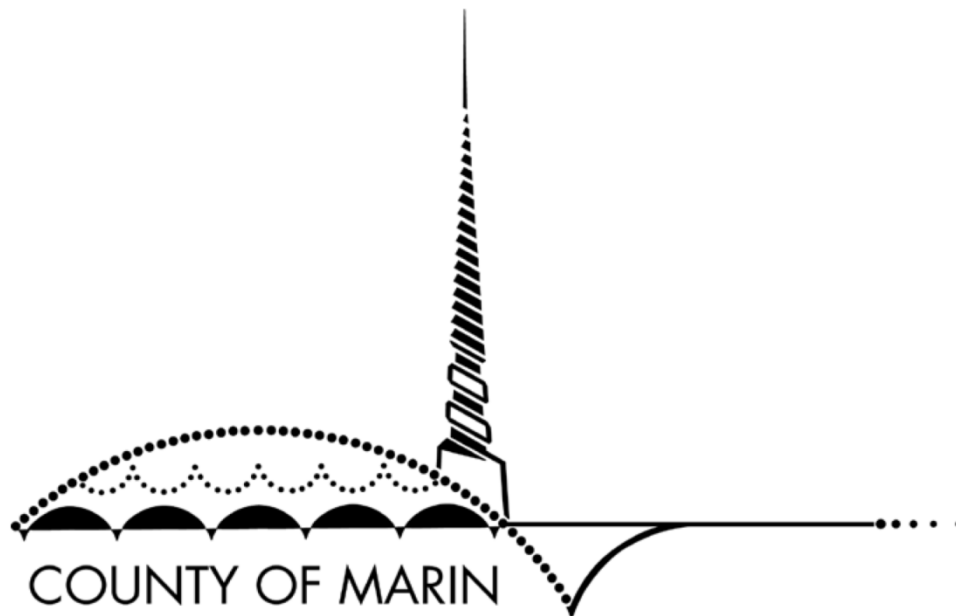


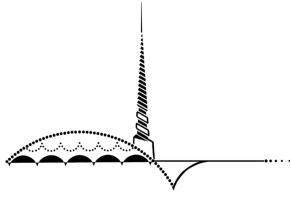
2015/2016 MARIN COUNTY CIVIL GRAND JURY

Marin Public Schools Fail to Beat Bullies

Report Date: June 2, 2016

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Marin Public Schools Fail to Beat Bullies

SUMMARY

Bullying and cyberbullying are pervasive problems in middle and high schools. Marin schools are no exception, as evidenced by their numbers in the California Healthy Kids Survey (CHKS).¹ In fact, Marin public schools reported more incidents in the grades surveyed than the average California school.

There are 25 middle and high schools in Marin County. “Seth’s Law” (California Assembly Bill 9) took effect on July 1, 2012², requiring schools to update their anti-bullying policies and programs. The Grand Jury examined policies and programs in schools to determine the level of their compliance with Seth’s Law and other applicable laws. While most schools take the bullying problem seriously, maintain records, and provide some training and student education, many fail to adhere to this new legislation requiring the adoption of a school anti-bullying policy, procedures for receiving and investigating bullying complaints, including an appeal process and timeline, and the publication of this information to pupils, parents, employees, and the public.³ **Recommendation: Every middle and high school in Marin County should review its anti-bullying policies and procedures to ensure they comply with California law.**

A school’s handbook and website are good vehicles for publicizing anti-bullying policies and practices. The Grand Jury found that many schools did not take full advantage of their websites to communicate this information. **Recommendation: In the spirit of the requirement that a school’s anti-bullying policies and procedures be adequately and fully publicized, the information should be available online, ideally with a prominent link on the homepage of the school’s website. If information is found in the student-parent handbook, the handbook should be easily found on the school’s website and be text searchable.**

Filing a bullying complaint can be a confusing process. Some schools require specific forms and in some cases the forms are not easily located. Other schools have informal methods and procedures and only a few schools accept anonymous complaints. **Recommendation: The procedure for filing complaints, including anonymous complaints, should be described on the school’s website. Any necessary forms, in languages appropriate for the community, should also be easily found and able to be filed online.**

Many school administrators wrote of the need for more student, parent, and staff education. There are many programs available that include education in student inclusion and cyber safety among other topics. The *No Bully System*[®] training was done across the county in 2011 and many schools continue to use their *No Bully Solution Team*[®] process successfully. **Recommendation: Schools should review their anti-bullying education and training and update and/or upgrade them as needed. Schools should**

¹ <http://chks.wested.org/indicators/27/bullying-harassment-student-reported-by-grade-level/>

² http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_009_bill_20111009_chaptered.html

³ http://leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_009_bill_20111009_chaptered.pdf

consider using the *No Bully Solution Team*[®] process that has been reported to be highly successful, or another equivalent program.

BACKGROUND

Bullying is a form of youth violence. The Centers for Disease Control and Prevention (CDC) defines bullying as “any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated. Bullying may inflict harm or distress on the targeted youth including physical, psychological, social, or educational harm.”⁴ Bullying can be physical, verbal, or relational/social aggression. Hitting, name-calling, and rumor spreading can all constitute bullying.

Cyberbullying is bullying that takes place using electronic technology including cell phones, computers, and tablets, as well as communication applications such as social media sites, text messages, chat, and websites. Some examples of cyberbullying are mean text messages or emails, rumors sent by email or posts on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.⁵

Bullying is widespread in US schools. A 2013 nationwide survey found that 20% of high school students reported being bullied on school property during the previous 12 months.⁶ An estimated 15% of high school students stated that they were victims of cyberbullying within the previous 12 months. The 2013-14 School Crime Supplement (National Center for Education Statistics and Bureau of Justice Statistics) indicated that 7% of grade 6-12 students experienced cyberbullying.⁷ Another study found that during the 2012-2013 school year, 8% of public school students (ages 12-18) reported they were bullied on a weekly basis.⁸

Bullying is a public health problem. “Bullying is a serious public health problem, with significant short- and long-term psychological consequences for both the targets and perpetrators of such behavior, and requires a commitment to developing preventive and interventional policies and practices that could make a tangible difference in the lives of many children” says a new report from the National Academies of Sciences, Engineering, and Medicine.⁹ Bullying can cause physical injury, emotional distress and, in extreme cases, death. Bullying victims are known to have an increased risk of developing depression, anxiety, sleep problems, and poor academic performance. Bullies also are at increased risk for substance abuse, academic problems, and violent behavior.¹⁰ While a causal link between being bullied and suicide has not been verified, youth who report frequently bullying others as well as youth who report being frequently bullied are at increased risk for suicide-related behavior.¹¹ Even youth who have *observed but*

⁴ www.cdc.gov/violenceprevention/pdf/bullying-definitions-final-a.pdf

⁵ <http://www.stopbullying.gov/cyberbullying/what-is-it>

⁶ www.cdc.gov/violenceprevention

⁷ <http://www.stopbullying.gov/cyberbullying/what-is-it>

⁸ www.cdc.gov/violenceprevention

⁹ <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=23482>

¹⁰ www.cdc.gov/violenceprevention

¹¹ <http://www.cdc.gov/violenceprevention/pdf/bullying-suicide-translation-final-a.pdf>

not participated in bullying behavior report significantly more feelings of helplessness and less sense of connectedness.¹² So the goal should be to stop bullying before it starts.

California has enacted anti-bullying legislation. Seth's Law, which went into effect in 2012, was named after a 13 year old California student who committed suicide after being bullied at school. Seth's Law amended Education Code §234-234.3 and added §234.4-5, known as the Safe Place to Learn Act. The new law strengthens existing California laws by requiring public schools to update their anti-bullying policies and programs. It focuses on protecting students who are bullied based on their actual or perceived sexual orientation and gender identity/gender expression, as well as race, ethnicity, nationality, gender, disability and religion.

Under California law¹³, schools are required to do the following:

- Adopt an anti-bullying policy that applies to all acts related to school activity or attendance.
- Adopt a process for receiving and investigating bullying complaints. This process shall include at least:
 - A requirement that if school personnel witness an act of bullying, they take immediate steps to intervene when safe to do so.
 - A timeline to investigate and resolve complaints.
 - An appeal process.
 - A translation of all forms into appropriate languages.
- Publicize to pupils, parents, employees, agents of the governing board and the public (with necessary translations) anti-bullying policies including the complaint-filing procedure.
- Provide to certificated school-site employees who serve pupils in grades 7-12 information on school and community resources related to support of LGBTQ pupils.
- Post the anti-bullying policy in all schools and offices including staff lounges and pupil government meeting rooms.
- Maintain documentation of complaints and their resolution for a minimum of one review cycle.
- Ensure that complainants are protected from retaliation and that their identities remain confidential as appropriate.
- Identify a responsible local agency officer for ensuring compliance.

With regard to cyberbullying, California Assembly Bill 256 (Chapter 700) amended § 48900 of the Education Code (effective January 1, 2014) by widening the definition of an “electronic act” for the purposes of suspension or expulsion for bullying to read:

(2)(A) “Electronic act” means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- (i.) A message, text, sound, or image.
- (ii.) A post on a social network Internet Web site.

¹² Ibid.

¹³ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_0001-0050_ab_9_bill_20111009_chaptered.html and <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=00001-01000&file=234-234.5>

METHODOLOGY

For this report, the Grand Jury:

- Examined California state laws and California Education code sections that relate to bullying.
- Collected and reviewed handouts that are sent to parents and students from all the public middle and high schools in Marin County (including K-8 schools).
- Audited each school's website to find out whether student handbooks and the school's bullying policy and procedures were available online.
- Constructed an online questionnaire (see Appendix B) to be completed by administrators at each middle and high school. From this information, we compiled a spreadsheet showing how each of Marin's public middle and high schools is addressing bullying.
- Requested and reviewed materials on the county bullying policy from Marin County Office of Education (MCOE).

DISCUSSION

Scope of the Problem

The California Healthy Kids Survey (CHKS), which is administered every other year in Marin public schools, shows that Marin schools reported more bullying incidents than the statewide average.¹⁴ The CHKS, completed by students anonymously, is the largest statewide survey of resiliency, protective factors and risk behaviors in the nation. The CHKS and its reports were developed by WestEd, in collaboration with Duerr Evaluation Resources, under contract from the California Department of Education Coordinated School Health and Safety Office. According to WestEd, "... the CHKS has led to a better understanding of the relationship between students' health behaviors and academic performance, and is frequently cited by state policymakers and the media as a critical component of school improvement efforts to help guide the development of more effective health, prevention, and youth development programs."¹⁵ The chart below shows the percentage of students who have been harassed or bullied for any reason during the period 2011-2013.¹⁶

¹⁴ <http://chks.wested.org/indicators/27/bullying-harassment-student-reported-by-grade-level/>

¹⁵ <http://chks.wested.org/>

¹⁶ Ibid.

Bullying and Harassment Incidents (School Years 2011-13)

Grade Level	Marin County	California
7th Grade	44.6%	39.4%
9th Grade	38.8%	34.4%
11th Grade	24.7%	27.6%
Non-Traditional	N/R	31.2%
All	35.8%	33.8%

With the adoption of Seth's Law in 2012, California public schools are required to have anti-bullying policies and procedures in place. Their policy must include a process for receiving and investigating bullying complaints along with a timeline and appeal process. In addition, the policy and procedures must be publicized to pupils, parents, employees, agents of the governing board, and the public. The Grand Jury investigated whether County schools are in compliance with the law.

The California Department of Education (CDE) has provided guidance to schools on implementing the new requirements. In September 2012, a letter was sent to all California districts containing the link to a sample UCP (Uniform Complaint Procedure) for schools to use.¹⁷ In addition, on its website the CDE provides a Sample Policy for Bullying Prevention and a Sample Action Plan for complying with Seth's Law. (See Appendix B)

Marin County Office of Education (MCOE) does not publish a countywide policy on anti-bullying, leaving implementation and management of policy and procedures up to each school and school district.¹⁸

School Websites

The Grand Jury examined each school's website to find information on its anti-bullying policy and process for reporting a bullying incident. While all the schools have a website, most do not have the required information available on it. The Grand Jury believes that a prominent BULLYING link on the website's homepage linked to the school's policies and procedures would be ideal, but only one school has this. Another school does have a link on its website's homepage, but it merely leads to a complaint form. Yet another school provides a link to policy language, but without any description of procedures.

When a school did not have such a link on their homepage, the Grand Jury checked to see whether there was information about bullying policies elsewhere on their website. Many schools publish their student-parent handbooks on their websites, although 7 of the 25 schools do not. One school's handbook could only be found on their district's website and another school's handbook, while on the website, was 30 pages long and not text searchable. In addition, 15 of the 25 handbooks lack adequate anti-bullying

¹⁷ <http://www.cde.ca.gov/re/cp/uc/ab9letter09042012.asp>

¹⁸ www.marinschools.org

information (policy and specific procedures). Most of the handbooks that mention bullying still did not fulfill all the state law requirements. Some referred to bullying only in terms of grounds for suspension and expulsion and others merely quoted statute language as to the definition of bullying. Some had policy language, but did not describe any procedures or timelines for dealing with bullying complaints.

Of further concern are discrepancies between what is found on websites and what school administrators reported via Grand Jury questionnaire. In numerous cases the administrator reported that policy and procedures were in the handbook when they were not, or that the handbook was online when it was not. Schools may think they are complying with the law but they are not.

School Policies and Procedures

Many of the administrators answering our questionnaire described the policy and procedures that their schools use for reporting and investigating bullying incident or complaint. Procedures vary greatly:

- Some schools require that a form be used to report a bullying incident.
- In some cases the forms are on the school website.
- In some cases forms are given to parents on the first day of school.
- Sometimes the forms are located on the district website.
- Sometimes the forms are available in school offices.
- Some schools do not use any forms.
- Most schools do not accept online complaints while some schools allow verbal complaints.
- Some schools allow anonymous complaints.
 - One school has an “Advice Box” on campus where anonymous complaints can be made.
 - Several schools have an Anonymous Tip Line phone number on their website that can be called.
 - Several allow phone complaints and the submission of unsigned forms.
 - One school surveys its students every 6 weeks and this survey can be used to make anonymous complaints.

Once a complaint is filed, the procedures also vary:

- One school talks to the student and parent and offers counseling services.
- One school describes their process as “informal”.
- One school’s site administrator investigates complaints and then peer mediation is used if agreed to by students and parents.
- One school sends complaints to the Superintendent’s office for handling.
- One school has a staff member follow up on complaints and document all meetings and situations.
- Another school describes their procedure as investigation, mediation, resolution.
- One school uses a restorative justice or a discipline approach while another offers conflict resolution and Peer Court (pilot program). Restorative Justice or Conflict Resolution is used by some schools.
- Several schools employ *No Bully Solution Teams*® and use their procedures to resolve conflicts, but not all provide details of this process on their website. (Prior to sending out the questionnaire, only one school had adequate details of the No Bully Solution® process in its online handbook.

After receiving the questionnaire, several schools updated their bullying information online to include the procedure details and timeline.)

The Grand Jury questionnaire asked school administrators whether logs of bullying complaints were compiled. Twenty of the 25 surveyed schools reported keeping a complaint log, though only about half of those provided us with data. The data received is summarized in the table below.

Bullying Complaints, by Year and School

Middle Schools	2010-2011	2011-2012	2012-2013	2013-14	2014-2015	2015-2016 (YTD)
A	4	15	9	32	7	10
B	7	3	6	5	1	
C		1	1	2	2	2
D	3	4	13	13	3	
E	9	9	14			1
F	1	0	0	0	0	2
G			4	3	1	1
H					2	2
Totals	24	32	47	55	16	18

High Schools	2010-2011	2011-2012	2012-2013	2013-14	2014-2015	2015-2016 (YTD)
A	1	4	4	0	2	5
B	2	3	1	0	0	3
C	2	3	1	1	0	0
Totals	5	10	6	1	2	8

Some schools reported that complaint numbers, while kept, were too difficult to produce. The number of incidents kept in school logs, as reported to the Grand Jury, is substantially fewer than the number self-reported in the CHKS survey. This may be due to the anonymous reporting on the CHKS.

Publication

California law requires that anti-bullying policies and procedures, including instructions for filing a complaint, be publicized to students, parents, staff, the school board and the public. By law, school policies and procedures are to be posted in staff and student government rooms. The Grand Jury did not investigate whether the information is posted for staff and students, but many schools indicated in the questionnaire that they hold student meetings and staff training related to anti-bullying. The Grand Jury did find that anti-bullying policies and procedures are currently not being adequately publicized to parents and the public as required by law. Without detailed information on a school's website or guidance about where information can be found, parents are inadequately informed. Each school's anti-bullying policy,

including how to file a complaint, must be made public. The Grand Jury found deficiencies in meeting this requirement in both online and printed materials.

Education

School administrators responding to the questionnaire frequently commented on the need for more anti-bullying education:

- *There needs to be training about what bullying truly is. We need to do a better job of educating our parents and students.*
- *We need to keep the message going all the time to keep it fresh in students' minds. We need to focus our energy on social emotional learning and counseling at all levels. We need to find ways to make bullying very uncool.*
- *Continued communication to students, parents, and staff about bullying, how to prevent, and what to do if observed. Continue work with students to let them know it's important to report.*
- *Employ a more organized digital citizenship curriculum in the freshman year.*
- *We have had the most success when we meet with our students, parents, community, and community partners, so we need to go deeper there.*
- *There is a need for greater parental education in the area of gender and sexuality.*
- *There is a need for a parent education piece for all the different apps that students are using.*
- *Continued student and staff education and monitoring.*
- *Continued diligence to provide safe environments where students feel safe to report incidents.*
- *We still need to provide training and consistency across the district.*
- *We need more online awareness and parent education limiting device use.*
- *Students need to be educated on how to include others.*
- *Continue our work in building community and teaching students to stand up for others.*
- *More training of staff and students.*
- *Continued vigilance, remind students to continue to take care of one another.*

Anti-Bullying Programs

The National Academies of Sciences, Engineering, and Medicine in their recent report found that the most effective anti-bullying programs are those that promote a positive school environment and combine social and emotional skill-building for all students, with targeted interventions for those at greatest risk for being involved in bullying. Zero-tolerance policies -- automatic suspension or expulsion of students from school after a bullying incident -- are not effective at curbing bullying or making schools safer.¹⁹

The Grand Jury learned that a variety of anti-bullying programs have been used throughout the County. **No Bully System**[®] is a step-by-step process and set of interventions that guide trained school leaders through bullying situations. When the situation demands it, there is a No Bully Solution Team[®] process where the target's peer group and the bully meet to stop the bullying.²⁰ The Solution Process contains a school policy, procedures, and timeline that fulfill California law. Many schools surveyed (15 of 25) are

¹⁹ <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=23482>

²⁰ <https://www.nobully.org>

using these Solution Teams[®], and many reported great success with the program. One school found it “remarkably effective”.²¹

In 2011 all the major Marin county school districts received staff training in the No Bully System[®]. This training was provided by a grant from the Lynx Foundation.²² In 2013 Marin County Office of Education (MCOE) invited No Bully[®] to partner with 23 schools in Marin and 6 other San Francisco Bay Area counties. The goal was to train schools in the No Bully System[®] through funding from the California Mental Health Initiative (Prop 63). To monitor the school’s progress, each school was to complete a log at three intervals after a Solution Team[®] process was used to resolve a bullying conflict. In 91% of cases there was immediate improvement following the Solution Team[®] procedure. In 100% of cases the student bullied experienced improvement in *either* frequency or intensity of bullying by the final log entry (3-month follow-up). In 96% of the cases there was a decrease in *both* bullying intensity and frequency.²³

Safe School Ambassadors[®] (SSA) was developed and provided by Community Matters. This program is “designed to reduce bullying and cyberbullying, increase student reporting, decrease suspensions and improve the school climate and student retention.”²⁴ The program identifies and selects student leaders from diverse groups across the campus. Ambassadors are trained in the skills of nonviolent communication to stop bullying, cyberbullying and harassment. SSA includes a two-day training at the school site for the selected students and adults. There is a pre-training component and post-training follow-up.

Beyond Differences[™]: This program empowers students to end social isolation in middle and high school through online and campus programs. The programs are student-led and are focused on ending social isolation. Beyond Differences[™] has three main programs.²⁵ No One Eats Alone[™] teaches everyone how to make friends at lunch. Be Kind Online[™] teaches youth to build healthy relationships over email and social media. Finally, Be The One[™] asks students to make a commitment to be socially inclusive.

Restorative Justice (RJ) empowers students to resolve conflicts on their own and in small groups. RJ is “a set of principles and practices designed to build a community and respond to student misconduct, with the goals of repairing harm and restoring relationships between those impacted. The RJ program uses a three-tiered model of prevention/intervention/supported reentry in response to conflict/harm.”²⁶

iKeepSafe was established in 2005. This program was designed to track global trends and issues surrounding digitally connected products and their effect on children. Their vision is “to see generations of the world’s children grow up safely using technology and the internet”.²⁷

²¹ Questionnaire sent to school administrators.

²² Ibid.

²³ Ibid.

²⁴ www.community-matters.org

²⁵ www.beyonddifferences.org

²⁶ www.ousd.org/restorativejustice

²⁷ <http://ikeepsafe.org/about-us/mission-vision/>

North Bay Security Group: School Safety Consultants: This company provides training in dealing with truancy and attendance, restorative justice, and bullying. The staff at NBSG provides safety consulting with understanding of current trends and school needs.

Common Sense Media offers information and programs that support the safe and responsible use of technology. Their curriculum includes comprehensive resources for students, lesson plans, student digital interactives, and assessments, as well as professional development for teachers and materials for family education.²⁸

Schools should review their education programs on bullying and cyberbullying to ensure that they are effective, compliant with state law and that all training is up-to-date.

CONCLUSION

Bullying exists in Marin schools. California law requires schools to have anti-bullying policies and procedures in place and have them publicized to students, parents, and the public. Our investigation found that Marin schools are not meeting the law's requirements. Our schools must take a closer look at these requirements and work to fulfill them. The Grand Jury heard many times that there needs to be more training and awareness about bullying for students, parents and school staffs. Strengthening and expanding the educational programs offered is paramount to lessen the bullying problem in our schools.

FINDINGS

- F1. Bullying is a problem in Marin middle and high schools. Marin ranked above the State average overall in incidents for the 2011-13 school years and for two of the three grade levels surveyed in CHKS.
- F2. Marin County schools do not fully comply with California anti-bullying law.
- F3. Most schools do not have a direct link on their website home page to their anti-bullying policies and procedures.
- F4. The Grand Jury found discrepancies between what school administrators reported was on their websites and what information is actually available there.
- F5. School administrators reported the need for more bullying and cyberbullying education for teachers, staff, parents and students.

²⁸ www.common sense media.org

RECOMMENDATIONS

- R1. Each school in the district should review its policies and procedures to ensure full compliance with the requirements of Seth's Law.
- R2. Each school in the district should review its policies and procedures to ensure that complainants are protected from retaliation, and that their identities remain confidential, as appropriate.
- R3. Each school in the district should adequately publicize its anti-bullying policies and procedures through its website, including a direct link on the website's homepage to the information (not simply linking to a lengthy student handbook, but directly to the anti-bullying policy and procedures themselves).
- R4. All procedures and forms for filing a bullying complaint, including an anonymous complaint, should be available on the school's website.
- R5. Each school in the district's website should provide the option to complete and submit bullying complaints online.
- R6. Each school in the district should review its student and parent education programs to ensure they are relevant and current. Schools should consider using the *No Bully Solution Team*[®] process that has been reported to be highly successful, or another equivalent program.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

■ Bolinas-Stinson Union School District	F1-3, R1-6
■ Dixie School District	F1-3, R1-6
■ Kentfield School District	F1-3, R1-6
■ Lagunitas School District	F1-3, R1-6
■ Larkspur-Corte Madera School District	F1-3, R1-6
■ Marin County Office of Education	F1-3, R1-6
■ Mill Valley School District	F1-3, R1-6
■ Nicasio School District	F1-3, R1-6
■ Novato Unified School District	F1-3, R1-6
■ Reed Union School District	F1-3, R1-6
■ Ross School District	F1-3, R1-6
■ Ross Valley School District	F1-3, R1-6
■ San Rafael School District	F1-3, R1-6
■ Sausalito Marin City School District	F1-3, R1-6
■ Shoreline Unified School District	F1-3, R1-6
■ Tamalpais Union High School District	F1-3, R1-6

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

The Grand Jury invites the following individuals to respond:

■ Superintendent, Bolinas-Stinson Union School District	F1-3, R1-6
■ Superintendent, Dixie School District	F1-3, R1-6
■ Superintendent, Kentfield School District	F1-3, R1-6
■ Superintendent, Lagunitas School District	F1-3, R1-6
■ Superintendent, Larkspur-Corte Madera School District	F1-3, R1-6
■ Superintendent, Mill Valley School District	F1-3, R1-6
■ Superintendent, Nicasio School District	F1-3, R1-6
■ Superintendent, Novato Unified School District	F1-3, R1-6
■ Superintendent, Reed Union School District	F1-3, R1-6
■ Superintendent, Ross School District	F1-3, R1-6
■ Superintendent, Ross Valley School District	F1-3, R1-6
■ Superintendent, San Rafael School District	F1-3, R1-6
■ Superintendent, Sausalito Marin City School District	F1-3, R1-6
■ Superintendent, Shoreline Unified School District	F1-3, R1-6
■ Superintendent, Tamalpais Union High School District	F1-3, R1-6

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A: Sample UCP Board Policies and Procedures

Sample UCP Board Policies and Procedures <small>Provided by the California Department of Education • Categorical Programs Complaints Management Office • 1430 N Street, Sacramento, CA 95815 • 916-319-0929</small>	
<i>[Name of your LEA]</i> <i>[Address of your LEA]</i> <i>[City, State, Zip of your LEA]</i> <i>[Phone number of your LEA]</i>	UCP Policies and Procedures adopted by our Governing Board on <i>[Month day, year]</i>
<h3>Uniform Complaint Procedures (UCP)</h3> <p>This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by <i>[name of your LEA]</i> of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).</p> <p>This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.</p> <p>Programs and activities that are implemented by our district and subject to the UCP in which we receive state or federal funding are <i>[customize to identify only those programs in your LEA]</i>:</p> <ul style="list-style-type: none"> • Adult Education • After School Education and Safety • Agricultural Vocational Education • American Indian Education Centers and American Indian Early Childhood Education Program Assessments • Career Technical Education • Child Care and Development Programs including state preschool • Consolidated Categorical Programs • Discrimination, Harassment, Intimidation, and Bullying • Foster and Homeless Youth • Local Control Funding Formula and Local Control Accountability Plans • Migrant Education • NCLB Titles I-VII • Nutrition Services - USDA Civil Rights • Regional Occupational Centers and Programs • School Facilities • Special Education • Tobacco-Use Prevention Education Program • Unlawful Pupil Fees 	
<small>Page 1 of 6</small>	<small>June 2015</small>

APPENDIX A: Sample UCP Board Policies and Procedures (continued)

Sample UCP Board Policies and Procedures <small>Provided by the California Department of Education • Categorical Programs Complaints Management Office • 1430 N Street, Sacramento, CA 95815 • 916-319-0929</small>	
<i>[Name of your LEA]</i> <i>[Address of your LEA]</i> <i>[City, State, Zip of your LEA]</i> <i>[Phone number of your LEA]</i>	UCP Policies and Procedures adopted by our Governing Board on <i>[Month day, year]</i>
<p>The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:</p> <ol style="list-style-type: none"> 1. Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. 2. Health and safety complaints regarding a Child Development Program shall be referred to Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities. 3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Dept of Fair Employment and Housing (DFEH). 4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE). <p>A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.</p> <p>A pupil fee includes, but is not limited to, all of the following:</p> <ol style="list-style-type: none"> 1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit. 2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment. 3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. <p>The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to Education Code Section 52060(d).</p> <p>The responsibilities of the <i>[name of your LEA]</i></p> <p>We have the primary responsibility to insure compliance with applicable state and federal laws and regulations. We shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations about discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees for participation in an educational activity and LCAP and seek to resolve those complaints in accordance with our Uniform Complaint Procedures.</p>	
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APPENDIX A: Sample UCP Board Policies and Procedures (continued)

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<i>[Name of your LEA]</i> <i>[Address of your LEA]</i> <i>[City, State, Zip of your LEA]</i> <i>[Phone number of your LEA]</i>	UCP Policies and Procedures adopted by our Governing Board on <i>[Month day, year]</i>
<p>We shall ensure annual dissemination of the written notice of our complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees member, appropriate private school officials or representatives, and other interested parties that includes information regarding unlawful pupil fees and LCAP requirements.</p> <p>An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.</p> <p>Our UCP Annual Notice shall also include information regarding the requirements of Education Code sections 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code section 52075 relating to the LCAP.</p> <p>Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.</p> <p>The following is responsible for receiving and investigating complaints and ensuring our compliance:</p> <p>Name or title: _____ Unit or office: _____ Address: _____ Phone: _____ E-mail address: _____</p> <p>The above, responsible for compliance and investigations, is knowledgeable about the laws and programs assigned to investigate.</p> <p>We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the LEA, which is funded directly by, or that receives or benefits from any state financial assistance.</p> <p>An unlawful discrimination, harassment, intimidation and bullying complaint shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.</p> <p>The time for filing a discrimination, harassment, intimidation or bullying complaint may be extended in writing by our district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing a discrimination, harassment, intimidation or bullying complaint may be extended by our superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the</p>	
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APPENDIX A: Sample UCP Board Policies and Procedures (continued)

Sample UCP Board Policies and Procedures

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[Name of your LEA]
[Address of your LEA]
[City, State, Zip of your LEA]
[Phone number of your LEA]

UCP Policies and Procedures
adopted by our
Governing Board on
[Month day, year]

expiration of the six month time period. Our superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying prohibited by this part.

We ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, and bullying remain confidential as appropriate.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Complainants are advised of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies, including, injunctions, restraining orders, or other remedies or orders may also be available at any time.

If we find merit in a pupil fees and/or an LCAP complaint we shall provide a remedy to all affected pupils, parents, and guardians that, in the case of pupil fees, includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

We submitted our UCP policies and procedures to our local governing board for approval and adoption (see the top of this document for final adoption date).

Filing a complaint with the [name of your LEA]

Except for Williams complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, and bullying, any individual, public agency or organization may file a written complaint with our district superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our LEA of federal or state law or regulation governing a program. A pupil fees complaint may be filed with the principal of a school.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.


APPENDIX A: Sample UCP Board Policies and Procedures (continued)

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<p>We will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.</p> <p>The investigation shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information.</p> <p>Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.</p> <p>Refusal by <i>[name of your LEA]</i> to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.</p> <p>Except for Williams complaints and pupil fees complaints, a UCP complaint will be investigated and a written report (also known as the Decision) issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.</p> <p>We shall issue a Decision based on the evidence and will contain the following elements:</p> <ul style="list-style-type: none"> (i) the findings of fact based on the evidence gathered, (ii) conclusion of law, (iii) disposition of the complaint, (iv) the rationale for such disposition, (v) corrective actions, if any are warranted, (vi) notice of the complainant's right to appeal our LEA Decision to the CDE, and (vii) procedures to be followed for initiating an appeal to the CDE. <p>Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor are we prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.</p> <p>Copies of these complaint procedures shall be available free of charge.</p>	
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APPENDIX A: Sample UCP Board Policies and Procedures (continued)

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<i>[Name of your LEA]</i> <i>[Address of your LEA]</i> <i>[City, State, Zip of your LEA]</i> <i>[Phone number of your LEA]</i>	UCP Policies and Procedures adopted by our Governing Board on <i>[Month day, year]</i>
<hr/>	
Federal and State Laws cited:	
<ol style="list-style-type: none">1. 34 Code of Federal Regulations [CFR] §§ 300.510-5112. California Code of Regulations [CCR] Title 5 §§ 4600-46873. California Code of Regulations [CCR] Title 5 § 4610 (b)4. California Code of Regulations [CCR] Title 5 § 46225. California Code of Regulations [CCR] Title 5 §§ 4630-46316. California Education Code [EC] §§ 200, 220, 262.37. California Education Code [EC] §§ 234 - 234.58. California Education Code [EC] § 351869. California Education Code [EC] § 4898510. California Education Code [EC] §§ 49010 - 4901311. California Education Code [EC] § 5207512. California Government Code [GC] §§ 11135, 1113813. California Penal Code (PC) § 422.55	
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APPENDIX B: Bullying Questionnaire Sent to School Administrators



Bullying Questionnaire

Bullying Questionnaire

* Required

Name of person completing this form *

Name of school *

Email address of person completing form *

Do you have your bullying policy in your handbook? *

Is your bullying policy found on your website and do you employ any specific anti-bullying program? *

What is the process for submitting complaints & how are complaints received & filed. *

Are the complaint forms on the website? Can you file a complaint online? *

How is an anonymous complaint filed? *

APPENDIX B: Bullying Questionnaire (sent to school administrators) (continued)

How do you file a 3rd party complaint? *

What is your school's approach to cyberbullying? *

What is the procedure once a complaint is filed and received? Please explain all ways that a complaint can be investigated and resolved. How is this process shared with students and parents? *

Does your school keep a log of bullying complaints? Where is it kept? Who has access to it? *

Please provide the number of bullying complaints your school received for the following school years: 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16. *

What is your process for following up after a complaint has been filed and investigated? What have been the results? *

Has a student in your school ever been expelled or suspended for bullying? Please provide details. *

Does Marin County Office of Education (MCOE) require that complaint history be sent to their office? *

Does your school do any student training and awareness on bullying? If so, how is this done & how often? *

Has your staff received the NoBully training? If so, when and how was it done and how would you rate its effectiveness? *

Are you familiar with any of these programs: Beyond Differences, No One Eats Alone, Be Kind Online, iKeepsafe? Please indicate which your school has used and your experience? *

APPENDIX B: Bullying Questionnaire (sent to school administrators) (continued)

Does your school use any other outside organizations to assist in bully awareness and resolution training? If, please indicate what programs you use and your experience. *

What still needs to be done to decrease bullying? How can this be done? *