

Dear SRVUSD Staff and Parents,

You may be aware of an ongoing public debate regarding a video that was briefly posted online by a candidate for a San Ramon Valley High School (SRVHS) Associate Student Body (ASB) election, as well as a bullying incident that took place at the same school. It saddens us as a Board of Education, a Superintendent and a District leadership team that this public debate is how we close a year full of academic, personal and professional growth that has included a heightened emphasis in the area of tolerance, inclusion and student safety. But as educators, and parents, we are once again looking at this period as an opportunity to learn, shift and ensure that our staff and students have the tools to navigate a very complicated world of ideas and opinions under the guidelines of the law.

Unfortunately, some have thought it a good idea to purposely and publicly share information through the press and social media that is not accurate for their own reasons. Others discussions and writing about both incidents are void of factual information.

We are committed to being transparent with our community with information about events that take place in our schools, but at times are prevented by federal laws that restrict student privacy. In hopes of shedding more light on recent events, we are grateful that the family of one of the primary students involved has given us permission to share the following details that student privacy has prevented us from acknowledging in the past weeks.

The SRVHS ASB Election Video

The video that has been at the center of public debate was used by a SRVHS ASB candidate during a February election. According to the student, the video was intended as a parody of a James Bond or similar spy thriller. While the video contained depictions of violence and guns, it did not contain any content constituting threats or intimidation against anyone. As acknowledged by the student, the video contained elements which were culturally insensitive and might be potentially offensive to some who viewed it.

The video in question was posted on YouTube for only a few hours. The District understands that it was viewed by a limited number of individuals before it was removed. The District has no evidence that any student who viewed the video was deprived of educational benefits or opportunities as a result of this video. No students were bullied, harassed or discriminated against by the video. After this student was told that the video may be offensive to some, he immediately removed the video and apologized to the school.

The District recognizes the community's concerns regarding the potentially offensive and inappropriate nature of some of the contents of the video. The District also recognizes how such content is inconsistent with the lessons that leadership is designed to teach, and inconsistent with the District's commitment to providing a safe and tolerant environment for all students.

Based on the contents of the video, the District imposed disciplinary action against this student. The discipline included disqualification from the election for ASB President. Subsequently, the District rescinded this discipline.

Free Speech

The school's initial decision to impose disciplinary action on this student was based on concerns about the video's potential message and impact on others. That decision was made in good faith without any intent to violate student free speech rights. However, there is another important civic lesson our nation, state and the District seek to instill: the value of free speech rights as provided for in the United States Constitution and under California law.

It is important to remember that as Americans, our rights to free speech are provided under the **First** Amendment -- not the second or third, but the **First**. We make this point as we don't believe any of us as Americans would question the significance of the First Amendment's placement or purpose. Moreover, in California, there are two Education Code Statutes (Education Code section 48907 and 48950) that provide the most stringent protections for student free speech in the nation. Only a few legal cases in California have analyzed these statutes. All have concluded that these statutes provide greater protection for speech than the Constitution's Bill of Rights.

The District recognizes that various reports on social media and in the press have described this video as "hate speech," which is defined as speech that includes harassment, threats, or intimidation. While some portions of the video could be viewed as offensive and inappropriate, the District never perceived the contents of the video as rising to the level of "hate speech," harassment or discrimination against any students. We urge members of the public who have not seen the video not to make assumptions.

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Concerns have also been raised regarding a contract signed by all candidates prior to participation in the student government election, and whether violation of a code of conduct in the contract allows for disciplinary action. The contents of any participation contract are governed by the same free speech protections of the U.S. Constitution and California law. Participation in school activities cannot be conditioned on a student giving up such protections.

The District initially upheld the school's decision and engaged in legal proceedings to support the decisions made by the ASB teacher and students. However, in a tentative ruling on these initial proceedings, the judge made it clear to the plaintiff that the District had violated the student's First Amendment rights. While as a District leadership team, we do not agree with the content of the video, neither do we want to be placed in a position of restricting a student's First Amendment rights. Therefore, the District rescinded the previously imposed discipline.

The decision to rescind discipline is a recognition that potentially offensive or inappropriate free speech engaged in off campus should not result in disciplinary action by a government entity, such as a school district.

The District does not believe the student intended to offend anyone. The District has full confidence that with the support of the students who elected him and the excellent staff at SRVHSD, this student can effectively lead the Associated Student Body in accordance with District policies respecting all cultures and religions, and will support him in successfully serving in his position.

There has been much discussion regarding this video and our decisions. In many ways, we support our students who have participated in this very American story of exercising their rights of free speech and participation in a democratic process. In the past week, the Superintendent has met with SRVHS staff, ASB students as well as individual students and families in hopes of shedding light on these incidents.

Our hearts go out to our Islamic community, fully understanding that while the video was not intended to offend, like so many words and actions – both conscious and unconscious – the information about the video did cause offense. We will also be meeting with leaders from the Islamic community to work together to create opportunities for using this video as a teachable moment for our students in the future.

SRVHS Bullying Incident

In April, Danville Police contacted San Ramon Valley High School regarding a report of a bullying incident involving two students. Upon receiving the report, the school took immediate action and investigated the incident. The school investigation led to disciplinary action. The

[Federal Education Rights and Privacy Act](#) from disclosing the type of discipline as it would violate a student's privacy. Furthermore, Danville Police also fully investigated the incident, leading officers to determine that there was a violation of the law which they documented and forwarded to the juvenile courts. This criminal matter further restricts the information that the District can share related to this incident.

The San Ramon Valley Unified School District is foremost committed to protecting students. We have policy in place that prohibits bullying of any student or employee. We take reports very seriously and investigate them immediately. We encourage students, employees, parents and community members to report suspected incidents of bullying through an online form and a safe schools tip-line.

Next Steps

There has been much discussion regarding the video, the bullying incident and our decisions. In terms of the video, in many ways, we support our students who have participated in this very American story of exercising their rights of free speech and participation in a democratic process. In the past week, the Superintendent has met with SRVHS staff, ASB students as well as individual students and families who are most personally effected by this incident in hopes of shedding light on these incidents.

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In relation to the bullying incident, we are also committed to teaching our students about character education and the terrible harm that can be created through online bullying. We will continue to support our several programs that we already have in place to educate students, staff and parents about bullying and bullying prevention. This includes a [Digital Citizenship initiative](#) led by a large committee comprised of staff, parents and community partners. As part of this work, our schools are working towards getting their Common Sense Media certifications that demonstrate that they are teaching digital citizenship at school. We recognize that Digital Citizenship involves a joint effort with parents and staff and have therefore partnered with the San Ramon Valley Council of PTAs on parent outreach as well as offering training opportunities for staff.

As we move forward, we hope to harness all the passion we have witnessed in the past week to better illustrate how images, words and actions impact each other. The Board of Education and the Superintendent are absolutely committed to continue our focus on creating opportunities for students and staff to engage in open and honest dialogues about the importance of words. Prior to this year, the District has addressed these topics through initiatives such as “Inclusion” and “Culturally and Linguistically Responsive Teaching and Learning,” and through the work of our Climate Committee and a focus on “Words Matter.” This year, we have furthered this work through the formation of an Equity Task Force and a new partnership with the Anti-Defamation League to provide programs and trainings for students and staff.

Please know that this work will be a focus for the District office over the summer to ensure that we have a plan in place for the 2017-2018 school year that fully engages our entire community in cultural responsiveness. We look forward to sharing that work with you in the fall. The San Ramon Valley is a special community full of diverse, engaged citizens. We know that by working together we can make our corner of the world a better place for future generations.

We are very fortunate to have a community of students, staff and parents who work with us as we continue to create an environment where all students and staff feel safe and accepted. We look forward to continuing our partnership next school year.