



*FULLERTON JOINT UNION HIGH SCHOOL DISTRICT*

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*Office of the Superintendent*

August 28, 2012

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

Re: Fullerton Joint 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 Fullerton Joint 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>

**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.

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

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

**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 agrees partially with this finding. For many years the District has provided a poster to be displayed in all classrooms and offices identifying the District as: “Drug-Free, Bully-Free, and Crime-Free School Zone” containing a toll-free phone number that allows students, staff, and parents to anonymously report concerns. Where the District does not fully meet the requirement is that the posters used prior to July 1, 2012, did not contain references to the specific anti-bullying policies of the District.

**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 as follows. The District uses the Aeries student system to log and track discipline related data as well as other student information. In response to the new law, Aeries has developed new pull down menus in the discipline screen for recording bullying information. Administrators investigating reported incidents of bullying log the incident and the resulting consequences into the system using the Aeries newly-developed pull down menus. All administrators will participate in training with

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<sup>2</sup> Educ. Code § 234.1(d).

the new codes. Queries then may be used to gather data specific to bullying incidents. 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 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 July 1, 2012. The District has adopted policies in regard to retaliation and confidentiality. AR 5642 Anti-Bullying states: “The District prohibits bullying as defined in this Administrative Regulation. This includes, but is not limited to, discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code §§ 234.1(a); 48900(r).) [cf. Board Policy 0415 (Nondiscrimination [Educational Programs or Activities]) and Board Policy 5645 (Sexual Harassment)] In addition, the District prohibits retaliation against complainants.”

The District intends to remind its employees of these policies as follows: Annual Administrative training during the All Leadership Workshop and during the Job-alike summer workshops held for each group of principals, assistant principals, and Deans. Teachers, counselors, and all other certificated and classified staff members will be trained during the staff development activities conducted at the start of each school year.

**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 follows: The

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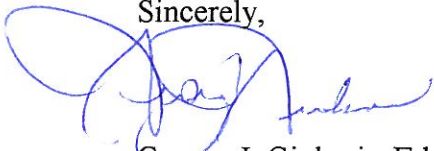
District uses the Aeries student system to log and track discipline related data as well as other student information. In response to the new law, Aeries has developed new pull down menus in the discipline screen for recording bullying information. Administrators investigating reported incidents of bullying log the incident and the resulting consequences into the system using the Aeries newly-developed pull down menus. All administrators will participate in training with the new codes. Queries then may be used to gather data specific to bullying incidents. 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 will implement this recommendation by August 27, 2012, the first day of school for the 2012/13 school year. The District will comply with Education Code Section 234.1(d) by providing adequate numbers of copies of a poster which includes the information related to the new District policies. Administration will be directed to ensure that posters be placed in every classroom and all school offices.

If you have any further questions or need additional information, please contact the Director of Administrative Services, Dr. Jennifer Williams, at (714) 870-2803.

Sincerely,



George J. Giokaris, Ed.D.  
Superintendent of Schools

c: Board of Trustees  
Orange County Grand Jury