

Los Alamitos Unified School District



10293 Bloomfield Street • Los Alamitos, CA 90720-2200

(562) 799-4700 • FAX (562) 799-4711

Sherry Kropp, Ed.D.
Superintendent

September 27, 2012

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

Re: Los Alamitos Unified 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 Los Alamitos Unified 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. 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 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.

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, 2012.² 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 partially disagrees with this finding. The District posts its anti-harassment/anti discrimination policy in all schools, offices, including staff lounges and pupil government meeting rooms. However, we have made recent updates to these documents that include better language in these areas.

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: It is the District's policy that any staff member that observes, overhears or otherwise witnesses bullying (including cyber-bullying), harassment, or intimidation, or to whom such actions have been reported must take prompt and appropriate action to stop the behavior and to prevent its reoccurrence. At each school, the principal or principal' designee is responsible for receiving and promptly investigating complaints alleging violations of this policy. All discipline matters regarding a violation of this policy are recorded into the District's data management system (AERIES). At the district level, the Uniform Complaint Officer receives, tracks, and resolves all complaints of discrimination, harassment, intimidation, and bullying.

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

² Educ. Code § 234.1(d).

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 November 30, 2012. The District has adopted policies in regard to retaliation and confidentiality. Those policies state: “Discrimination, harassment or bullying of students or staff as defined in Education Code 48900(r) including, but not limited to cyberbullying, intimidation, sexual harassment, hate-motivated behavior, hazing, or initiation activity, extortion, or any other verbal, written or physical conduct that causes or threatens to cause violence, bodily harm, emotional harm, or substantial disruption based upon the characteristics listed in Education Code 234.1... is prohibited.” Our new “anti-bullying” posting states the following: “Complaints will be considered confidential. However, it may be necessary to disclose certain information in order to effectively investigate. Students who violate the District’s policies on discrimination, harassment, intimidation and bullying may be subject to discipline, including suspension and expulsion. The District prohibits retaliation against individuals who make complaints or provide information related to such complaints.”

The District intends to remind its employees of these policies as follows: All staff members will receive staff development training no later than November 30, 2012 on recognizing and responding to bullying, the impacts of bullying, as well as the new bullying laws.

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: It is the District’s policy that any staff member that observes, overhears or otherwise witnesses bullying (including cyber-bullying), harassment, or intimidation, or to whom such actions have been reported must take prompt and appropriate action to stop the behavior and to prevent its reoccurrence. At each school, the principal or principal’s designee is responsible for receiving and promptly investigating complaints alleging violations of this policy. All discipline matters regarding a violation of this policy are recorded into the District’s data management system (AERIES). At the district level, the Uniform Complaint Officer receives, tracks, and resolves all complaints of discrimination, harassment, intimidation, and bullying.

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 by September 27, 2012. The District posts its anti-harassment/anti discrimination policy in all schools, offices, including staff lounges and pupil government meeting rooms.

If you have any further questions or need additional information, please contact Amber Lee-Ruiz, Director, Educational Services at (562) 799-4700 extension 80462.

Sincerely,

A handwritten signature in black ink that reads "Sherry Kropp". The signature is written in a cursive, flowing style.

Sherry Kropp, Ed.D.
Superintendent

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