



ORANGE UNIFIED SCHOOL DISTRICT

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September 25, 2012

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

REGARDING: The Orange 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 Orange 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 has no independent knowledge by which to agree or disagree with this finding. The schools of this District use the same technology, procedures and codes to record incidences of bullying or harassment, and use the definition of bullying as currently embodied in Education Code 48900(r) and Education Code sections referenced therein.

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.

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. 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.

The Grand Jury report does not identify which districts and/or schools it found out of compliance; therefore, the District cannot agree or disagree with this finding.

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: Qualifying incidents are entered into the AERIES data system using specific incident related codes. Various reports of these incidents can then be compiled. Different districts use different technology and procedures that reflect the unique needs of each district. The District will comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System (CALPADS). If the objective is to aggregate county wide data, this can be done through the State system. Therefore, 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 is required by law to apply the definition of “bullying” contained in Education Code section 48900(r) in suspending and expelling students. The District will also 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 has adopted policies in regard to retaliation and confidentiality. Principals were trained and provided materials for site staff training. Those policies specify the persons who may have access to the information on a need to know basis. The policies also require timely follow up to ensure that the involved parties have not been subjected to any adverse conduct in regards to the complaint. The District intends to remind its employees of these policies as follows: A copy of the District's sexual harassment policy and regulation shall:

Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures and standards of conduct are posted; appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct; be provided to employees and employee organizations; provide staff inservice training.

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: Qualifying incidents are entered into the AERIES data system using specific incident related codes. Various reports of these incidents can then be developed. Different districts use different technology and procedures that reflect the unique needs of each district. The District will comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System (CALPADS). If the objective is to aggregate countywide data, this can be done through the State system. Therefore, 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 updated and is printing new anti-bullying/anti-harassment policy posters which will be posted in accordance with Education Code § 243.1(d) by October 2012.

If you have any further questions or need additional information, please contact Mike Pollok at 714/628-5424 or mikep@orangeusd.org.

Sincerely,



Michael L. Christensen
Superintendent

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