

CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 VALLE ROAD, SAN JUAN CAPISTRANO CA 92675
TELEPHONE: (949) 234–9200/FAX: 496–7681 www.capousd.org

July 22, 2022

Chelsea Bovle

Re: Demand to Cease and Desist Spreading False Information/Request for Consent to Release Student Education Records

Dear Ms. Boyle:

This letter is a demand that you immediately cease and desist spreading false information to members of the public and media regarding allegations that have been investigated and found to be untrue under the District's complaint process. While we recognize your right to speak in public forums, to represent yourself and your child, and to initiate litigation against the District, you are not entitled to misrepresent the truth unchecked. As explained below, if you do not cease and desist making false claims, the District asks that you sign a waiver to your daughter's student privacy interests to allow the District to publicize the truth.

You have made false claims to the media that your daughter was disciplined by Jesus Becerra, Principal of Viejo Elementary School, for preparing artwork with the slogan, "All Lives Matter," and sharing the artwork with her classmate. The District previously investigated these claims in response to you filing a complaint. The investigation revealed your claims were untrue. The evidence revealed Principal Becerra never reprimanded your daughter about the artwork, and this was conveyed to you by Principal Becerra when he confirmed there was nothing inappropriate about the drawing. The findings of the District's investigation were shared with you through the complaint process.

Despite knowing the results of the District's investigation and being unable to offer evidence to substantiate your claims, you continue to spread false information. If you continue to do so, the District must defend itself against the frivolous and unfounded allegations you have lodged. Accordingly, if you do not cease and desist your false assertions, the District asks that you sign the attached waiver of your daughter's student privacy interests to allow the District to release evidence to show your claims are false.

Dr. Gregory Merwin

Associate Superintendent, Education and Support Services

Enclosure:

Sincerely

Consent to Release Student Education Records Information

SERVING THE COMMUNITIES OF:

ALISO VIEJO • COTO DE CAZA • DANA POINT • LADERA RANCH • LAGUNA NIGUEL • LAS FLORES • MISSION VIEJO RANCHO MISSION VIEJO • RANCHO SANTA MARGARITA • SAN CLEMENTE • SAN JUAN CAPISTRANO

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CONSENT TO RELEASE OF STUDENT EDUCATION RECORDS INFORMATION

To: Gregory J. Merwin, Ed.D.

Associate Superintendent, Education and Support Services
Capistrano Unified School District

I hereby request and consent to the release by Capistrano Unified School District of the personally identifiable information described below to the authorized recipient identified below pertaining to:

		Viejo Elementary School	
(STUDENT'S NAME)	(BIRTHDATE)	(SCHOOL)	

The personally identifiable information from the above-named student's education records that the District is authorized and requested to disclose under this consent is as follows:

Regarding the allegation that your daughter was punished or disciplined for her "All Lives Matter" picture:

Level 1 Summary document, please see attached

Level 2 Summary document, please see attached

Level 3 Summary document, please see attached

The disclosure of this personally identifiable information is requested for the following purpose:

To allow the District to release evidence regarding this allegation.

The requested information shall be directed to:

Gregory J. Merwin, Ed.D.
Capistrano Unified School District
33122 Valle Road, San Juan Capistrano, California 92675

I understand that upon my request, I am entitled to receive a copy of any records that are disclosed pursuant to this consent.

I understand that I may revoke this consent at any time by written notification to either of the agencies/persons named above, and that such revocation will be effective as to both agencies/persons upon its receipt by either.

I understand that the requestor will use the information provided to it pursuant to this authorization only for the purpose identified above, and will not re-disclose that information without my further consent unless specifically required or permitted by law.

(Printed Name)	(Signature)	(Date)
(Relationship to Student)	-	

Capistrano Unified School District CLAIM FOR DAMAGES FORM

DIRECTIONS: Complete and send an original and one copy to: Capistrano Unified School District, 33122 Valle Road, Ca 92675 Attn: Risk Management

Name of Claimant:	Boyle	Chelsea		
(Injured or damaged party)	(Last)	(First)	(Mi	ldle)
(Date of Birth) Home Address:	* (Soc	eial Security No.)*	(CA Drivers Lice	nse No.)
(Number/St	reet) (City/S	tate/Zip Code)	(Area Code & Phone N	Jo.)
Business Address:(Number/St	reet) (City/S	tate/Zip Code)	(Area Code & Phone N	Jo.)
Claimant receives or is e	ligible for SSDI or	Medicare*	Yes	No
Directions: Indicate to w	vhich address you w	ish notices sent.	Ноте	Business
When Did Injury or Dan	nage occur? _ <u>See F</u> (Month/D		Week) (Time o	f Day)
Where Did Injury or Dan	mage Occur? <u>Viejo</u>	Elementary, 26782 V	Via Grande, Mission Vi	ejo, CA 92691.
How Did Injury or Dama	age Occur? See Ex	nibit A, attached.		
(Describe accident or occurren	ce in complete detail/atta	ach additional pages if nee	eded)	
Names, Addresses and P	hone Numbers of V	Vitnesses, Doctors, H	lospitals or persons wh	o may have information regarding your
Injury or Damages: See	Exhibit A, attached.			
Names of School Emplo	yees Involved: <u>See</u>	Exhibit A, attached.		
Police Report Number: 5	See Exhibit A, attac	ned.		
What Action or Inaction	of District Employe	ee(s) Caused Your Ir	njury or Damages? <u>See</u>	Exhibit A, attached.
What Injuries or Damage	es Did You Suffer?	See Exhibit A, attacl	ned.	
State the amount of the o	claim if it is less tha	n \$10,000: <u>See Exhi</u> l	oit A, attached.	
Include the estimated an and list the basis for the			or loss insofar as it ma	y be known at the time the claim is presented
See Exhibit A, attached.				
				out please indicate whether the claim is aYesX No
Directions: Sign and date this	Form below. If the signe	er is not the Claimant, ind	icate the relationship of the s	igner to the Claimant (parent, attorney etc.) and address
(Signature)	(Date)	(Relation	ship if not Claimant an	d address)

Directions: Attach and include, with this Form, any bills for medical treatment or expenses/estimates for personal property damage.

*RESPONSES REQUIRED FOR FEDERAL MEDICARE SECONDARY PAYER REPORTING

Note: PRESENTATION OF A FALSE CLAIM IS A FELONY (Refer to CA Penal Code Sec 72)

LEX REX INSTITUTE

CONSTITUTIONAL ADVOCATES
444 WEST OCEAN BOULEVARD, SUITE 1400
LONG BEACH, CA 90802
HTTP://www.LexRex.org

ALEXANDER H. HABERBUSH, ESQ.

TELEPHONE (562) 264-5515 FACSIMILE (562) 435-6335 AHABERBUSH@LexRex.org

EXHIBIT A

This claim arises from a series of related injurious events of which Chelsea Boyle ("Mrs. Boyle") became aware on March 8, 2022. The events and occurrences of which Mrs. Boyle became aware on March 8, 2022 stem back as far as September of 2020. Chelsea is the mother of a female student (hereinafter referred to as "Jane" to protect her identity) at Viejo Elementary School ("Viejo"), an elementary school within the Capistrano Unified School District ("CUSD"). On or about September 6, 2020, Mrs. Boyle wrote and sent an email to Jesus Becerra ("Becerra"), Principal of Viejo, and employee CUSD (the "September 6 Email"). In the September 6 Email, Mrs. Boyle (believing Jane was too young to understand the complexities of certain topics) requested that Jane not receive instruction relating to the concept of Critical Race Theory ("CRT") the topic of Black Lives Matter ("BLM") or the political movements associated with either.

Jane suffers Attention-Deficit Hyperactivity Disorder ("ADHD"). Her condition is documented and both Viejo and CUSD had been informed of her condition. Jane's primary therapeutic outlet for her ADHD is art – specifically, drawing. The staff and administration of both CUSD and Viejo were informed and fully aware of the therapeutic effects drawing have for Jane and the ameliorative effects they have on her condition.

On or about March, 2021, Jane (then, seven-years-old and in first grade) drew a picture (the "Picture") at school, a true and correct copy of which is attached hereto as Exhibit B. Jane came up with the Picture of her own free will, with the intention of showing children of various races getting along. The Picture contained the words "Black Lives Mater [sic]." Below that, Jane also wrote "Any Life." Below these phrases, Jane drew four figures depicting friendship and unity between individuals of various races. Notably, Jane has a diverse set of friends. She does not know what racism is, as the topic is not discussed in her home.

Also, on or about March, 2021, one of Jane's classmates (hereinafter referred to as "Doe" to protect the identity of the minor and the minor's family) took the Picture home. On

EXHIBIT A July 13, 2022 Page 2

information and belief, Doe's parents came into possession of the Picture shortly thereafter. At the same time, on information and belief, Doe's parents were concerned with the Picture and its contents and presented these concerns and the Picture to Becerra.

On or about March 31, 2021, Becerra confronted Jane about the Picture and reprimanded her (the "Reprimand"). This culminated in Becerra's demand that Jane apologize for drawing the picture (the "Compelled Apology"). Despite feeling she had done nothing wrong, Jane complied. This Compelled Apology was extracted from Jane publicly, during recess. On information and belief, approximately 150 students were present, and approximately 30 students were actively watching the Becerra deliver the Reprimand and Jane deliver the Compelled Apology. Jane felt publicly humiliated in front of her peers, whose opinions are inestimable to a child of her age whose universe consists of those she knows personally. On information and belief, many members of school staff were also present and overheard the Reprimand and Compelled Apology. Mrs. Boyle believes that neither the Reprimand nor the Compelled Apology would have taken place, but for Jane's race (white/Caucasian). Mrs. Boyle's belief is objectively reasonable, given that the reason for which the Compelled Apology was compelled by Becerra had to do with the allegedly racially offensive content of the Picture.

In addition to bullying Jane into the Compelled Apology, Jane was "benched" (jargon used by CUSD to refer to the revocation of Jane's privilege to play at recess with the other children). Jane was left with little to do or think about besides the humiliation and ostracization she had just experienced and was continuing to experience, as she watched the other children play. This "benching" took place in the full sight of all children and staff on the playground.

Also, on or about March 31, 2021, Becerra instructed Jane that she was no longer permitted to draw pictures for her friends at school and, more specifically, thus depriving her of the primary therapeutic activity for her ADHD condition and cutting her off from an activity that allowed her to emotionally connect with her friends. Further, she was explicitly prohibited from expressing her belief that all lives have equal worth. (The events of March 31, 2021 are collectively referred to as the "March 31 Incident").

Jane endured the next year, terrified to engage in her most beneficial therapeutic outlet. This fear of punishment for drawing translated to Jane's behavior at home. Prior to the March 31 Incident, Jane's favorite activity at home had been drawing. After this period, Mrs. Boyle noticed this interest all but disappear, the effects Jane's ADHD condition worsen, and her general happiness diminish substantially. At the time, Mrs. Boyle did not know the cause of this change.

Mrs. Boyle learned of the March 31 Incident on or about March 8, 2022 – more than 11 months later. Her daughter suffered the effects of the deprivation and humiliation throughout

EXHIBIT A July 13, 2022 Page 3

that entire period, without any subsidence. On or about March 8, 2022, Mrs. Boyle learned of the March 31 Incident through another parent mutually acquainted with Mrs. Boyle and the offended family. Mrs. Boyle was shocked to learn about her daughter's injury nearly a year after it occurred. Jane, not understanding the significance of the event or what she had done wrong, yet feeling shameful due to Mr. Becerra's public haranguing, had kept the incident to herself. Neither Becerra nor any other Viejo or CUSD employee or representative informed Mrs. Boyle of the Picture or the March 31 Incident, or any part thereof.

On or about March 9, 2022, within twenty–four hours of learning about the March 31 Incident, Mrs. Boyle emailed Becerra—who did not initially respond. The following day, on or about March 10, 2022, Mrs. Boyle sent an email to Becerra and multiple officials employed by CUSD, demanding a formal apology. In response, Becerra essentially called Mrs. Boyle a liar (denying that the situation had ever occurred) and told her to take a hike. This caused Mrs. Boyle severe emotional distress.

Accordingly, on or about the same date, Mrs. Boyle filed a formal (Level I) complaint with CUSD (the "Complaint"). Over the next few days, Mrs. Boyle sent several emails to CUSD officials and had a few phone meetings regarding the situation. On information and belief, following up on her allegations, CUSD officials spoke with Doe's parents—who corroborated Jane's story.

On or about March 15, 2022, pursuant to official CUSD policy, Becerra was appointed to investigate his own misconduct. On the same day, he both investigated and exonerated himself, despite having previously claimed to have no knowledge of the situation for which he was now apparently able to give himself full exoneration.

Offended, infuriated, and distressed, on or about March 18, Mrs. Boyle escalated the Complaint to Level II. Mrs. Boyle received CUSD's Level II response on March 30, 2022. The response noted that CUSD accepted Becerra's account of the events, including his own exoneration of himself. Furthermore, during the Level II complaint process, CUSD staff falsely attributed statements to Mrs. Boyle that she never made. Indeed, the district went so far as to quote Mrs. Boyle, attributing her with written statements that she did not author. This caused Mrs. Boyle severe emotional distress.

Mrs. Boyle subsequently appealed her claim to level III and had an in-person meeting with Supervisor Cary Johnson in or about early April, 2022, hoping to facilitate a resolution. She has yet to receive a response from CUSD regarding her Level III complaint.



CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 Valle Road, San Juan Capistrano CA 92675
Telephone: (949) 234 9200/FAX: 496 7681 www.capousd.org

March 15, 2022

VIA EMAIL AND U.S. MAIL

CONFIDENTIAL

Mrs. Chelsea Boyle

Re: Your Level 1 Complaint Dated: 3/8/2022

Case #: Click here to enter text

Dear Mrs. Boyle,:

This letter is in response to your Level 1 complaint filed on 3/8/2022 at 3:53pm..

In your Level 1 complaint you reported the following:

"I have JUST become aware that last year my first grade daughter drew a picture of children holding hands together (all races and colors) and titled the picture "All Lives Matter."

"My daughter was brought in to your office and made to APOLOGIZE to children in her class for her picture and she was LECTURED AND PUNISHED by you because of this picture and EDUCATED about "Black Lives Matter."

"I am so so so BEYOND upset that this happened, I am JUST finding out about this now from ANOTHER PARENT who thought I already KNEW. Please find BELOW an email sent to YOU that YOU replied to on September 6th, 2020."

"Why was I NEVER called? Why was I not even INFORMED that this happened to my daughter?"

After conducting a thorough investigation of this matter, the following are the District's findings:

From my recollection, the drawing you are referring to was created by your daughter. This was about a year ago when she was in first grade. I am confident that she was not punished for her drawing nor would she be made to apologize for it. I do not teach nor have I ever taught about Black Lives Matter to anyone. I can say that she is a kind student and did not mean anything by it aside from wanting to give a friend a picture.

SERVING THE COMMUNITIES OF:

 $\textbf{ALISO VIEJO} \cdot \textbf{COTO DE CAZA} \cdot \textbf{DANA POINT} \cdot \textbf{LADERA RANCH} \cdot \textbf{LAGUNA NIGUEL} \cdot \textbf{LAS FLORES} \cdot \textbf{MISSION VIEJO}$

RANCHO MISSION VIEJO • RANCHO SANTA MARGARITA • SAN CLEMENTE • SAN JUAN CAPISTRANO

From my recollection, I communicated to you regarding your daughter's drawing and it was just to make you aware of it. I vaguely recall our conversation and the discussion was lighthearted knowing your daughter was coming from a good place in her heart.

I am confident you were notified in some manner regarding your daughter's picture. You provide specific details in your email regarding the picture. Due to the innocent nature of this event, no documentation of communication was kept.

As the result of our investigation, the following action has been taken by the District in an effort to resolve this complaint.

An effort was made for Mr. and Mrs. Boyle to meet with the Principal, Assistant Principal, and School Counselor to discuss any misunderstandings or to clarify any misconceptions.

Under District Board Policy 1312.1, you may file a Level 2 complaint, which will be addressed to Pati Romo, Executive Director, College and Career Readiness, if you choose to pursue further review of the complaint. You have 10 working days to appeal the Level 1 decision to Level 2. The complaint should be filed on the CUSD website under Complaints located at: https://webapps.capousd.org/Complaint/

Sincerely,

Mr. Becerra

Principal, Viejo Elementary

SERVING THE COMMUNITIES OF:

ALISO VIEJO • COTO DE CAZA • DANA POINT • LADERA RANCH • LAGUNA NIGUEL • LAS FLORES • MISSION VIEJO

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CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 VALLE ROAD, SAN JUAN CAPISTRANO CA 92675 TELEPHONE: (949) 234-9200/FAX: 496-7681 www.capousd.org **BOARD OF TRUSTEES**

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SUPERINTENDENT KIRSTEN M. VITAL

DATE:

March 24, 2022

TO:

Chelsea Boyle

FROM:

Patricia Romo

Executive Director

SUBJECT:

Level 2 Complaint Response- Complaint # 3717

Mrs. Boyle,

With this letter, I am responding to your Level 2 complaint regarding your complaint regarding Mr. Jesus Becerra's handling of a March 2021 incident involving your daughter in which you disagree. **Capistrano Unified School District takes complaints very seriously.** The following is a summary of the steps taken thus far:

After conducting a thorough investigation of this matter, the Principal provided a response letter dated March 8, 2022. In summary, the Level 1 complaint and response was as follows:

In your Level 1 complaint you reported the following:

"I have JUST become aware that last year my first grade daughter drew a picture of children holding hands together (all races and colors) and titled the picture "All Lives Matter."

"My daughter was brought in to your office and made to APOLOGIZE to children in her class for her picture and she was LECTURED AND PUNISHED by you because of this picture and EDUCATED about "Black Lives Matter."

"I am so so so BEYOND upset that this happened, I am JUST finding out about this now from ANOTHER PARENT who thought I already KNEW. Please find BELOW an email sent to YOU that YOU replied to on September 6th, 2020."

"Why was I NEVER called? Why was I not even INFORMED that this happened to my daughter?"

The Principal's response was:

"From my recollection, the drawing you are referring to was created by your daughter. This was about a year ago when she was in first grade. I am confident that she was not punished for her drawing nor would she be made to apologize for it. I do not teach nor have I ever taught about Black Lives Matter to anyone. I can say that she is a kind student and did not mean anything by it aside from wanting to give a friend a picture."

In your Level 2 complaint you reported the following:

"Principal has not informed me of racist activities. Principal has punished my daughter, PARENTED my daughter and made her to apologize for repeating what she LEARNED IN SCHOOL.

Principal LIED PLEASE SEE MANY MANY EMAIL COMMUNICATIONS [Requested Resolution:] I HAD asked for an apology but couldn't even receive that. The principal decided to completely lie instead."

After speaking with you and conducting a thorough investigation of this matter, the following are the level 2 complaint process District's findings:

- The District spoke to the parent of the other child (Parent B) involved who remembers the incident very clearly and corroborated what the Principal has stated. She stated that your child drew a picture with children of different colors and the title "Black Lives Matter, All Lives." Staff has reviewed a copy of the picture. Parent B remembers that the Principal discussed the picture that was given to her daughter, by your daughter, and that they both decided that the picture was not given to her daughter with ill intent. In fact, Parent B felt that your daughter meant to make her daughter feel more comfortable and included. Since they both felt that the picture was innocent, no action was taken and both Parent B and her husband were supportive of Principal Becerra and his handling of the incident. They thought nothing of it and put it out of their minds until they started receiving text messages from you.
- Staff is in possession of several text message exchanges between you and Parent B stating that the District was teaching children inappropriate content and you included a picture of a video presentation on a computer screen in which there is a sign in the background that had several statements such as "This is a safe place" and "Black Lives Matter." There was also one banner that stated "Social Justice." Upon further investigation, staff could find no evidence that any of those subjects were taught in extended learning during that time frame, though the students may have watched a video where the presenter had those signs in the background, the video was not about those subjects. Those lessons have been removed since in-person instruction resumed and online instruction was removed.
- Mrs. and Mr. Parent B asked you to stop texting them. Parent B stated that they did not
 believe that anything inappropriate was being taught at their daughter's school and that
 their daughter felt safe and included in her classroom and on the school campus. Parent
 B further stated that her only concern has been that you have made comments related to

- the earlier incident in which you relayed to her that you felt wasn't handled correctly, and have tried to discuss with her on several occasions when she is not interested in revisiting the incident related to the drawing.
- Staff is in possession of several text message exchanges between you and Mr. and Mrs. Parent B regarding their daughter's appearance in which you commented on her hair being messy. Parent B explained that she had hurt her hand and was unable to style her daughter's hair that morning and asked you not to comment about her daughter's appearance. You stated that you meant it as a compliment and that you liked her daughter's hair looking wild and crazy, but beautiful. Mr. Parent B then took the phone and texted you back, asking you to stop texting them and stop making comments on their daughter's appearance. You continued to text them, defending your comments, but also stating, "I feel sorry for you as a man, taking the phone from your wife and reading her text messages" along with other derogatory comments. Parents B asked you several times to stop texting them. Parent B then met with Mr. Becerra to ensure that her daughter is safe in the classroom from any actions or comments you might say in her presence, since you are in the classroom and on campus during your work on the yearbook. Mr. Becerra agreed to maintain a safe environment for the students and any volunteers on campus.
- The District has corroborated the Principal's statements that the original incident did not
 warrant any disciplinary action with your child, and none was taken. There is no evidence
 that your daughter was made to apologize to the other child, and the parents of that child,
 have corroborated that.

After conducting an investigation of the Level 2 complaint and response, staff has concluded that the Principal took the appropriate action and provided you with reasonable explanations regarding the incident and his response, and any related incidents since that time. There is no evidence that any action was taken by the Principal, and although the words "Black Lives Matter" were shown on a sign behind the presenter in the video, the concept was never taught in any lessons provided to your daughter.

Capistrano Unified School Districts strives to ensure that every student has a healthy, happy, and safe environment to learn. The hope of the District staff, the Principal, and the parents who were interviewed is that we continue to move forward to focus on the safety and success of your daughter and all students at Viejo Elementary School.

If you are not satisfied with these findings, under District Board Policy 1312.1, you may file a Level 3 complaint if you choose to pursue further review of the complaint. In order to file a Level 3 complaint, please visit the Capistrano Unified School District Complaint Information and Resources website and fill out the online complaint form for a Level 3 complaint appeal. You will be asked your reason for appealing the Level 2 response as well as your recommended resolution. You have 10 business days to appeal the Level 2 decision to Level 3.

Please contact me if you require further information.

Patricia Romo

Patricia Romo

Executive Director, College and Career Readiness

(949) 234-9464





33122 VALLE ROAD, SAN JUAN CAPISTRANO CA 92675 TELEPHONE: (949) 234-9200/FAX: 496-7681 www.capousd.org

July 21, 2022

VIA EMAIL AND U.S. MAIL

CONFIDENTIAL

July 21, 2022



Re: Your Complaint Dated: March 30, 2022

Case #: 3717

Dear Ms. Boyle,

This letter is the District's response to your Level 3 complaint received on March 30, 2022. It informs you that your Complaint has been escalated to a Level 4 Appeal to the Board of Education, for their consideration on August 17, 2022. Below is a summary of the complaint process so far:

Level One

You filed a Level 1 complaint on March 8, 2022 alleging that Viejo Elementary School Principal, Jesus Becerra, lectured and punished your daughter because of a picture she drew. You inquired as to why you were not notified or informed about what had occurred. On March 15, 2022, Principal Becerra provided you with a response to your complaint clarifying that in response to your daughter's drawing, which happened during the 2020-2021 school year, your daughter had not been punished. There was a conversation between your daughter, the student she gave the drawing to, and staff regarding the drawing. A meeting was offered between you, the Principal, the Assistant Principal, and the School Counselor to discuss any ongoing issues.

Level Two

You appealed the complaint to Level 2. In your Level 2 complaint you reported the following: *The principal did not inform you of racist activities. The principal has punished your daughter, parented your daughter and made her apologize for repeating what she learned in school. The principal lied.* You shared that you had many email communications.

PRESIDENT

MARTHA MCNICHOLAS

KRISTA CASTELLANOS
VICE PRESIDENT

GILA JONES CLERK

JUDY BULLOCKUS

LISA DAVIS

AMY HANACEK

SUPERINTENDENT
KIRSTEN M. VITAL BRULTE

As part of your complaint, your requested resolution stated, "I had asked for an apology but couldn't even receive that. The principal decided to completely lie instead."

On or about March 24, 2022, you received Level 2 Findings from Pati Romo. Ms. Romo conducted additional investigation, including speaking with the parent of the other student involved regarding the circumstances surrounding the incident. She determined that Principal Becerra took appropriate action and provided you with reasonable explanations regarding the incident and his response. He clarified that while the words "Black Lives Matter" were shown on a sign behind a presenter during a virtual lesson, the concept was never taught in any lessons provided to your daughter.

Level Three

You disagree with Ms. Romo's findings. In response to Mr. Romo's findings, you stated: "This level 2 response is complete and utter nonsense." You went on to add, "At that time, I would like to see said proof of texts provided by the family that you quoted in your response. No derogatory remarks were made by me & the quotes you provided in your response were never texted, emailed etc. NEVER to anyone. I have all the originals and nothing I wrote could be conveyed as such"

As part of the Level 3 resolution, you met with Dr. Cary Johnson and Heidi Crowley on Monday, April 11, 2022 to discuss your concerns. At that meeting you indicated that there was an employee witness that could corroborate your claims, but declined to provide the name of the employee. Additionally, you were asked if you were willing to have your daughter write a statement about the incident, to which you replied that you would think about it.

On April 15, 2022 Dr. Johnson met with Mr. Becerra as well as reviewed the Aeries Student Information System for information related to the incident. No information could be found to substantiate the claim that your daughter had been disciplined for the incident.

Regardless, staff attempted to set up a meeting to address your concerns and develop a plan for your student to feel welcomed at school. On April 18, 2022, Dr. Johnson sent you the following email:

Mrs. Boyle,

I hope you had a good weekend. Met with Mr. Becerra on Friday and I am reaching out to see if you and your husband would be willing to meet with myself, Mr. Becerra, and Ms. Crowley at Viejo to resolve your concerns. We can coordinate on the dates and times. Thanks.

You declined to meet with Mr. Becerra and Dr. Johnson.

On April 27, 2022, you emailed Trustees and staff requesting a phone call to resolve the situation. Dr. Johnson called you the same day and you made specific requests. After analyzing your requests, the following responses were provided:

• Request: A change in the complaint protocols: complaints about a principal to be handled by a supervisor

Response: This is excellent feedback, and we are adjusting the process so that Level 1 complaints about a principal go immediately to the principal's supervisor or other administrators to support with resolution.

• Request: A formal written apology from Mr. Becerra for his actions and how he handled himself

Response: To this point, no evidence substantiates that Mr. Becerra has engaged in any activity that would warrant an apology, however one of the reasons I had asked to meet with you and Mr. Becerra was to identify how the school and the principal could bridge gaps and make you feel more comfortable interacting with the school.

• Request: An apology from Pati Romo

Response: Ms. Romo followed the procedures outlined in the CUSD complaint process while investigating your complaint and was objective in her reporting of the findings.

• Request: An apology from Pati's supervisor

Response: As Pati Romo's supervisor, I am more than willing to apologize for your experience through the complaint process.

• Request: Immediate settlement on a prior denied claim filed with the District

Response: Unfortunately, it is not possible to expedite this process, as it must follow specific legal steps. I can connect you with someone that can walk you through the process.

• Request: Switch Mr. Becerra to another school

Response: Principal assignments are strictly the purview of the District and multiple factors are taken into consideration when placing or reassigning administrators.

• Request: District staff to review reports of bullying at Viejo Elementary School

Response: This is a request the District can fulfill by reviewing bullying reports for Viejo Elementary School.

After conducting a thorough investigation of this matter, the following are the District's findings at Level 3:

The weight of the evidence does not substantiate your allegation that your daughter was punished or disciplined for her "All Lives Matter" picture.

Regardless, in response to the investigation and based on your subsequent requests, the following actions have been taken by the District in an effort to resolve this complaint:

- We have adjusted the process so that Level 1 complaints about a principal go immediately to the principal's supervisor or other administrator to support with resolution.
- District staff will review bullying reports for Viejo Elementary School

You have shared that you disagree with this outcome. Please let me know by Wednesday, August 3, 2022 if this is the case and, based on District Board Policy 1312.1, your complaint will be escalated to Level 4 and your appeal will be brought forward for consideration by the Board in Closed Session at the August 17, 2022, Board Meeting. At that time, Trustees will determine if the Level 3 findings will be upheld or if you will be invited to present directly to Trustees at the subsequent Board meeting, September 21, 2022.

Sincerely,

Cary Johnson, EdD, Assistant Superintendent of Curriculum and Instruction