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September 27, 2012

**By Fax and U.S. Mail**

The Honorable Thomas J. Borris  
Presiding Judge  
Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Re: Anaheim Union High School District's Response to 2011-12 Orange County Grand Jury Report, "Anti-Bullying Programs in Orange County Schools"

To The Honorable Thomas J. Borris:

In accordance with California Penal Code section 933.05, the Orange County Grand Jury has requested that the Anaheim Union High School District ("District") respond to Findings 1-4 and Recommendations 1-3, 6-7 in the 2011-12 Orange County Grand Jury Report entitled, "Anti-Bullying Programs in Orange County Schools."<sup>1</sup> Contained herein are the District's responses.

**Finding 1: Not all Orange County schools use the same technology, procedures and codes to record bullying or harassment incidents.**

**Response to Finding 1:** The District agrees partially with this finding. The District agrees that not all Orange County schools use the same technology and procedures to record bullying or harassment incidents. Different districts use different databases and internal procedures to track bullying complaints. With regard to the codes used to record bullying or harassment incidents, prior to July 1, 2012, Education Code section 48900(r) defined bullying by reference to sexual harassment (Education Code section 48900.2), hate violence (Education Code section 48900.3), and harassment, threats and intimidation (Education Code section 48900.4). The law did not contain a stand-alone definition of bullying. However, as of July 1, 2012, Education Code section 48900(r) provides a stand-alone definition of the term "bullying." (AB 1156.) School districts throughout California are bound by this statute. The District has

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<sup>1</sup> The Orange County Superintendent of Schools has been directed to respond to Recommendations 4 and 5.

modified its Board Policy to specifically incorporate the definition of bullying provided in Education Code section 48900 (r).

**Finding 2: New legislation takes effect July 1, 2012, and broadens the definition of “Bullying.”**

**Response to Finding 2:** The District agrees that AB 1156 provides a broader definition of “bullying” than was contained in prior law.

**Finding 3: Education Code section 234.1 requiring posting of anti-bullying/anti-harassment policies in prescribed areas was not evident in all schools visited.**

**Response to Finding 3:** The District cannot comment on what policies are posted in all schools throughout Orange County, but can respond only on behalf of the District itself. Finding 3 combines the requirement to post anti-discrimination/anti-harassment policies in prescribed areas with the requirement to post anti-bullying policies. The requirement for school districts to post their anti-bullying policy in all schools and offices, including staff lounges and pupil government meeting rooms, is new as of July 1, 2012.<sup>2</sup> Thus, the District disagrees with Finding 3 to the extent it reflects on the District’s practice in regard to posting its anti-bullying policy in prescribed areas prior to July 1, 2012.

In regard to the finding that the District failed to post its anti-harassment policies in prescribed areas, the District disagrees with such a finding as it relates to District schools. The District complies with posting of anti-discrimination and anti-harassment policies in all schools and offices, including staff lounges and pupil government meeting rooms.

**Finding 4: Based on witness testimony, confidentiality was not maintained in a bullying incident as prescribed in California Education Code section 234.1**

**Response to Finding 4:** The Grand Jury report does not contain sufficient information to enable the District to respond to this finding nor does it identify which school district was involved in the alleged breach of confidentiality; therefore, the District disagrees wholly with this finding.

**Recommendation 1: Recommend a county-wide compatible information system for reporting incidents of bullying be explored by all school districts.**

**Response to Recommendation 1:** This recommendation will not be implemented because it is not warranted and is not reasonable. The District tracks incidents of bullying through our student information system – AERIES. When an incident of bullying is reported to school site administration it is entered into the disciplinary module of AERIES. All school site administrators and district administrators have access to this information. Further, complaints

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<sup>2</sup> Educ. Code § 234.1(d).

made of bullying that are reported through the District's uniform complaint procedure are logged and investigated by the District uniform complaint officer assigned to address bullying issues.

Different districts use different technology and procedures that reflect the unique needs of each district. While all districts will comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System (CALPADS), it is not necessary that each district use the same internal procedures and technology to track reported incidents of bullying.

**Recommendation 2: Recommend all county-wide schools agree upon the same definition of bullying.**

**Response to Recommendation 2:** The District will not implement this policy because it is not warranted and is not reasonable. The District has no legal authority to obligate other school districts. However, it should be noted that the District is required by law to apply the definition of "bullying" contained in Education Code section 48900(r) in suspending and expelling students. The District has created a Board Policy addressing anti-bullying that incorporates the definition of bullying outlined in Education Code section 48900(r). The District also intends to use this definition of "bullying" in tracking complaints of bullying that are sustained.

**Recommendation 3: Each district review standardized procedures to protect a bully victim and bystanders' confidentiality as stated in Education Code section 234.1**

**Response to Recommendation 3:** The District implemented this recommendation on August 31, 2012. The District has adopted policies that forbids retaliation against anyone reporting bullying and insures confidentiality of those reporting this information. The District is training its employees regarding the obligations contained in the Board Policy related to anti-bullying. Further, the District will use the Orange County Department of Education's webinars/videos (four separate videos) as the basis for further training at each school site during weekly late start staff meetings and during teacher conference periods throughout the 2012/2013 school year. In addition, each classroom has the poster outlining the procedures and expectations related to bullying that includes highlighted items regarding retaliation and confidentiality. Also, the District's anti-bullying board policy is posted on our website and includes information related to confidentiality and retaliation.

**Recommendation 6: Recommend each district explore the development of a county-wide standard information system for recording incidents of bullying.**

**Response to Recommendation 6:** This recommendation will not be implemented because it is not warranted and is not reasonable. The District tracks incidents of bullying as discussed in response to recommendation 1 above. Different districts use different technology and procedures that reflect the unique needs of each district. While all districts will comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System

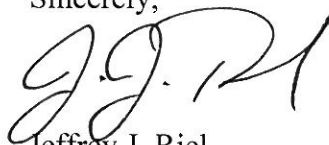
(CALPADS), it is not necessary that each district use the same internal procedures and technology to track reported incidents of bullying.

**Recommendation 7: All schools post anti-bullying/anti-harassment policy in offices, staff lounges and student government meeting areas as prescribed in Education Code section 234.1**

**Response to Recommendation 7:** The District has implemented this recommendation as of August 27, 2012. At a meeting with all school site administration, the District reviewed this requirement with all Principals who were instructed to review the information with their staff and comply with Education Code section 234.1. All necessary materials were provided to the Principals on August 27, 2012.

If you have any further questions or need additional information, please contact the undersigned.

Sincerely,



Jeffrey J. Riel,  
District Counsel

cc: Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701

Elizabeth I. Novack, Ph.D.  
Superintendent