

# Magnolia School District

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September 18, 2012

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

Re: Magnolia 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 Magnolia 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."**

**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.**

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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 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 with this finding. Magnolia School District is in the process of developing an anti-discrimination and anti-harassment notice with information about the district's policy. The notice will be posted in all schools, offices, and staff lounges by September 30, 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 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: Every bullying incident is entered in our district-wide AERIES system. School administrators and district level staff are trained to enter this information in AERIES. Schools also track student behavior and bullying incidents through a site-level software system in order to implement Positive Behavioral Intervention and Supports (PBIS). The district's superintendent designee reviews the records in AERIES and tracks complaints of discrimination. 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**

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<sup>2</sup> Educ. Code § 234.1(d).

**Response to Recommendation 3:** The District will implement this recommendation by September 30, 2012. The District has adopted policies in regard to retaliation and confidentiality. Those policies state: "The Board acknowledges and respects individual's rights to privacy. Complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. The Board prohibits retaliation in any form against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant". The District intends to remind its employees of these policies as follows: The district's policy will be posted in schools, offices, and staff lounges. The policy will be included in the district's employee Mandated Notifications Handbook. District employees will receive training on the adopted policy.

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

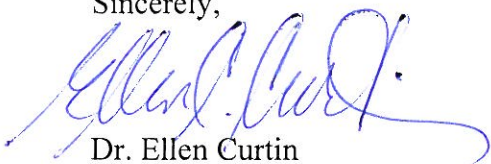
**Response to Recommendation 6:** This recommendation will not be implemented because it is not warranted and is not reasonable. The District tracks incidents of bullying as follows: Every bullying incident is entered in the district-wide AERIES system. School administrators and district level staff are trained to enter this information in AERIES. Schools also track student behavior and bullying incidents through a site-level software system in order to implement Positive Behavioral Intervention and Supports (PBIS). The district's superintendent designee reviews the records in AERIES and tracks 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 September 30, 2012. The district will post anti-bullying/anti-harassment policy in offices and staff lounges. School staff will receive mandated employee notification on the district's requirement that school staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so.

If you have any further questions or need additional information, please contact Hanan Thornton at (714) 761-5533 .

Sincerely,



Dr. Ellen Curtin  
Superintendent

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