



SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT

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Board of Education

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Clint Harwick, Ed.D.
Superintendent

Date: September 6, 2012

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

Re: Saddleback Valley 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 Saddleback Valley 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 disagrees with this finding. The District practice is to post school rules with respect to anti-harassment/anti-discrimination as well as District Anti-Discrimination policies in classrooms, staff lounges, offices, and the Associated Student Body meeting room. Administrators conduct audits to ensure that anti-discrimination policies are posted in all prescribed 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 uses Education Code 48900 (r) to record documented incidents of bullying and Education Codes 48900.2, 48900.3, and 48900.4 to record documented incidents of harassment as appropriate. The District tracks complaints of harassment/discrimination/bullying and their resolution following our Board Policy and Administrative Regulation 5145.3 (Harassment/Bullying) and Board Policy/Administrative Regulation 5145.7 (Sexual Harassment). 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

² Educ. Code § 234.1(d).

Response to Recommendation 3: The District will implement this recommendation by October, 2012. The District has adopted policies in regard to retaliation and confidentiality. Those policies state that “all complaints shall be promptly and thoroughly investigated in a manner that protects confidentiality of all involved students to the fullest extent prescribed by law”. The district policies also include procedures to discourage retaliation. The District intends to remind its employees of these policies through a district-wide administrative in-service training in August, 2012. This in-service training will include all policies with regard to bullying and harassment and will include confidentiality and protections against retaliation. Subsequent staff training will take place by administrators with school staff to review district policies on bullying and harassment and will include legal guidelines on confidentiality and retaliation.

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 complaints of harassment/discrimination/bullying and their resolution following our Board Policy and Administrative Regulation 5145.3 (Harassment/Bullying) which involves site Administrators as well as designated District designees. 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 12, 2012. All Schools within the District will have anti-bullying/anti-harassment policies posted in offices, staff lounges, classrooms, 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 Tammy Blakely, Assistant to the Superintendent at 949-580-3204.

Sincerely,



Clint Harwick, Ed.D
Superintendent

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