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August 14, 2012

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

SUBJECT: Cypress School District's Response to 2011-12 Orange County Grand Jury Report, "Anti-Bullying Programs in Orange County Schools"

Dear Presiding Judge Borris:

In accordance with California Penal Code section 933.05, the Orange County Grand Jury has requested that the Cypress 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."¹

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, as 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, including Cypress School District, are bound by this statute.

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.

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

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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: This finding 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, 2012.² 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 this finding. It is the policy of the Cypress School District that a copy, once Board approved, of the District's harassment policy, BP 5145.7, and anti-bullying policy, BP 5131.2, be displayed in the main administrative building or other area where notices of District rules, regulations, procedures, and standards of conduct are posted. In addition, it will be provided on the District's website by August 17, 2012.

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 countywide 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 as follows: complaints of discrimination, harassment, intimidation and bullying reported to the District are maintained at the District office in a file. Each site administrator also maintains files on all bullying incidents. Suspendable offenses are recorded in the Student Information System.

² Educ. Code § 234.1(d).

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However, 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 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 and has done so in Board Policy 5131.2. 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 will implement this recommendation by August 31, 2012. The District has reviewed policy concerning this finding and provides for confidentiality as follows: The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible. The District intends to inform its employees of these policies by publicizing the policy, including information about the manner in which to file a complaint. In addition, the policy shall be posted in all schools and offices, including staff lounges, and posted on the website.

Recommendation 6: Recommend each district explore the development of a countywide 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. In order to track complaints of discrimination, harassment, intimidation and bullying, the District office maintains a file of bullying complaints reported to the District. Each site administrator also maintains

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files on all bullying incidents. Suspendable offenses are recorded in the Student Information System. 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 it is the policy of the Cypress School District that a copy of the District's harassment policy, BP 5145.7, anti-bullying policy, BP 5131.2, and anti-bullying poster be displayed in the main administrative building of all schools and offices or other area where notices of District rules, regulations, procedures, and standards of conduct are posted, including the staff lounge, and posted on the District's website.

If you have any further questions or need additional information, please contact Dr. Troy Hunt at 714-220-6920.

Sincerely,



Beverly M. Hempstead
Superintendent

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