

Exhibit “A”

Student Name: J.A. [REDACTED]

Student ID#: [REDACTED]

School: Muirlands Middle School

Age: 13 Sex: M Grade: 8 Ethnic Code:

Special Ed Y N 504 Y N Foster Care Y McKinney-Vento Y

Manifestation Needed? Y N

INCIDENT DATE: 10/13/23

SUSPENSION PERIOD- Start:10/19/23 End:10/20/23 Number of Days:2

Return to school on:10/23/23

Description of incident: painted his face black at a football game

Date student interviewed:10/18/23

In person parent conference held on:10/19/23 (date) at 8:00 a (time).

Parent declined meeting? Y N

Conference attendees: mother, father, principal

Parent Initials: _____

Previous Interventions Attempted: No Place for Hate presentation, review of c-room/school rules, frequent check in's, parent & student contact; planner rev, assembles

01 Assault/Battery/Mutual Combat

- a. Caused, attempted, or threatened to cause physical injury
- c. Willfully caused minor injury, except in self-defense •
- d. Willfully caused serious injury, except in self-defense •
- f. Assault/battery on school employee •
- h. Sexual assault or sexual battery ★ •
- k. Aids or abets the infliction or attempted infliction of physical injury

02 Weapons, Explosives, Dangerous Objects, Imitation Firearms

- a. Possessed/sold/furnished a firearm ★ •
- b. Possessed/sold/furnished a knife •
- c. Possessed/sold/furnished explosive ★ •
- d. Possessed/sold/furnished dangerous object •
- h. Brandished a knife ★ •
- i. Possessed, sold or furnished fireworks other than M80's or cherry bombs
- j. Possessed imitation firearm •

03 Controlled/Prohibited Substances

- a. Possessed / Used / Under the Influence
 - 1st offense ▲ •
 - 2nd offense ▲ •
 - 3rd+ offense •
- d. Sold (any amount) ★ •
- e. Possession of an amount for more than personal use •
- h. Furnished (any amount) •

04 "In Lieu Of" Substance

- b. Delivered, furnished, or sold •

05 Robbery/Extortion (includes attempts)

- a. Robbery or Extortion •

06 Property Damage (provide a cost of damage(s) and repairs)

- a. Attempted to cause damage
- b. Caused minor damage
- c. Caused major damage •

07 Property Theft

- a. Attempted to steal •
- b. Stole •
- c. Receipt of stolen property

08 Tobacco/Nicotine Product

- a. Possessed/Used
 - 1st offense ▲
 - 2nd offense ▲
 - 3rd offense ▲ •
 - 4th+ offense •

09 Obscenity

- a. Obscene act
- b. Habitual profanity / vulgarity

10 Controlled-Substance Paraphernalia

- a. Unlawful possession ▲ •
- b. Unlawfully offered, arranged or negotiated to sell ▲ •

11 Disruption/Defiance (Grade 4-12 only)

- a. Minor disruption / defiance
- b. Major disruption / defiance

13 Sexual Harassment (Grade 4-12 only)

- a. Verbal/Visual
- b. Physical contact (non-intimate)
- c. Continued sexual harassment

Hate Incidents (Grades 4-12 only)

14 Hate Incidents (Grades 4-12 only)

- a. Mutual combat •
- b. Offensive comment, intent to harm •
- c. Use of physical force, minor injury •
- d. Use of physical force, serious injury •
- e. Threat of violence •
- f. Vandalism or graffiti •

15 Threats and Intimidation

- a. Harassed, threatened or intimidated a student witness
- c. Terroristic threats •
 - school official (death or great bodily injury ONLY)
 - school property (over \$1000)
- d. Bullying (including electronic acts)

17 Harassment (grades 4-12 only)

- a. Harassed, intimidated, or threatened pupil or district personnel

18 Hazing

- a. Hazing •

• = Must call School Police 619-291-7678/Event#

▲ = Suspension Waiver, see Substance Use Contract

IF CHECKED, THE SITE ADMINISTRATOR IS RECOMMENDING THE STUDENT BE EXPELLED AND MUST INFORM PARENT/GUARDIAN OF RECOMMENDATION.

Parent/Guardian Name: J.A. [REDACTED]

Parent/Guardian telephoned on: 10/18/23

Time: 3:30 p

By: Luna

Parent/Guardian Address: [REDACTED]

Phone #: [REDACTED]

Principal Signature: [Signature]

Date: 10-20-23

Prepared by: Nash

Date: 10/19/23

Exhibit “B”

My son J.A. was suspended for two days and banned from attending sporting events.

I've included a picture of my son from that night, he has typical warrior paint on that can be seen at any football game or a quick Google search of images.

He was suspended for Blackface.

According to the definition on Merriam Webster, "Blackface: is dark makeup worn to mimic the appearance of a black person and especially to mock or ridicule black people."

My son did not do this at all.

You can't find one example of blackface that looks like what J.A. had on, not even one in the history of blackface. Seriously, show me one single person with it that has 50% of their skin showing.

See the attached photos of sports fans and actual blackface, which category would you put him in?

Over 50% of his skin can be seen, his entire forehead, eyes, nose, chin, and ears. He also did not do anything to mock or ridicule black people.

There is ZERO evidence of this. In fact, it is the opposite, the photo of J.A. that night is clearly not blackface, and he had no intentions of being mean to black people, one of the children who was with them is black (AJ) and a La Jolla High School black security guard that night even complimented J.A. on his face paint, telling him the only thing he needs is bigger spikes.

There is an allegation from the other school that "kids" were making racial slurs at them, and none of them pointed out my son or said it was him that did that. No cell phone video, no security video, and no eyewitness accounts point to my son. Also, no parent, staff member, or spectator said anything to him that night or the days to follow. We were not even notified of a problem until 5 days after the football game.

After speaking to other boys about that night, as well as parents, here is what I believe to be true.

J.A. arrived at the football game with a student named Massi, his mother took the boys to the game. J.A. said there was a girl there with a platter of black and pink face paint. There were lots of kids with paint all over their body and face, as we have seen in prior games as well. J.A. asked Massi to paint his face.

Massi told J.A. he would give him black spikes on his face. J.A. asked what will it look like, so Massi looked it up online and showed J.A. (see attached). Massi did not add the crosses

since they had no q-tips. J.A. had the face paint on towards the end of the game without incident.

No complaints that night, no altercations, no one said it was blackface.

Mr. Luna, who we respect, did not do a thorough and complete investigation, in our opinion. For one, he hadn't even seen J.A.'s picture from that night when he already decided to suspend him. We strongly disagreed with his decision, especially when we were able to provide photographic evidence of what J.A. looked like, which was not an issue that night and nothing was said. But, his mind was already made up. Secondly, there seems to have always been a presumption of my son's guilt, no one from our district has stepped up to defend these boys. With zero evidence that they said anything to anyone, but with actual evidence that J.A. didn't have blackface paint, he has been suspended.

Also, all the boys' stories align, with zero intentions for racism.

If J.A. "is" wearing blackface, how many others are? And what percentage of face paint turns it into blackface, according to district policy? Please provide this policy on black make-up since it is so common at your sporting events. I'm pretty sure it needs to be a lot more than what J.A. had on.

Some questions for a true investigation.

1. What was Massi's intent when he painted J.A.'s face?
2. What was J.A.'s intent?
3. AJ, who is African American, was with J.A. that night, what does he think J.A.'s intent was, and did he witness any racial slurs or consider warrior paint blackface? In all seriousness, he was with an African American that night, don't you think he might be worth asking if they were saying racial slurs and intentionally mocking black people?
4. Why did not a single person say anything that night to J.A., no teacher, sports fan, the other team, the African American security guard, why did no one mention anything about his face half painted?
5. How is it possible that a major racial allegation is made against my son where over a thousand people were in attendance and not a single drop of video evidence? Where was the outrage that night if any of these allegations are true? Are we to believe, small 8th graders wore blackface and said racial allegations and no reaction from a largely African American audience for the other school? With all do respect, this is pure nonsense.
6. Why was the decision made to suspend J.A. prior to even seeing a picture from that night?
7. Why was Massi not suspended for painting J.A.'s face? Or any punishment if this was "truly" blackface?
8. Does the campus not have any security footage? This is a very serious allegation and we are not taking this lightly.

9. Is there even one person saying J.A. specifically did anything wrong? Said anything wrong? Even one person?
10. On the flip side, everyone I've spoken to says J.A. never said anything negative towards black people that night and never considered having his cheeks painted was blackface? Is there anyone who has said differently?

Blackface, the very definition requires the face to be black with the intent on mocking black people. Is that what happened?

Because if not, the school has gone out of their way to assassinate my son's character with zero evidence or eyewitness accounts.

Why?

This is unacceptable what Mr. Luna has done! I will not tolerate this at all, my son's name needs to be cleared. He's innocent, this is malicious, and a false accusation he just got punished for. It's reckless to assume the worst in a child only because he's white.

Do you think J.A. is going to feel safe being known as the kid who did blackface? Seriously, with such a serious allegation you would think there would be a thorough investigation on intent from all parties. This honestly deserves media attention if this blackface allegation stands.

Sincerely,

D.A.
[REDACTED]

Exhibit “C”



San Diego Unified
SCHOOL DISTRICT

PLACEMENT AND APPEAL
Telephone – (619) 344-3920
Email – pa@sandi.net

SUSPENSION APPEAL DECISION

11/8/23

D. and J. A.

Re: J.A. 10/19/23 suspension

Dear Mr. and Mrs. **A.**,

The schools have a responsibility to maintain and encourage proper standards of behavior for all students. Suspension is not only a necessary tool to enforce the rules of discipline, but is a valuable educational device. Temporarily removing the student from the site offers a period of adjustment and calls attention to the seriousness of the behavior.

Your appeal paperwork has been reviewed and the school was contacted to gather information surrounding the suspension. After a thorough review of the facts and circumstances regarding your child's suspension, it has been determined that the school site handled this matter appropriately and within the district guidelines. The suspension is therefore upheld.

The decision to uphold the suspension is final and no further appeal regarding this matter will be considered.

We are confident that your child will progress beyond this incident and will continue to have a bright future within San Diego Unified School District.

Sincerely,

SDUSD Office of Placement and Appeals

c: Principal, Muirlands Middle School