



NEWPORT-MESA Unified School District

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Frederick Navarro, Ed.D., Superintendent

September 25, 2012

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

Re: Newport-Mesa 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 Newport-Mesa 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.



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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 disagrees with this finding. The District has posted its anti-bullying policy in all school and offices, including staff lounges and pupil government meeting rooms.

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: An anonymous email tip line is now in use as well as anonymous bully reporting boxes at each school site. Reports of bullying are entered into our student information system, Aeries. 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.

² Educ. Code § 234.1(d).



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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. Those policies state: Board Policy 5144.1 states that students may be suspended if they have harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o)). Board Policy 5125 states the Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law. Board Policy 5145.7 states the Governing Board is committed to maintaining an educational environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in district complaint processes. Furthermore, Board Policy 4319.23 states an employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action. The District intends to remind its employees of these policies as follows: upon employment, and through the mandated training in how to respond to bullying and harassment.

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 Newport-Mesa Unified School District records all incidents of bullying through the student information system, Aeries. Follow-up for each incident is also recorded in Aeries. Different districts use different technology and procedures that reflect the unique needs of each



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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 posted the anti-bullying/anti-harassment policy in all offices, staff lounges, and student government meeting areas as prescribed in Education Code section 234.1.

If you have any further questions or need additional information, please contact Rebecca Gogel, Director of Student Services at (714) 424-8910

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Navarro', with a long horizontal flourish extending to the right.

Dr. Frederick Navarro
Superintendent

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