



**WESTMINSTER
SCHOOL
DISTRICT**

Our Vision:
"High academic achievement, health, safety and well-being for all Westminster School District students"

August 6, 2012

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

14121 Cedarwood Ave.

Westminster, CA
92683-4499

Tel: (714) 894-7311

Fax: (714) 899-7068

Re: Westminster 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:

The Westminster School District is in receipt of the Orange County Grand Jury's letter dated June 26, 2012 concerning its findings in the report titled "Orange County Grand Jury Report: Anti-Bullying Programs in Orange County Schools." We are greatly appreciative of its study regarding the prevalence of the social phenomenon of bullying and the collective data describing both gaps and best practices in school environments.

Superintendent

Richard Tauer
Superintendent

In accordance with California Penal Code section 933.05, the Orange County Grand Jury has requested that the Westminster 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

Board of Trustees

Dave Bridgewater

Sergio Contreras

Mary Mangold

Andy Nguyen

Jo-Ann Purcell

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) Although county districts vary in practice, the Westminster School District has recorded incidents of bullying into its student database for several years, as well as, posting anti-bullying posters in key areas at each school site. Site administrators have been trained and instructed to record all bullying incidents into the record of the student who engaged in bullying behavior, as well as, in the record of the student who was targeted. Staff also documented the prosocial interventions that were provided for each student. The newly established definition provided by Education Code 48900(r) will improve our districtwide consistency for response and interventions, which will also improve school climate for students.

Re: Westminster School District's Response to 2011-12 Orange County Grand Jury Report, "Anti-Bullying Programs in Orange County Schools"

Finding 2: New legislation takes effect July 1, 2012, and broadens the definition of "Bullying."

Response to Finding 2: Westminster School District agrees that AB 1156 provides a broader definition of "bullying" than was contained in prior law. The District has updated its discipline and bullying policies based on the new laws and education codes. The updated policies include explicit definitions of bullying and cyber-bullying, directions for staff to immediately intervene, and accountability for required trainings for all staff and students.

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: Westminster School District has required its schools to post both anti-bullying posters and anti-harassment policies/posters for several years, even though only recently did we create a separate bullying policy based on the recent passing of AB1156. We have added a systemic accountability measure to ensure both anti-discrimination/anti-harassment and anti-bullying policies are posted in all prescribed areas (schools 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 speak of a specific bullying incident that involved the alleged breach of confidentiality, thus we cannot verify or disagree. However, we concur with the spirit of the concern addressed in Finding 4. It is essential that confidentiality be protected for all parties involved. Westminster School District will train staff in procedures that ensure the safety and confidentiality of students involved in bullying incidents.

Recommendation 1: Recommend a county-wide compatible information system for reporting incidents of bullying be explored by all school districts.

Response to Recommendation 1: Westminster School District has no legal authority to obligate other school districts to participate in a county-wide information system for the purpose of reporting incidents of bullying. However, since districts are required to comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System (CALPADS), this affords an opportunity to capture pertinent data related to bullying. Specifically, Westminster School District tracks incidents of bullying as follows: The Board of Trustees recognize that the District has primary responsibility for ensuring compliance with applicable state and federal laws, and regulations governing educational programs. The District investigates and seeks to resolve complaints at the local level. The District follows the Uniform Complaint Procedures (UCP) when addressing concerns alleging unlawful discrimination/harassment/intimidation and bullying based on ethnicity, group identification, religion, age, gender, actual or perceived sex, sexual orientation, race, ancestry, national origin,

Re: Westminster School District's Response to 2011-12 Orange County Grand Jury Report, "Anti-Bullying Programs in Orange County Schools"

color or physical or mental disability, or failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs. This data is forwarded to the Office of Civil Rights every two years.

The Board acknowledges and respects student and employee rights to privacy. Discrimination/harassment/bullying complaints are investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the superintendent or designee on a case-by-case basis.

The superintendent shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the superintendent or designee. Complainants are protected against retaliation arising from the issuance of the complaint.

Procedures are as follows: (Step 1) Filing of a complaint: file a written complaint within 60 days of knowledge of the alleged discrimination. Complaint forms are available in any school office; (Step 2) investigating a complaint: the District will cooperate to ensure that all pertinent facts are made available; (Step 3) District letter of response: within 30 days of filing a complaint, District will send a Letter of Response; (Step 4) Final written decision: The final decision will be issued in writing after 60 days. Our Compliance officers maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

Recommendation 2: Recommend all county-wide schools agree upon the same definition of bullying.

Response to Recommendation 2: Westminster School District has no legal authority to obligate other school districts. However, Westminster School 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 September 5, 2012. The District has adopted policies in regard to retaliation and confidentiality. In alignment with Ed Code 234.1, BP 5131.2(b) states "Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. The Superintendent or designee shall ensure a means for students to report threats or incidents confidentially and anonymously. School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so." Furthermore, "Any student who engages in

Re: Westminster School District's Response to 2011-12 Orange County Grand Jury Report,
"Anti-Bullying Programs in Orange County Schools"

bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations."

In order for the District to keep all its employees informed of these policies, a training regarding retaliation and confidentiality will be included in the new employee orientation. Principals and school staff will receive formal training on policies and protocols. The Superintendent's designee will monitor compliance of suspensions and expulsions, by reviewing documentation in the district database system, and will add this topic to the Leadership Council agenda for discussion and clarification, as appropriate.

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 is beyond the jurisdiction of our local district. Assuming all districts will comply with State-mandated reporting, such as the California Longitudinal Pupil Achievement Data System (CALPADS), will provide a means of capturing trends and other data. Since each District collects data with various systems, each would have different mechanisms and internal procedures and technology to track reported incidents of bullying. Westminster School District requires staff to electronically input all incidents involving bullying, as well as, confer with the district Bullying Compliance Officer.

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 Westminster School District will implement this recommendation by providing new anti-bullying/anti-harassment policy posters and instruct staff to post in school offices, staff lounges and student government meeting areas as required by Education Code section 234.1(d) by September 5, 2012.

If you have any further questions or need additional information, please do not hesitate to contact my office at (714) 894-7311 ext. 1000.

Sincerely,



Richard Tauer
Superintendent