

FOR YOUR INFORMATION

LOS ANGELES UNIFIED SCHOOL DISTRICT  
Office of the Superintendent

DISTRIBUTION: All Schools and Offices

ROUTING  
Administrators

SUBJECT: REFERENCE GUIDE NO. L-2  
COORDINATION OF DISTRICT  
CHILD ABUSE REPORTING PROCEDURES  
AND SEXUAL HARASSMENT POLICY

DATE: January 31, 2003

OFFICE: General Counsel

APPROVED: HAROLD J. KWALWASSER, General Counsel

For further information, please call Deanne Neiman, Director, Educational Equity Compliance Office, and District Title IX Coordinator, at (213) 241-6000

The District has dual responsibilities with respect to inappropriate sexual conduct toward a student. The District has a duty to both report cases of suspected child abuse to a child protective agency (Bulletin No. 10, "Child Abuse--Reporting," dated August 1, 1996), and also a responsibility under Title IX of the Education Amendments of 1972 to respond promptly and equitably to reports of sexual harassment (Bulletin No. L-5, "Sexual Harassment Policy--Students," dated August 15, 2001). Conduct constituting sexual harassment may result in disciplinary action to the offending employee or to the offending student in grades 4 through 12. Therefore, a report of inappropriate sexual conduct could possibly require: (1) a child abuse report, (2) a sexual harassment investigation, and (3) the imposition of discipline on the perpetrator of the conduct. (With regard to student disciplinary matters, see Bulletin No. Z-14, "Guidelines for Student Suspensions," dated March 15, 1999, and Bulletin No. Z-24, "Guidelines for Student Expulsion," dated April 11, 1994.)

Provisions of the child abuse policy bulletin were revised on November 2, 1998, to clarify that, "District officials may conduct administrative investigations subsequent to the conclusion of the child protective agency's investigation, or at the request of an agency in charge of the investigation, or when advised to handle administratively."

A determination of whether child abuse has occurred and a determination of whether sexual harassment has occurred involve very different standards and different outcomes. Child abuse investigations involve possible criminal conduct; they are not designed to address issues about the education environment for students. For these and other reasons, making a report of child abuse does not relieve the District of its responsibility under Title IX to take administrative action to investigate and determine whether sexual harassment has taken place. Appropriate administrative steps in response to sexual harassment might include action to end the harassment,

ensure that it does not reoccur, and cure any hostile education environment that may have been created for the student who had been the target of the conduct. Response might also involve the initiation of disciplinary proceedings.

Child abuse reporting procedures, sexual harassment policies and procedures, and disciplinary policies must operate in a coordinated manner. If conduct by a student or employee could constitute both child abuse and sexual harassment, the child abuse report should be filed immediately as required by District procedures. Normally, the child protective agency (Department of Children and Family Services) or law enforcement will complete its investigation or determine that it will not investigate within a reasonably brief period of time. Once administrators are aware that a child abuse report has been filed, they are responsible for monitoring the status of the child abuse investigation. Immediate steps should be taken, however, to protect any alleged victim of sexual harassment. In addition, as soon as the law enforcement agency completes its investigation or notifies the District that no investigation will be undertaken, school site administrators are responsible for implementing the steps under the District's sexual harassment procedures and for conducting a prompt investigation into whether sexual harassment within the meaning of the Policy Bulletin No. L-5 had taken place.

For further assistance or guidance, the offices/units listed below may be contacted.

- For legal questions concerning child abuse, call:  
Field Services Legal Team/General Counsel's Office at (213) 253-2000
- For questions concerning child abuse procedures, call:  
Your respective Local District Operations Administrators
- For guidance with policy/procedures for addressing student sexual harassment, call:  
Educational Equity Compliance Office, at (213) 241-6000
- For questions or assistance with procedures concerning student discipline, call:  
Pupil Services/Student Health and Human Services, at (213) 253-1748
- For questions or assistance with matters concerning employee discipline, call:  
Your respective Local District Staff Relations Coordinators

###