

# **ADULT TO CHILD BULLYING IN SAN DIEGO UNIFIED SCHOOL DISTRICT POLICIES AND PROCEDURES ARE REQUIRED**

## ***SUMMARY***

A proliferation of high-profile cases of school violence since the late 1990s has focused the attention of federal, state, and local governments and school officials on school safety issues, procedures, and policies. Among these prominent issues are parent and community concerns that address child-to-child and adult-to-child bullying taking place within our schools.

As far back as August 2011, the California Department of Education (CDE) responded to several parents within the San Diego Unified School District (SDUSD) who complained the school safety plans did not address child abuse procedures. The CDE conclusion stated, “SDUSD failed to maintain an updated or implemented school safety plan by failing to provide child abuse procedures in the school safety plan.”<sup>1</sup> California Education Code section 32282 (e) provides that each comprehensive school plan may be evaluated as needed, and must be updated annually.

The 2012-2013 San Diego County Grand Jury (Grand Jury) found that the SDUSD does not currently have an adult-to-child bullying policy. Additionally, SDUSD does not provide timely and continuing feedback as to the status of parents’ complaints concerning adult-to-child bullying.

## ***INTRODUCTION***

The Grand Jury received a complaint from numerous citizens concerning an SDUSD teacher’s alleged persistent and pervasive pattern of inappropriate behaviors and misconduct, specifically adult-to-child bullying.

Bullying is generally defined as an intentional act that causes harm to others, and may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. It is aggressive behavior that intends to hurt, threaten or frighten another person. An imbalance of power between the aggressor and the victim is often involved.<sup>2</sup>

The complainants addressed their concerns locally at the principal level and then through the SDUSD chain of command. They thought that the SDUSD policies and procedures to address complaints, including follow-ups and appeals, were deficient.

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<sup>1</sup> California Department of Education letter dated August 3, 2011 to Dr. David Lorden, SDUSD Area 8 Superintendent.

<sup>2</sup> <http://definitions.uslegal.com/b/bullying/>

## ***PROCEDURE***

The Grand Jury conducted numerous interviews with parents, SDUSD school officials, a member of the SDUSD Police Department, and an SDUSD Board member. The Grand Jury also reviewed current SDUSD policies and procedures.

## ***DISCUSSION***

The responsibility to establish a safe school environment lies with the entire school community. A safe school environment evolves from the policies, practices, and administration of the school. California Education Code section 35294 et seq. requires each school to develop and implement an official School Safety Plan as a part of its overall local education plan and to revisit the plan annually and amend it, as needed. The first step in the planning process, as described in “Safe Schools: A Planning Guide for Action” is to appoint a planning committee that actively involves school administrators, teachers, students, and parents.<sup>3</sup> Furthermore, California Education Code section 32282 (e) states that “the comprehensive school safety plan may be evaluated and amended, as needed, by the school safety planning committee, but *shall be evaluated at least once a year* (emphasis added), to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.”

Parents complained that SDUSD school officials failed to have an open dialogue with them after submitting complaints on adult-to-child bullying leaving them uninformed about the status and resolution of their complaints. Many of these parents participated in School Site Safety Councils and PTA meetings to voice concerns about adult-to-child bullying and intimidation and complained that school officials did little to address their concerns. Some parents withdrew their children from certain schools when these issues escalated and were not adequately addressed or resolved to the parents’ satisfaction. It was also noted, in some cases, that SDUSD personnel involved in the appeal process might have a conflict of interest if they were in charge of reviewing their own decisions.

In June 2011, the CDE received an appeal from two San Diego parents of an SDUSD decision. The original complaint pertained to the School Safety Plan and an employee’s conduct at an SDUSD school. In August 2011, the CDE found that the parents’ complaints and allegations were not fully addressed by SDUSD. The finding stated that SDUSD “failed to maintain an updated or implemented school safety plan by failing to provide child abuse procedures in the school safety plan.”<sup>4</sup> The CDE referred this allegation back to SDUSD for an additional response and ordered them to report back within a 20-day period.

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<sup>3</sup> *Safe Schools: A Planning Guide for Action Workbook* was prepared by Carol Abbott and coordinated by Vivian Linfor for the staff of the Safe Schools and Violence Prevention (SSVP) Office in the California Department of Education, in cooperation with the school and law enforcement. © 2001 by the California Department of Education.

<sup>4</sup> California Department of Education letter dated August 3, 2012 to the SDUSD Area Superintendent, Area 8

Additionally, the Grand Jury reviewed SDUSD Administrative Procedure 6381 (student-to-student bullying, harassment or intimidation). The procedure only addressed student-to-student and not adult-to-student incidences. SDUSD currently does not have a policy to address incidences of adult-to-student bullying, harassment or intimidation.

### ***FACTS AND FINDINGS***

**Fact:** Parents and community members within the SDUSD have complained about occurrences of adult-to-student bullying, harassment or intimidation.

**Fact:** SDUSD does not have a District policy addressing adult-to-student bullying, harassment or intimidation.

**Fact:** SDUSD School Site Safety Plans do not include a policy that addresses adult-to-student bullying, harassment or intimidation.

**Fact:** In certain identified adult-to-child bullying cases, SDUSD officials involved in the appeal process reviewed their own decisions.

**Finding 01:** SDUSD lacks effective investigative policies and procedures when adult-to-student bullying occurs and is reported.

**Finding 02:** Parents appear to lack a forum to address adult-to-child bullying complaints and do not receive timely feedback concerning the status of an appeal.

**Finding 03:** There is a conflict of interest when school officials review appeals to their own original findings and decisions.

### ***RECOMMENDATIONS***

**The 2012-2013 San Diego County Grand Jury recommends the San Diego Unified School District Board, no later than the beginning of the 2013-2014 school year:**

**13-70:            Develop a policy to address adult-to-student bullying, harassment or intimidation, whether physical or emotional, by school district employees or volunteers. The policy should be added to the Administrative Procedures and School Site Safety Plans.**

**13-71:            Revise the adult-to-student bullying, harassment or intimidation employee appeal and review procedures to forbid Area Superintendents or other administrators from reviewing their own original findings and recommendations.**

**13-72:            Provide all complainants timely and continuing feedback as to the status of their complaints.**

### ***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under

the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Date</u></b>
<b>San Diego Unified School District Board</b>	<b>13-70 through 13-72</b>	<b>8/14/13</b>