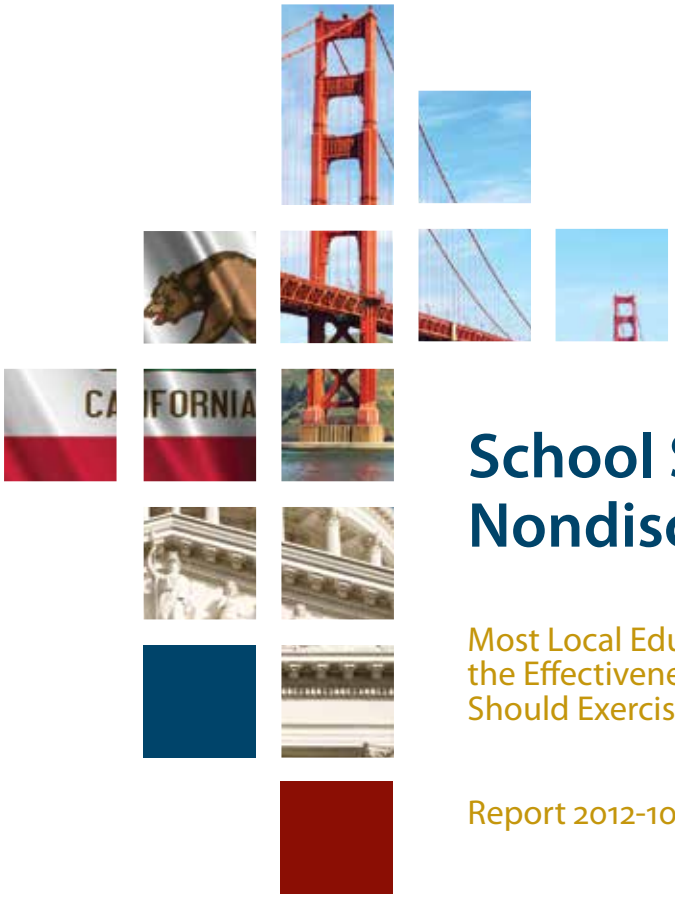
California State Auditor

August 2013



School Safety and Nondiscrimination Laws

Most Local Educational Agencies Do Not Evaluate the Effectiveness of Their Programs, and the State Should Exercise Stronger Leadership

Report 2012-108

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California State Auditor

Elaine M. Howle State Auditor
Doug Cordiner Chief Deputy

August 20, 2013 2012-108

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning the implementation of school safety and nondiscrimination laws and programs by local educational agencies (LEAs) and the California Department of Education (Education).

This report concludes that the three LEAs we visited—the Fresno, Los Angeles, and Sacramento City unified school districts—as well as 80 percent of the LEAs responding to our survey, have policies and procedures that comply with recent changes in state law. However, the three LEAs we visited failed to maximize the use of readily available data—such as survey data, student behavior data, or complaint logs—to evaluate how effective their programs and workshops are in preventing and addressing incidents of discrimination, harassment, intimidation, and bullying. Similarly, over half of the LEAs and school sites responding to our survey reported that they did not formally evaluate the effectiveness of their programs and workshops after implementation. The three LEAs we visited also had weaknesses in their handling of student complaints of discrimination, harassment, intimidation, and bullying. For example, one LEA did not always ensure the complainant's right to an unbiased decision, as it sometimes assigned the responsibility for the investigation to a school site administrator who was named as a party to the complaint. In addition, two LEAs exceeded the 60-day time limit to resolve complaints established under state regulations. Further, the six school sites that we reviewed at the three LEAs did not adequately document complaints, limiting their ability to track the frequency and volume of these activities.

We also found that Education needs to demonstrate more state leadership over school safety. Specifically, Education's Office of Equal Opportunity failed to monitor LEAs' compliance with state discrimination and bullying laws for four years and it did not always resolve appeals of LEAs' decisions on discrimination complaints in a timely manner. In addition, state law requires that Education make available certain resources to LEAs and schools on its Web site, yet many LEAs responding to our survey were unaware of these resources. Education also could improve the quality of the resources by updating them to address cyberbullying and expanding the information aimed at incidents related to protected characteristics. Moreover, Education does not formally evaluate statewide data available to inform its decision making on how to guide the State and LEAs to reduce and address incidents of discrimination, harassment, intimidation, and bullying in California's schools. Finally, California law does not include some key components of anti-bullying legislation that the U.S. Department of Education has identified; therefore, the State could benefit from including these missing components in law.

Respectfully submitted,

Elaine M. Howle

ELAINE M. HOWLE, CPA
State Auditor

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Summary

Results in Brief

Several high-profile cases in California have brought the topic of bullying to the public's attention, including the suicide of Seth Walsh, a gay student from Tehachapi, California, who took his life after facing years of relentless anti-gay harassment. In response to this and similar cases, the California Legislature and the federal government passed several laws to ensure students equal rights and opportunities in public schools. Despite these legislative attempts to address bullying and harassment, a recent statewide survey of children in California schools showed that more than 28 percent of seventh-grade students reported being harassed at school. Whereas bullying was once limited to the classrooms and the schoolyard, technology has enabled bullies to reach beyond the protective walls of students' homes, as indicated by the 22 percent of ninth-grade students who reported that other students had spread rumors or lies about them over the Internet (via social media, email, and instant messages, for example) at least once over the previous 12-month period. As a result, bullying and harassment continue to be pervasive dangers to the safety of students inside and outside of school.

Under various federal and state laws, public schools have an obligation to provide students equal educational opportunity by combating racism, sexism, and other forms of bias in schools. The California Safe Place to Learn Act (act)—established in 2008 and amended in 2012—reinforced these federal and state protections by requiring the California Department of Education (Education) to assess whether local educational agencies (LEAs)—school districts, charter schools, and county offices of education—have adopted policies in compliance with the law to address this act, among other requirements.

Most LEAs have implemented or are implementing policies and programs to comply with recent changes to state laws regarding discrimination, harassment, intimidation, and bullying. During our audit, we visited three LEAs—the Fresno, Los Angeles, and Sacramento City unified school districts—and two school sites at each of these LEAs. Each of the three LEAs we visited has adopted key requirements reinforced under the act and has generally implemented programs and workshops to prevent and address incidents of discrimination, harassment, intimidation, and bullying. Similarly, 1,116 of the 1,394 LEAs responding to our survey (80 percent) indicated that their policies and procedures already reflected the changes to state law or were updated to implement these changes. Although state law does not expressly require LEAs to provide training in preventing discrimination, harassment, intimidation, and bullying (prevention training) to their staff, many LEAs choose to do so. The majority of the LEAs that responded to our survey, as well as the LEAs we visited, have made various efforts to train their staff. Further, LEAs also use programs and workshops that focus on prevention training.

Audit Highlights . . .

Our audit on the implementation of school safety and nondiscrimination laws and programs by local educational agencies (LEAs) and the California Department of Education (Education) revealed the following:

» *Most LEAs have policies and programs that comply with recent changes to state laws regarding discrimination, harassment, intimidation, and bullying.*

» *For the three LEAs we visited, we determined the following:*

- *None maximized their data to determine the effectiveness of their prevention efforts.*
- *Each had weaknesses at either the district office or school sites in their complaint resolution processes.*
- *Two of the LEAs did not investigate complaints within the required 60-day time limit.*
- *All of the six school sites we reviewed at the three LEAs did not adequately document complaints, limiting their ability to track complaint frequency, volume, and outcomes.*

» *Our review of Education determined the following:*

- *It needs to demonstrate stronger state leadership over school safety.*
- *It did not always resolve appeals of LEAs' complaint decisions in a timely manner.*
- *It could improve the quality of resources on its Web site by including cyberbullying and expanding information aimed at protected characteristics.*

continued on next page . . .

- *It does not evaluate available statewide data that could provide LEAs with better information on preventing and responding to discrimination and bullying incidents.*

» *California law does not include all key components of anti-bullying legislation that the U.S. Department of Education has identified.*

Despite these programs and policies, the three LEAs we visited did not always maximize their use of readily available data, such as student behavior data, complaint data, and California Healthy Kids Survey data to determine the effectiveness of their efforts to prevent and respond to acts of discrimination, harassment, intimidation, and bullying. Similarly, 579 of the 1,061 surveyed LEAs (55 percent) that implemented a program or workshop indicated that they did not formally evaluate the effectiveness of the program or workshop after implementation. Moreover, the six school sites we visited generally have not formally evaluated the effectiveness of their programs for the 2012–13 school year. Similarly, only 18 of the 37 surveyed schools sites (49 percent) that implemented a program or workshop indicated that they formally evaluate the effectiveness of the program or workshop after implementation. As a result, it appears that most LEAs and many school sites lack assurance that their efforts are effective.

Moreover, each of the three LEAs we visited had weaknesses at either the district office or school sites in their complaint resolution processes. Each LEA encourages complainants, whenever possible, to address their concerns early and informally at the school site level or through the use of an alternative complaint process, such as a mediator. As a result, the majority of complaints regarding discrimination, harassment, intimidation, and bullying are handled by school staff in this manner, rather than complainants going through a formal complaint resolution process, such as the State's uniform complaint procedures (UCP).[1] Using the alternative process, one LEA did not always ensure the complainant's right to an unbiased decision, as it sometimes assigned the responsibility for the investigation to a site administrator who was named as a party to the complaint. In addition, two of the LEAs we visited took longer to investigate complaints than the 60-day time limit established in regulations or the LEAs' policies.

Further, the three LEAs we visited have not adequately communicated their expectations to the school sites regarding the complaint procedures that school sites must follow. As a result, the six school sites we visited did not always adequately document complaints, which limits their ability to track complaint frequency, volume, and outcomes. Specifically, six school sites did not always track complaints filed at the school site level, follow their respective LEA's reporting requirements, or document their follow-up on incidents. As a result, complainants and the accused parties may not always receive the full benefits and protections afforded to them under the LEAs' policies.

In addition, our review found that Education needs to better fulfill its leadership responsibilities under California law in the area of school safety. Since 2008 the act has required Education to ensure LEAs' compliance

[1] State regulations require LEAs to adopt a UCP process for investigation and resolving discrimination complaints.

with state laws related to discrimination, harassment, intimidation, and bullying; however, its Office of Equal Opportunity (EO office) did not begin monitoring LEA compliance with the act until the 2012–13 school year. This four-year void in monitoring primarily occurred because Education was unaware that the EO office had failed to update its program instrument to incorporate the act's requirements. In addition, although California regulations guarantee complainants the right to appeal an LEA's decision regarding a UCP complaint to Education, in 11 of the 18 appeal cases we reviewed, the EO office did not resolve the appeal within the required 60-day time limit. The EO office also does not consistently notify LEAs of an appeal or obtain and review the affected LEAs' investigative files and complaint procedures, as state regulations require. Because of these deficiencies, complainants are not receiving a prompt review of their appeals or the benefit of an independent review of their complaints, which is called for in state regulations.

We also found that, although Education has provided resources to LEAs on its Web site as required by the act, LEAs report a lack of awareness of these resources. Our review confirmed that Education could improve the quality of the resources posted on its Web site by updating them to include those that address cyberbullying and expanding the information aimed at incidents related to protected characteristics.[2]

Further, although Education has access to statewide data that it could use to evaluate the effectiveness of LEAs' efforts to prevent and respond to discrimination, harassment, intimidation, and bullying, it does not evaluate those data, citing a lack of funding and staffing. As a result of this limitation, we administered two surveys—one statewide to the nearly 2,000 LEAs in California and a more detailed survey to a selection of 40 school sites—to assess how LEAs and school sites are addressing these issues. The survey results are included in appendixes A and B and are referred to throughout our report.

Education could also provide more leadership in best practices for school safety. Representatives that we interviewed from eight national and state organizations with experience researching violence prevention and school safety have identified practices that other states use to help prevent and address incidents of discrimination, harassment, intimidation, and bullying. These practices include school climate activities, restorative justice and peer mediation, and specific training provided to teachers and school site staff. In addition, a 2011 U.S. Department of Education (U.S. DOE) report identified key components of anti-bullying legislation that states can implement. We found that California laws differ from the U.S. DOE examples in several instances; therefore, the State could benefit from including these missing components in law.

[2] Protected characteristics under state law include the following: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, and association with a person or group with one or more of these actual or perceived characteristics.

Recommendations

To ensure that they are effectively preventing and addressing incidents of discrimination, harassment, intimidation, and bullying in their schools, the Fresno, Los Angeles, and Sacramento City unified school districts, at both the LEA and school site level, should evaluate the effectiveness of their programs and follow state regulations and their own procedures for addressing complaints.

To provide stronger leadership with respect to school safety and nondiscrimination laws, Education, with direction from the superintendent of public instruction, should do the following:

- Ensure that the EO office's program instrument is updated annually to include any new requirements in state law.
- Prioritize the review of parent, student, guardian, or interested party appeals of UCP complaints to ensure that the EO office follows state regulations by processing appeals more promptly, notifying LEAs when appeals are filed, and obtaining the investigation files and other documents when reviewing complaint appeals.
  - By spring 2014, the Legislature should require Education to report to the Senate and Assembly Budget subcommittees on what actions it has taken in this regard, so that the Legislature can consider whether redirecting existing resources through the annual budget process or taking other actions necessary to ensure that the review of appeals is prioritized.
- Within the next six months and annually thereafter, update and replace the resources on its Web site to provide more relevant and current information on best practices and other resources.
- Use currently available data to evaluate the levels of discrimination, harassment, intimidation, and bullying students encounter and to determine the effectiveness of its own and the LEAs' efforts and report these results to the Legislature by August 1, 2014.

The Legislature should consider amending state law to ensure that it aligns with the key components the U.S. DOE has identified related to school safety.

Agency Comments

The three LEAs we reviewed generally agreed with our findings and conclusions, and indicated they will take actions to implement our recommendations. Although Education stated it will take corrective action on our recommendations, it believed that our report did not fully recognize its long-standing staffing and budgetary challenges.

Introduction

Background

School safety is a serious problem that has received widespread national attention. Specifically, bullying in schools has become widely viewed as an urgent social, health, and education concern that has moved to the forefront of public debate on school legislation and policy, according to the U.S. Department of Education (U.S. DOE). The Columbine High School shooting in 1999 was the first of many high-profile incidents of violent behavior that appeared to implicate bullying as an underlying cause. In addition, a number of highly visible suicides among school-age children and adolescents have been linked to chronic bullying. According to a May 2012 report by the U.S. Government Accountability Office, research shows that bullying is associated with a variety of negative outcomes for victims, including psychological, academic, physical, and behavioral issues. Some of these negative outcomes can include low self-esteem; depression; poor academic performance; physical problems such as headaches and loss of sleep; and behavioral problems such as aggression, delinquency, and truancy.

The California Healthy Kids Survey (kids survey), a statewide survey of California schoolchildren, showed that between fall 2009 and spring 2011 more than 28 percent of seventh-grade students reported being harassed or bullied at school because of their race, ethnicity, national origin, gender, sexual orientation, or physical or mental disability. In addition, 22 percent of ninth-grade students reported that other students had spread rumors or lies about them over the Internet (for example, via social media, email, or instant message) at least once over the previous 12-month period.

Federal and State Laws That Prohibit Discrimination, Harassment, Intimidation, and Bullying

Various federal laws have been enacted to protect students against discrimination and harassment. For example, Title VI of the federal Civil Rights Act of 1964 prohibits the exclusion of persons on the basis of race, color, or national origin from any program or institution that receives federal funding, including educational institutions. Similarly, Title IX of the Education Amendments of 1972 provides that no person shall be denied participation or benefits or be subjected to discrimination by any education program or activity on the basis of sex, with specified limited exceptions. Other federal laws that prohibit discrimination include the Rehabilitation Act of 1973, which provides that a qualified disabled person shall not be excluded from participating in, denied the benefits of, or subjected to discrimination under

any program or activity receiving federal assistance or conducted by any federal executive agency, and Title II of the Americans with Disabilities Act of 1990, which provides that no qualified disabled individual can be denied participation in or benefits from a public entity's services, programs, or activities based on the person's disability, or be subjected to discrimination by any such entity. In addition, the Individuals with Disabilities Education Act, ensures that all children with disabilities will have available to them a free, appropriate public education that emphasizes special education and related services designed to meet their unique needs.

According to guidance provided by the U.S. DOE, local educational agencies (LEAs) may have violated these statutes when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.[3] Under federal regulations, educational institutions that receive federal funding must implement a process for addressing complaints of discrimination or harassment.

California law implements these federal laws through various provisions contained primarily in the Education Code and related implementing regulations. The California Department of Education (Education) has adopted regulations to implement the requirement that it establish a complaint process for LEAs. These regulations require LEAs to adopt complaint procedures—known as uniform complaint procedures (UCP)—for investigating and resolving discrimination complaints based on one or more of the protected characteristics shown in the text box. Under the UCP process, an LEA has 60 days from receipt of a complaint to complete its investigation and prepare a written decision. The complainant then may appeal the LEA's decision to Education within 15 days of receiving the decision. Education must intervene directly, without waiting for an LEA's investigation, if one or more situations specified under state regulations exist.[4] Figure 1 provides an overview of the UCP process and its required timelines for resolving complaints. In addition, anyone who believes that an education institution receiving federal financial assistance—such as an LEA—has discriminated against someone based on a legally protected characteristic may file a complaint directly with the U.S. DOE.

Characteristics Protected Under California Law

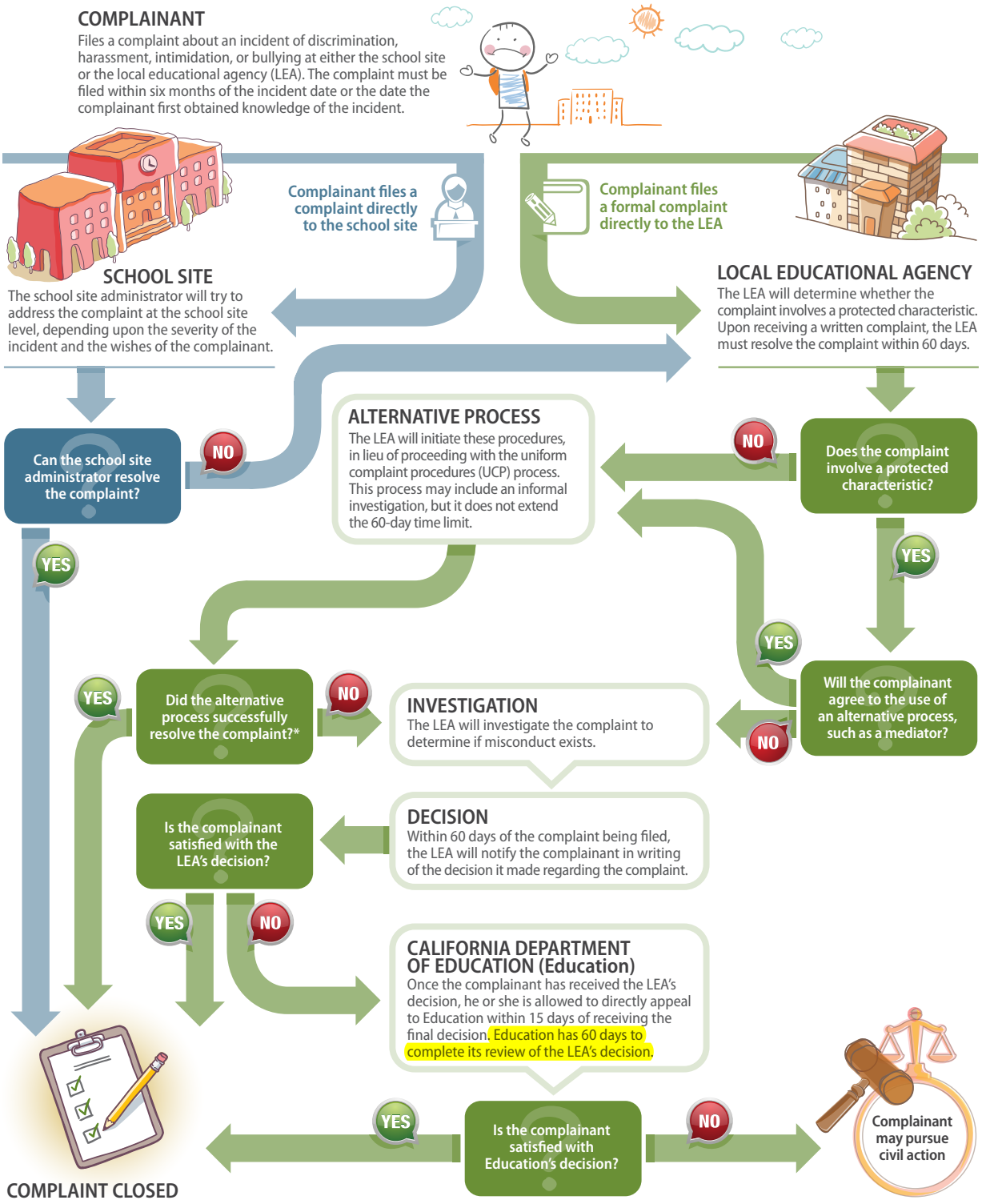
- Disability
- Gender
- Gender identity
- Gender expression
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation
- Association with a person or group with one or more of these actual or perceived characteristics

Sources: California Education Code, sections 220 and 234.1, and California Penal Code, Section 422.55.

[3] LEAs include school districts, county offices of education, and charter schools.

[4] As an example, state regulations require Education to directly intervene when an LEA fails to comply with the UCP process or the LEA fails or refuses to cooperate with the investigation.

Figure 1
Summary of the Uniform Complaint Procedures Process



Sources: Title 5, California Code of Regulations, sections 4630, 4631, and 4632, and interviews and documents gathered at the Fresno, Los Angeles, and Sacramento City unified school districts.

Note: Per regulations, confidentiality is provided to all UCP complainants.

* If a complaint does not involve a protected characteristic, the complainant may appeal the LEA's resolution of the complaint in accordance with the LEA's alternative process.

California Law's Definition of Bullying

Bullying is any severe pervasive physical or verbal conduct, including one or more acts committed by a student or group of students, directed toward a student that can be reasonably predicted to have one or more of the following effects on a student (or group of students):

- Fear of harm to the student's person or property.
- A substantially detrimental effect on the student's physical or mental health.
- Substantial interference with the student's academic performance.
- Substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Verbal conduct includes communications made in writing or transmitted by an electronic device *(cyberbullying)*, including any of the following:

- Message, text, sound, or image.
- Post on a social network Internet Web site, which includes creating any of the following: (a) a burn page, which means a Web site created for the purpose of bullying another student; (b) a credible impersonation of an actual student; or (c) a false profile of a student.

Source: California Education Code, sections 48900(r)(1) and (2).

In addition, California has enacted laws related to discrimination, harassment, and bullying that in some cases go beyond the protections offered by federal law. For example, in addition to characteristics such as sex, race, and disability, which are protected under federal discrimination laws, state law protects students against discrimination on the basis of their sexual orientation or gender identity, including perceived sexual orientation or perceived gender identity, as well as association with a person or group with one or more of these actual or perceived characteristics. State law defines *bullying*, including what is commonly referred to as *cyberbullying*, as shown in the text box.

One of the key laws designed to protect California students against discrimination and harassment while at school or school-sponsored activities is the School Safety Violence Prevention Strategy Program (school safety program). Under the school safety program, Education, in conjunction with the state Office of the Attorney General, is authorized to award competitive grants to LEAs serving any combination of instructional settings from kindergarten through grade seven that have developed school safety plans and meet other criteria, contingent on funding. By law, the school safety plan adopted by an LEA must include a discrimination and harassment policy, and it must also assess the current status of crime committed on school campuses and at school-related functions. Each school was required to have adopted a comprehensive school safety plan by March 2000 and is to review and update its plan by March 1 every year thereafter. In addition, the Legislature passed various laws containing provisions that included requiring the establishment of policies and guidelines to address hate crimes and violence.

In 2007 California enacted the California Safe Place to Learn Act (act). It specified the State's responsibilities to keep schools safe and fight bias and harassment in schools by requiring that Education, as part of its annual monitoring and review of LEAs, assess whether they have complied with existing anti-discrimination and harassment laws. More specifically, the act requires that Education monitor whether LEAs have adopted both a policy that prohibits discrimination and harassment based on a student's actual or perceived characteristics (or the association with a person or group with one of these actual or perceived characteristics) and a process for receiving and investigating these types of complaints. The act

also requires Education to provide resources on its Web site and the California Healthy Kids Resource Center Web site, including a model handout describing an LEA's rights and obligations, as well as policies addressing bias-related discrimination and harassment in schools, and information on curricula and other resources that address bias-related discrimination and harassment.

In 2011 California enacted Assembly Bill 9 to amend the act to expand its requirements to apply to acts of intimidation and bullying, among other requirements. Referred to as Seth's Law in memory of a gay student who took his life after facing years of anti-gay harassment, the amendment to the act, which took effect on July 1, 2012, requires that Education monitor whether LEAs have adopted a policy prohibiting student discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics of the victim. In addition, Education must monitor whether LEAs have adopted a complaint process that includes, at a minimum, the following: (1) immediate intervention if school personnel witness such acts, when safe to do so; (2) a timeline to investigate and resolve complaints; (3) an appeal process for the complainant; and (4) complaint forms that are translated, as appropriate. While Education must continue to provide resources on its Web site, it must now also specifically include a list of statewide resources, including community-based organizations that provide support to youth and their families subjected to school-based discrimination, harassment, intimidation, and bullying.

Monitoring of LEAs' Implementation of and Compliance With School Safety Laws

State law requires Education to ensure that LEAs are meeting requirements under the act during its annual review of LEAs' compliance with categorical programs' fiscal and program requirements. *Categorical programs* provide funds that have been directed to specific categories of children, to a particular activity or program, or for a special purpose. To accomplish this review, Education develops program instruments that contain federal and state requirements for each categorical program. It then uses the program instruments to determine whether an LEA is in compliance with the requirements. According to Education, it develops and reviews its program instruments on an annual basis to respond to changes in state and federal laws and regulations or judicial opinion. If Education's review finds that an LEA is not complying with these requirements, it will notify the LEA of the findings and recommend corrective actions. As part of this annual review, Education's Office of Equal Opportunity (EO office) is responsible for conducting annual educational equity reviews to

ensure that LEAs are providing equal rights and opportunities for all students, promoting educational equity, and eliminating discrimination and harassment in schools.

As part of our audit scope, we were asked to gather, to the extent feasible, statewide data to determine how LEAs and schools are addressing discrimination, harassment, intimidation, and bullying. However, Education tracks only suspension and expulsion data, which it categorizes by Education code violations. These violations can include acts of discrimination, harassment, intimidation, and bullying. Education also has data from the kids survey, which is administered every two years to students in fifth, seventh, ninth, and eleventh grades. The survey addresses student resiliency, protective factors, and risk behaviors, and its data are summarized in district-, county-, and state-level reports that are made publicly available on the kids survey Web site.

Key areas assessed by the kids survey include student feelings of connectedness to school, developmental supports and opportunities, substance use, and physical and mental health, as well as school safety, violence, and harassment. For example, one of the survey questions asks how many times the student was harassed or bullied on school property during the past 12 months because of his or her race, ethnicity or national origin, religion, gender, sexual orientation, or physical or mental disability. LEAs may add questions in various areas as they deem appropriate. Education funded the survey to help schools meet the requirements of the federal Safe and Drug-Free Schools and Communities Act, a part of Title IV of the *No Child Left Behind Act of 2001*. Because the federal Title IV funding is no longer available as of the 2010–11 school year, LEAs are no longer required to administer the kids survey every two years to be in compliance with the Safe and Drug-Free Schools and Communities Act. Nevertheless, Education recommends that all LEAs continue to administer the survey biennially to assess their needs and demonstrate accountability, and it still requires LEAs that receive certain grant funding to conduct the kids survey.

Early in our fieldwork we determined from interviews with Education officials that no other statewide data are available that track the number of incidents of discrimination, harassment, intimidation, and bullying on school sites or show how LEAs and school sites are addressing these issues. Therefore, we administered two surveys—one statewide to the nearly 2,000 LEAs in California and a more detailed survey to a selection of 40 school sites—to assess how LEAs and school sites have implemented the act and are addressing these issues. Appendixes A and B provide the results of these surveys. Where appropriate, we discuss the survey results in both chapters of our report.

Scope and Methodology

We conducted this audit at the direction of the Joint Legislative Audit Committee, which approved the audit objectives listed in Table 1. Our fieldwork included work at Education, three LEAs, and two school sites within each LEA. In addition, we conducted a survey of all LEAs within California and 40 school sites located throughout the State.

Table 1
Audit Objectives and the Methods Used to Address Them

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Reviewed relevant laws and regulations, including recent changes to the Safe Place to Learn Act (act), and determined how those changes affected the California Department of Education (Education) and local educational agencies (LEAs).
2	Review and evaluate the extent to which Education ensures compliance with state education laws and regulations that prohibit discrimination, harassment, intimidation, and bullying as those terms are defined in the California Education Code. This should include a review and assessment of Education's compliance with key aspects of the law in effect prior to 2012, its monitoring of LEAs and school sites, and the extent to which it evaluates the effectiveness of the complaint policies and procedures required by state law.	• Interviewed staff from Education's federal program monitoring office and Office of Equal Opportunity (EO office) to determine how they monitor LEAs' compliance with state laws and regulations that require LEAs to adopt a policy that prohibits discrimination, harassment, intimidation, and bullying. • Obtained the EO office's education equity program instruments for the past five years and determined whether each year's instrument adequately addressed the requirements under the act. • Obtained program instruments from other offices within Education to determine whether any of Education's other programs were monitoring for LEAs' compliance with state education laws and regulations that require LEAs to adopt a policy that prohibits discrimination, harassment, intimidation, and bullying. • Selected 11 of the EO office's education equity reviews for the 2012–13 school year and reviewed whether the EO office was appropriately monitoring LEAs' compliance with state education laws that require LEAs to adopt a policy that prohibits discrimination, harassment, intimidation, and bullying. • Reviewed whether Education performs any evaluation of the effectiveness of LEAs' efforts to prevent and respond to incidents of discrimination, harassment, intimidation, and bullying or evaluation of the effectiveness of specific programs. • Determined whether Education has posted resources on its Web site to assist LEAs with their efforts to prevent and respond to incidents of discrimination, harassment, intimidation, and bullying, as required under the act.
3	Determine the extent to which a selection of LEAs and school sites have implemented, or plan to implement, policies and procedures to comply with laws that prohibit discrimination, harassment, intimidation, and bullying in schools. For example, determine whether a selection of LEAs and school sites have done any of the following:	Selected three LEAs for review—the Fresno, Los Angeles, and Sacramento City unified school districts—based on California Healthy Kids Survey bullying percentages, enrollment size, and geographical location. In addition, selected two school sites at each LEA for further review of their policies and practices for preventing and responding to incidents of discrimination, harassment, intimidation, and bullying.
	a. Updated and distributed materials, policies, and procedures to comply with changes in state law that took effect July 1, 2012, regarding discrimination, harassment, intimidation, bullying, the complaint process, and providing support and resource information to students.	Obtained and analyzed whether the policies and procedures of these LEAs and school sites complied with state laws and regulations.

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	AUDIT OBJECTIVE	METHOD
	b. Provided training to teachers and other school personnel regarding how to respond appropriately if they witness or are informed of an act of discrimination, harassment, intimidation, or bullying.	Evaluated whether these LEAs had an appropriate process to provide training to teachers and staff regarding the recent changes to state law.
	c. Adopted a process for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying as required by laws and regulations. For example, determine whether these entities or Education track the number of complaints received or the time it takes to resolve complaints and, if so, describe the results of these evaluations.	• Obtained lists, as available, of complaints filed over the past five years at the LEAs and school sites we visited. • Selected 20 student complaint files at each of the LEAs we visited to ensure that LEAs followed state requirements for addressing complaints received through the uniform complaint procedures (UCP) process and complaints received through alternative methods that the LEAs have established, including required resolution time frames. • Attempted to select, gather, and test student complaint files at the school sites we visited; however, the six school sites did not maintain sufficient logs or other types of records to allow the selection of complaints for testing. As a result, we used records, such as disciplinary reports, to determine whether the school sites complied with their LEAs' school-level complaint processes. • For the complaints selected, we analyzed whether the LEAs and school sites complied with state laws and regulations, as well as their own policies and procedures, when responding to complaints of discrimination, harassment, intimidation, and bullying. • Because state regulations allow complainants, under most circumstances, to appeal an LEA's decision on a UCP complaint, we reviewed the EO office's procedures for addressing these appeals. We also selected 18 appeals that the EO office received over the past five years and determined whether it complied with state regulations when reviewing these appeals. We also reviewed its tracking log of appeals to determine whether the EO office addressed appeals within the 60-day time limit established in state regulation.
4	Identify any other programs or workshops that were implemented, or are planned to be implemented, by a selection of LEAs and school sites, to assist in the prevention of intimidation and bullying that go beyond what is required by law. Review and assess the extent to which any such programs or workshops were evaluated by the LEAs or school sites to determine their effectiveness.	• Interviewed staff to determine programs and workshops implemented by the LEAs and school sites that we visited. • Determined whether the programs and workshops listed go beyond what is required by state law. • Interviewed staff at LEAs and school sites to determine how the programs and workshops were selected, and obtained any analyses conducted by the LEAs and school sites, or references to research they relied upon, for the programs and workshops. • Evaluated whether the LEAs and school sites determined the effectiveness of the programs and workshops in preventing and addressing incidents of intimidation and bullying.
5	To the extent possible, identify and describe any best practices used by the selected LEAs and school sites to address discrimination, harassment, intimidation, and bullying.	Reviewed a list of best practices recommended by a federal interdepartmental campaign to stop school bullying and assessed whether the LEAs and school sites we visited have adopted these practices or identified other best practices in bullying prevention.
6	To the extent possible, identify any best practices used by other states that could benefit LEAs and school sites in California. For example, determine if other states, in addressing such acts, use nonpunitive measures that are designed to reduce the recurrence of discrimination and bullying and improve the school environment.	• Contacted various national organizations using information provided on states' Web sites and references to identify best practices for preventing and addressing incidents of discrimination, harassment, intimidation, and bullying, which we compared to practices in use in California. • Compared California legislation with key components of anti-bullying legislation that the U.S. Department of Education has identified.

	AUDIT OBJECTIVE	METHOD
7	To the extent possible, determine the degree to which cost has affected LEAs' and school sites' implementation of policies and procedures to comply with laws that prohibit discrimination, harassment, intimidation, and bullying, including laws that require training and receiving and investigating complaints.	Interviewed staff at the LEAs and school sites we visited to determine whether cost has affected their ability to comply with applicable state laws and regulations.
8	To the extent feasible, gather statewide data to determine how LEAs and school sites are addressing discrimination, harassment, intimidation, and bullying.	• Interviewed Education staff and learned that it collects limited statewide data on incidents of discrimination, harassment, intimidation, and bullying. • To gather additional information about LEAs' and school sites' efforts statewide to address discrimination, harassment, intimidation, and bullying, we surveyed all LEAs—nearly 2,000 operate in the State—and 40 school sites about their policies and procedures, training, best practices, complaint processes, views on Education's resources, other resources used, and cost factors in implementing laws. We identified all LEAs operating in the State using Education's contact list.
9	Review and assess any other issues that are significant to the State's school safety and anti-discrimination laws.	We did not observe any other issues outside the scope of the other audit objectives.

Sources: California State Auditor's analysis of the Joint Legislative Audit Committee audit request number 2012-108, planning documents, and analysis of information and documentation identified in the column titled *Method*.

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Chapter 1

MOST LOCAL EDUCATIONAL AGENCIES DO NOT EVALUATE THE EFFECTIVENESS OF THEIR SCHOOL SAFETY PRACTICES

Chapter Summary

Most local educational agencies (LEAs) have implemented or are implementing policies and programs to comply with state laws regarding discrimination, harassment, intimidation, and bullying. Specifically, each of the three LEAs we visited—the Fresno (Fresno Unified), Los Angeles (Los Angeles Unified), and Sacramento City (Sacramento City Unified) unified school districts—has adopted key requirements reinforced under the Safe Place to Learn Act (act) and has generally implemented programs and workshops to prevent and address incidents of discrimination, harassment, intimidation, and bullying. Similarly, most of the LEAs responding to our survey indicated that their policies and procedures already reflected changes to state law or were updated to implement these changes. The LEAs and school sites we visited have also implemented several best practices that are beneficial in preventing and addressing incidents related to discrimination, harassment, intimidation, and bullying.

However, the three LEAs we visited did not adequately evaluate the effectiveness of their implemented policies and programs, despite having data readily available, such as student behavior and complaint data. Moreover, the six school sites we visited—two at each of the three LEAs—generally did not always measure their programs' effectiveness. Our statewide survey found similar results, with more than half of the LEAs and school sites indicating that they did not formally evaluate the effectiveness of their programs and workshops. Without formal evaluation mechanisms in place, LEAs and their school sites lack assurance that their efforts are actually improving the safety of students in their schools.

Moreover, each of the three LEAs we visited had weaknesses at either the district office or school site level in their complaint resolution processes. If a complaint is filed directly with the LEA and it is based on a protected characteristic, then the complaint is generally resolved using the uniform complaint procedures (UCP) process. If the complaint does not involve a protected characteristic, then the complaint is generally resolved using an alternative process specific to that LEA. Each LEA we visited encourages complainants to address their concerns early and informally at the school site level or through the use of its alternative complaint process whenever possible, as allowed by state regulations. However, one of the LEAs did not always ensure the complainant's right to an unbiased decision. In addition, two of the LEAs did not always resolve their complaints in a timely manner. Further, the three LEAs have not

adequately communicated their expectations to the school sites regarding the complaint procedures they must follow. As a result, the six school sites we visited did not properly document these complaints, which limits their ability to track the frequency, volume, and outcome of these activities.

Most LEAs and School Sites Report Implementing Policies and Procedures to Comply With Recent Changes in State Law

The three LEAs we visited have developed required policies; have a complaint process in place; notified students, employees, and parents of their updated policies; and translated those policies into all or most of the required languages.

The three LEAs we visited have generally implemented policies and procedures to comply with state law. As Table 2 shows, the three LEAs have developed required policies; have a complaint process in place; notified students, employees, and parents of their updated policies; and translated those policies into all or most of the required languages. Similarly, Table 2 shows that many of the LEAs responding to our survey have adopted policies and procedures in response to the act.

Prior to the 2012 amendment to the act, the three LEAs we visited had policies in place governing a range of student behaviors to prohibit discrimination, harassment, intimidation, and bullying. The LEAs established many of these policies in response to preexisting state and federal laws that were designed to protect students and promote equality in education. Similarly, 1,201 of the 1,394 LEAs responding to our survey (86 percent) indicated they had policies and procedures in place prior to the act's amendment.

The three LEAs we visited also met the requirement to adopt a process for receiving and investigating complaints. Specifically, the act reinforces a preexisting state law requiring LEAs to develop a complaint process that includes a timeline to investigate and resolve complaints and to provide an appeal process for complainants. The three LEAs satisfied this requirement by making available to complainants the UCP process, which, under California Department of Education (Education) regulations, has a 60-day time limit for resolving complaints and an appeal right. Our statewide survey had similar results, with 95 percent of responding LEAs reporting using the UCP process to receive, investigate, and resolve complaints. However, 68 of the 1,394 surveyed LEAs (5 percent) reported having no complaint process. Of these 68 LEAs, 54 were charter schools, and the remaining 14 were districts. Hesperia Unified School District, with more than 23,000 students in the 2012–13 school year, was the largest of the 13 districts that indicated not having a complaint process. According to Hesperia Unified School District, it implemented a complaint process in July 2013.

The three LEAs we visited were generally in compliance with state law; however, Fresno Unified did not finish updating its board policies until June 2013. Specifically, Fresno Unified had not updated its policies for the 2012–13 school year to include a statement that the policies apply

Table 2
Status of Local Educational Agencies' Policies and Procedures for Discrimination, Harassment, Intimidation, and Bullying

	FRESNO UNIFIED SCHOOL DISTRICT	LOS ANGELES UNIFIED SCHOOL DISTRICT	SACRAMENTO CITY UNIFIED SCHOOL DISTRICT	LOCAL EDUCATIONAL AGENCIES STATEWIDE THAT COMPLETED OUR SURVEY
Policies and Procedures	Partial	Yes	Yes	80% Yes, 17% In Progress, 3% No*
Has the local educational agency (LEA) developed policies and procedures that address discrimination, harassment, intimidation, and bullying, as required by the Safe Place to Learn Act (act)?	Adopted policies that address these behaviors, but it did not amend its policies to implement all the changes that took effect under the act until June 2013.	Adopted several policies, including a Title IX sex discrimination complaints policy and sexual harassment policy, both updated in 2006, and a bullying policy updated most recently in 2012.	• Adopted policies that prohibit these behaviors, including nondiscrimination and sexual harassment policies adopted in 1998 and an anti-bullying policy adopted in 2011. • Finished incorporating the new requirements under the act into its policies during 2012.	• 1,116 LEAs stated that their policies and procedures already reflected recent changes to state law or were updated to implement these changes. • 239 LEAs are still in the process of updating their policies. • 39 LEAs stated that they were unaware of the changes to state law or do not have any intention of updating their policies to reflect these changes. • 1,201 of the 1,394 LEAs (86 percent) stated that they had policies and procedures in place that met the requirements of the 2008 act prior to July 2012.
Complaints	Yes	Yes	Yes	95% Yes, 5% No*
Has the LEA developed a process for receiving, handling, and resolving complaints of discrimination, harassment, intimidation, and bullying?	• Makes available two formal processes for resolution at the district level—the uniform complaint procedures (UCP) process and a personnel complaints process—and allows the complainant to decide which process to use. • Has sexual harassment and discrimination complaint procedures that school sites must follow.	• Uses the UCP process to handle complaints that are related to a protected characteristic. • Has bullying, sexual harassment, and discrimination procedures that guide complaint processes at school sites. • Provides school sites guidelines on when and how to escalate complaints of bullying that involve a protected characteristic.	• Uses the UCP process or an alternative complaint process to receive and investigate complaints. • Has bullying, sexual harassment, intimidation, and discrimination complaint procedures that school sites must follow.	• 1,326 LEAs stated that they have a process in place for handling complaints. • Charter schools made up 54 of the 68 LEAs that reported having no complaint process, and districts made up the remaining 14 LEAs. • 1,268 of the 1,326 LEAs (96 percent) that indicated having a complaint process in place stated that they use the UCP process.

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	FRESNO UNIFIED SCHOOL DISTRICT	LOS ANGELES UNIFIED SCHOOL DISTRICT	SACRAMENTO CITY UNIFIED SCHOOL DISTRICT	LOCAL EDUCATIONAL AGENCIES STATEWIDE THAT COMPLETED OUR SURVEY
Notifications	Yes	Yes	Yes	80% Yes, 20% No*
Has the LEA notified students, employees, and parents of its updated policies against discrimination, harassment, intimidation, and bullying?	• Distributes its policies and complaints process in its Web site, student and parent handbook, and employee trainings. • Teaches parents about its policies through its community outreach program called Parent University.	• Informs the school community of its policies and complaint process in its Web site, student and parent handbook, and brochures. • Conducts trainings and workshops for students, certain groups of employees, and parents.	Notifies the school community of its policies and complaint process in its Web site, annual student and parent handbook, employee trainings, and community workshops.	• 1,023 of the 1,116 LEAs that stated their policies and procedures already reflected changes to state law or were updated to implement these changes also indicated at least one method of distributing their updated policies and procedures. • The remaining 278 of the 1,394 LEAs did not update their policies and procedures by the beginning of the 2012–13 school year.
Translations	Yes	Yes	Partial	45% Yes, 38% Not Applicable, 17% No†§
Has the LEA translated its updated policy documents and complaint forms into the languages spoken by 15 percent or more of its students?	Translated its parent and student handbook and its standard complaint forms into the required languages.	Translated its parent and student handbook and its standard complaint forms into the required languages.‡	• Translated its parent and student handbook into the required languages. • Translated its standard complaint form into the required languages in January 2013 after our audit started.	• Of the 1,116 LEAs that stated their policies and procedures already reflected changes to state law or were updated to implement these changes: - 505 LEAs asserted that they translated their updated materials, policies, and procedures into languages other than English that are spoken by 15 percent of their students. - 421 LEAs indicated that no languages other than English met the State's threshold for translation. - 190 LEAs stated that they did not translate their updated materials, policies, and procedures, which is not in compliance with state law.

Sources: California State Auditor's analysis of policies and procedures of the three LEAs listed and of survey responses from 1,394 LEAs.

* The percentages reflect the responses we received from LEAs that fully completed our survey (1,394 LEAs) and does not include the LEAs that did not respond to our survey (512 LEAs) or those LEAs that submitted an incomplete survey (58 LEAs).

† The percentages are based on a subset of responding LEAs, specifically those 1,116 LEAs that reported that their policies and procedures already reflected changes to state law or were updated to implement these changes.

‡ At two school sites, with fewer than 140 students combined in the 2011–12 school year, Los Angeles Unified School District ceased translating these documents due to cost considerations. However, it indicates that translated forms are available upon request.

§ The survey question regarding translations did not expressly identify complaint forms as an example of an updated material.

to all acts related to a school activity or school attendance occurring within a school under its jurisdiction, as required by the act. Although Fresno Unified had not included this exact statement in all applicable policies, its practice is to apply the policies in the manner outlined in the required statement. However, including this newly required statement clarifies the scope and application of the policies as outlined under the act. Fresno Unified asserts that it did not receive updated policy language in a timely manner from Education. Once received, Fresno Unified asserts it began the process of amending applicable policies to include this statement, which it completed in June 2013.

Our statewide survey similarly found that most LEAs had updated their policies and procedures to reflect all new requirements under state law. Of the 1,394 LEAs responding, 80 percent indicated that their policies and procedures already reflected the changes to state law or were updated to implement these changes. Another 17 percent, or 239 LEAs, responded that they had not yet updated their policies and procedures. These 239 LEAs consisted of 131 charter schools, 100 districts, and eight county offices of education. The remaining 3 percent, or 39 LEAs, indicated that they were unaware of the changes to state law or had no plans to update their policies and procedures. Of these, 35 were charter schools and four were school districts. In addition, 55 percent of schools responding to our school site survey—22 out of 40 schools—indicated that they had not adopted any policies or procedures on their own to comply with recent changes to state law.

Of the 1,394 LEAs responding to our survey, 239 LEAs—17 percent—indicated that they had not yet updated their policies or procedures to comply with recent changes to state law.

LEAs Have Adopted Various Trainings and Programs for Preventing and Addressing Incidents of Discrimination, Harassment, Intimidation, and Bullying

State law encourages training in preventing and addressing discrimination, harassment, intimidation, and bullying (prevention training) but does not require it. However, the three LEAs we visited, as well as the majority of LEAs that responded to our survey, have made efforts to train or have delegated to site administrators the responsibility to provide training, with the extent and type of prevention training differing among them. In reviewing prevention training, programs, and workshops, we identified best practices that LEAs are implementing. In many instances these best practices align with those identified on the StopBullying.gov Web site, which is managed by the U.S. Department of Health and Human Services.

LEAs Provide Varying Levels of Prevention Training

Although state law does not have a provision that expressly requires LEAs to provide prevention training to their site administrators or school site staff, the three LEAs we visited have training requirements in their policies.[5] The approaches among the three LEAs we visited varied; however, each approach, if implemented appropriately, is a reasonable method for providing prevention training to staff in accordance with the LEAs' policies.

Sacramento City Unified's policy, enacted in May 2012, requires all site administrators who regularly interact with or supervise students to attend two hours of bullying prevention and intervention training once every two years. The training focuses on Sacramento City Unified's policies, procedures, and bullying prevention strategies. Further, Sacramento City Unified's policy requires site administrators to provide two hours of bullying prevention and intervention training to their respective school staff within 12 months of the date that the site administrator receives the training. As of June 2013, Sacramento City Unified indicated that 90 percent of site administrators had received the required two hours of bullying prevention training. Site administrators of the two schools we visited—John F. Kennedy High School (Kennedy) and Sutter Middle School (Sutter)—had received the training. Kennedy had not yet trained all of its school site staff but plans to do so in August 2013. Sutter trained the majority of its staff by February 2013.

Bullying Prevention Programs Used by Fresno Unified

Safe and Civil Schools program

- A collection of practical materials designed to help school staff improve safety and civility across all school settings.
- The goal of the materials in the series is to empower school staff with techniques to help all students behave responsibly and respectfully.
- The program is designed to work at three levels: schoolwide, classroom, and individual student.

Olweus Bullying Prevention program

- The program is designed to improve peer relations and make schools safer, more positive places for students to learn and develop.
- The goals are to reduce existing bullying problems among students, prevent the development of new bullying problems, and achieve better peer relations at school.

Sources: www.safeandcivilschools.com and www.violencepreventionworks.org

In contrast, Fresno Unified provides ongoing training to teachers, site administrators, and school counselors on methods for addressing and handling bullying behavior. Further, Fresno Unified's training includes actions to prevent and address sexual harassment and child abuse, among other topics. Fresno Unified has provided bullying prevention training since the 2007–08 school year through its Safe and Civil Schools and Olweus Bullying Prevention programs, described in the text box. This training occurs on a rolling basis and consists of separate modules given over five years. Fresno Unified uses a trainers-of-trainers model to help train its staff. Under this model, each school site has a team that receives training in bullying prevention from Fresno Unified staff. Those teams are then responsible for training the staff in their

[5] School site administrators are typically principals and assistant principals.

respective schools. Fresno Unified stated that, as of June 2013, each school site team had participated in two years of training with the Safe and Civil Schools program and an additional year specifically on bullying prevention.

Los Angeles Unified's training requirement differs from the other two LEAs in that it does not require training specific to preventing and addressing incidents of discrimination, harassment, intimidation, and bullying. Instead, it has an expectation that site administrators and school site staff shall be knowledgeable on all of its policies. Los Angeles Unified requires all staff to participate in child abuse training and also requires site administrators to educate their school site staff and students twice per school year—in October and again in April—regarding policies on bullying and hazing, hate-motivated behavior, and sexual harassment. Los Angeles Unified site administrators learn of any changes to policies in quarterly update meetings they have with district staff and students. In addition, Los Angeles Unified requires school sites to certify twice a year that site administrators have reviewed the required policies with their staff. The two schools we visited—Huntington Park High School (Huntington Park) and Millikan Middle School and Performance Arts Magnet & Science Academy (Millikan)—had met these requirements. Los Angeles Unified also offers training workshops in bullying prevention, intervention, nondiscrimination, anti-bias, conflict resolution, and other human relations topics to school sites on an as-needed basis. Los Angeles Unified indicated that it conducts up to 200 of these trainings annually. Starting in April 2013, it has also implemented a trainers-of-trainers model similar to the one that Fresno Unified employs.

Los Angeles Unified offers training workshops in bullying prevention, intervention, nondiscrimination, anti-bias, conflict resolution, and other human relations topics to school sites on an as-needed basis.

Statewide, of the 1,394 LEAs responding to our survey, 77 percent delegated to their school sites administrators the responsibility to train their teachers and other school site staff on discrimination, harassment, intimidation, and bullying, and 72 percent had provided prevention training to all of their site administrators. Further, 95 percent of the 40 school sites responding to our survey indicated that site administrators had been trained by their LEAs, and 63 percent stated that school sites are responsible for training their staff. Four of the school sites stated that their LEAs provided site administrators with online training, and two school sites indicated that they received training from other local government agencies.

LEAs Assert That Limited Funding May Hamper Their Ability to Implement Trainings, Programs, and Workshops

Some LEAs and schools sites we visited and some we surveyed indicated that costs have limited or prevented their ability to implement policies and procedures to comply with state law.

Los Angeles Unified does not require each school site to identify any prevention programs or workshops they are implementing; thus, some school sites offer more programs or workshops than others.

For example, Los Angeles Unified stated that its more than 700 school sites have differing budgets and needs, which precludes it from requiring that school sites implement a single specific program on discrimination, harassment, intimidation, and bullying. Instead, Los Angeles Unified allows school sites to develop strategies that best fit their culture, needs, and budget. It requires each site administrator to create a school site environment that upholds the standards of respect and civility and understands that bullying and hazing are inappropriate, harmful, and unacceptable. However, Los Angeles Unified does not require each school site to identify any programs or workshops they are implementing. As a result, some school sites may implement more prevention training programs or workshops than others. For example, of the two school sites we visited in Los Angeles Unified, Huntington Park has homegrown prevention programs in place, such as a full inclusion program for special-education students and an anti-bullying student club. On the other hand, Millikan teaches anti-discrimination and anti-bullying in its classrooms through research-based programs such as Second Step. The Second Step program is a violence-prevention curriculum for grades kindergarten through eight that provides character education and helps students develop social emotional skills. Although the school sites we visited have prevention training programs in place that they indicated met their needs, as discussed later in the chapter, Los Angeles Unified does not monitor its school sites to ensure that they implement these types of prevention programs.

Similar to Los Angeles Unified, at Sacramento City Unified the level of program implementation was influenced by funding for the school sites we visited. For example, Sutter stated that it did not fully implement prevention programs because it was struggling to identify an affordable and effective prevention program or workshop. As a result, a Sutter site administrator indicated that she has been visiting other schools and working with the district to identify such a program. In April 2013 Sacramento City Unified selected Sutter to pilot a program that focuses on improving the involvement of bystanders who witness bullying. In contrast, Kennedy has various prevention programs in place, such as Challenge Day, Safe School Ambassadors, peer mediation, and Safe Spaces, with funding from the Safe and Supportive Schools grant.[6] Challenge Day is a day-long experiential program to help students, staff, parents, and community members connect and build empathy. Safe School Ambassadors is a program that empowers bystanders to speak up and intervene with their peers in bullying-related incidents. Peer mediation gives students the opportunity to have their conflicts

[6] The Safe and Supportive Schools funding is a federal grant intended to create safe and drug-free learning environments and increase academic success for students in high-risk schools.

resolved by other students at their school. The Safe Spaces program is meant to create opportunities for students to connect with staff around areas of concern. Each prevention program is meant to assist students in dealing with conflicts such as bullying.

Finally, Fresno Unified enhanced its efforts by requiring that all of its school sites implement the Olweus Bullying Prevention program and the Safe and Civil Schools program, described in the text box on page 20. Fresno Unified has also started a Parent University, which is a series of workshops that seek to increase parent participation and improve parent knowledge of school operations, including the process for filing a UCP complaint. Fresno Unified asserted that it has largely funded its anti-bullying efforts through Title II federal funding.[7]

Statewide, although 81 percent of the 1,394 LEAs that responded to our survey stated that cost has not limited or prevented them from implementing policies and procedures that prohibit discrimination, harassment, intimidation, and bullying, several stated that funding shortfalls limit them from doing more. For example, some respondents noted that a lack of staff and funding for teacher training as well as high costs prevent them from participating in anti-bullying and harassment programs. Some respondents stated that they implemented preventive trainings and programs by obtaining funding from outside sources, such as grants and parent groups. These results generally align with our review of the three LEAs we visited.

Some LEAs responding to our survey stated that a lack of staff and funding for teacher training as well as high costs prevent them from participating in anti-bullying and harassment programs.

LEAs Have Implemented Various Best Practices

In our review of prevention training programs and workshops, we identified various best practices that LEAs and school sites have in place. Identifying and implementing best practices can be beneficial in preventing incidents involving discrimination, harassment, intimidation, and bullying. According to StopBullying.gov, bullying can threaten a student's physical and emotional safety at school and can negatively affect his or her ability to learn. The site concludes that the best way to address bullying is to stop it before it starts. Researchers at StopBullying.gov reviewed existing bullying prevention programs and obtained feedback from educators in the field to develop a set of 10 suggested strategies for bullying prevention and intervention, which we present in Table 3 on the following page.

[7] Title II funding is a federal grant provided to LEAs for preparing, training, and recruiting high-quality teachers and principals.

Table 3
Best Practices Identified by StopBullying.gov

STOPBULLYING.GOV BEST PRACTICES	STOPBULLYING.GOV DESCRIPTION OF BEST PRACTICES
Focus on the social climate	Bullying prevention requires changes in attitudes, norms, and behaviors.
Conduct communitywide bullying assessments	Collect local data on bullying, climates, and the extent of youth violence. Use the data to raise awareness, monitor where bullying is happening, evaluate the need for training, tailor programs to meet needs, and measure the effectiveness of efforts.
Seek out support for bullying prevention	Early and enthusiastic support is critical from leaders of schools and youth programs, as well as commitment from the majority of school staff.
Coordinate and integrate prevention efforts	Bullying prevention should be coordinated and integrated with other efforts. A coordinating group or committee will help inform decisions on ways to communicate, coordinate, or adopt strategies.
Provide training in bullying prevention and response	School staff must understand the nature of bullying, its effects, and how to prevent bullying. Additionally, they need direction and skills to stop bullying on the spot and to perform routine follow-up with the students involved.
Set policies and rules	Establish and enforce rules and policies that address bullying, including standards for behavior and the positive and negative consequences.
Increase adult supervision	Focus on "hot spots" for bullying from previous incidents and reports by youth. School staff should know how to investigate suspected bullying.
Respond consistently and appropriately when bullying happens	All staff should be prepared to respond appropriately and on the spot whenever they observe bullying and follow up with students and parents as needed. Referrals to mental health professionals may be needed.
Spend time talking with students about bullying	Talking about bullying and its prevention helps youth to read social cues, appreciate differences, be understanding, and self-reflect. These discussions also help staff gain insights and build trust with students. School curriculum can incorporate lessons about bullying, positive behaviors, and social-emotional skills.
Continue efforts over time and renew community interest	Bullying prevention should have no end date. Communities need to continually assess prevention needs and outcomes, revise strategies and programs, and champion the benefits in children's lives and to the community.

Source: California State Auditor's review of information from www.StopBullying.gov.

The three LEAs we visited implement all of the best practices outlined by StopBullying.gov to varying degrees. For example, we determined that Fresno Unified implemented the best practice to coordinate and integrate prevention efforts because each school within Fresno Unified has a Safe and Civil Schools bullying prevention team that includes a site administrator, certificated staff, and classified staff. Each team receives training as part of the previously described Safe and Civil Schools and Olweus Bullying Prevention programs. Further, Fresno Unified asks each team to use a district *Bullying Prevention Team Workbook* to assess the degree to which bullying prevention plans are being carried out, examine whether strategies are working effectively, and modify these strategies as needed.

In addition to the coordination and integration of prevention efforts at the school sites, two of the LEAs—Fresno Unified and Los Angeles Unified—have implemented this best practice at the district level by offering centralized support for these efforts. For example, Fresno Unified's Social and Emotional Support Office provides training, assistance, and materials for its prevention programs to school site staff. As a result, Fresno Unified asserted that it is better able to support its school sites in their implementation and evaluation of these programs. In addition, Fresno Unified's Constituent Services Office provides a single location for students and parents to contact the district with any complaints related to discrimination, harassment, intimidation, or bullying that are not resolved satisfactorily at the school level. The Constituent Services Office is also responsible for managing a portion of the district's Parent University, discussed previously.

Fresno Unified provides a single location for students and parents to contact the district with any complaints related to discrimination, harassment, intimidation, or bullying that are not resolved satisfactorily at the school level.

Similarly, Los Angeles Unified has centralized its process for addressing complaints by designating its Educational Equity Compliance Office (compliance office) as the primary recipient for complaints related to discrimination, harassment, intimidation, and bullying based on protected characteristics. The compliance office works in conjunction with the Office of Human Relations, Diversity, and Equity, which manages a subset of those complaints and also provides prevention training to its school sites. By centralizing their efforts to assist schools in preventing and addressing incidents of discrimination, harassment, intimidation, or bullying, these LEAs have simplified the process of obtaining support so that their students, staff, and parents may be better served.

In contrast, Sacramento City Unified uses a less centralized structure. Specifically, its policies and forms stipulate that formal complaints should be submitted to either its Student Hearing and Placement Department or its human resources office, depending upon whether the complaint is a student- or an employee-related issue. However, the Student Hearing and Placement Department's process for handling sexual harassment complaints provides less assurance to the complainants than the UCP process used by the district's human resources office because it does not notify complainants of their right to appeal the LEA's decision to Education, which is required under state regulations. Although Sacramento City Unified asserted that complaints submitted to either office will be resolved using the appropriate process, regardless of where the complaint is filed, this approach provides less assurance that complainants are made aware of their rights.

However, Sacramento City Unified has taken other steps to incorporate best practices at both the LEA level and the school site level. Specifically, to set policies and rules related to bullying, Sacramento City Unified developed a bullying prevention strategic plan, published in August 2011, which led to the development of a bullying prevention policy, establishment of a position to oversee bullying prevention and intervention, and creation of a hotline where students and the public can report bullying anonymously. In addition, Sacramento City Unified has started to implement programs that accomplish best practices at the school site level. For example, to accomplish the best practice of focusing some class time on bullying prevention, Sacramento City Unified indicated that it had implemented a bullying prevention program called Steps to Respect at seven of its 81 school sites during the 2012–13 school year. Steps to Respect is a program for grades three through six designed to decrease school bullying problems by improving staff awareness and responsiveness, fostering socially responsible beliefs, and teaching social-emotional skills to counter bullying and promote healthy relationships. Sacramento City Unified anticipates implementing this program at four additional school sites in the 2013–14 school year.

Unlike Fresno Unified and Sacramento City Unified, Los Angeles Unified does not implement programs at the district level, instead allowing school sites to implement programs that fit their needs, culture, and budget. Our visit to two school sites within Los Angeles Unified revealed that they were implementing certain best practices from StopBullying.gov. For example, to focus on the social climate of the school, Millikan started an event called Live on the Lawn during lunch periods. This event features student performers and keeps students occupied during a period of downtime, which Millikan believes decreases the likelihood that bullying or harassment will occur. We observed another example of a best practice at Huntington Park, which formed a group called the Positive Behavior Team, to coordinate and integrate prevention efforts. The objective of the team—made up of teachers, students, and parents—is to promote the ideals of being respectful, safe, and responsible while on campus. Although allowing school sites to create their own programs may result in innovative methods to address bullying, the disadvantage of this approach is that some school sites may implement ineffective programs or may not take any actions at all.

Allowing school sites to create their own programs may result in innovative methods to address bullying; however, they may implement ineffective programs or may not take any actions at all.

Statewide, 44 percent of the LEAs responding to our survey and 48 percent of the school sites reported using best practices for addressing incidents of discrimination, harassment, intimidation,

and bullying. Among the best practices LEAs most frequently cited as being adopted were anti-bullying programs, student outreach programs, and staff training. In our school site survey, some schools reported relying on counseling or programs that either modify negative behavior or otherwise prevent and raise awareness about the negative effects of bullying and harassment. Several school sites responded that they have various practices in place for identifying, investigating, and resolving incidents and complaints that exceed the UCP process requirements. These practices include confidential complaint boxes, incident response teams, and special bullying complaint forms. Although it is commendable that LEAs reported implementing best practices, as the next section indicates, many are not formally evaluating whether their programs are effective.

Among the best practices that LEAs responding to our survey most frequently cited as being adopted were anti-bullying programs, student outreach programs, and staff training.

LEAs Could Do More to Formally Evaluate the Effectiveness of Their Policies and Programs

The LEAs and school sites we visited do not always evaluate the effectiveness of their policies and programs related to discrimination, harassment, intimidation, and bullying, nor do they use data from available sources to help gauge the impact of their efforts. Similarly, more than half of the LEAs and school sites responding to our survey do not formally evaluate the effectiveness of their programs and workshops. Without a formal evaluation mechanism in place, LEAs and their school sites lack assurance that their efforts are actually reducing discrimination, harassment, intimidation, and bullying in their schools.

Most LEAs Did Not Evaluate the Effectiveness of Programs After Implementation

The three LEAs we visited played varying roles in the selection, implementation, and evaluation of their school sites' prevention programs. To select the program that would best fit the needs of its school sites, Fresno Unified relied upon external research. Specifically, Fresno Unified asserted that in 2007 it reviewed various programs and interviewed the creator of the Safe and Civil Schools program prior to selecting it for district-wide implementation. Fresno Unified also evaluated the program's effectiveness by participating in a consultant's study during its first two years of implementing the program at 32 elementary schools. After comparing schools that were at varying stages of implementation, the consultant concluded that the program was responsible for a decline in suspensions and reported bullying incidents. When it later identified the need for an anti-bullying program, Fresno Unified selected the Olweus Bullying Prevention program after determining that it aligned well with the

existing framework of the Safe and Civil Schools program. Following the district-wide implementation of these programs, Fresno Unified began comparing its student suspension and expulsion rates against those from previous years to determine whether it was meeting its specific improvement goals. Although it has established this mechanism as a means to evaluate its programs, Fresno Unified could improve its analysis by using other data sources, as we describe later in this section.

Even though Sacramento City Unified used a reasonable approach for selecting programs for school sites to implement, it did not establish a mechanism to adequately evaluate the effectiveness of those programs once they were implemented.

In contrast to Fresno Unified's district-wide implementation of its two programs, Sacramento City Unified indicated that it has implemented several programs in a smaller selection of schools. Sacramento City Unified asserted that it reviewed studies to select evidence-based programs for implementation. Even though Sacramento City Unified used a reasonable approach for selecting programs for school sites to implement, it did not establish a mechanism to adequately evaluate the effectiveness of those programs once they were implemented in the 2011–12 school year. Sacramento City Unified hired a consultant to administer pre- and post-implementation surveys to a selection of schools participating in four programs, but the consultant's report did not measure the results against expected outcomes. Sacramento City Unified explained that the consultant's report was primarily focused on completing other goals within its strategic plan for bullying prevention and intervention.

As mentioned, Los Angeles Unified does not implement district-wide programs, instead allowing each school to select and implement a program that best fits the school site's needs and budget. However, Los Angeles Unified does not require school sites to formally evaluate their selected programs, which we believe would help ensure that school sites select effective programs. Los Angeles Unified stated that it does not require evaluations of the effectiveness of its school sites' prevention programs because school sites continually adjust their practices according to changing trends in bullying prevention, which makes a precise analysis difficult. Moreover, Los Angeles Unified indicated that it does not have the research staff necessary to conduct district-wide evaluations; however, it stated that research groups from several universities are conducting studies on the prevention programs implemented at some of its schools. As discussed below, data are available to Los Angeles Unified and the other LEAs to evaluate their overall prevention efforts.

Specifically, the three LEAs we visited could make better use of data that are currently available to them, such as survey results, student behavior data, and complaint logs. For example, both Sacramento City Unified and Los Angeles Unified administered the California Healthy Kids Survey (kids survey). However, Sacramento City

Unified asserted that it was unable to use the kids survey data to evaluate its programs on a district-wide basis because less than half of its schools met the minimum level of participation for the survey results to be statistically significant. Los Angeles Unified did not use the survey data to conduct any kind of formal evaluation because the data were not tied to a specific program. Nevertheless, we believe analysis of the kids survey data would provide both of these LEAs with a basis to evaluate the overall prevention efforts in their districts. The third LEA, Fresno Unified, administers a school climate survey that it designed based on the kids survey and a separate survey specific to its bullying prevention program. Although it analyzes these data to measure student engagement—the level of connectedness the students feel to their school—Fresno Unified does not use this survey data to establish specific improvement targets. Fresno Unified explained that it is developing a new tool that would allow site administrators to use survey data in their formal analyses, but it explained that the tool is still in the early stages of implementation.

In addition, the three LEAs we visited could better use existing student behavior data to establish improvement goals for evaluating the effectiveness of their policies and programs. For example, the three LEAs collect student suspension and expulsion data for each of their school sites, which they categorize by Education Code violations, including violations specific to discrimination, harassment, intimidation, and bullying. The three LEAs also collect data regarding student behavior incidents that do not rise to the level of a suspension or expulsion, but none of them currently uses this information to formally evaluate the effectiveness of their prevention programs. Finally, the LEAs have complaint processes through which students, parents, and staff can report incidents, but none of them currently analyzes this information to assess trends or the effectiveness of their prevention programs. Using these data sources, the LEAs could determine whether their efforts have had a positive effect on the number of disciplinary actions taken and the number of complaints at both the school site and LEA levels.

Similar to the limited evaluations we observed at the LEAs we visited, results from our statewide surveys indicate that LEAs could do more to evaluate the programs or workshops they choose to implement. Our LEA survey showed that 579 of the 1,061 LEAs (55 percent) that implemented a program or workshop indicated that they did not formally evaluate its effectiveness after implementation. By neglecting to evaluate effectiveness, LEAs have little assurance that they are using their resources prudently and that their efforts are achieving the desired outcomes.

By neglecting to evaluate the effectiveness of their programs and workshops, LEAs have little assurance that they are using their resources prudently and that their efforts are achieving the desired outcomes.

School Sites Generally Are Not Formally Evaluating the Effectiveness of Their Programs

Only one of the six school sites we visited formally evaluated the effectiveness of its programs; however, two school sites are in the process of conducting formal evaluations.

Only one of the six school sites we visited formally evaluated the effectiveness of its programs; however, two school sites are in the process of conducting formal evaluations. Fresno Unified's Birney Elementary School (Birney) used behavior assessments of participating students to determine the effectiveness of its Special Friends program, which is geared toward first- through third-grade students who need assistance developing social skills. Teachers track the progress of individual students and assess their social skills prior to participation and once again after they have completed the program. Birney determined that the program was effective for the students who completed it, based upon the measured improvements in their social skills and a reduction in the number of disciplinary referrals, suspensions, and expulsions. The other Fresno Unified school we visited, Sequoia Middle School (Sequoia), has recently completed its first year of implementing its Young Men's Alliance program—a mentoring program designed to help students develop personal behavior and academic skills. To gauge the effectiveness of Sequoia's program, Fresno Unified will track the grade point average, attendance, and suspension rates of participating students, both before and after completing the program, to identify improvements in the students' performance and consequently the program's effectiveness. Fresno Unified expects to complete this analysis by July 2013. Similarly, one of Sacramento City Unified's schools, Kennedy, developed a work plan for its several prevention programs that identifies specific milestones and dates for achieving those milestones; however, Kennedy has not completed an analysis because it is only in the first year of implementing these programs.

The three remaining school sites have conducted only informal analyses of their programs. Specifically, the other Sacramento City Unified school we visited, Sutter, did not formally evaluate its program because it had been in place only since April 2013. Sutter stated that it piloted the program with a selection of students, but it plans to follow up with a school-wide assembly in the 2013–14 school year and intends to work with Sacramento City Unified to determine whether it should continue with the program. Finally, the two schools we visited within Los Angeles Unified, Millikan and Huntington Park, both administer annual surveys that help determine the school climate and focus their efforts. However, both confirmed that they were not conducting any kind of formal evaluation of their programs.

Similarly, our school site survey determined that 19 of the 37 schools sites (51 percent) that implemented a program or workshop indicated that they did not formally evaluate its effectiveness after implementation. Without a formal evaluation of the effectiveness of their programs, school sites lack assurance that they are using their resources prudently and that their efforts are achieving the desired outcomes.

LEAs Need to Address Complaints More Rigorously

The three LEAs we visited each had weaknesses in their complaint resolution processes at either the district office or the school site level. At each of the three LEAs, the process for handling complaints varies based on where the complaint is originally filed—at the LEA or school site—and whether the complaint involves a protected characteristic. If a complaint is filed directly with the LEA, and it determines the complaint is based on a protected characteristic, then the LEA will generally resolve the complaint using the UCP process. If the complaint does not involve a protected characteristic, then the complaint is generally resolved using an alternative process specific to that LEA. However, each LEA we visited encourages complainants to address their concerns early and informally at the school site or through the use of an alternative complaint process whenever possible, as allowed by state regulations. Using this process, one of the LEAs did not always ensure the complainants' right to an unbiased decision, because in two student-related instances the investigator it assigned was also the subject of the complaint. Further, two LEAs we visited did not always resolve their complaints within the time limit required under the UCP process. These delays violate the state regulation requiring LEAs to resolve complaints within 60 days of receipt.

Most student discrimination, harassment, intimidation, and bullying complaints do not go through the UCP process because staff handle the majority of day-to-day complaints at the school site. If a complaint is filed directly at the school site, the site administrator typically uses his or her discretion on how to best resolve it. Depending upon the type of complaint, the site administrator is required to follow additional school site-level complaint procedures established in the LEA's policies. However, the six school sites we visited did not always track complaints filed at the school site level, follow their LEAs' reporting requirements, or comply with their LEAs' policies to document their follow-up of incidents. As a result, complainants and the subjects of the complaints may not always receive the full benefits and protections afforded to them under the LEAs' policies.

The six school sites did not always track complaints filed at the school site level, follow their LEAs' reporting requirements, or comply with their LEAs' policies to document their follow-up of incidents.

Many Complaints Filed Directly With the LEA Are Resolved Through Processes Other Than the UCP Process

The three LEAs we visited encourage the early and informal resolution of student complaints at the school site whenever possible so that incidents are resolved more quickly.

State regulations allow LEAs to develop informal processes other than the formal UCP for resolving complaints alleging discrimination, harassment, intimidation, and bullying. The three LEAs we visited encourage the early and informal resolution of student complaints at the school site whenever possible so that incidents are resolved more quickly. Use of the UCP process varies among the LEAs we visited. Even though Los Angeles Unified has informal complaint processes, it resolved more than 90 complaints related to discrimination, harassment, intimidation, and bullying by using the UCP process during the 2008–09 to 2012–13 school years. It used the UCP process for these complaints because it determined that the complaints were based on protected characteristics. However, during the same five-year period, Sacramento City Unified resolved two complaints using the UCP process, and Fresno Unified resolved one complaint using the UCP process.[8]

Specifically, Sacramento City Unified received complaints of discrimination, harassment, intimidation, and bullying and then, according to the details of the complaints, decided to resolve most of them by using a mediator or by conducting an informal investigation. Unlike Sacramento City Unified, Fresno Unified generally offered complainants the option of choosing to file a complaint informally or formally and, if formally, whether to use the UCP process or its personnel complaint process. Fresno Unified's personnel complaint process may offer the advantage of a slightly quicker resolution—40 working days rather than the 60-day time limit for resolving UCP complaints. Under this process, complainants may appeal a decision regarding a personnel complaint to Fresno Unified's school board; however, unlike the UCP process, complainants cannot appeal the decision to Education.

Although they can result in faster resolution of a complaint, these alternative processes may provide less assurance that complainants receive an unbiased decision under certain circumstances. Specifically, in two separate cases, Sacramento City Unified assigned a site administrator to investigate a complaint in which the administrator was one of the employees named in the complaint as not taking appropriate actions to address a student incident at the school site. Both site administrators prepared reports describing the steps of their investigation; however, the inherent

[8] The LEAs had other UCP complaints unrelated to discrimination, harassment, intimidation, and bullying that they processed during the period we reviewed.

conflict of interest—being named in the parents' complaints and then investigating the complaints—compromises the integrity of the investigative process. Although the use of the UCP process would not have guaranteed the selection of an impartial investigator in these cases, the complainant would have been guaranteed the right to appeal the LEA's decision to Education. However, as we previously discussed, Sacramento's complaint processes for handling student-related sexual harassment complaints do not always notify complainants of their right to appeal the LEA's decision. Sacramento City Unified stated that site administrators are customarily assigned as the primary investigators for all complaints filed regarding their school sites. Further, it indicated that a higher-level administrator would conduct the investigation if a complaint alleges misconduct by a site administrator. Sacramento City Unified explained that for these two cases it was an oversight to not assign a higher-level administrator to investigate the complaints. Sacramento City Unified stated that it will closely monitor and enforce its practice of assigning a higher-level administrator to investigate complaints against a site administrator.

LEAs Do Not Always Promptly Resolve Complaints

Two of the three LEAs we visited—Los Angeles Unified and Sacramento City Unified—did not always resolve complaints within required time frames. State regulations require LEAs to complete an investigation and send a written decision to a complainant within 60 days of receiving a written complaint alleging violation of a state or federal law. Both Los Angeles Unified's and Sacramento City Unified's policies reiterate the 60-day state-mandated time limit. The LEA may extend the time limit if it is able to obtain written permission from the complainant. Otherwise, complaints must be resolved within the 60-day time limit even when an alternative method, such as an alternative complaint process or mediation, is used.

State regulations require LEAs to complete an investigation and send a written decision to a complainant within 60 days of receiving a written complaint alleging violation of a state or federal law.

Los Angeles Unified failed to resolve and provide a written decision within 60 days for 11 of the 20 UCP complaints we reviewed for the 2008–09 to 2012–13 school years. Of those 11 complaints, only two were approved for an extension of time, and the remaining nine complaints were between three and 62 days late. The UCP coordinator at Los Angeles Unified explained that his former understanding was that the 60-day time limit did not include holidays, weekends, vacation days, and mandated time off. However, in November 2012, Education received an appeal of a UCP complaint that alleged that Los Angeles Unified did not complete its investigation and issue its decisions within the 60-day time limit. During the investigation, Education contacted the UCP coordinator and explained that the 60-day time limit should be

calculated using calendar days, as state regulations require. Further, the director of the compliance office stated that a staff shortage and the volume of UCP complaints also contributed to the delay in these cases. However, if needed, Los Angeles Unified could have requested a written extension in these cases.

During the 2008–09 through 2012–13 school years, Sacramento City Unified failed to resolve within 60 days seven of the 20 complaints we reviewed, including one UCP complaint. Although Sacramento City Unified resolved most complaints using a process other than the UCP process, its practice is to apply the same 60-day time limit for resolution to all complaints. Like Los Angeles Unified, Sacramento City Unified misinterpreted the requirement and did not count holidays and vacation days against the time limit. As a result of our review, Sacramento City Unified is now aware that holidays and vacation days cannot be excluded and has assured us that it will make the necessary adjustments in the future.

In contrast, Fresno Unified resolved its one UCP complaint within the required 60-day time limit through the use of a mediator. The other 19 complaints we reviewed were addressed using Fresno Unified's personnel complaint process, and these were resolved within the 40-day time limit that it established.

To the extent that LEAs take or do not take actions to address the problems, unresolved complaints may leave victims in unsafe situations and allow these activities to continue rather than promptly putting a stop to them.

The failure of Sacramento City Unified and Los Angeles Unified to resolve and issue a written decision within the mandated time limits is not in compliance with their own policies or with state regulations. As a result, to the extent that LEAs take or do not take actions to address the problems, these unresolved complaints may leave victims in unsafe situations and allow these activities to continue rather than promptly putting a stop to them.

Schools Did Not Adequately Document Complaints Filed at the School Site Level

The three LEAs we visited have adopted policies that their school sites should follow when handling certain complaints they receive directly. State regulations authorize LEAs to utilize methods alternative to the UCP process to resolve complaints. Although complaints filed and resolved at this level are not part of the UCP process, school sites are expected to comply with their LEA's policies for resolving those complaints. According to the three LEAs' policies, site administrators are required to investigate such complaints, document them, and conduct follow-up with victims to ensure that no further incidents or retaliation occur.

Although the three LEAs have policies requiring school sites to document all complaints, the six school sites we visited generally did not maintain logs of complaints received along with actions taken to resolve them. For example, neither of the Sacramento City Unified school sites that we visited tracks all complaints received. Similarly, neither of the Los Angeles Unified school sites we visited maintains complaint logs, instead relying on notes included in the district's student behavior system to document complaints received and investigated. Finally, the two Fresno Unified school sites we visited stated that they track only complaints that resulted in a disciplinary action, such as a detention or suspension. By documenting these allegations and their resolutions in accordance with their LEAs' policies, the school sites would enable the LEAs and site administrators to better track the frequency, volume, and outcome of prohibited activities on their campuses. As discussed earlier, the LEAs we visited encourage the informal resolution of student complaints of discrimination, harassment, intimidation, and bullying whenever possible. Thus, a certain level of incidents may never be recorded and tracked because they are resolved by informal means. Failure to document these incidents also precludes school sites from using this information to evaluate the effectiveness of the schools' prevention programs.

Further, the six school sites generally were not following their LEAs' requirements to submit a written report to the LEA after completing an investigation of a complaint involving discrimination, harassment, intimidation, or bullying. For example, the two school sites we reviewed at Sacramento City Unified failed to prepare and submit written reports for 26 incidents involving sexual harassment or discrimination, 25 of which resulted in a student's suspension between the 2008–09 and 2012–13 school years.

Similarly, Los Angeles Unified's policy requires school sites to submit an electronic incident report form for all sexual harassment incidents involving students. However, of the 18 sexual harassment suspensions occurring during the 2010–11 through 2012–13 school years at the two Los Angeles Unified school sites we visited, only one incident was documented in its electronic reporting system.

Only one of 18 sexual harassment suspensions, occurring during three school years at two Los Angeles Unified school sites we visited, was documented in its electronic reporting system.

Further, none of the four school sites we reviewed at Fresno Unified and Sacramento City Unified provided written reports of the investigation to both the victim and the perpetrator, as their LEAs' policies require. By requiring the school site to provide a detailed written report to the student who complained and the student who was accused, the policy is designed to ensure that both parties clearly understand the reasons for the investigator's decision.

Lastly, the six school sites did not always document that they had followed up with victims to ensure that the discrimination, harassment, intimidation, or bullying had ceased. Each of the site administrators asserted that this follow-up had occurred, but as a practice they generally do not keep records to demonstrate that they have completed such follow-up. By requiring site administrators to document making follow-up inquiries with victims, the policy clarifies that the school is accountable for preventing further victimization of students.

The reason the school sites are not following required processes could be that the three LEAs did not clearly communicate their expectations regarding complaint procedures at the school site level to their site administrators. For example, the Sacramento City Unified site administrators we spoke to either were unfamiliar with the written report requirement or stated that they found the procedures to be impractical because the victims often want the situation to be handled as discreetly as possible. In response to our audit, Sacramento City Unified stated that it will place greater emphasis on training school administrators to ensure that they have a clear understanding of these complaint procedures. Similarly, Los Angeles Unified stated there has been some confusion by school sites regarding when to submit incident reports to the LEA. Los Angeles Unified stated that it will continue to train its site administrators to ensure they are aware of the appropriate system in which to file reports. In addition, Fresno Unified acknowledged that it did not expect schools to follow the written report requirement for situations in which a complaint was resolved informally. Due to differences in the way school sites handle formal and informal complaints, Fresno Unified intends to review its policies against what is currently in practice at school sites and then revise the policies and train staff to ensure that complaints are handled consistently across all school sites.

Recommendations

To ensure that it is effectively preventing and addressing incidents of discrimination, harassment, intimidation, and bullying in its schools, Fresno Unified should do the following:

- Continue its efforts to implement methods to measure the effectiveness of school safety programs at both the district and school site levels.

- Ensure that school sites follow the complaint procedures established in its policies.

To ensure that it is effectively preventing and addressing incidents of discrimination, harassment, intimidation, and bullying in its schools, Los Angeles Unified should do the following:

- Monitor school sites to ensure that they implement school safety programs.
- Measure the effectiveness of its school safety programs at both the district and school site levels.
- Ensure that school sites evaluate the effectiveness of the programs they choose to implement.
- Resolve complaints within 60 calendar days regardless of the complaint process selected.
- Ensure that school sites follow the complaint procedures established in its policies.

To ensure that it is effectively preventing and addressing incidents of discrimination, harassment, intimidation, and bullying in its schools, Sacramento City Unified should do the following:

- Ensure that school site staff complete the training required under its anti-bullying policy.
- Continue its efforts to implement school safety programs at school sites.
- Measure the effectiveness of its school safety programs at both the district and school site levels.
- Ensure the impartial resolution of complaints by not assigning the investigation to site administrators or other staff specifically named in the complaint.
- Notify all complainants of the right to appeal its decisions to Education.
- Update its policies and procedures to calculate the state-mandated time limit for resolving complaints in accordance with state regulations.
- Resolve complaints within 60 calendar days regardless of the complaint process selected.
- Ensure that school sites follow the complaint procedures established in its policies.

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Chapter 2

THE CALIFORNIA DEPARTMENT OF EDUCATION SHOULD ASSUME A STRONGER LEADERSHIP ROLE TO IMPROVE SCHOOL SAFETY

Chapter Summary

Although the Safe Place to Learn Act (act) required, beginning in 2008, that the California Department of Education (Education) ensure that local educational agencies (LEAs) comply with certain provisions of state law, Education's Office of Equal Opportunity (EO office) did not begin monitoring LEA compliance with the act until the 2012–13 school year. The EO office failed to monitor LEAs' compliance with the act for four years because it did not incorporate the act's requirements in the program instrument it uses to monitor LEAs. Further, Education's process for updating its program instruments lacks an adequate control to ensure that these tools are being updated to reflect new requirements under the law.

State regulations allow a complainant to appeal to Education an LEA's decision regarding complaints of discrimination filed through the uniform complaint procedures (UCP) process and require Education to resolve that appeal within 60 days of receipt. However, the EO office did not always resolve appeals within the 60-day time limit. In addition, the EO office did not consistently obtain and review LEAs' investigative files and complaint procedures. As a result, complainants who appeal LEAs' decisions on UCP complaints are not receiving the benefit of a prompt and independent review of their complaints as called for in state regulations.

In addition, although Education has provided resources to LEAs on its Web site as required under state law, LEAs report a lack of awareness of and a lack of satisfaction with such resources. Our review confirmed that Education could improve the quality of the resources posted on its Web site. For example, Education does not provide up-to-date guidance on best practices for preventing and addressing bullying, such as how to address cyberbullying, and could expand information related to protected characteristics.

Furthermore, representatives that we interviewed from eight organizations with experience researching violence prevention and school safety have identified practices that other states use to help prevent and address incidents of discrimination, harassment, intimidation, and bullying. Key practices the representatives mentioned are school climate activities, restorative justice and peer mediation, and a requirement for training of teachers and school

site staff. In addition, a U.S. Department of Education (U.S. DOE) report to help state policy makers strengthen legislation to prevent bullying and related activities identified key components of anti-bullying legislation that states can implement. We found that California laws differ from the U.S. DOE examples in several instances, and therefore the State could benefit from including these missing components in law.

Finally, although Education has access to statewide data regarding school climate, suspensions and expulsions, and UCP appeals, it does not formally evaluate the information it collects. For instance, Education has sponsored the California Healthy Kids Survey (kids survey)—a statewide survey that asks students in four grade levels several questions relating to violence and safety, which includes questions related to harassment, intimidation, and bullying—but has never used the data to analyze trends or form policies. The same is true for statewide data on disciplinary actions and complaints. By evaluating this data and sharing it with LEAs, Education could provide them with ways to better address the challenges they face in preventing and responding to incidents of discrimination, harassment, intimidation, and bullying.

Education Did Not Monitor LEAs' Compliance With State Discrimination and Bullying Laws Until the Most Recent School Year

The act makes Education responsible for assessing whether LEAs are in compliance with state laws regarding discrimination, harassment, intimidation, and bullying through its federal program monitoring process.

Although required by the act to monitor LEAs' compliance with certain provisions of state law since 2008, Education failed to ensure that LEAs were complying with certain provisions of state law until the 2012–13 school year. The act makes Education responsible for assessing whether LEAs are in compliance with state laws regarding discrimination, harassment, intimidation, and bullying through its federal program monitoring process. Specifically, Education's EO office conducts annual educational equity reviews to ensure that LEAs are providing equal rights and opportunities for all students, promoting educational equity, and eliminating discrimination and harassment in schools. In 2008 Education tasked the EO office with monitoring LEAs' compliance with state laws.

However, the EO office did not update its program instrument to incorporate these requirements until 2012, four school years after the act was enacted. Program instruments are developed and updated by offices within Education to review whether an LEA is meeting legal requirements. The director of the EO office provided various explanations for the failure to update the program instrument. Specifically, she explained that the EO office did not update it in the 2008–09 school year because Education's federal program monitoring office instructed her not to revise the program instrument due to a lawsuit. Then, in the first half of the 2009–10

school year, the program instrument was not updated because she believed that the former superintendent of public instruction (former superintendent) had suspended educational equity reviews when he suspended Education's categorical program monitoring reviews of LEAs.[9] Further, the EO office stated that in the second half of the 2009–10 school year, as well as in the 2010–11 school year, it was not updated because staff were either unavailable or assigned to higher-priority tasks, and in the 2011–12 school year the employee assigned to make the updates failed to do so. The director of the EO office said she eventually updated the program instrument for the 2012–13 school year.

For four school years the EO office failed to ensure LEAs' compliance with the act as required under state law.

As a result of these delays, for four school years the EO office failed to ensure LEAs' compliance with the act as required under state law. The EO office conducted educational equity reviews using an outdated program instrument, which did not include any of the requirements referenced in the act, during the 2008–09, 2010–11, and 2011–12 school years. As noted earlier, the EO office did not conduct any educational equity reviews in the 2009–10 school year, and when Education resumed categorical program monitoring reviews in January 2010, the director of the EO office asserted that there was insufficient staffing to conduct any education equity reviews during the remainder of the year. However, the former superintendent's March 2009 letter announcing the suspension of the reviews clearly states that monitoring for specific programs, including educational equity, would continue.

Although Education has a process in place to ensure that its offices and programs update their program instruments each year to reflect changes to laws and regulations, this process failed to detect that the EO office had not updated its program instrument. Education's federal program monitoring office provides timelines for offices and programs—including the EO office—to update their program instruments and informs program and office managers of their responsibility to update the program instruments on an annual basis. The federal program monitoring office requests the program instrument updates; reviews changes, if any are submitted; and sends substantive changes to Education's legal office for review. We asked the director of the federal program monitoring office why her staff did not notice that the EO office failed to update its program instrument during this four-year period. She indicated that the program and office managers are responsible for updating their program instrument and that the federal program monitoring office serves as a coordinator in federal program monitoring reviews. However, Education's current process of relying on each office

[9] As discussed in the Introduction, categorical programs provide funds that have been directed to specific categories of children, to a particular activity or program, or for a special purpose.

or program to update its program instrument is not an adequate control to ensure that offices and programs are performing these updates as appropriate to reflect changes in law.

We also noted some minor deficiencies when testing 11 monitoring reviews that the EO office performed for the 2012–13 school year. Specifically, the EO office did not detect that one LEA's policies were out of compliance with state law, and it also did not document that LEAs had posted discrimination, harassment, intimidation, and bullying policies in all school offices, including staff lounges and pupil government meeting rooms.

Education Has Not Always Promptly Reviewed Appeal Cases Under the UCP Process

State law and regulations allow a complainant to appeal an LEA's decision regarding a complaint involving discrimination to Education through the UCP process.[10] State regulations require Education to resolve the appeal within 60 days. In addition, state regulations outline the steps Education is required to take when reviewing appeal cases, such as determining whether the LEA followed its complaint procedures, and if the LEA's decisions regarding findings of fact are supported by the evidence. In making this determination, Education must review certain documents from the LEA (listed in the text box) and determine whether substantial evidence exists to support the decision. Education also must review the conclusions of law that are the subject of the appeal and determine whether they are correct. The EO office is responsible for reviewing these appeals; however, we found that the EO office has not always conducted timely review of appeal cases, notified LEAs of appeals received, or obtained all required information.

Documents That the California Department of Education Must Review When Considering Appeals of Uniform Complaint Procedures Decisions

- Copy of the original complaint.
- Copy of the local educational agency's (LEA) decision.
- Summary of the nature and extent of the LEA's investigation (if not covered in the decision).
- Copy of the LEA's investigation file, including all notes, interviews, and documents submitted by the parties involved or gathered by the investigator.
- Report of any actions the LEA took to resolve the complaint.
- The LEA's complaint procedures.
- Any other relevant information that the California Department of Education requests from the LEA or the parties involved.

Source: Title 5, California Code of Regulations, Section 4633.

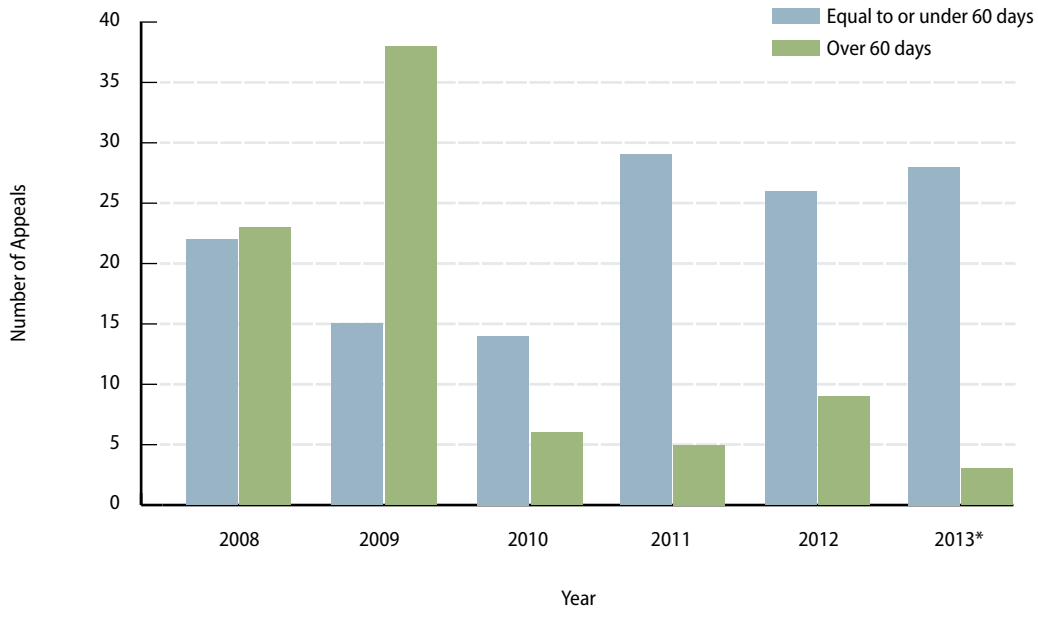
Under state regulations, after receiving an appeal the EO office has 60 days to complete its review of whether the conclusions of law that are being appealed are correct and to determine whether the LEA followed its complaint procedures and

[10] Education can also receive other types of complaints that we did not review. One type of complaint requires Education to directly intervene in certain specified situations, including ones in which the LEA failed to comply with the UCP process or the LEA failed or refused to cooperate with the investigation. Additionally, when a party submits a complaint that has not been through an LEA's UCP process, state regulations require Education to refer it back to the LEA for review.

the findings of fact being appealed are supported by evidence. However, 11 of the 18 appeals we reviewed exceeded the 60-day time limit by one to 305 days, averaging 92 days late. The director of the EO office attributed delays to the complainant providing additional information and to late or missing responses from the LEAs involved. The director also asserted that during 2009 there was only one office staff member who handled tasks related to complaints, but she stated that the staff member initially reviewed complaints for potentially serious issues.

More recently, the EO office indicated that it has improved compliance with the 60-day review requirement for appeals by assigning a staff person the responsibility of handling the process to manage this requirement. To support this assertion, the EO office provided us a report showing that from 2009 to 2011, the average number of days to resolve appeals had decreased. However, we were unable to validate this assertion because the number of appeals listed on the report did not reconcile to the number recorded in the EO office's tracking log. Further, its tracking log shows that the EO office continues to have difficulty resolving cases in a timely manner, as there were at least five late appeals each year between 2008 and 2012 and three late appeals through mid-2013, as shown in Figure 2.

Figure 2
Number of Appeals to the California Department of Education That Met or Exceeded the 60-day Review Requirement From 2008 Through 2013



Source: California State Auditor's review of the appeal tracking log that the California Department of Education's Office of Equal Opportunity (EO office) maintains.

* In 2013 the 28 appeals equal to or under 60 days include eight appeals that the EO office has not resolved as of June 28, 2013, but were still within the 60-day review period. The three appeals over the 60-day review period were not yet resolved as of June 28, 2013.

For nine of the 18 appeals we reviewed, the EO office did not notify the LEA that an appeal was filed, nor did it always obtain investigative reports or other documents from the LEA, as state regulations require.

We also noted that for nine of the 18 appeals we reviewed, the EO office did not notify the LEA that an appeal was filed, nor did it always obtain investigative reports or other documents from the LEA, as state regulations require. Further, for eight of the nine cases, it appears that the EO office reviewed the appeals based solely on information provided by the complainants. Generally, this information includes only a record of the LEA's decision that is being appealed and the original complaint. In the ninth instance, the LEA provided the EO office with a copy of its decision and investigative report. According to Education's general counsel, in these nine instances the EO office may have assisted complainants so that their submitted material would satisfy the threshold requirements for an appeal. This, in turn, triggered the obligation under state regulations for the EO office to notify the LEAs of the appeals, which was not always done.

Education Could Do More to Provide Resources and Encourage Best Practices at LEAs

Education has a responsibility under the act to provide relevant resources to LEAs. Although two separate units of Education—the EO office and the Coordinated School Health and Safety Office (health and safety office)—have provided resources to LEAs on Education's Web site in response to this state law, many LEAs responding to our survey indicated that they did not use Education's resources. The 2012 amendments to the act require Education to display, on the California Healthy Kids Resource Center Web site and other appropriate department Web sites, current and periodically updated information on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, and bullying based on actual or perceived protected characteristics included in state law. In addition, Education is required to develop and post on its Web site a model handout describing the rights and obligations of students in public schools to participate fully in the educational process free from discrimination and harassment, and also to include policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. Further, Education is to post and annually update on its Web site, and provide to LEAs, a list of statewide resources that includes community-based organizations that provide support to youths and to their families who have been subjected to school-based discrimination, harassment, intimidation, and bullying. The health and safety office concentrates on bullying prevention resources, while the EO office concentrates on resources that deal with discrimination and harassment based on a protected characteristic. Education provides a link to these resources on the homepage of its Web site.

Despite Education's efforts, more than half of the LEAs that responded to our statewide survey report a lack of awareness of the resources offered by Education, and some LEAs indicated a lack of satisfaction with the resources and assistance provided. Specifically, 54 percent of LEAs that responded to our survey, or 747 LEAs, reported that before receiving our survey they were unaware of the resources offered by Education to assist them in implementing the changes to the act that went into effect in July 2012. Although only 30 responding LEAs included a comment regarding the resources that Education provides, their perspectives were interesting. Several of the LEAs stated that the resources or assistance are inadequate or difficult to access in some way. For example, Petaluma City Elementary stated that "because of the huge number of districts with varying degrees of need and resources, one type of assistance does not fit all needs." The Standard School District expressed the need for "more sample reporting forms" and "consistent guidelines." Centralia School District indicated that "materials should be adapted for various stakeholders." Finally, Murrieta Valley Unified, which reported that it is dissatisfied with the resources and assistance provided by Education, noted a "lack of local resources for students and families." Further, 66 percent, or 916 LEAs, reported seeking assistance from organizations other than Education in developing policies and procedures to address discrimination, harassment, intimidation, and bullying. For example, when LEAs commented about the other organizations, many said they sought assistance from the California School Boards Association (association), a nonprofit organization representing the elected officials who govern public school districts and county offices of education. LEAs belonging to the association have access to a range of resources, including policy resources and training. Similar to the LEAs' responses to this question, when we surveyed 40 school sites, 21 of them, or 52 percent, indicated that they were unaware of Education's resources.

More than half of the LEAs that responded to our survey indicated that they were unaware of the resources offered by Education to assist them in implementing changes to the act.

We believe resources posted on Education's Web site could also be replaced or improved. For example, Education provides six links to publications discussing bullying that are nearly 10 years old or older and do not reflect recent guidance on best practices for preventing and addressing bullying. One of these, Education's 47-page publication titled *Bullying at School*, was published in 2003. The publication has very little discussion of recent topics, such as cyberbullying via social media, and it directs the reader to an Education Web site that is no longer available. Further, of the Web sites that Education links to on its page listing publications and resources on bullying, only one is dedicated solely to cyberbullying, and that Web site is no longer available. In addition, the bullying publications and resources page has minimal information related to certain protected characteristics. For example, we noted that there was minimal information to address and prevent incidents related

to gender identity, gender expression, and sexual orientation. When we brought these deficiencies to the attention of Education's bullying prevention specialist, she stated the Web site is updated annually but that printed publications are costly to update and funding for bullying-related resources is nonexistent. Further, despite our findings, she indicated the resources are designed to address all subgroups and all types of bullying. She stated that at the time of the annual review of Web site resources, it is determined whether there are trends, such as cyberbullying or adult-to-student bullying, that have emerged as a priority. LEAs responding to our survey provided additional comments regarding outdated or problematic Education resources. According to Brentwood Union School District, navigating through Education's Web pages to get information is "a bit of a challenge," and New Haven Unified School District commented that "resources available in July 2012 were not current." These comments, which were confirmed by our own observations, indicate that the information on Education's Web site could be more useful and up to date. Because of its leadership role in the area of discrimination, harassment, intimidation, and bullying, it is critical that the resources Education provides, particularly those on its Web site, direct LEAs to informative, useful, and relevant information.

National Organizations Interviewed

- Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado, Boulder
- Cyberbullying Research Center
- Education Commission of the States
- Institute on Family and Neighborhood Life, Clemson University*
- National School Climate Center
- National School Safety Center
- Parent Advocacy Coalition for Educational Rights National Bullying Prevention Center
- California School Boards Association†

Sources: Selected by the California State Auditor based on a review of other state departments of education and other Web sites.

* The Olweus Bullying Prevention program is one of the programs conducted by the Institute on Family and Neighborhood Life at Clemson University.

† Although the California School Boards Association is not a national organization, it provides bullying-related information and resources and we therefore see it as a relevant source of information on best practices.

National Organizations Identified Various Practices That States Throughout the Nation Have Implemented

Various national and statewide organizations are focusing their attention on researching violence prevention and school safety to identify practices that may help prevent and address incidents of discrimination, harassment, intimidation, and bullying in schools. We asked eight organizations, identified in the text box, that deal with the subject of bullying what they believe are the best practices states use to help prevent these behaviors. One representative was reluctant to call any activity a "best practice" because he was unaware of any state-led initiatives that have been formally evaluated. Nonetheless, the organizations identified a number of practices that other states use.

For example, four organizations noted that states are using school climate surveys to measure what students experience, including their impressions of the severity of bullying. An associate professor who coauthored a book on school climate stated that it is widely recognized that the quality of

the school environment determines bullying behavior at or away from school. The president of the National School Climate Center indicated that school climate policies or laws are useful because they recognize the emotional, social, and civic elements of public life. He noted that some states have implemented requirements for LEAs to perform statewide school climate surveys. Georgia, for example, passed a law in 2012 to require a school climate rating for each school and school system. Although California sponsors the kids survey, which includes questions about school climate, it currently requires only some LEAs to participate in the survey.

Additional key practices that national organizations mentioned include nonpunitive methods to address an incident, such as restorative justice and peer mediation. Restorative justice allows the victim to face the offender (only if they both agree) in a meeting facilitated by a trusted adult after an incident has occurred to discuss the harm that the offender's actions caused and to allow the offender to restore the relationship. Restorative justice is designed to reconcile the offender with the victim, to resolve their differences, and increase the victim's sense of safety. Peer mediation is similar in that the victim and offender meet to try to address their problems, with an individual trained in mediation present. However, these types of programs are beneficial only if both the victim and the offender are willing to participate in them.

Some of the organizations we spoke to asserted that various states, such as Colorado, Pennsylvania, and Tennessee, have encouraged restorative justice practices. California law also allows restorative justice as an alternative means of correction before suspension or expulsion from school. While restorative justice was cited several times, one representative was skeptical of the idea of placing a bully and a victim together to sort out their issues, noting that the bully may try to manipulate the situation, particularly if the mediator is poorly trained.

Another practice mentioned was bullying prevention training. The codirector of the Information Clearinghouse for the Education Commission of the States (codirector) noted that several states require specialized professional development and training for school staff and volunteers. For example, Massachusetts state law requires LEAs to provide ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying. The text box describes the required content of this training. Massachusetts law also requires its Department of Elementary and Secondary Education to identify and offer LEAs information on alternative methods for fulfilling the professional

Required Bullying Prevention Content in Massachusetts' Law for School Staff Professional Development

- Developmentally appropriate strategies to prevent bullying incidents.
- Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents.
- Information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim, and witnesses to the bullying.
- Research findings on bullying, including information on specific categories of students who have been shown to be particularly at risk for bullying in the school environment.
- Information on the incidence and nature of cyberbullying.
- Internet safety issues as they relate to cyberbullying.

Source: Massachusetts Education Law, Part I, Title XII, Chapter 71, Section 370.

development requirements, including one that is available at no cost to LEAs. In contrast, California law only encourages LEAs to develop and implement training that will improve school attendance and reduce school crime and violence, including areas such as hate crimes, bullying (including cyberbullying), discrimination, and harassment. However, state law requires Education and the Office of the Attorney General to establish policies for the development of school safety plans and contract with trainers to conduct bullying prevention training. According to a study cited by a recent U.S. DOE report on bullying, training is necessary because teachers are often unaware of how to respond to incidents of bullying.[11] The same U.S. DOE report indicates that 25 states mandate that LEAs develop and implement training for school personnel. Moreover, given the continued level of bullying that is occurring, as well as the evolving nature of these incidents in social media, as noted in the U.S. DOE report, this training would appear to be beneficial to teachers and staff of LEAs.

Seven Key Anti-Bullying Policy Areas for States as Identified by the Education Commission of the States

- Explicit prohibition of bullying.
- Inclusion of cyberbullying in state and local definitions.
- Required notification of anti-bullying policies to students and others.
- Required reporting for school staff who witness bullying.
- Prohibition of retaliation and immunity to the reporter.
- Required investigation of reports of actual incidents.
- Required staff development and training.

Source: Codirector of the Information Clearinghouse, Education Commission of the States.

In addition, the codirector asserted that there are seven key policy areas that states should include in their policies for preventing and responding to incidents of discrimination, harassment, intimidation, and bullying. These areas are listed in the text box. The codirector identified six states that had addressed these policy areas as of August 2011: Arkansas, Connecticut, Delaware, New Jersey, South Carolina, and Washington. We determined that California addresses five of these policy areas in statute or regulations but does not adequately address two others. Specifically, although California state law makes bullying a basis for suspension or expulsion, it does not explicitly prohibit bullying that is not based on a protected characteristic, nor does it make training mandatory for school staff; rather, it is encouraged.

California School Safety and Nondiscrimination Laws Do Not Always Align with Key Components of Anti-Bullying Laws Identified in a U.S. DOE Analysis

In August 2010 the U.S. DOE and U.S. Department of Health and Human Services cohosted the first Federal Partners in Bullying Prevention Summit, bringing together government officials, researchers, policy makers, and education practitioners to explore potential strategies to combat bullying in schools. The summit addressed the need for additional guidance to schools on

[11] The U.S. DOE report, titled *Analysis of State Bullying Laws and Policies*, was issued in 2011.

bullying prevention. In December 2011 the U.S. DOE published a report that identified 16 key components of state anti-bullying laws. For example, one component the U.S. DOE identified is legislation that includes a provision requiring the state to review local policies on a regular basis to ensure that the goals of the state statute are met.

The report used two approaches to assess state laws enacted through April 2011: coverage—did the law include any language pertaining to the components that the U.S. DOE identified and expansiveness—to what extent did the laws provide specific prescriptive provisions to address the components. In this assessment, the U.S. DOE found that California's laws did not cover or were less expansive in 11 of the 16 key components. Because California laws have since changed, in Table 4 on the following page we compare California laws as of June 2013 to the key components that the U.S. DOE has identified. Our review found improvement—current California laws do not cover or are not as expansive as six of the key U.S. DOE components, rather than the 11 identified earlier. Nevertheless, there continues to be some potential negative consequences for bullying victims and their families because California laws do not align with all key components that the U.S. DOE has identified.

For example, two key components that California's laws do not address are the declaration that any form, type, or level of bullying is unacceptable, regardless of whether it is based on a protected characteristic, and the requirement that LEAs prohibit all bullying, not just those cases based on protected characteristics. The absence of these clear statements in state law means that victims of general bullying—such as name-calling or other incidents not directly related to a protected characteristic—may not be able to avail themselves of the UCP process.

California law also does not meet key components in requiring LEAs to develop polices using a collaborative process, in providing counseling or mental health referrals for victims, and in requiring that LEAs train all school staff and annually report all bullying incidents to the State. Although state law does not require LEAs to develop policies using a collaborative process that includes all interested parties, we noted that school boards adopt policies at open public meetings that allow public participation. In addition, the U.S. DOE report states that laws typically mandate or encourage LEA policies to include a procedure for referring the victim, perpetrator, and others to counseling and mental and other health services as appropriate. California law provides counseling as an alternative disciplinary action for the perpetrator of the bullying, but it does not have any provision to provide these services to the bullying victim or others. Further, although state law encourages anti-bullying training through statewide workshops, contingent

California law provides counseling as an alternative disciplinary action for the perpetrator of bullying, but it does not have any provision to provide these services to the bullying victim or others.

Table 4
Key Components in State Bullying Legislation, Identified by the U.S. Department of Education

KEY COMPONENT	DESCRIPTION	DOES CALIFORNIA LAW REQUIRE KEY COMPONENT?	DIFFERENCES IN CALIFORNIA LAW
Purpose	Declares that any form, type, or level of bullying, regardless of whether based on a protected characteristic, is unacceptable, and that every incident needs to be taken seriously by the local educational agency (LEA) administrators and staff, and by students and students' families.	No	California explicitly makes bullying based on a protected characteristic unlawful with harassment and discrimination laws.
Scope	Covers conduct that occurs on the school campus or elsewhere.	Yes	
Prohibited behavior	Provides a definition of bullying that prohibits retaliation, prohibits perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person, and includes cyberbullying.	Yes	
Enumeration of groups	Explains that bullying may include acts based on actual or perceived characteristics but clarifies that characteristics are not required to be present for an act to be considered as bullying.	No	While California law defines bullying broadly, California's Safe Place to Learn Act, including the complaints policy, requires that bullying be based on a protected characteristic in order to be unlawful discrimination or harassment.
LEA policy development	Directs every LEA to develop and implement an anti-bullying policy using a collaborative process with all interested stakeholders, including site administrators, staff, students, students' families, and the community.	No	California does not require a formal collaborative process. However, school boards adopt policies at open public meetings that must allow for public participation.
LEA policy review	Includes a provision for the state to review local policies on a regular basis.	Yes*	
LEA policy components	Definition—Includes a definition of bullying consistent with definitions specified in state law.	Yes	
	Reporting—Includes a procedure for reporting incidents of bullying.	Yes*	
	Investigating—Includes a procedure for promptly investigating and responding to any report of an incident of bullying.	Yes*	
	Written records—Includes a procedure for maintaining written records of all incidents of bullying and their resolution.	Yes*	
	Consequences—Includes a detailed description of a graduated range of consequences for bullying.	Yes	
	Referrals—Includes a procedure for referring the victim, the perpetrator, and others to counseling and mental and other health services as appropriate.	No	California law provides for referrals for the perpetrator, but provisions for referrals for the victim and others do not exist.
Communications	Includes a plan for notifying students, students' families, and staff of policies related to bullying.	Yes	
Training and prevention	Includes a mandatory provision for LEAs to provide training for all school staff.	No	California encourages training but does not require it.
Transparency and monitoring	Includes a provision for LEAs to report annually to the state on the number of reported bullying incidents and any responsive actions taken.	No	California law limits the requirement for statewide reporting of bullying to those incidents resulting in suspensions and expulsions rather than including all incidents of bullying.
Legal remedies	Includes a statement that the policy does not preclude victims from seeking other legal remedies.	Yes	

Sources: California State Auditor's review of the U.S. Department of Education's 2011 report *Analysis of State Bullying Laws and Policies*, and of the California Education Code, as of June 2013.

* Although these components are required under state law, as noted in our report, we found they were not working as intended.

on funding, it does not require that LEAs provide this training to school staff. The U.S. DOE also noted that some states require LEAs to report to the state the number of reported bullying incidents that occur and the actions they take to address them. This level of reporting allows school sites to effectively address issues of school-based crime and violence by having an accurate understanding of the extent, nature, and context of the problem. While the U.S. DOE marked California as having policies in place that specifically require the reporting of incidents statewide, California appears to take a limited approach in that it requires only the reporting of bullying-related suspensions and expulsions, not the reporting of bullying incidents. We believe that this approach does not meet the reporting model legislation included in the U.S. DOE report.

As evident in the comparisons in Table 4, several areas in California law can be strengthened to better support LEAs in combating school safety problems. Education, with its leadership role in guiding LEAs' efforts to prevent and address acts of discrimination, harassment, intimidation, and bullying, is best situated to advocate for the necessary legislative changes to implement the model laws identified by the U.S. DOE. According to Education's bullying prevention specialist, the U.S. DOE interviewed Education for the report and provided a link to the report when it was completed. However, she noted that Education has no specific protocols regarding how to address informational reports, such as the U.S. DOE report. Further, she noted that at the time the U.S. DOE issued the report, legislation that would address some of the missing key components was being introduced or had passed.

Education's Evaluation of Statewide Data Is Deficient

Although Education has access to data from several sources—the kids survey, suspension and expulsion reports from LEAs, and UCP appeals—it does not formally evaluate this information for use in assuming a more proactive role with LEAs.

Although Education has access to data from several sources, including the kids survey, suspension and expulsion reports from LEAs, and UCP appeals that it receives, it does not formally evaluate this information. Education stated that funding and staffing issues have prevented it from evaluating these data and using the results to assume a more proactive role with LEAs. Nevertheless, by evaluating this information Education would be better informed on how to reallocate resources and establish priorities to provide LEAs with more guidance in their efforts to address school safety concerns.

The kids survey could provide Education a sense of the school climate and attitudes toward discrimination, harassment, intimidation, and bullying, as well as be a source of data to analyze trends of these incidents. As noted earlier in this chapter, several of the national organizations we contacted believe it is a best practice to use assessments of school climate to guide efforts to prevent and

address incidents of discrimination, harassment, intimidation, and bullying. The kids survey asks students in certain grade levels about their experiences regarding a variety of behaviors, including their views on harassment, intimidation, and bullying. Under Title IV of the federal No Child Left Behind Act, enacted in 2002, LEAs were required to administer the survey as a condition of receiving federal funding.[12] However, the federal government eliminated a portion of the Title IV funding in fiscal year 2009–10. As a result, beginning in fiscal year 2010–11, Education no longer required all LEAs to participate in the kids survey. Its records show, however, that nearly 700 LEAs administered the kids survey in the 2010–11 and 2011–12 school years. In comparison, almost 1,000 LEAs participated in the survey in the two schools years prior to that, when federal funding was still available. Although the number of LEAs administering the survey has decreased, we believe that there is still a sufficient number of participating LEAs from which Education could identify trends or areas to address.

The federal government eliminated a portion of the Title IV funding in fiscal year 2009–10, thus, beginning in fiscal year 2010–11, Education no longer required all LEAs to participate in the kids survey.

Education stated that it has not used the data generated by the kids survey to analyze trends in or form policies related to discrimination, harassment, intimidation, and bullying statewide. Instead, Education expected LEAs to use the survey data to evaluate the effectiveness of their programs and to develop strategies of their own. Indeed, it appears that historically Education's role has been to sponsor the kids survey and oversee the contractor who administers it. However, the kids survey data is one of several data sources that could inform Education's decisions on how to assist LEAs, helping Education fulfill its leadership responsibilities in the State's efforts to combat discrimination, harassment, intimidation, and bullying. Moreover, by failing to perform any analysis of the kids survey results, Education is missing an opportunity to evaluate trends in students' views on school climate, which could better inform both it and the Legislature on additional steps that could be taken to improve school safety in California.

Education also collects statewide data regarding the number of student suspensions and expulsions related to bullying, as required under federal law, and tracks the number of UCP complaint appeals submitted to it. However, Education indicated that it either lacks the staff necessary to do a formal evaluation of the student suspension and expulsion data or, in the case of UCP complaint appeals, it would do so only upon request. Although it reviews the suspension and expulsion data for accuracy and to discern year-to-year changes that may indicate developing problems, Education stated that because discipline issues are

[12] Title IV provided federal financial assistance to states for a number of programs, including to help provide safe and drug-free schools.

locally controlled, it lacks authority over LEAs' policies relating to suspensions and expulsions. Therefore, Education claims that it is able to offer technical assistance only to LEAs with spikes in the number of expulsions or suspensions. However, Education could not show how it tracked the technical assistance provided to LEAs related to these data, and thus we were unable to determine how it used the data to assess spikes in expulsions or suspensions.

Education stated that funding and staffing cuts over the past several years have been factors preventing it from formally evaluating data collected through the kids survey, particularly as it relates to discrimination, harassment, intimidation, and bullying. Despite lacking the staffing levels necessary to evaluate these data, Education stated that it has not submitted any budget change proposals to replace the staff that were eliminated. We acknowledge that funding and staff reductions hinder Education's efforts, however, they do not justify Education's lack of leadership on this issue. We believe that these data sources could provide insights that Education could use to better guide LEAs' efforts to improve school safety. For example, Education could analyze the suspension and expulsion data to identify trends and emerging behavioral issues, such as an increasing number of incidents related to particular protected characteristics or an increasing number of incidents occurring through social media. By providing statewide leadership on these issues, Education would give LEAs a better perspective on how best to address the challenges they face in preventing and responding to incidents of discrimination, harassment, intimidation, and bullying.

Recommendations

To provide stronger leadership with respect to school safety and nondiscrimination laws, Education, with direction from the superintendent of public instruction, should do the following:

- Ensure that the EO office's program instrument is updated annually to include any new requirements in state law, and also ensure that the EO office performs monitoring visits as required and with sufficient rigor to evaluate LEAs' compliance with state law.

- Prioritize the review of parent, student, guardian, or interested party appeals to ensure that the EO office follows state regulations by processing appeals more promptly, notifying LEAs of when appeals are filed, and obtaining the investigation files and other documents when reviewing complaint appeals.

  - By spring 2014 the Legislature should require Education to report to the Senate and Assembly Budget subcommittees on what actions it has taken in this regard, so that the Legislature can consider redirecting existing resources through the annual budget process or taking other actions necessary to ensure that the review of appeals is prioritized.

- Within the next six months and annually thereafter, update and replace the resources on its Web site to provide more relevant information on best practices, such as preventing and responding to incidents related to a protected characteristic or that occur through cyberbullying, the U.S. DOE report on state bullying legislation, and best practices in other states, such as the Massachusetts law on LEA staff training requirements.

- Use data from the kids survey and reported suspensions and expulsions to evaluate the levels of discrimination, harassment, intimidation, and bullying students encounter and to determine the effectiveness of its own and the LEAs' efforts, and report the results to the Legislature by August 1, 2014.

The Legislature should consider amending state law to ensure that it aligns with the key components related to school safety that the U.S. DOE has identified. Specifically, the Legislature should consider amending the Education Code to address the concerns we raised in Table 4 on page 50. If the Legislature adds training requirements to the Education Code, it should consider modeling those requirements on the provisions in Massachusetts law.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the scope section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Appendix A

SURVEY RESPONSES FROM LOCAL EDUCATIONAL AGENCIES

Table A beginning on page 59 summarizes the responses to an online survey on school safety that we sent to administrators of local educational agencies (LEA), which include school districts, county offices of education, and charter schools. Using contact information we obtained from the California Department of Education (Education), we distributed the survey to nearly 2,000 LEAs statewide and received responses from 735 school districts, 619 charter schools, and 40 county offices of education. In total, 1,394 LEAs responded to the survey.[13]

We developed questions to determine how LEAs implemented or plan to implement policies and procedures to comply with laws prohibiting discrimination, harassment, intimidation, and bullying in schools, especially in light of recent changes to the 2008 Safe Place to Learn Act (act). Specifically, the questions cover the distribution of updated policies and procedures; the training of site administrators, teachers, and other personnel; the handling of complaints; resources offered by Education; any outside assistance that the LEA has sought related to the act; programs and workshops held; the implementation of best practices; and whether cost has limited the LEA's ability to comply with the act or prevented it from complying. For one question, administrators could select more than one answer; therefore, the number of responses and the percentage for that question total to more than the 1,394 responses and 100 percent, respectively. Further, the survey presented follow-up questions to only a subset of the administrators, depending upon their responses to a prior question. Therefore, there were fewer than 1,394 responses for some questions.

LEAs were given more than sufficient notice to complete the survey. On January 18, 2013, the state superintendent of public instruction (superintendent) sent a statewide memorandum strongly encouraging LEAs to participate in a forthcoming survey regarding school bullying. On February 19, we solicited participation in the survey directly by sending each LEA a detailed email. That communication explained the purpose of the audit, the Legislature's role in requesting it, and our authority to conduct it, as well as details for accessing the survey. Recipients were also given a specific deadline for completing the survey. We sent two follow-up emails to unresponsive LEAs on April 3 and April 23, and stated that participation was mandatory. Moreover,

[13] Education provided us the classification of LEAs by school districts, charter schools, and county offices of education based on its email distribution list. Other than some filtering of charter schools based on Education's instructions, we did not attempt to validate these classifications or remove LEAs that appeared to be duplicates or listed under multiple classifications. However, based on an exact name match, we identified and removed duplicate entries of unresponsive LEAs.

on April 3, the superintendent sent another email to LEAs, again explaining the audit and the importance of the survey to it. Our final email emphasized that the deadline for completing the survey was April 30 and that a list of LEAs that failed to participate in the survey by that date would be published in our report. We allowed an approximate one-day grace period to submit responses. In total, LEAs were sent five separate notifications and given 10 weeks to respond to the survey.

Despite these efforts, 58 LEAs submitted incomplete surveys, and 495 LEAs failed to respond to our survey. These 553 LEAs included 218 school districts, 317 charter schools, and 18 county offices of education. It does not appear that size was a factor in the failure to submit a survey. Unresponsive LEAs ranged from large school districts, such as Los Angeles Unified (655,000 enrolled in the 2012–13 school year), San Diego Unified (130,000 enrolled), and San Francisco Unified (57,000 enrolled), to small ones, such as Alpine Union Elementary (1,900 enrolled), Freshwater Elementary (332 enrolled), and Indian Diggings Elementary (18 enrolled).[14] Combined, the three largest LEAs that did not respond represent nearly 14 percent of students enrolled statewide in the 2012–13 school year. A complete list of the LEAs that did not respond to the survey can be found at www.auditor.ca.gov.

Key Results From Responding LEAs Regarding Discrimination, Harassment, Intimidation, and Bullying

- 54 percent of the LEAs were unaware of resources that Education offers to assist them.
- 66 percent of the LEAs sought assistance from organizations other than Education in developing policies and procedures.
- 76 percent of the LEAs implemented a program or workshop to assist in the prevention of discrimination, harassment, intimidation, or bullying.
  - Of these LEAs, 47 percent formally evaluated the effectiveness of the program or workshop prior to implementation.

[14] We obtained the enrollment figures from the California Longitudinal Pupil Achievement System, maintained by the Educational Demographics Unit of Education. Data are as of February 2013.

  - Of these LEAs, 45 percent formally evaluated the effectiveness of the program or workshop after implementation.

- 26 percent of the LEAs did not track the number of complaints received.

- 44 percent of the LEAs implemented a best practice for handling complaints that exceeds what is required by state law.

Table A
Survey Results From the Local Educational Agencies

Questions 1 through 3
These are verification questions (such as school, name, position, and unique identifier).

4 Prior to July 1, 2012, did the local educational agency (LEA) have policies and procedures related to discrimination, harassment, intimidation, and bullying that met the requirements of the 2008 Safe Place to Learn Act (Education Code, Section 234)? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	1,201	86%
No	193	14

5 Please indicate the LEA's response to the changes in state law that took effect July 1, 2012, regarding discrimination, harassment, intimidation, and bullying. *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
The LEA's policies and procedures already reflected these changes to state law prior to July 1, 2012.	499	36%
The LEA updated its policies and procedures to implement these changes on or after July 1, 2012.	617	44
The LEA plans to update its policies and procedures to implement these changes by the end of the 2012–13 school year.	239	17
The LEA is aware of these changes, but has no plans to update its policies and procedures.	11	1
The LEA was unaware of the changes to state law.	28	2

continued on next page . . .

5a What methods has the LEA used to distribute its up-to-date materials, policies, and procedures that comply with the changes to state law that took effect on July 1, 2012? MARK ALL THAT APPLY. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,116 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
The LEA provided school site administrators (i.e., principals and vice/assistant principals) the up-to-date materials, policies, and procedures during training.	813	73%
The LEA provided teachers and other school personnel the up-to-date materials, policies, and procedures during training.	661	59
The LEA provided parents and students the up-to-date materials, policies, and procedures during public workshops.	356	32
The LEA notified school site administrators (i.e., principals and vice/assistant principals) of the up-to-date materials, policies, and procedures via email, letter, or telephone.	485	43
The LEA notified teachers and other school personnel of the up-to-date materials, policies, and procedures via email, letter, or telephone.	392	35
The LEA notified parents and students of the up-to-date materials, policies, and procedures via email, letter, or telephone.	442	40
The LEA announced the up-to-date materials, policies, and procedures on the home page of its Web site.	187	17
The LEA announced the up-to-date materials, policies, and procedures in other sections of its Web site.	296	27
The LEA announced the up-to-date materials, policies, and procedures during a public meeting.	489	44
The LEA has displayed the up-to-date materials, policies, and procedures in public spaces at its office.	417	37
The LEA has not distributed its up-to-date materials, policies, and procedures, but plans to do so before the end of the 2012–13 school year.	82	7
The LEA has not distributed its up-to-date materials, policies, and procedures, and has no plan to do so before the end of the 2012–13 school year.	11	1
Other	157	14

Other: Several responses indicated the type of materials distributed, usually a handbook, rather than the method(s) used to distribute them, or they reiterated the methods listed in the question. LEAs most commonly stated that they post contents of their student and parent handbook online, and several LEAs stated that they send updated materials to parents but failed to mention the method of distribution. Other LEAs mentioned distributing materials at various staff meetings and trainings, board or other public meetings, various student events, and other public events.

5b Has the LEA translated these up-to-date materials, policies, and procedures into languages other than English that are spoken by 15 percent or more of its students? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,116 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	505	45%
No	190	17
Not applicable, no other languages met the 15 percent criteria.	421	37

6 Please indicate the level of training on discrimination, harassment, intimidation, or bullying that the LEA has provided to school site administrators (i.e., principals and vice/assistant principals) in response to the changes in state law that went into effect on July 1, 2012. *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Provided training to all of the LEA's school site administrators.	998	72%
Provided training to half or more than half of the LEA's school site administrators.	102	7
Provided training to less than half of the LEA's school site administrators.	23	2
Provided no training to date, but plans to provide this training before the end of the 2012–13 school year.	183	13
Provided no training to date and has no plans to provide this training before the end of the 2012–13 school year.	88	6

7 Has the LEA delegated to its school site administrators (i.e., principals and vice/assistant principals) the responsibility for training teachers and other school personnel on discrimination, harassment, intimidation, or bullying policies and procedures? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes, school site administrators are responsible for training teachers and other school personnel.	1,076	77%
No, the LEA retains responsibility for training teachers and other school personnel.	318	23

7a Please indicate the level of training on discrimination, harassment, intimidation, or bullying that the LEA has provided to teachers and other school personnel in response to the changes in state law that went into effect on July 1, 2012. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 318 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Provided training to all of the LEA's teachers and other school personnel.	150	47%
Provided training to half or more than half of the LEA's teachers and other school personnel.	40	13
Provided training to less than half of the LEA's teachers and other school personnel.	16	5
Provided no training to date, but plans to provide this training before the end of the 2012–13 school year.	66	21
Provided no training to date, and has no plans to provide this training before the end of the 2012–13 school year.	46	14

8 Has the LEA adopted a process for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying as required by the Education Code, Section 234.1(b)? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	1,326	95%
No	68	5

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8a Does the LEA use its Uniform Complaints Process (California Code of Regulations, Title 5, Section 4610(b)) for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,326 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	1,268	96%
No	58	4

8b Has the LEA tracked the number of complaints received that alleged discrimination, harassment, intimidation, or bullying during the past five years? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,326 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	977	74%
No	349	26

9 Prior to receiving this survey, was the LEA aware of the resources offered by the California Department of Education (Education) to assist with implementing the changes to state law that went into effect on July 1, 2012? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	647	46%
No	747	54

9a Please indicate the LEA's level of satisfaction with the resources and assistance provided by Education. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 647 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Very satisfied	101	16%
Satisfied	334	52
Neither satisfied or dissatisfied	150	23
Dissatisfied	9	1
Very dissatisfied	2	0
Not applicable, the LEA did not use this service.	51	8

Explanation: Although few LEAs responding to the question above indicated that they were dissatisfied with the resources and assistance provided by Education, several that gave satisfied or neutral responses stated that Education's resources were inadequate or difficult to access. For example, some LEAs stated that Education's materials lacked consistency or did not address the diversity of the LEAs. Others mentioned that it would be helpful if Education translated materials before sending them. Even though they had indicated they were satisfied, several LEAs also stated that they supplement or even supplant Education's resources with information provided by other entities, such as the California School Boards Association (CSBA). Of the LEAs that were dissatisfied, one stated that there is a lack of local resources to which they can refer students and families, and other LEAs stated that they were not aware of assistance provided by Education.

10 Has the LEA sought any assistance from organizations other than Education in developing policies and procedures for addressing discrimination, harassment, intimidation, and bullying? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	916	66%
No	478	34

Names of Organizations: Responses to the above question show that a large majority of LEAs sought assistance from organizations other than Education. LEAs most frequently cited the CSBA as an alternative source of assistance. LEAs also commonly mentioned two groups that serve charter schools, as well as two associations for school administrators. The responses also show that many LEAs seek assistance from county offices of education, their legal counsel, and their insurance providers. LEAs turned to a number of anti-bullying organizations for guidance as well. Of these, LEAs most frequently mentioned the Olweus Bullying Prevention program and various lesbian, gay, bisexual, and transgender organizations. A review of the responses as a whole indicates that many LEAs seek assistance from more than one of these various sources.

11 Has the LEA implemented any programs or workshops to assist in the prevention of discrimination, harassment, intimidation, or bullying? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	1,061	76%
No	333	24

11a If possible, please provide the names of any programs or workshops that the LEA has implemented to assist in the prevention of discrimination, harassment, intimidation, or bullying. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,061 LEAs responded to this question.)*

Responses to Question 11 show that slightly more than three-quarters of LEAs have implemented some type of program or workshop. A large number of respondents stated that they use a program designed by themselves or in conjunction with other local organizations that is specific to their needs. Respondents also stated that they use a wide array of externally created programs. Of these, the five most frequently cited (in order of frequency, highest to lowest) are Second Step, Positive Behavioral Interventions and Support, Character Counts, Olweus Bullying Prevention program, and Safe School Ambassadors. Respondents also stated that they are assisted in various ways by lawyers and/or insurers, county offices of education, and local law enforcement. LEAs also indicated that speakers and assemblies are another tool commonly used. The responses indicate that several LEAs use more than one program.

11b Did the LEA formally evaluate the effectiveness of the programs or workshops prior to selecting them for implementation? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,061 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	494	47%
No	567	53

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11c Did the LEA formally evaluate the effectiveness of the programs and workshops after their implementation? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 1,061 LEAs responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	482	45%
No	579	55

12 Has the LEA implemented any best practices for handling discrimination, harassment, intimidation, and bullying complaints that exceed what is required by state law? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	609	44%
No	785	56

Explanation: While more than 40 percent of LEAs stated that they have implemented some type of best practice that exceeds state law, additional explanations of such practices offered by respondents usually do not significantly differ from what is required by state law. However, several respondents indicated enhancing their complaints process through the use of tip lines, online reporting, or the use of special bullying complaint forms. LEAs that have implemented best practices exceeding state law most commonly cited various anti-bullying/harassment programs, many of which have already been identified in Question 11a. Several LEAs also cited staff training and various student outreach efforts as a best practice.

13 Has cost limited or prevented the LEA from implementing policies and procedures to comply with laws that prohibit discrimination, harassment, intimidation, and bullying? *(1,394 LEAs responded)*

RESPONSE	COUNT	PERCENT
Yes	265	19%
No	1,129	81

Explanation: According to responses to the above question, funding has not been an issue for the vast majority of LEAs. However, several LEAs stated that while they have the resources they need for minimum compliance, funding shortfalls prevent them from doing more. For example, LEAs most frequently cited the lack of funding to hire staff and to train teachers. In particular, several LEAs stated that the cost of paying for substitute teachers to cover teachers in training is prohibitive. Several respondents also stated that costs prevent them from participating in anti-bullying/harassment programs, although some have been able to sustain programs by obtaining funding from outside sources, such as grants and parent groups.

Source: California State Auditor's analysis of survey responses from 1,394 LEAs.

Appendix B

SURVEY RESPONSES FROM SCHOOL SITES

Table B beginning on page 67 summarizes the responses to an online survey on school safety that we sent to 40 school site administrators. Using contact information we obtained from the California Department of Education (Education), we judgmentally selected 40 school sites based on geographical region, the number of students enrolled, and grade levels. Specifically, we selected 13 school sites from Northern California, 14 school sites from Central California, and 13 school sites from Southern California. By grade level, we selected eight elementary schools, 16 middle schools, and 16 high schools. All 40 of the selected site administrators completed the survey.

We developed questions to determine how school sites implemented or plan to implement policies and procedures to comply with laws prohibiting discrimination, harassment, intimidation, and bullying in schools, especially in light of recent changes to the 2008 Safe Place to Learn Act (act). Specifically, the questions cover the distribution of updated policies and procedures; the training of site administrators, teachers, and other personnel; the handling of complaints; resources offered by Education; any outside assistance that the school site has sought related to the act; programs and workshops held; the implementation of best practices; and whether cost has limited the school site's ability to comply with the act or prevented it from complying. For some questions, administrators could select more than one answer; therefore, numbers and percentages on those questions total more than the 40 responses and 100 percent, respectively. Further, the survey presented follow-up questions to only a subset of the administrators, depending upon their response to a prior question. Therefore, there were fewer than 40 responses for some questions.

Key Results From Responding School Sites Regarding Discrimination, Harassment, Intimidation, and Bullying

- 29 percent of the school sites believe that their districts need to provide site administrators with additional training.
- 52 percent of the school sites were unaware of resources that Education offers to assist them.
- 92 percent of the school sites implemented a program or workshop to assist in the prevention of discrimination, harassment, intimidation, or bullying.

  - Of these school sites, 16 percent did not determine the effectiveness of the program or workshop prior to implementation.

  - Of these school sites, 51 percent did not formally evaluate the effectiveness of the program or workshop after implementation.

- 38 percent of the school sites did not track the number of complaints received.

- 48 percent of the school sites implemented a best practice for handling complaints that exceeds what is required by state law.

Table B
Results of the California State Auditor's Survey of 40 Selected School Sites

Questions 1 through 4
These are verification questions (such as school site name, contact information, and unique identifier we provided the school site).

5 Prior to July 1, 2012, did your district have policies and procedures related to discrimination, harassment, intimidation, and bullying that met the requirements of the 2008 Safe Place to Learn Act (Education Code, Section 234) that your school was required to follow? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	39	97%
No	1	3

6 What methods has your district used to distribute its updated materials, policies, and procedures to comply with the changes to state law that took effect on July 1, 2012, to your school site? MARK ALL THAT APPLY. *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
The district provided your school's administrators (i.e., principals, vice/assistant principals) the updated materials, policies, and procedures during training.	36	90%
The district provided your school's teachers and other school personnel the updated materials, policies, and procedures during training.	25	63
The district provided your school's parents and students the updated materials, policies, and procedures during public workshops.	21	53
The district notified your school's administrators (i.e., principals, vice/assistant principals) of the updated materials, policies, and procedures via email, letter, or telephone.	29	73
The district notified your school's teachers and other school personnel of the updated materials, policies, and procedures via email, letter, or telephone.	24	60
The district notified your school's parents and students of the updated materials, policies, and procedures via email, letter, or telephone.	28	70
The district announced the updated materials, policies, and procedures on the front page of its Web site.	18	45
The district announced the updated materials, policies, and procedures in other sections of its Web site.	24	60
The district announced the updated materials, policies, and procedures during a public meeting.	19	48
The district has displayed the updated materials, policies, and procedures in public spaces at its district office.	21	53
The district has not distributed updated materials, policies, or procedures.	8	20
Other	3	8

Other: Of the three schools that responded with "other," two did not describe methods used by their districts to distribute updated procedures. The remaining school stated that its teachers are provided with a power point presentation that they deliver to their students on the second day of school and the first day of the second semester.

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6a Does your school have any concerns with the methods used by your district to distribute materials? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	3	8%
No	37	92

Explanation: Most schools did not express any concerns with their district's methods of distributing materials. Of the three schools that responded with concern, one stated that not all of its materials were available in Spanish, while the other two schools provided insufficient details regarding their concerns.

6b Please indicate your school's level of satisfaction with the materials your district provided. *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Neither satisfied nor dissatisfied	5	13%
Satisfied	20	50
Very satisfied	15	37

7 Did your school adopt any policies or procedures on its own to comply with the changes to state law that took effect July 1, 2012? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	18	45%
No	22	55

Explanation: Most schools responding yes to the above question did not provide a response that described actions that they had taken at the school level, beyond stating that they have implemented their district's policy changes. Four schools stated that they updated their policies and procedures to include sections on bullying and harassment or updated their safety plans to comply with the changes to state law.

8 Has your district provided your school's administrators (i.e., principals, vice/assistant principals) training on discrimination, harassment, intimidation, or bullying, in response to the changes in state law that took effect on July 1, 2012? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	38	95%
No	2	5

8a Please indicate the type of training your school administrators (i.e., principals, vice/assistant principals) were provided by your district on discrimination, harassment, intimidation, or bullying. MARK ALL THAT APPLY. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 38 school sites responded to this question).*

RESPONSE	COUNT	PERCENT
The school's administrators were provided interactive training that may have included role play, small group discussions, or similar activities.	21	55%
The school's administrators viewed a PowerPoint presentation on the new policies and procedures of your district.	26	68
The school's administrators were given the new policies and procedures to review.	23	61
Other (please specify)	7	18

Other: In addition to the training types listed in the options above, four schools stated that their districts provided administrators with online training and two schools received training from other local government agencies, while another stated that its district provided Olweus Bullying Prevention program training to all district employees.

8b Please indicate your school's level of satisfaction with the training that your district provided. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 38 school sites responded to this question. Percentages do not total to 100 percent due to rounding.)*

RESPONSE	COUNT	PERCENT
Neither satisfied nor dissatisfied	2	5%
Satisfied	18	47
Very satisfied	18	47

Other: Although there were no dissatisfied responses to the above question, one school stated that follow-up training would have been beneficial. The remainder had no response.

8c Do you believe the district needs to provide your school's administrators (i.e., principals, vice/assistant principals) with additional training? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 38 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
No	27	71%
Yes	11	29

Other: Several schools indicated that their districts should provide administrators with continuous training. In addition, one school mentioned the need for training in regards to problems that arise from social media, while another stated it could use assistance understanding the appeals process, particularly as it applies to the complainant.

9 Who is responsible for training your school's teachers and other school personnel on discrimination, harassment, intimidation, or bullying policies and procedures? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Your district is responsible for this training	15	38%
Your school is responsible for this training	25	62

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9a Please indicate the level of training on discrimination, harassment, intimidation, or bullying that your school has provided to its teachers and other school personnel in response to the changes in state law that took effect on July 1, 2012. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 25 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
Provided no training to date and has no plans to provide this training before the end of the 2012–13 school year.	1	4%
Provided no training to date but plans to provide this training before the end of the 2012–13 school year.	2	8
Provided training to all of your school's teachers and other school personnel.	16	64
Provided training to half or more than half of your school's teachers and other school personnel.	6	24

9b Please describe the training on discrimination, harassment, intimidation, or bullying that your school provided to its teachers and other school personnel in response to the changes to state law that took effect on July 1, 2012. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 22 school sites responded to this question.)*

Most respondents stated that their schools provided training to teachers either during annual events where a variety of mandated training issues were covered or throughout the year during staff meetings and other training events. These trainings were generally in the format of PowerPoint, video, or online presentations.

9c Please indicate the level of training on discrimination, harassment, intimidation, or bullying that your district has provided your school's teachers and other school personnel in response to the changes in state law that took effect on July 1, 2012. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 37 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
Provided no training to date and has no plans to provide this training before the end of the 2012–13 school year.	4	11%
Provided no training to date but plans to provide this training before the end of the 2012–13 school year.	3	8
Provided training to all of your school's teachers and other school personnel.	23	62
Provided training to half or more than half of your school's teachers and other school personnel.	5	14
Provided training to less than half of your school's teachers and other school personnel.	2	5

9d Please describe the training on discrimination, harassment, intimidation, or bullying that your district has provided your school's teachers and other school personnel in response to the changes to state law that took effect on July 1, 2012. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 30 school sites responded to this question.)*

Most of the schools that responded did not make a distinction between the training provided by their school and the training provided by their district. Schools generally stated that their districts provided materials and trainers to give presentations to the school's teachers and other school personnel. Several remarked that these trainers were the school's administrators.

10 Has your district informed your school of the process for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying as required by the Education Code, Section 234.1(b)? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	38	95%
No	2	5

11 Does your school use your district's uniform complaint procedures (UCP) (California Code of Regulations, Title 5, Section 4600 et seq.) for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	39	97%
No	1	3

12 Please describe any other process used by your school for receiving, investigating, and resolving complaints of discrimination, harassment, intimidation, and bullying. *(40 school sites responded)*

The process described by 32 respondents was not significantly different from the UCP process, but two of these 32 schools mentioned peer mediation. Two additional schools reported using different processes to address complaints. Six schools did not provide sufficient information for us to understand their responses.

13 Has your school tracked the number of complaints received that alleged discrimination, harassment, intimidation, or bullying during the past five years? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	25	62%
No	15	38

14 Prior to receiving this survey, was your school aware of resources offered by the California Department of Education (Education) to assist with implementing the changes to state law that took effect on July 1, 2012? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	19	48%
No	21	52

14a Please indicate your school's level of satisfaction with the resources and assistance provided by Education. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 19 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
Neither satisfied nor dissatisfied	2	11%
Satisfied	12	63
Very satisfied	5	26

Explanation: Only one school site provided a comment, stating that Education provided additional support following an incident at the school.

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15 Please list and describe any outside resources (e.g. consultants, other school districts, other schools, or purchased materials) that your school uses to assist in the prevention of discrimination, harassment, intimidation, or bullying. *(40 school sites responded)*

Of the 40 respondents, 23 school sites responded that they used resources from their district or local governments, or from local or national organizations, or both categories. In 14 of these 23 instances, schools stated that they use resources from national anti-bullying programs, such as the Olweus Bullying Prevention, Safe School Ambassadors, or Rachel's Challenge programs. Only one school reported using Education's Web site. Seventeen schools either indicated not using outside resources, using its district's resources, or did not provide sufficient information to understand their responses.

16 Has your school implemented any programs or workshops (e.g. awareness assemblies, peer mentoring, trainings for parents, etc.) to assist in the prevention of discrimination, harassment, intimidation, or bullying? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	37	92%
No	3	8

16a Please provide the names of programs or workshops your school has implemented to assist in the prevention of discrimination, harassment, intimidation, or bullying. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 37 school sites responded to this question.)*

Of the 37 schools that reported implementing programs or workshops to assist in the prevention of discrimination, harassment, intimidation, or bullying, 26 reported using more than one program. These are often programs developed externally and include the Olweus Bullying Prevention, No Bully Solution Teams, Positive Behavioral Interventions and Supports, Rachel's Challenge, and Safe School Ambassadors programs. Many schools also reported implementing programs that were developed internally or by local organizations.

16b Please explain how your school became aware of the programs or workshops that have been implemented. *(Note: Because this question was designed to follow up on specific responses from a previous question, only 37 school sites responded to this question.)*

Schools reported becoming aware of programs from a variety of sources. The majority of respondents stated that programs were suggested by internal sources, such as staff, the district, other schools, or were developed by the schools themselves. Others report being made aware of programs suggested by outside groups, such as the American Civil Liberties Union, parents, and mail advertising.

16c How did your school, district, or outside entity determine the effectiveness of the programs or workshops prior to selecting them for implementation? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 37 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
Did not evaluate programs or workshops implemented.	6	16%
District or outside entity evaluated programs or workshops implemented.	11	30
School evaluated programs or workshops implemented.	20	54

16d Did your school formally evaluate the effectiveness of the programs or workshops after their implementation? *(Note: Because this question was designed to follow up on specific responses from a previous question, only 37 school sites responded to this question.)*

RESPONSE	COUNT	PERCENT
Yes	18	49%
No	19	51

17 Has your school implemented any best practice(s) for handling discrimination, harassment, intimidation, and bullying complaints that exceed what is required by state law? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	19	48%
No	21	52

Explanation: Of the 19 schools that indicated using a best practice, some stated that they rely on counseling or programs that modify negative behavior or otherwise prevent and raise awareness about the negative effects of bullying/harassment. Some respondents stated that they have various practices in place for identifying, investigating, and resolving incidents/complaints that exceed the requirements of the UCP process. These include confidential complaint boxes, incident response teams, and special bullying complaint forms.

18 Has cost limited or prevented your school from implementing policies, procedures, programs, or workshops to comply with laws that prohibit discrimination, harassment, intimidation, and bullying? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	30	25%
No	10	75

Explanation: Two schools reported that their efforts to implement policies, procedures, programs, or workshops to comply with laws have been limited because of a lack of funding. As a result, they have had to rely on community donations and parent groups for support.

19 If representatives from the California State Auditor's Office visited your school, could you provide documentation supporting your answers above? *(40 school sites responded)*

RESPONSE	COUNT	PERCENT
Yes	36	90%
No	4	10

Explanation: One school stated that it can show the decrease in student behavioral referrals over the past couple of years because of the Positive Behavioral Interventions and Supports program.

Source: California State Auditor's analysis of survey responses of 40 selected school sites.

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CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

July 26, 2013

Elaine M. Howle, State Auditor *
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Subject: Response to the Draft Report titled, *School Safety and Nondiscrimination Laws: Most Local Educational Agencies Do Not Evaluate the Effectiveness Their Programs and the State Should Exercise Stronger Leadership*, Report No. 2012-108

The California Department of Education (Education) appreciates the opportunity to provide written comments and the proposed corrective actions to the recommendations outlined in the California State Auditor's (CSA) Audit Report No. 2012-108, received on July 22, 2013.

Recommendations:

To provide stronger leadership with respect to school safety and nondiscrimination laws, Education, with the direction of the Superintendent of Public Instruction, should do the following:

- Ensure that the Office of Equal Opportunity (EO) Office's program instrument is updated annually to include any new requirements in state law, and also ensure that the EO office performs monitoring visits as required and with sufficient rigor to evaluate LEA's compliance with state law.

  Education Comments and Corrective Actions
  Education will keep current on any new state law requirements and continue to perform monitoring visits to evaluate LEA's compliance with state law. In this regard, Education will update its program instruments as necessary.

- Prioritize the review of parent, student, guardian, or interested party appeals to ensure that the EO office follows state regulations by processing appeals more promptly, notifying LEAs of when appeals are filed, and obtaining the investigation file and other documents when reviewing complaint appeals.

* California State Auditor's comments begin on page 79.

Elaine M. Howle, State Auditor
July 26, 2013
Page 2

Education Comments and Corrective Actions
Although Education has always prioritized the review of parent, student, guardian, or interested party appeals, Education will implement processes to notify LEAs of when appeals are filed and seek to obtain LEA's investigation files and documentation when reviewing complaint appeals. ①

- By Spring 2014, the Legislature should require Education to report to the Senate and Assembly Budget Subcommittees on what actions it has taken in this regard, so that the Legislature can consider whether redirecting existing resources through the annual budget process, or whether other actions may be necessary to ensure the review of appeals function is prioritized.

Education Comments and Corrective Actions
Not applicable to Education: this recommendation is to the Legislature.

- Within the next six months and annually thereafter, update and replace the resources on its Web site to provide more relevant information on best practices, such as how to prevent and respond to incidents related to a protected characteristic or that occurs through cyberbullying, the U.S. Department of Education (DOE) report on state bullying legislation, and best practices in other states like the Massachusetts law on LEA staff training requirements.

Education Comments and Corrective Actions
Education annually updates information and resources posted on its Web site. Education's Bullying and Hate Motivated Behavior Web site is scheduled to be updated by August 12, 2013, and all links to outside sources will be verified viable with added relevant and well-vetted resources regarding: (1) how to prevent and respond to incidents related to a protected class; (2) cyberbullying; and (3) relevant topics related to bullying.

Education will continue to update LEAs on DOE information as it becomes available. For example, Education will add a link to the DOE report on state bullying legislation on the Bullying and Hate Motivated Behavior Web site with the caveat that the report was created prior to the date when the most recent bullying-related laws became effective, and therefore, may not reflect accurate information for the State of California. Education will continue to update LEAs on DOE information as it becomes available.

The State Superintendent of Public Instruction fully supports the need for a law that mandates staff training in the area of bullying prevention similar to the law passed in Massachusetts; however, Education is not a law-making body. ②

The State Legislature made funding for training in bullying and cyberbullying flexible in 2008, thereby dismantling the statewide training structure built over the past 20 years. The State Superintendent of Public Instruction sponsored, AB 470 (Mullin, 2013), which would have taken these funds, totaling $321,000, out of flexibility, but the bill did not pass.

- Use data from the kids survey and reported suspensions and expulsions to evaluate the levels of discrimination, harassment, intimidation, and bullying students encounter and to determine the effectiveness of its own and the LEA's efforts and report the results to the Legislature by August 1, 2014.

Education Comments and Corrective Actions

Education's Coordinated School Health and Safety Office (CSHSO) will analyze available statewide data from the California Healthy Kids Survey (CHKS) to assist with statewide program planning. The 2011-13 statewide CHKS report is funded by the California Department of Alcohol and Drugs, and is estimated to be available in December 2013. Education's CSHSO will conduct analyses of the 2011-13 statewide CHKS data and share the findings with county offices of education, and other stakeholders by September 2014. If required or requested by the Legislature, Education will submit a report to the Legislature with subsequent statewide CHKS reports being contingent upon available funding.

OVERALL COMMENTS

Education takes school safety as well as discrimination complaints and appeals seriously. Therefore, it is important to note that Education's ability to complete and expedite the processing of complaints and appeals within the 60-day timeframe is negatively impacted by funding decisions that have been made outside of Education's authority. For example, federal and state funding streams to support school safety, school climate, and discipline issues such as bullying have evaporated, California has endured a fiscal crisis which forced Education to reduce staff due to positions being swept, reductions being ordered, and positions being consolidated. ③

It is concerning that challenges such as staffing limitations, the fluctuations of staff resources, the complexities associated with providing immediate interventions to address the health-related needs of disabled students, the daily requests for technical assistance, the various demands of special interest groups, the abundance of legal considerations, expanded program responsibilities, and often limited cooperation on the part of the LEAs were not identified in the CSA report. These factors would have

Elaine M. Howle, State Auditor
July 26, 2013
Page 4

provided a clearer perspective. Although some of these factors were brought to the attention of the auditors, the CSA did not seem to consider these factors in evaluating
(4) Education's performance. Instead, the CSA appeared to focus on paper-processing timelines without consideration of the reasons and resulting reasonableness of the delays in managing cases.

Moreover, Education considers the CSA report a misinterpretation of Education's efforts. Education has been able to provide leadership on school bullying and discrimination issues that not only meets requirements, but excels in terms of assisting students,
(5) parents, and schools. The CSA failed to recognize or highlight any significant efforts in the area of civil rights that Education has made and continues to make despite long-standing budgetary and staffing challenges.

If you have any questions regarding Education's corrective actions, please contact Kevin W. Chan, Director, Audits and Investigations Division, by phone at 916-323-1547, or by e-mail at KChan@cde.ca.gov.

Sincerely,

Richard Zeiger
Chief Deputy Superintendent of Public Instruction

RZ:amb

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE CALIFORNIA DEPARTMENT OF EDUCATION

To provide clarity and perspective, we are commenting on the response to our audit from the California Department of Education (Education). The numbers below correspond to the numbers we placed in the margin of Education's response.

Despite Education's assertion that it "has always prioritized the review of parent, student, guardian, or interested party appeals," our audit still found that it has consistently exceeded the 60-day time limit in state regulations. As noted in Figure 2 on page 43, Education exceeded the 60-day time limit for five to 38 appeals each year between 2008 and 2012, and has three late appeals through the first six months of 2013. (1)

We fully recognize that Education is not a law-making body, but rather it is the state entity charged with leadership over local educational agencies (LEAs) for matters related to K–12 education. Therefore, the intent of our recommendation is to highlight examples of resources and best practices that Education, in this leadership role, should provide on its Web site to assist LEAs in creating their own policies. Moreover, the superintendent of public instruction could sponsor legislation that includes these resources and best practices, in a manner similar to how he sponsored Assembly Bill 470 as Education notes in its response. (2)

Contrary to Education's assertion, we did note the Education's Office of Equal Opportunity (EO office) director's statement on lack of resources on page 43. Further, on page 53 of the report we provide Education's perspective that funding and staff reductions have hindered Education's efforts. (3)

Under its own regulations, Education has a responsibility to review appeals of LEAs' decisions on uniform complaint procedures in a timely manner. However, rather than criticizing us by saying that we "focus on paper-processing timelines without consideration of the reasons" for delays, Education could have asked complainants for time extensions on late appeals or it could seek amendments to its regulations to address issues that it believes keep it from meeting the 60-day time limit requirement. (4)

In making this statement, Education either misunderstands or disregards the scope of the audit that the Joint Legislative Audit Committee requested us to perform. While the audit scope included some issues related to civil rights, we were not directed (5)

to "recognize or highlight any significant efforts in the area of civil rights that Education has made or continues to make." Rather, as described in Table 1 beginning on page 11, we were asked to look at how Education is meeting its responsibility under state law. Our review found weaknesses in Education's leadership in the areas we were asked to review, specifically: Education failed to monitor LEAs to ensure they were in compliance with state law, it did not review appeals in a timely manner, it could provide more relevant resources on its Web site, and it was not using available data to evaluate the effectiveness of the LEAs' efforts.

Fresno Unified School District

Preparing Career Ready Graduates

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Michael E. Hanson

July 26, 2013

Elaine M. Howle
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Fresno Unified School District is committed to improving the lives of all students by providing a high-quality education, while maintaining the health, safety and well-being of its nearly 73,000 students. As such, Fresno Unified is dedicated to maintaining a learning environment that is free from discrimination, harassment, intimidation, and bullying.

As part of our cycle of continuous improvement philosophy, we continue to identify appropriate approaches for addressing student discipline issues. As part of this effort, our Board adopted the following policies on June 5, 2013 and June 19, 2013 that incorporate the use of restorative practices as an alternative to traditional student discipline:

- Board Policy 5138.2 Conflict Resolution
- Board Policy 5144 Discipline
- Board Policy 5144.1 Suspensions and Expulsions/ Due Process
- Board Policy 5137 Positive School Climate

To support this effort, the Board allocated $500,000 as part of the district's 2013-2014 budget. Fresno Unified seeks to be the leading district in the State of California providing a solid educational system and a safe and secure learning environment for all students. I feel confident that our actions will result in this and look forward to the work ahead.

Enclosed please find our responses to the State Audit Report 2012-108.

Sincerely,

Michael E. Hanson
Superintendent

Fresno Unified's Response to State Auditor's Report and its Recommendations

Recommendation No. 1
Continue its efforts to implement methods to measure the effectiveness of school safety programs at both the LEA and school site levels.

Response
Fresno Unified agrees with this recommendation and is consistently reviewing data points to measure program effectiveness.

Of particular importance, we will continue to include indicators in the district's data dashboard related to student safety. The fact that district dashboard indicators are used as part of the Superintendent's evaluation ensures that school safety indicators - which now make up 13% of the overall dashboard indicators - are consistently reviewed by district leaders and the Board of Education.

All District sites completed the initial Safe & Civil Schools training at the conclusion of the 2012-2013 academic year. Therefore, we plan to conduct a full program evaluation of Safe and Civil Schools program during the 2013-2014 school year.

Further, we plan to incorporate a section within the Single Plan for Student Achievement process for school sites to provide evidence demonstrating program effectiveness as measured by improvements to student safety.

Recommendation No. 2

Ensure that school sites follow the complaint procedures established in its policies.

Response

Fresno Unified agrees with this recommendation and will take several actions to address this recommendation during the 2013-2014 academic year, including:

- Provide professional learning on how to use the district's student information system to follow complaint procedures established in our policies. We will track our efforts through our student information system, which includes specific behavior codes related to discrimination, harassment, intimidation and bullying. As reflected in our updated administrative regulation, staff is required to document all incidents - both formal and informal complaints. Quarterly reports will be provided to our Board of Education related to discrimination, harassment, intimidation and bullying statistics.

- Conduct random internal audits to ensure that school sites are following established complaint procedures recognized in our policies.

Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017

July 26, 2013

Elaine M. Howle, CPA*
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Re: Response to *School Safety and Nondiscrimination Laws: Most Local Education Agencies Do Not Evaluate the Effectiveness of Their Programs and the State Should Exercise Stronger Leadership* draft Report #2012-108

Dear Ms. Howle:

Superintendent John Deasy has asked me to respond to the School Safety and Nondiscrimination Laws Audit of 2013 on behalf of the Los Angeles Unified School District (LAUSD). Please allow me to begin by thanking the California State Auditor staff that worked with LAUSD for their thoroughness and professionalism throughout the audit. I am proud the report determined that, with one area of exception, LAUSD complied with or exceeded all aspects of state laws regarding discrimination, harassment, intimidation and bullying. We at LAUSD believe that safety and nondiscrimination are essential prerequisites to any learning environment. We wholeheartedly agree in principle with the recommendations and will go beyond current statutory requirements as necessary to implement the recommendations and in furtherance of LAUSD's pursuit of excellence. (1) (2)

While the strategies for implementing the recommendations are not entirely clear at this point, there can be little doubt that making improvements and implementing the recommendations require additional resources. We look forward to working with interested lawmakers to analyze the final report and identify resources for this important work. (2)

Recommendations by California State Auditor (Page 32):

1. Monitor school sites to ensure that they implement school safety programs.
2. Measure the effectiveness of its school safety programs at both the LEA and school site levels.
3. Ensure that school sites evaluate the effectiveness of the programs that they choose to implement.
4. Resolve complaints within 60 calendar days, regardless of the complaint process selected.
5. Ensure [Monitor] that school sites follow the complaint procedures established in its policies.

Recommendation 1. Monitor school sites to ensure that they implement school safety programs

Currently, the Los Angeles Unified School District requires that all schools have a school safety plan in place. Schools document their plans in their Safe School Plan, Volume 1. These are registered every fall with the school district. The Operations Coordinators verify the schools' compliance according to a Rubric of Implementation. The Safe School Plan system can generate reports enumerating the schools who have complied with the District's requirements. The District uses this report to ensure 100% compliance of all schools. The District will continue to use data systems such as the Safe School Plans to monitor schools' compliance.

* California State Auditor's comments begin on page 87.

LAUSD will review its systems such as the annual Rubric of Implementation, the Safe School Plans, and the annual School Experience Survey, to find opportunities to increase monitoring the implementation of safety plans at the school sites and improve its process for ascertaining whether safety programs have been implemented.

Recommendation 2. Measure the effectiveness of its school safety programs at both the LEA and school site levels.

Currently, the LAUSD has multiple data sets by which school safety programs could indicate the efficacy of our programs at both the LEA and school site levels.

Numerous discrete incidents are addressed effectively by the classroom teachers through corrective feedback. Incidents that are referred to counselors or deans are generally documented on internal school systems. The centralized system, Incident System Tracking Accountability Report (iSTAR), collects data on significant school-based incidents, including but not limited to bullying and discrimination. The iSTAR system has the capacity to identify emerging and changing reporting trends. This information gives valuable feedback to schools and is used to revise or refine school support at the LEA level.

The District will review various data collection systems (e.g., School Experience Survey, iSTAR, suspension and expulsion, California Healthy Kids Survey, Youth Risk Behavior Survey) for opportunities to improve and create protocols to comprehensively analyze effectiveness of our school safety programs at the school and LEA levels. We will review related policies to determine if the policies should be revised to provide additional guidance to schools.

Recommendation 3. Ensure that school sites evaluate the effectiveness of the programs that they choose to implement.

Currently, every school and every Education Service Center (ESC) Operations Coordinator regularly receive iSTAR and the School Experience Survey reports. The School Experience Survey is completed by students, staff and parents. The iSTAR is an incident reporting system. Schools are expected to review this data, along with school-
③ based markers of overall school climate, such as office referrals, incidents reports, suspension rates, attendance rates, bullying complaints, or graffiti to determine the efficacy of their efforts. Schools rate their efforts of implementation on the annual Safe School Plan, which is filed centrally and reviewed at the Education Service Center level. These tools are used to monitor the effectiveness of schools site programs.

The District will review the reporting procedures for enhanced levels of accountability, such as systematically requesting that principals specifically reflect on the relevant data and describe their actions toward increased success in their efforts. The District will work with the appropriate bargaining unit in developing recommendations for increased monitoring of the schools' evaluative efforts.

Recommendation 4. Resolve complaints within 60 calendar days, regardless of the complaint process selected.

④ While state law does not mandate response times for bullying complaints, schools are expected to take all reported cases on bullying seriously and "investigate promptly and thoroughly," "document the actions taken,"

and "monitor and follow up to ensure that the bullying has stopped" (LAUSD Bulletin BUL 5212.1 Bullying and Hazing Policy (Student-to-Student and Student-to-Adult), September 17, 2012).

The iSTAR system allows for ongoing updates to the status of an incident. When the incident is considered resolved, the school site administrator can "close" the incident, knowing that it can be reopened at any time. The iSTAR system automatically generates a reminder email to the incident's author after 30 days of inactivity.

The District will review its related policies on responding to bullying to establish a time line for response that is reasonable and similar to those requested by state regulations for incidents of discrimination and bias. Any response protocol will recognize that a wide range of behaviors are commonly labeled as bullying and that most incidents are successfully resolved by the classroom teacher. Teachers do not formally document the multitude of interventions that are part of effective classroom management.

The District will also review LAUSD UCP Bulletin BUL-5159.2 to determine the efficacy of more clearly defining the role of the UCP Coordinator in the processing of UCP complaints pursuant to 5 CCR § 4621 and monitoring that a written District decision has been prepared within 60 days from the date of the receipt of the complaint.

The District recognizes that not all complaints are resolved to the liking of the parties involved and that complainants may choose to appeal the findings. Participants may not always keep their commitments to honor an expected code of conduct.

Recommendation 5. Ensure that school sites follow the complaint procedures established in its policies.

Currently, administrators certify electronically every fall that they are aware of the policies and following the procedures. They identify a complaint manager and post the information prominently.

The District will review other processes by which schools' compliance with complaint procedures can be evidenced, such as reports, logs or other forms of documentation. We will review our systems and policies for opportunities to enhance monitoring of complaint procedures.

Cordially,

Earl R. Perkins

Earl R. Perkins
Assistant Superintendent of School Operations

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE LOS ANGELES UNIFIED SCHOOL DISTRICT

To provide clarity and perspective, we are commenting on the response to our audit from the Los Angeles Unified School District (Los Angeles Unified). The numbers below correspond to the numbers we placed in the margin of Los Angeles Unified's response.

Our report found several areas in which Los Angeles Unified needs improvement. Specifically, as we recommend on page 37, Los Angeles Unified needs to ensure that school sites implement school safety programs, measure the effectiveness of school safety programs at the district and school site levels, ensure that school sites measure the effectiveness of programs they implement, resolve complaints within 60 days, and ensure that school sites follow the complaint procedures established in its policies. (1)

Contrary to the implication that Los Angeles Unified is trying to make, we do not recommend that it or any other local educational agencies (LEAs) take actions beyond existing state laws and regulations. Rather, our recommendations on page 37 are that Los Angeles Unified comply with existing state laws and regulations to prevent and address incidents of discrimination, harassment, intimidation, and bullying. To achieve better compliance and to make its efforts more effective, Los Angeles Unified needs to make program improvements and give better guidance to its school sites, actions we believe can be taken with its existing resources. (2)

Although Los Angeles Unified describes various ways that it expects school sites to measure the effectiveness of their programs to address discrimination, harassment, intimidation, and bullying, the methods it describes do not provide a formal measurement of results against expected outcomes. Further, as we indicate on page 35, the two school sites we visited at Los Angeles Unified were inadequately documenting and reporting complaints, which would limit the accuracy of data from the Incident System Tracking Accountability Report. Moreover, the school experience survey is not specific to bullying and intimidation programs, but rather, a general nonspecific survey conducted by all school sites. Finally, as we note on page 30, both school sites confirmed to us that they were not performing any formal evaluations of the effectiveness of their programs. (3)

④ As a point of clarification, under state law a bullying complaint that involves a protected characteristic is subject to the 60-day time limit requirement as described on pages 6, 31, and 33. In contrast, complaints of bullying that do not involve a protected characteristic are subject to the processing time limit in an LEA's alternative procedures.

Sacramento City Unified School District

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July 26, 2013

Elaine M. Howle, State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Enclosed is the response of the Sacramento City Unified School District to the draft report on the School Safety Audit. An electronic copy has been emailed to Rosa Reyes and John Baier and a copy is also included on the enclosed CD, entitled "2012-108: School Safety Sacramento City Unified School District".

Please contact me at 916-643-9003 or koua-franz@scusd.edu, if you have questions.

Sincerely,

Koua Jacklyn Franz
Chief of Staff

Sacramento City Unified School District
Putting Children First

Response to School Safety and Nondiscrimination Laws Audit

Summary

The Sacramento City Unified School District (SCUSD) would like to thank the California State Auditor for its examination of the district's policies and programs relevant to school safety and nondiscrimination laws. SCUSD has agreed to work toward fulfillment of the auditor's recommendations because they will help strengthen the district's successful policies and programs with additional accountability. The district's own ground-breaking anti-bullying and anti-harassment strategic plan is still in its early stages and the district continues to strengthen its work in this vitally important area within budget constraints.

Background on SCUSD's Bullying and Harassment Prevention Work

In May 2011, the SCUSD Board of Education passed a comprehensive anti-bullying and harassment policy in response to national and local concern about bullying and its detrimental effects on child health and student learning. The policy was crafted by the Bullying Prevention Task Force which was formed in October 2009 and included staff, students, parents and community members. Working collaboratively, the task force spent months discussing and researching effective strategies for making schools healthier places to learn.

Guidelines in the proposed policy help students, parents, faculty and others identify bullying and the procedures to be followed in addressing such harmful behaviors once recognized. The policy also defines harassment or bullying as "any gesture or written, verbal, graphic, physical or electronic act" that is motivated by a person's "actual or perceived characteristics," such as race, religion, gender, sexual orientation, weight or socio-economic status. Students who try to stop bullying or who report bullying to officials are supported by the district for making the right decision. SCUSD is also committed to providing extensive services to victims and perpetrators of bullying, families, staff and witnesses to harassment. Those services include counseling, training and workshops. Once the policy was adopted, Bullying Prevention Task Force moved on to create a district-wide strategic plan on bullying prevention and intervention to compliment the policy.

At large comprehensive schools, such as award-winning Sutter Middle School, which was visited by auditors, anti-bullying work takes many forms: Sutter students participated in WAVE training sponsored by the Bullies Really Are Violating Everyone Society (BRAVE) last April and will bring the group back for a school-wide fall assembly; Sutter is bringing Girls on the Run, an after-school program with an anti-bullying curriculum, to campus to next fall; and Sutter's student newspaper has provided articles for the student body on how to report bullying.

SCUSD is also in the second year of implementing Social and Emotional Learning (SEL) through a NoVo Foundation grant. The goal is to make all schools happier and healthier places for students to learn.

Sacramento City Unified School District
Putting Children First

Responses to Recommendations:

Audit Recommendation: Ensure that site staff complete training required under its anti-bullying policy.
Response: Sacramento City Unified School District agrees with this recommendation. SCUSD site administrators and other site staff that were not trained last year will be provided with the opportunity to receive this training in the coming school year. New site administrators will also receive training.

Audit Recommendation: Continue efforts to implement school safety programs at school sites.
Response: Sacramento City Unified School District agrees with this recommendation. SCUSD will continue efforts to implement school safety programs such as Steps to Respect, Safe School Ambassadors, WAVE training and others.

Audit Recommendation: Measure the effectiveness of its school safety programs at both the LEA and school site levels.
Response: Sacramento City Unified School District partially agrees with this recommendation. Within capacity, SCUSD will track student data related to bullying and harassment to determine the effectiveness of its school safety programs. SCUSD is currently transitioning our Student Information System to a new application which will help track student data and outcomes. In addition, more effort will be made to obtain greater compliance with the California Healthy Kids Survey in order to obtain better data on the experiences of SCUSD students in relation to school safety.

Audit Recommendation: Ensure the impartial resolution of complaints by not assigning the investigation to site administrators or other staff specifically named on the complaint.
Response: Sacramento City Unified School District agrees with this recommendation. The district will ensure impartial resolution of complaints by applying more stringent monitoring practices within its current process of assigning investigators.

Audit Recommendation: Notify all complainants of the right to appeal its decisions to Education.
Response: Sacramento City Unified School District agrees with this recommendation. All complainants will be notified of their rights to appeal the district's resolution decisions by modifying the standard acknowledgement of receipt of complaint correspondence and the complaint form to include appeal rights information.

Audit Recommendation: Update its policies and procedures to calculate the state-mandated time limit for resolving complaints in accordance with the state regulations.
Response: Sacramento City Unified School District agrees with this recommendation. The district will update policies and procedures to reflect complaint resolution timelines and the established provisions for extending such timelines.

Audit Recommendation: Resolve complaints within 60 calendar days regardless of the complaint process selected.
Response: Sacramento City Unified School District agrees with this recommendation. The district will resolve all complaints within the 60 calendar day timeline or within the established provisions for timeline extensions.

Sacramento City Unified School District
Putting Children First

Audit Recommendation: Ensure that school sites follow the complaint procedures established in its policies.

Response: Sacramento City Unified School District agrees with this recommendation. SCUSD will ensure that school sites follow the complaint procedures established in its policies by sending all site administrators a copy of the latest complaint policies. Additional support and resources will be available at the central office if technical assistance is needed for staff training.

cc: Members of the Legislature
Office of the Lieutenant Governor
Little Hoover Commission
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press