

HUNTINGTON BEACH CITY SCHOOL DISTRICT

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September 14, 2012

The 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 Section 933.05, the Orange County Grand Jury has requested that the Huntington Beach City School 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."

Findings

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 Huntington Beach City School District (HBCSD) 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."

Response to Finding 2: The Huntington Beach City School District agrees that AB 1156 provides a broader definition of "bullying" than was contained in prior law.

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

Response to Finding 3: The Huntington Beach City School District cannot comment on what policies are posted in all schools throughout Orange County, but can respond only on behalf of HBCSD. 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; thus HBCSD 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 regards to the finding that the District failed to post its anti-harassment policies in prescribed areas, the District disagrees with this finding. HBCSD follows all requirements and recommendations for the posting of anti-harassment policies.

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.

Recommendations

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 not reasonable. 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. HBCSD tracks incidents of bullying through our Aeries Student Information System. The District utilizes Education Code Section 48900(r) to define the act of bullying and has consistent procedures in place across the district to investigate any complaint regarding bullying. In addition, the District has adopted and follows Board Policy 5145.3 which outlines requirements for a safe school, prohibits unlawful discrimination, harassment, intimidation, and bullying of any student, and outlines the steps to be taken and the timeline required to report and investigate all reported or observed acts of discrimination or bullying.

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

Response to Recommendation 2: This recommendation will not be implemented because it is not warranted and not reasonable. HBCSD 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 uses 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: HBCSD has implemented this recommendation prior to the beginning of the 2012/13 school year. The District has adopted policies in regard to retaliation and confidentiality. Those policies state:

- “The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.” (HBCSD Board Policy 5145.3)
- “in investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.” (HBCSD Board Policy 1312.3)

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, discrimination, harassment, or intimidation as follows:

- Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or the principal whether or not the victim files a complaint. Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint. Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7.

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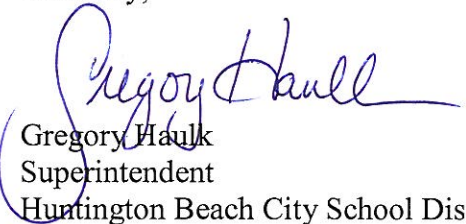
- The district uses the Aeries Student Information System to track incidents that are investigated and deemed to have violated School Policy, District Policy, Education Code or applicable laws. Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board Policy, or Administrative Regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion.

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.

If you have any further questions or need additional information, please contact Superintendent Gregory Haulk at (714) 964-8888.

Sincerely,


Gregory Haulk
Superintendent
Huntington Beach City School District