

GARDEN GROVE UNIFIED SCHOOL DISTRICT

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September 24, 2012

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

To the Honorable Thomas J. Borris:

In accordance with California Penal Code Sections 933.05, the Orange County Grand Jury has requested responses from the Garden Grove Unified School District with respect to Findings 1-4 and Recommendation 1-3 and 6-7 in the 2011-12 Orange County Grand Jury Report entitled, "*Anti-Bullying Programs in Orange County Schools.*" Detailed below are the responses from the Garden Grove Unified School District.

Findings and Responses

Finding F1: *Not all Orange County schools use the same technology, procedures and codes to record bullying or harassment incidents.*

Response:

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.) This statute binds school districts throughout California.

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

Response:

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:

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 effective July 1, 2012. 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. *(Note: The district Board of Education adopted a policy governing “Bullying” on May 15, 2012. Formal complaints subject to this policy are received and investigated pursuant to the Board of Education policy and administrative regulation governing Uniform Complaint Procedures.)*

In regard to the finding that the district failed to post its anti-harassment policies in prescribed areas, the district agrees with this finding. Effective for the 2012-13 school year, the required postings of anti-bullying/anti-harassment policies, using the template document provided by the Orange County Department of Education, are completed by the district and posted in the areas prescribed by Education Code Section 234.1.

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

Response:

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 can neither agree nor disagree with this finding.

Recommendations and Responses

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

Response:

The district does not agree with this recommendation. 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 unnecessary for each district to use the same internal procedures and technology to track reported incidents of bullying.

The district tracks incidents of bullying as prescribed by statute, applicable Board of Education policies, and district administrative regulations. The district Coordinator for Non-Discrimination (Director of K-12 Educational Services) maintains documentation of complaints and their resolution for a minimum of one California Department of Education Federal Program Monitoring review cycle. The school site administration, in cooperation with the district Coordinator, documents incidents/interventions/resolutions in *Aeries*, the student information system.

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

Response:

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:

Reflecting state law, the issues of retaliation and confidentiality are addressed in the Board of Education policy governing Bullying and the Board policy and administrative regulation governing Uniform Complaint Procedures. As noted in the district’s response to Finding 3, formal complaints subject to the district Bullying policy are received and investigated pursuant to the Board policy and administrative regulation governing Uniform Complaint Procedures. All elements of the district Bullying policy and related complaint process were reviewed with all district elementary school principals on August 28, 2012; with all intermediate and high school principals on August 23, 2012;

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and with all intermediate and high school assistant principals on September 17, 2012. District policies governing Bullying, Sexual Harassment, Uniform Complaint Procedures, and Non-Discrimination are described in the district annual Parent-Student Handbook printed in English, Spanish, Vietnamese, and Korean. The Handbook is posted on the district website as well as distributed to all parents with an acknowledgement form to be signed and returned to the school.

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

Response:

The district has no jurisdiction over other school districts in Orange County. 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 unnecessary for each district to use the same internal procedures and technology to track reported incidents of bullying.

The district tracks incidents of bullying as prescribed by statute, applicable Board of Education policies, and district administrative regulations. The district Coordinator for Non-Discrimination (Director of K-12 Educational Services) maintains documentation of complaints and their resolution for a minimum of one California Department of Education Federal Program Monitoring review cycle. The school site administration, in cooperation with the district Coordinator, documents incidents/interventions/resolutions in *Aeries*, the student information system.

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:

The district has no legal authority to obligate other school districts to comply with this recommendation. However, the district has implemented this recommendation in the locations prescribed in Education Code Section 234.1.

Thank you for this opportunity to respond to the Grand Jury's report.

Sincerely,



Alan Trudell
Public Information Officer

c: Orange County Grand Jury