted an investigation, the OAG did not receive any evidence
28 that the District: (1) met with the complainant to discuss supportive measures or complaint

1 procedures, or (2) provided the complainant with the investigation’s findings, remedies, or an
2 explanation of appellate rights.

3 48. The OAG also found that District staff had provided the District with multiple
4 mandatory CANRA reports involving conduct that could meet the definition of sexual
5 harassment, assault, or abuse, but that the District did not investigate and resolve them as
6 required.

7 **3. The District has failed to investigate and resolve complaints alleging**
8 **sexual harassment, assault, or abuse in conformity with its own**
9 **policies and regulations.**

10 49. In addition to setting minimum procedures to follow in investigating or resolving
11 complaints of sexual harassment, assault, or abuse, the UCP regulations also require the District
12 to resolve complaints “in accordance with [its own] policies and procedures.” (Cal. Code Regs.,
13 tit. 5, § 4620.) The District’s policies and procedures provide critical additional procedural rights
14 and protections for students. Yet, the OAG found that in many cases, the District failed to adhere
15 to its own policies and procedures in investigating and resolving notice or allegations of sexual
16 harassment, assault, or abuse.

17 50. For example, during the 2019-2020 school year, a complainant alleged to District
18 employees that a District teacher (1) used vulgar terms for male and female genitalia in class; (2)
19 inappropriately touched the waist of the complainant’s child; and (3) inappropriately touched the
20 bra strap and inner thigh and bra strap of another student. The then-operative version of the
21 District’s AR 5145.7 provided that “[w]ithin one day of receiving a report of sexual harassment,”
22 District employees “shall forward the report to the principal or the [D]istrict’s compliance
23 officer” who would, in turn, be required to “contact the complainant and investigate and resolve
24 the complaint in accordance with . . . AR 1312.3.” The OAG found, however, that no compliance
25 officer was ever involved in this case, and that the District did not resolve the complaint under its
26 AR 1312.3. While AR 1312.3 would have required a final written decision, appropriate remedies
27 for the student, and notice of the complainant’s appellate rights, the OAG did not find that the
28 District provided any of these things to the complainant.

1 51. The OAG found that the District’s unwritten policy, discussed in greater detail above, of
2 waiting for a “green light” from a law-enforcement agency before investigating or resolving
3 allegations of sexual harassment, assault, or abuse also resulted in violations of the District’s own
4 policies.

5 52. The OAG found that the District’s failure to adequately respond to notice or
6 allegations of sexual harassment, assault, or abuse against substitutes, volunteers, contractors, and
7 other third parties also led to violations of its own policies.

8 53. The OAG likewise found that the District’s failure to adequately respond to notice or
9 allegations of sexual harassment, assault, or abuse that it received through District-maintained
10 complaint-submission platforms or memorialized in incident reports or mandated reports under
11 CANRA likewise led to violations of its own policies.

12 **4. District staff have failed to comply with CANRA.**

13 54. “Mandated reporters” under CANRA include teachers, administrators, instructional
14 aides, classified employees of public schools. (Pen. Code, § 11165.7.) CANRA requires that
15 mandated reporters, upon learning of or forming a reasonable suspicion of child abuse—which
16 includes sexual abuse—“make an initial report by telephone” to law enforcement or the relevant
17 child-welfare agency “immediately or as soon as is practicably possible.” (*Id.*, § 11166, subd.
18 (a).) The mandated reporter must then “prepare and send, fax, or electronically transmit a written
19 followup report within 36 hours of receiving the information concerning the incident.” (*Ibid.*)

20 55. In several cases where District staff knew of or had a reasonable suspicion of the
21 sexual abuse of a minor District student, the OAG did not receive evidence that District staff
22 complied with the requirement to make the initial mandatory report by telephone or to transmit
23 the written report within 36 hours. While the District is not required by law to retain written
24 mandatory reports, the absence of such documentary evidence raises a concern as to whether the
25 District adequately trained its employees who are mandated reporters on their responsibilities
26 under CANRA, as Education Code section 44691, subdivision (b)(1) requires.

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1 56. The OAG identified several cases in which District staff should have, but did not,
2 make a mandated report about suspected sexual abuse of students by other District staff who then
3 continued abusing the student in question and/or abused additional students. Had District staff
4 discharged their duties under CANRA in the first instance, that further abuse may have been
5 avoided.

6 **5. The District failed to notify the Commission on Teacher**
7 **Credentialing of the resignation of several teachers amid pending**
8 **allegations of misconduct.**

9 57. Education Code section 44030.5, subdivision (a) provides that the superintendent of a
10 school district must notify the Commission on Teacher Credentialing (CTC) of certain discipline
11 imposed on credentialed employees or when a credentialed employee resigns or retires amid
12 pending allegations of misconduct.

13 58. In five cases, two of which took place since 2016, the District did not provide
14 required notifications to the CTC. For example, the OAG found that a credentialed teacher
15 resigned in 2020 while allegations that he had sexually harassed a student remained pending, and
16 the District did not notify the CTC as was required.

17 **6. The District has failed to implement recommended measures to**
18 **prevent sexual harassment, assault, and abuse of its students on**
19 **campus.**

20 59. The District engaged with the risk-management consulting firm Keenan &
21 Associates to conduct Sexual Abuse and Molestation (SAM) Prevention Assessments at District
22 schools in May 2021. The SAM assessment identified various “recurring hazards” at District
23 campuses. These included: (1) residential furniture in classrooms and offices; (2) obstructed
24 windows; and (3) classroom setups that created “areas of seclusion”. Keenan & Associates
25 conducted a second SAM Prevention Assessment at District schools in November 2022 and
26 identified these same issues once more.

27 60. During site visits to District schools, the OAG also observed numerous fully
28 obstructed classroom windows at several campuses.

1 **B. The District Has Failed to Enact Fully Legally Compliant Policies and**
2 **Procedures for Preventing and Responding to Notice or Allegations of Sexual**
3 **Harassment, Assault, or Abuse of Students in its Educational Programs and**
4 **Activities.**

5 **1. The District has failed to enact policies that comply fully with the**
6 **UCP regulations.**

7 61. The District is required to adopt policies and procedures for resolving complaints
8 alleging sexual harassment, assault, or abuse that are consistent with the UCP regulations. (Cal.
9 Code Regs., tit. 5, § 4621, subd. (a).) The District has sought to do so through its AR 1312.3—
10 titled “Uniform Complaint Procedures.” The OAG found that AR 1312.3 does not fully comply
11 with the requirements set forth in the UCP regulations.

12 62. AR 1312.3 does not include required protections for complainants against retaliation.
13 (See *ibid.*)

14 63. AR 1312.3 also does not provide, as it is required to, that investigations must be
15 “conducted in a manner that protects confidentiality of the parties and maintains the integrity of
16 the process.” (See *id.*, § 4630, subd. (c)(2).)

17 **2. The District has failed to enact policies that comply fully with the**
18 **Title IX regulations, as incorporated in state regulations.**

19 64. The requirement under state regulation (see Cal. Code Regs., tit. 5, § 4620) that the
20 District adhere to applicable federal law and regulations concerning notice or allegations of
21 sexual harassment, assault, or abuse incorporates the requirement set forth in 34 C.F.R. §
22 106.44(b)(1) that in resolving formal Title IX complaints, the District “must follow a grievance
23 process that complies with § 106.45.”

24 65. The District’s AR 5145.71 establishes its formal Title IX complaint process. The
25 OAG found that AR 5145.71 does not fully comply with several provisions of 34 C.F.R. §
26 106.44(b) in effect from 2020 to 2024, and therefore ran afoul of section 4620 of Title Five of the
27 California Code of Regulations. Among other areas of noncompliance, AR 5145.71 does not
28 expressly require the investigation of the allegations in a formal complaint or provide that the
“Title IX Coordinator is responsible for effective implementation of any remedies.” (See 34
C.F.R. § 106.45(b)(3)(i), (b)(7)(iv).)

1 **3. The District has failed to enact policies that fully comply with the**
2 **Education Code’s requirements concerning background checks.**

3 66. The OAG found that the District’s policies related to background checks for
4 employees and contractors did not fully comply with requirements in the Education Code.

5 67. Education Code section 44836 bars the District from employing or retaining in
6 employment any person who has been convicted “of any sex offense as defined in Section
7 44010.” The District’s AR 4112.5 and 4212.5 provide that the District will not employ any person
8 convicted of a “serious felony,” but do not specify that all sex offenses meet that definition.

9 68. Education Code section 45125.1 requires that the District confirm that all contracted
10 employees have a valid background check on file with the contracting agency. But the District
11 has not enacted any policy requiring it to do so.

12 **C. The District Has Failed to Adequately Disseminate its Notice of**
13 **Nondiscrimination and Written Policy on Sexual Harassment.**

14 69. Under Education Code section 234.1, subdivision (a), the District must adopt “a
15 policy that prohibits discrimination, harassment, intimidation, and bullying based” among other
16 things on “gender, gender identity, [and] gender expression.” That policy must be posted “in all
17 schools and offices, including staff lounges and pupil government meeting rooms.” (*Id.*, § 234.1,
18 subd. (e).)

19 70. A policy complying with section 234.1 requirement was not posted in all District
20 schools and offices. In addition, in some offices, the posted policy was inaccurate or outdated.

21 71. Education Code section 231.5, subdivision (b) provides that the District “shall have a
22 written policy on sexual harassment.” A copy of that policy “shall be displayed in a prominent
23 location in the main administrative building or other area of the campus or schoolsite.” (*Id.*, §
24 231.5, subd. (d).) And a poster notifying students of that policy “shall be prominently and
25 conspicuously displayed in each bathroom and locker room at [each] schoolsite.” (*Id.*, § 231.6,
26 subd. (g)(1).)

27 72. Although the District has created a poster summarizing its policy on sexual
28 harassment, the OAG found during its site visit that, at two high schools, the poster was missing

1 from half of the bathrooms and locker rooms surveyed. The OAG likewise did not find sufficient
2 evidence of the District’s historical compliance with these requirements at all school sites.

3 73. Although the District has complied with the requirement that it have a written policy
4 on sexual harassment, the OAG found during its site visit to the District’s schools that, at one
5 middle school, the District had failed to display a copy of that policy in a prominent location of
6 the main administrative building or other area. The OAG also did not find sufficient evidence of
7 the District’s historical compliance with these requirements at all school sites.

8 **III. THE PEOPLE AND DISTRICT’S PROPOSED RESOLUTION**

9 74. Since April 2024, the District and OAG have negotiated in good faith to reach an
10 agreement on a comprehensive remedial plan designed to remedy the violations and areas of
11 concern that the OAG’s investigation identified. The OAG recognizes the District’s willingness to
12 agree to necessary reforms.

13 **CAUSES OF ACTION**

14 **FIRST CAUSE OF ACTION**

15 **(Discrimination on the Basis of Sex and Gender, in Violation of Education Code sections 16 210.7, and 220, et seq.)**

17 75. The Attorney General re-alleges all earlier paragraphs in this Complaint and
18 incorporates them by reference as though they were fully set forth in this cause of action.

19 76. Education Code section 220 prohibits sexual harassment “in any program or activity
20 conducted by an educational institution that receives, or benefits from, state financial assistance.”

21 77. The District receives state financial assistance.

22 78. The District has failed to prevent sexual harassment in its programs and activities and
23 has failed to adequately respond to notice or allegations of sexual harassment in its programs and
24 activities.

25 79. The District has violated Education Code section 220.

26 80. Among other factors, the District’s failure to prevent sexual harassment in its
27 programs and activities is in part the result of District staff’s failure to make mandated reports in
28 all cases as required under Penal Code section 11166.

1 81. Injunctive relief is the appropriate remedy for these violations.

2 **SECOND CAUSE OF ACTION**

3 **(Failure to Designate, Provide Appropriate Oversight Authority to, and Train a**
4 **Compliance Coordinator; Promulgate Legally Adequate Complaint Procedures; Resolve**
5 **Complaints in Accordance with Law, Regulation, and Policy as Required by California**
6 **Education Code section 33315 and California Code of Regulations, Title Five, Section 4600**
7 **et seq.)**

8 82. The District has violated Education Code section 33315 and California Code of
9 Regulations, Title Five, section 4621, subdivision (b) by failing to ensure that the persons
10 responsible for its compliance with the UCP regulations are knowledgeable about the relevant
11 laws and programs and by failure to designate and provide appropriate oversight authority to the
12 compliance coordinator.

13 83. The District has violated Education Code section 33315 and section 4621, subdivision
14 (a) by failing to promulgate complaint procedures that fully comply with the UCP regulations.

15 84. The District has violated Education Code section 33315 and section 4620 of Title
16 Five of the California Code of Regulations by failing to follow the UCP regulations in
17 investigating and resolving all complaints alleging sexual harassment, assault, or abuse.

18 85. The District has violated Education Code section 33315 and section 4620 of Title
19 Five of the California Code of Regulations by failing to follow its own policies and procedures in
20 responding to notice and allegations of sexual harassment, assault, or abuse.

21 86. Injunctive relief is the appropriate remedy for these violations

22 **THIRD CAUSE OF ACTION**

23 **(Failure to Comply with Applicable Federal Laws and Regulations, in Violation of**
24 **Education Code section 33315 and California Code of Regulations, Title Five, Section 4600**
25 **et seq.)**

26 87. The Attorney General re-alleges all earlier paragraphs in this Complaint and
27 incorporates them by reference as though they were fully set forth in this cause of action.

28 88. The District has violated Education Code section 33315 and California Code of
Regulations, Title Five, section 4620 by failing to designate, provide appropriate oversight
authority to, and train a Title IX Coordinator, and ensure that the Title IX Coordinator carries out
their duties, as 34 C.F.R. § 106.8(a) requires.

1 89. The District has violated California Code of Regulations, Title Five, section 4620 by
2 failing to implement procedures governing formal Title IX complaints that fully comply with
3 Title IX and the implementing regulation codified at 34 C.F.R. § 106.45(b).

4 90. The District has violated California Code of Regulations, Title Five, section 4620 by
5 failing to respond to notice and allegations of sexual harassment, assault, or abuse as required
6 under Title IX and its implementing regulations at 34 C.F.R. §§ 106.44 and 106.45(b).

7 91. Injunctive relief is the appropriate remedy for these violations

8 **FOURTH CAUSE OF ACTION**

9 **(Failure to Notify the Commission on Teacher Credentialing of the Resignation of a**
10 **Credentialed Employee Amid Pending Allegations of Misconduct, in Violation of Education**
11 **Code Section 44030.5, Subdivision (a))**

12 92. The Attorney General re-alleges all earlier paragraphs in this Complaint and
13 incorporates them by reference as though they were fully set forth in this cause of action.

14 93. The District has violated Education Code section 44030.5, subdivision (a) by failing
15 to notify the CTC in all cases when a credentialed employee has been disciplined due to or retired
16 or resigned during the pendency of allegations that the employee had sexually harassed a student.

17 94. Injunctive relief is the appropriate remedy for these violations

18 **FIFTH CAUSE OF ACTION**

19 **(Failure to Properly Disseminate a Legally Adequate Notice of Nondiscrimination and**
20 **Written Policy on Sexual Harassment, in Violation of Education Code Sections 221.61, 231.5**
21 **and 231.6)**

22 95. The Attorney General re-alleges all earlier paragraphs in this Complaint and
23 incorporates them by reference as though they were fully set forth in this cause of action.

24 96. The District has violated Education Code section 231.5 by failing to post in all
25 schools and offices a notice of nondiscrimination that complies with Education Code section
26 234.1, subdivision (a).

27 97. The District has violated Education Code section 231.5, subdivision (b) by failing to
28 display its written policy on sexual harassment in a prominent location in the main administrative
building or other area of all of its school sites.

1 98. The District has violated Education Code section 221.61 by failing to post and
2 maintain information about the Title IX Coordinator in a manner that complies with that section.

3 99. Injunctive relief is the appropriate remedy for these violations

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully prays for the Court to enter judgment as follows:

6 100. For the Court to issue an order: (1) enjoining the District from engaging in the
7 unlawful practices challenged in this Complaint; (2) requiring the District to implement the
8 injunctive relief provisions set forth in the proposed Stipulated Judgment to be submitted to the
9 Court; and (3) entering final judgment;

10 101. For the Court to exercise, pursuant to Code of Civil Procedure section 664.6,
11 subdivision (a), continuing jurisdiction over this action to ensure that the District complies with
12 the judgment as set forth in the proposed Stipulated Judgment; and

13 102. For such other and further relief as the Court deems just and proper.

14 Dated: May 29, 2024

Respectfully submitted,

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16 Attorney General of California
17 MICHAEL L. NEWMAN
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