THE INSIDE STORY OF HOW A FEDERAL INVESTIGATION IS CHANGING THE WAY PALO ALTO SCHOOLS RESPOND TO BULLYING  

page 18

Arts  Opera composer has a surprise Paris premiere  Page 27

Sports  Stanford's Carter hurdling big obstacles  Page 33

Home  Charging up electric vehicles at home  Page 37
In a liberal-minded community like Palo Alto, many students and parents alike take on a proactive stance to ensure that their children’s experience is as positive as possible. Providing a safe and socially respectful environment is viewed as an integral part in creating a well-rounded education for all students. It’s a fact that many schools are aware of the importance of this, and thus have put in place the necessary components to ensure the safety and respect of all students.

As of 2020, Palo Alto had a record of 100% compliance in terms of anti-bullying measures, which highlights the city’s commitment to ensuring that all students are provided with an environment that is free from bullying and harassment. The city’s schools have also implemented a variety of measures to address bullying, including anonymous reporting systems, anti-bullying training for staff, and counseling services for students.

How one family’s willingness to reveal their school bullying ordeal exposed the need for change in the Palo Alto school district

It's time to end the silence and take action. The Palo Alto Unified School District (PAUSD) has a responsibility to create an environment where all students feel safe and respected. This is not only a matter of personal safety, but also of academic success and overall well-being. It’s time for the district to take proactive steps to address bullying and harassment.

The school district has a responsibility to ensure that all students are treated with respect and dignity. When bullying occurs, it must be addressed promptly and fairly. The district should provide clear policies and procedures for reporting and addressing bullying incidents, and make sure that all students and staff have access to them.

The district should also provide training for staff on how to identify and address bullying, and make sure that all staff are aware of the district’s anti-bullying policies. Training should also include tools to prevent bullying, such as social-emotional learning programs.

In addition, the district should work with the community to create a culture of respect and inclusivity. This could include holding community events, such as assemblies and workshops, to raise awareness of the issue and provide resources for families and students.

The district should also consider having a support network in place for students who are bullied, such as a peer counseling program or a mentorship program. These programs can provide students with a safe space to talk about their experiences and receive support from their peers.

Finally, the district should hold itself accountable for implementing these changes. This could include having regular reviews of the district’s anti-bullying policies and procedures, and holding staff accountable for enforcing them.

It is time to take action and create a safe and respectful learning environment for all students in the Palo Alto Unified School District.
the shelf for years, largely unused by the schools, according to district staff and principals interviewed by the Weekly. (See online sidebar, “New district policies and procedures for handling bullying”). This was not new or unique to Terman.

“The principals did not see (the board policies and procedures) as a valuable resource,” Brenda Carrillo, district coordinator for student services, explained in an interview at the Weekly in late February. That view has now changed, she said, because of the amount of attention brought to the issue. The need for a more consistent, standardized approach to bullying and harassment reports and complaints across the district has been made clear.

Duveneck Principal Chris Grier-son told the Weekly in April that he had never reviewed existing board policies or procedures on this topic. “Like many sites, we exercise our autonomy” to decide the best way to handle reports and complaints of bullying and harassment, he said, adding he was prepared to embrace new district policies and procedures when adopted.

Jordan Middle School Principal Greg Barnes in October 2012 described school flexibility in the prevention and handling of bullying and harassment issues as a ‘hallmark’ of this district, allowing each school to approach it “in the best way they see fit for their particular community.”

A 2011 district email quoted in the Office for Civil Rights report affirms the district’s position that dealing with “bullying is each site’s responsibility.”

The individualized school approach is typical of districts in the area, according to Holly Pedersen, a marriage and family therapist with a specialty in bullying prevention, intervention and treatment, and director of the nonprofit Parents Place’s bullying prevention programs.

“Mostly it is school by school, and there’s not a uniform policy,” she said. “Schools have their own particular culture and feel and environment, and so we haven’t seen a lot of uniformity.”

Proper handling of bullying is far too challenging, far too complex and far too important to expect anyone to figure it out on the fly.

——Dana Tom, president, Palo Alto Board of Education

Proper handling of bullying is far too challenging, far too complex and far too important to expect anyone to figure it out on the fly.

With legal muscle to back up its findings, the Office for Civil Rights is now directing the district towards more centralized reforms that many parents, bullying professionals and educators have told the Weekly are overdue. As a result, the pendulum now appears to be swinging away from school autonomy when handling bullying and harassment incidents and towards a more standardized districtwide approach.

At the Feb. 12 board meeting, following the Office for Civil Rights report release, Tom signaled this shift towards more district involvement and framed it in terms of positive support to school staff facing a difficult task.

“It’s really about having clear procedures to help staff make the positive impact that all want to make. ...”

Carrillo responded: “Not yet; it’s in development.” She did not mention the existing set of board policies and procedures already in effect that address these issues.

The hold-up with the Office for Civil Rights, there has been concern expressed in the community about how useable the proposed policies will be.

“This is not a user-friendly document. I doubt it will help parents understand the district’s overall goals or processes, or the rights of parents of bullied kids. Parents shouldn’t have to hire a lawyer to figure out what the policy means,” Bomar, an attorney and PASS co-chair, told the Weekly regarding the third draft. Other parents familiar with this draft also expressed concerns and made suggestions for possible improvements. (See online sidebar, “New district policies and procedures for handling bullying.”)

Another question raised by many with regard to this process is whether the district has the political will, capacity and systems in place to provide the leadership, training and monitoring necessary to ensure effective implementation and enforcement of the new board policies and procedures being promulgated. This is new ground for a district unaccustomed to asserting control and accountability over the schools in this area; how that will work in practice remains to be seen, although district officials and principals seem optimistic that together they can achieve consistency districtwide and that benefits will result from that.

Meanwhile, the continued delay in developing new bullying and harassment complaint procedures has left parents and others uncertain where they stand if they want to report a bullying incident. At a recent “Principal’s Coffee” at Duveneck on April 17, attended by district officials Charles Young and Carrillo along with about 20 parents, one parent asked: “Is there a process for handling bullying complaints right now?” Carrillo responded: “Not yet; it’s in development.”

What went wrong at Terman, district?

In the meantime, while many in the community prefer to focus solely on steps moving forward, many others believe that more information about events leading up to the Office for Civil Rights report is still needed to gain full public understanding and accountability.

The main explanation by the district so far has been supplied by district lawyer Laurie Reynolds at a school board meeting on Feb. 26; her advocate’s version frustrated many who wanted to hear directly from staff and board members.

Among other things, Reynolds described the Office for Civil Rights investigation as a “very productive, collaborative and fruitful” process.

She touted the district’s initial positive response to the first draft of the resolution agreement proposed by the federal agency and also the district’s offer to do “more” than what was asked, something she said had stunned the federal attorneys.

However, documents obtained by the Weekly show that final agreement
overall required less than what the Office for Civil Rights originally proposed. It added training for elementary school principals but removed the requirement of annual training of teachers.

Reynolds did not help her public credibility by later referring to the Office for Civil Rights controversy as a “tedious, distracting and unproductive loop” in an email to Skelly. Also in Oct, 16, 2012, email from Ram to Reynolds casts doubt on Reynolds’ characterization of the process as collaborative.

“Again, I know this has been a difficult situation for everyone and am hopeful, as I’m sure you are, that we will be able to soon achieve a successful resolution to this case,” Ram wrote.

In March, school board members (with the exception of Camille Townsend) told the Weekly that they, too, wanted more information on what went wrong in the Terman case and were personally working to reconstruct what happened. But they also said they had confidence in district leaders to learn from the case and move forward.

In response to those calling for an independent investigation, some have argued that an independent probe and its results have already been published in the form of the Office for Civil Rights report.

“We did have an independent organization do an investigation here. It was the Office for Civil Rights — that was their job,” Baten-Caswell said at the Feb. 26 board meeting.

To date, the continuing community calls for a broader independent investigation have gone unheeded.

This leaves the public with the Office for Civil Rights report, the scope of which was limited to events alleged in one family’s complaint about one school year at Terman. The federal report did not examine how the school district de- fines, tracks or handles bullying or harassment complaints generally or how the district made its decisions in handling complaints filed with the Office for Civil Rights, including issues of board and public disclosure.

Despite its limited scope, the federal report about what happened at Terman is instructive. Like other complicated bullying cases that can generate conflict between the school and the family, the Terman complaint alleged multiple incidents over many months, with documentation in emails, special-education files containing the student’s Individual Education Plan, counselor and administrator notes, medical records and more, all of which required careful review. In addition, federal attorney Ram arranged a packed schedule of interviews at Terman involving 35 students and eight school employees. The interviews ran parallel in two rooms commanded for the purpose. At different times, Ram also interviewed the complainant and various district officials.

Ram’s task, according to Office for Civil Rights procedures (see sidebar, “Office for Civil Rights: Why is it there and what does it do?”), was to figure out which, if any, of the student’s allegations were true by a “preponderance of the evidence.” The student had alleged ongoing bullying of several types — verbal, social and physical — to the point of causing a hostile learning environment, emotional deterioration and mounting school absences.

The record showed that after trying to work with the school to resolve the problem, the family appealed to district officials and school board members on numerous occasions. In February 2011, Skelly emailed Terman Principal Baker: “I’m not sure what, if anything, we can do to relieve their concerns.”

In March 2011, the family emailed board member Tom for help, citing a recent physical assault on the student. Tom responded: “The (student) who hit (your child) was disciplined, though I cannot give you details. Our district is working to reduce bullying with a variety of programs at our schools. The Terman staff has been working to help (your child). Your comments indicate that you do not think that is the case, but I think you would get better results if you assumed good intentions and worked with them to find solutions.”

Tom’s admonition to “assume good intentions” missed an important point that often occurs in bullying or harassment cases that reach the district staff or board level, according to interviews with parents. Trust among the adults had broken down for a variety of reasons that the Office for Civil Rights investigation illuminated. The family said they had become disheartened by the school’s failure to conduct a thorough investigation, the school’s blaming of the student for misperceptions about or contributions to the problem, and, most importantly, the school’s failure to stop the bullying.

“We have completed our investigation ... and identified some compliance concerns.”

—Office for Civil Rights, regarding case of bullied Terman Middle School student

The family reached out to the district and board because they felt the need for help beyond what the school had offered and felt their pleas at all levels were falling on deaf ears. To be told to “assume good intentions” felt to them like another way of blaming them for their plight.

Tom’s reference to bullying-prevention programs also was small consolation to the family, given that their child continued to be bullied; this, too, is a point often missed by school officials who tout programs that in fact have not prevented bullying.

The family responded to Tom: “If whatever they are doing was working, (my child) would not have been punched ... and the bullying would have stopped a long time ago. ... No child should be hurt like (my child has been). We need to create a more protective and supportive environment at all schools.”

Later, after release of the Office for Civil Rights report, Tom ad-
How often middle school students are bullied

Source: 2012 Palo Alto Reality Check survey of students; 2,174 respondents

Cover Story

dressed the same point differently at the Feb. 12 board meeting: “In recent years, there has been emphasis on bullying prevention efforts, which is good. ... But it’s not sufficient to look only at prevention because we do have to look at what happens when it occurs, when it will occur, and so I’m glad we’re putting more attention to that.”

In May 2011, with growing concern, the family sent another email to the school advising that the family’s “next step” would be an Office for Civil Rights complaint. In July 2011, the family filed their complaint.

Meanwhile, to prevent further bullying, the family obtained a transfer for their child to another middle school in the fall. This is where the student was attending school as the Office for Civil Rights conducted its investigation at Terman in October 2011.

In preparation for the Terman student interviews, documents show that Ram asked the school to send out notices to parents of all students who had been in the complainant’s classes the previous year. The school then gave Ram a list of students with signed consent forms; from that list, Ram put together student interview groups of 4–6 from each class, with 35 minutes allotted to each group. There were six student groups altogether, one from each of four classes, and two from PE. Ram asked that no school staff or counsel attend the student interviews.

“We have found that the presence of school staff or counsel could unintentionally make some students less willing to share their experiences,” Ram wrote in an email to Damian Huertas, the district’s special education coordinator.

In addition to the 35 students interviewed, documents further show that Ram also scheduled 45-minute individual interviews with eight school staff, including the school counselor, five teachers, an assistant principal and the principal. Both the district’s attorney, Reynolds, and a California Teachers’ Association attorney attended each of these staff interviews. Legal bills from Reynolds’ firm indicate that the district was billed 11.50 hours for her time that day and a total of nearly 20 hours for that month at a rate of $270 per hour.

In a report to Skelly and the school board as part of a “Confidential Weekly” memo dated Oct. 21, 2011, Associate Superintendent Charles Young described the Terman interviews: “This week our students and staff ... were taken away from the classroom and their work to address and respond to an Office for Civil Rights (OCR) complaint brought against the district on behalf of a student last year.”

Young also reported that the day went well. “The day was long but the attorneys felt it had only a positive light on the school and our support of students. Apparently, students shared with investigators how much they liked their school. The results will be available in January.

Young’s predictions turned out to be wrong. The Office for Civil Rights called the district in April 2012 to let it know the investigation had concluded and that the school had been found in noncompliance. In another memo to the school board dated April 9, Young described how the district ‘received the Office for Civil Rights results over spring break. As a result of the student’s disability, we are responsible for corrective action related to discrimination and creating a hostile learning environment. Our attorney is working with the Office for Civil Rights regarding the corrective actions, which are quite lengthy. ... The staff at Terman will be disappointed as they felt they did a great deal of good work to ameliorate the concerns outlined in the parental complaint.”

Nowhere in this memo does Young express concern about the student or address how he, the attorneys or the school administrators could have misgaged the situation so completely.

“The Office for Civil Rights also advised Reynolds in an April 2012 phone call ‘that they had found bullying occurred,’ according to a Feb. 21, 2013, email from Skelly to the Weekly. Legal bills show Reynolds spent 1.6 hours on April 6 teleconferencing with the Office for Civil Rights and researching discrimination issues, and 0.30 hours on April 9, teleconferencing about ‘OCR draft findings’ and resolution agreement. On April 30, she billed three hours for time reviewing the draft resolution agreement, traveling to and from the district office, conferring about the Office for Civil Rights resolution, and teleconferencing with the agency.

The family, too, was notified in an email from Ram on April 3: “We have completed our investigation ... and identified some compliance concerns.”

‘If whatever they are doing was working ... the bullying would have stopped a long time ago.’

—Family of Terman Middle School student whose case triggered the federal inquiry

The next step would be to reach an agreement with the district to address the compliance issues identified, the family was told. From this time until Dec. 26, 2012, a total of nine months, the family did not know if or when to expect a result that might help their child. Meanwhile, they continued to seek an alternate school placement for their child through the Individual Education Plan process governed by special-education laws, as bullying had begun occurring at the new middle school and the family’s doctors had advised a more therapeutic placement for the child, according to the family.

It is not clear why it took nine months, from April to December, for the Office for Civil Rights and the district to reach agreement; the district staff attributed delay to the federal agency’s slow response time. In May Reynolds billed about four hours for work on the resolution agreement and almost no time between June and October. From October through December, she billed about two hours on the matter.

According to Office for Civil Rights 2012 national statistics, 93 percent of its cases are resolved within six months of complaint filing; the time to reach resolution in this case was well outside the norm.

Also unclear is why the district did not act to avoid the negative “letter of finding” by opting to resolve the case earlier with the Office for Civil Rights. Toughing it out to this late stage in the proceedings is a rare event. According to information provided by the U.S. Department of Education, of the 1,513 disability harassment complaints received nationwide over a four-year period from 2009-2012, only 15 other public school districts (1 percent) waited until after the close of investigation to reach agreement with the Office for Civil Rights, thereby triggering a letter of finding. Six of these were in California, including Santa Rosa, Santa Monica-Malibu, Vallejo, Hemet, Chaffey and Palo Alto.

The vast majority of districts chose instead to reach agreement prior to the close of investigation, thus avoiding the letter of finding and additional political and legal exposure from damaging information.

(continued on page 24)
Office for Civil Rights: Why is it there and what does it do?

Federal law-enforcement agency works with school districts to eradicate discrimination

by Terri Lobdell

The Office for Civil Rights (OCR) is an agency within the U.S. Department of Education that enforces civil rights laws tied to federal funding of schools from elementary through post-secondary. Congress created the Office for Civil Rights in 1966 pursuant to passage of Title VI of the Civil Rights Act of 1964 prohibiting discrimination in public education on the basis of race, color and national origin. Congress also passed Title IX in 1972 (prohibiting sex discrimination), Section 504 of the Rehabilitation Act in 1973 and Title II of the Americans with Disabilities Act in 1990 (addressing disability discrimination), adding enforcement of these laws as well to the Office for Civil Rights’ responsibilities.

The agency’s mission is: “To ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.”

The Office for Civil Rights’ basic message is that students cannot learn and thrive in school if they are being discriminated against. And because the federal government holds the purse strings, it has the power to set and enforce its antidiscrimination rules.

The Office for Civil Rights’ enforcement approach can be affected by political winds. With the election of a Democratic president in 2008, the agency began a period of what it called “transformation” and “dramatic impact.” In a 2012 report, the Office for Civil Rights described its renewed focus on outreach, education and more efficient handling of increased numbers of complaints and concluded: “Vigorous enforcement is critical to our nation’s long-term prosperity: Fulfiling the promise of public schools in America helps us ensure a competitive workforce and maintain America’s standing in the global economy.”

The Office for Civil Rights now employs about 600 attorneys, investigators and support staff, with 12 regional offices across the country, including one in San Francisco. During the fiscal years 2009 to 2012, the Office for Civil Rights received 28,971 complaints total, a 24 percent increase over the previous four-year period. More than half of the complaints addressed disability issues, about one-quarter related to Title VI (race or national origin) concerns, and the remaining addressed sex and age discrimination.

In processing complaints, the Office for Civil Rights’ goal is to work with the schools to achieve needed changes through agreement; it does not represent the person filing the complaint. Instead its role is that of a law enforcement agency. Any formalized agreement reached to address and correct “compliance concerns” found during an investigation is between the district (the recipient of federal funds) and the Office for Civil Rights.

According to Office for Civil Rights documents: “The potential for benefit of any investigation, be it complaint-driven or proactive, lies in the resolution. To generate the maximum sustained impact in each case, OCR collaborates with the institution ... to identify policies and procedures that need to be revised and training and orientation programs that need to be provided and to take whatever additional steps are necessary to identify and address the source of discrimination and empower and support the entire school ... community to eradicate it.”

Despite the emphasis on collaboration, the Office for Civil Rights’ resolution agreements with schools now include a standard provision “clarifying OCR’s authority to continue monitoring until the institution is in full compliance with the law and to pursue legal enforcement if OCR finds noncompliance.” According to the Report to the President, “Monitoring can be brief or last for multiple years.” Until a school has shown full compliance with its agreement, the Office for Civil Rights is prepared and authorized to monitor for as long as it takes or resort to court action if circumstances warrant.

Of the 16,107 complaints received during the 2009 to 2012 fiscal years related to disability issues, a total of 1,513 alleged disability harassment. According to its 2012 report, and as explained in a 2010 “Dear College Letter” laying out Office for Civil Rights policy in this area, “If an institution knows or has reason to know about student-on-student harassment based on race, color, national origin, sex or disability, it must take immediate and effective action to eliminate the harassment, prevent its recurrence, and, where appropriate, address its effects on the harassed student and the school community.” (See online sidebar, “Discriminatory harassment and bullying.”)

The Office for Civil Rights prides itself on efficient and timely resolution of a growing caseload. In 2012, it reported that 93 percent of complaints were resolved within 180 days of receipt and explained the different methods of closing: “Dismissal based on lack of jurisdiction, closure after the parties reach a mediated agreement through Early Complaint Resolution, or closure through a resolution agreement between the school and OCR, either before or after a finding of violation by OCR.”

The Office for Civil Rights also provides frequent “technical assistance” presentations or support to schools or communities; from 2009 to 2012, it made more than 1,325 technical-assistance presentations to groups across the nation.

“This enables OCR’s constituents to learn of their rights and responsibilities under the civil rights laws, thereby improving civil rights compliance without the need for enforcement activity,” according to the agency.

On the evening of May 16, 2013, the Office for Civil Rights made a two-hour presentation to the Palo Alto community at Ohlone Elementary School, entitled “Know Your Rights,” sponsored by several parent groups. The district initially agreed to sponsor the event but later pulled out of that agreement due to fears that the event would generate more complaints, according to emails between the Weekly and Superintendent Kevin Skelly. The PTA Council also declined to sponsor the event.

To protect the privacy and independence of its process in addressing issues with individual complainants and school districts, the Office for Civil Rights staff does not respond to any direct press inquiries. Press questions are handled instead through a U.S. Department of Education spokesman, who provides limited information about Office for Civil Rights’ activities and nothing about ongoing investigations, except to confirm the existence of an investigation and the type of discrimination alleged.

Sources: U.S. Department of Education publication by the Office for Civil Rights entitled “Report to the President and Secretary of Education for FY 2009-2012”; and the Office for Civil Rights website.

The federal Office for Civil Rights has a regional office in San Francisco in this building.
Advice to parents of a targeted child

The Weekly asked Holly Pedersen, a marriage and family therapist who specializes in bullying prevention programs, how parents can help protect their child from bullying.

Although the setting is not the most ideal, I think that as a clinician, it is our responsibility to help parents do something that drastic need to happen. Parents need to stand up for their children, to be the voice that their children may not have, to be the advocate that their children may not have. Parents need to educate themselves about bullying, to understand the impact it can have on their child's emotional and behavioral well-being. They need to be proactive, to be prepared to advocate for their child, to take action when they see their child being bullied.

Parents need to communicate with their child, to listen to what they have to say, to understand their perspective. They need to validate their child's feelings, to let them know that they are heard, that they are important. They need to be a source of support, to let their child know that they are not alone, that they have someone who cares about them.

Parents need to be proactive, to take action when they see their child being bullied. They need to speak up, to speak to the school, to the teachers, to the administration, to the principal. They need to be a voice for their child, to let the school know that this is a problem, that they need to do something to help.

Parents need to be aware of the signs of bullying, to know what to look for. They need to be vigilant, to be observant, to notice any changes in their child's behavior or attitude. They need to be ready to take action, to be prepared.

Parents need to be proactive, to take action when they see their child being bullied. They need to speak up, to speak to the school, to the teachers, to the administration, to the principal. They need to be a voice for their child, to let the school know that this is a problem, that they need to do something to help.

Parents need to be aware of the signs of bullying, to know what to look for. They need to be vigilant, to be observant, to notice any changes in their child's behavior or attitude. They need to be ready to take action, to be prepared.

Parents need to be proactive, to take action when they see their child being bullied. They need to speak up, to speak to the school, to the teachers, to the administration, to the principal. They need to be a voice for their child, to let the school know that this is a problem, that they need to do something to help.

Parents need to be aware of the signs of bullying, to know what to look for. They need to be vigilant, to be observant, to notice any changes in their child's behavior or attitude. They need to be ready to take action, to be prepared.

Parents need to be proactive, to take action when they see their child being bullied. They need to speak up, to speak to the school, to the teachers, to the administration, to the principal. They need to be a voice for their child, to let the school know that this is a problem, that they need to do something to help.

Parents need to be aware of the signs of bullying, to know what to look for. They need to be vigilant, to be observant, to notice any changes in their child's behavior or attitude. They need to be ready to take action, to be prepared.
How often does bullying happen in Palo Alto?

Tracking an elusive number

By Terri Lobdell

“If someone says bullying is not a problem in Palo Alto, I’d say: ‘You need to look again,’” said Juliet Melamid, a marriage and family therapist and former director of FriendSmarts, a psycho-social treatment program for school-age children and teens located in Palo Alto. In the 12 years she ran the program, before moving to New York a year ago, Melamid saw an average of 60 children per week from Palo Alto and nearby communities in social-skills groups that ran for 12-week sessions.

“Most of the kids coming into FriendSmarts dealt with some aspect of bullying,” Melamid said. It affected every race, every age, every relation, ranging from serious and everyday to less obvious and less frequent but still an issue. It was a “pervasive problem” with the students she worked with. For the kids who experienced it, bullying was “everything from exquisitely plain to frighteningly damaging.” In-

How often does bullying happen in Palo Alto?

Tracking an elusive number

By Terri Lobdell

“If someone says bullying is not a problem in Palo Alto, I’d say: ‘You need to look again,’” said Juliet Melamid, a marriage and family therapist and former director of FriendSmarts, a psycho-social treatment program for school-age children and teens located in Palo Alto. In the 12 years she ran the program, before moving to New York a year ago, Melamid saw an average of 60 children per week from Palo Alto and nearby communities in social-skills groups that ran for 12-week sessions.

“Most of the kids coming into FriendSmarts dealt with some aspect of bullying,” Melamid said. It affected every race, every age, every relation, ranging from serious and everyday to less obvious and less frequent but still an issue. It was a “pervasive problem” with the students she worked with. For the kids who experienced it, bullying was “everything from exquisitely plain to frighteningly damaging.” In-

Melamid reminded everyone of the past few years included being called out of school, having to pick up a lunch tray, picked on, teased or excluded in mean ways. Melamid had high praise for how the Palo Alto schools generally deal with these issues, experiencing school professionals as “good problem parents.” The middle school staff, she said, was particularly vigilant and caring: “really on top of things.” Other local counseling services have observed bullying issues with Palo Alto students as well. Adolescent Counseling Services (ACS) Executive Director Philippe Rey told the Weekly that students are generally referred to his nonprofit for issues other than bullying (acting out, isolating themselves socially, excessive absences, falling grades, depression, etc.), and then in the course of therapy, bullying experiences emerge as underlying issues.

Adolescent Counseling Services counselors interviewed agreed that while it is impossible to know from their vantage point the overall number of those bullied within the Palo Alto Unified School District, the problem and its impacts often enough to view it as a serious issue.

According to Liz Schoeben, executive director of CASSY (Counseling and Support Services for Youth), which currently serves some 400 students at elementary schools, peer issues (including bullying) top the list of concerns among students. Schoeben saw CASSY’s one-on-one counseling services most frequently are involved in bullying dynamics as well.

Most experts in the community — educators, psychologists and parent leaders steeped in the issue — estimate that the overall incidence of bullying and harassment in Palo Alto is about average or somewhat below that of other communities, although most are reluctant to put a number on it. Erica Pelavin and Gloria Moskowitz-Sweet, bullying-prevention educators and founders of Digital Teenz, said that bullying in Palo Alto tends to be more subtle and thus may be harder to detect.

“In a politically correct environment, where we feel as if we can’t have racism, or we can’t have homophobia, those go underground,” Moskowitz-Sweet said. It’s less likely to be said out loud but it turns up online.

Physical bullying, the most obvious, clear-cut form, is encountered at much lower rates in Palo Alto, experts agree.

“In terms of the prevalence of bullying in Palo Alto, I would say that it is probably comparable, if not a bit lower, than bullying within other communities,” Parents Place psychologist and bullying prevention program director Holly Pedersen wrote in an e-mail to the Weekly. “While the numbers in the research are all over the map depending on the study, the larger and more reputable studies on bullying have found that about 30 percent of kids are involved in bullying — about 13-15 percent as the children who bully, about 10 percent as the targets and the remaining 5-7 percent being involved both as the bullying child and the target.”

Palo Alto school district staff cites student surveys as an important indicator of low bullying rates in Palo Alto. One of the surveys, called Palo Alto Reality Check (PARC), is administered to all the middle schools each fall. District summaries of Reality Check data feature unusually low bullying rates; however, this is due in part to the fact that the district analysis uses the narrowest and most serious category of bullying, that which occurs once a week or more during the past 12 months. Other data for less frequent bullying is collected in the survey but is generally not included in the district’s presentations of the data.

Several of the Reality Check survey questions allow students to indicate if they have not been bullied at all during the past year. For 2011 and 2012, this data shows that between 50 and 60 percent of students fall into that category, with the rest reporting bullying someplace along the frequency spectrum. In addition, about 40 percent report that they have never seen a student being bullied, indicating that about 60 percent have experienced the role of bystander.

A weekly analysis of the Reality Check data obtained from the school district shows that of the 2,174 Palo Alto middle school students surveyed in fall 2012 who were asked about being bullied once or twice (or more) in the past 12 months, a total of 48 percent reported verbal bullying: 38 percent social bullying; 22 percent physical bullying; and 15 percent electronic bullying. (See bar graph on page 22.)

A multitude of other Palo Alto survey data is available, including the California Healthy Kids Survey, the Sources of Strength survey ( Gunn High School students only) and the Developmental Assets survey, all of which can be analyzed to conclude that Palo Alto falls somewhere on the scale from low to average in terms of its bullying rates, depending on how data is defined, selected and interpreted, and what it is compared to.

The district currently provides no guidance on how documentation of bullying or harassment incidents at the middle and high schools should be kept, although that may be changing along with other policies and practices in the wake of the recent Office for Civil Rights report, according to district staff. Also, the district is planning to look at “ways to formalize collection of data at the elementary school level,” Carriilo said. “We think that’s really important.”
What civil-rights investigators found at Terman

Cover Story

Report: The school failed to end the harassment

Editor's note: The following is a condensed summary of the findings and conclusions contained in the Office for Civil Rights report concerning the Terman Middle School student.

To protect privacy, the student whose family filed the complaint is referred to as "the Student," without gender identification, throughout this summary of the federal report's findings.

The Student had a speech and language impairment that affected interactions with peers, including ability to process language quickly and perceive social cues correctly from other students. The Student was receiving special education and related services.

The problems with peer harassment began in elementary school and continued at Terman Middle School starting in the fall of 2012. Multiple students described a game they called "the Student touch." The game was played with both the Student and another disabled student (like a game of "cooties").

Many students told the Office for Civil Rights that they consistently tried to avoid the Student, that a lot of people bullied the Student and called the Student names like "stupid," "slow," "anorexic," and worse. Classmates said, "If you’re hanging around with (the Student), you’re a loser too."

Several students told the Office for Civil Rights that the Student had approached them during the year to report that classmates were picking on the Student. In one instance, counselor notes showed that the Student hit and kicked another student after the other student and two peers were allegedly picking on the Student. The Student identified the harassers, and the counselor met with the Student.

At the end of March 2011, the Student was punched in the face after an argument with another student. The principal had talked with the two students, and they "agreed to stay away from each other."

The family emailed the school that the principal’s class had told the Student that everyone hated the Student, and that therefore she had to hate the Student too, and then tried to kick the Student, but the Student got away. The Student told school officials that classmates said, "You know you're not special, so why don't you just go away?" The Student became afraid to go back to school, and the school principal group of hate expressed, and the family requested an aide to support the Student.

The resource specialist emailed the district about the request for an aide due to the Student’s reports of bullying, and said that so far the district had not provided an aide.

The school did not conduct any organized investigations and only it had received the names of harassers from the Student. However, the federal agency found the counselor's notes contained many names of students alleged to have harassed, along with descriptions of the incidents. In addition, the family's e-mails identified students alleged to have harassed the Student.

The Student was repeatedly threatened, ostracized, and teased by other students. As the Student described to the Office for Civil Rights that other students had threatened her with violence and called her names like "social pervert." The school did not conduct any organized investigations or vent it from recurring, or eliminate the effects of the hostile environment on the Student. The Office for Civil Rights concluded that the school did not comply with the law.

The Student's friend also found that many students had issues with students with disabilities and had never received any instruction about how to interact with those students. Many students perceived disabled students as "weird," disruptive in class and a burden to teach. The federal agency also found that the school did not comply with the law.

The district also found that many of the decisions were made in a secretive and exclusive manner, and that parents were not involved in the decision-making process.

The investigators also found that many schools had biases against students with disabilities and had never received any instruction about how to interact with those students. Many students perceived disabled students as "weird," disruptive in class and a burden to teach. The federal agency also found that the school did not comply with the law.

The investigators also found that many schools had biases against students with disabilities and had never received any instruction about how to interact with those students. Many students perceived disabled students as "weird," disruptive in class and a burden to teach. The federal agency also found that the school did not comply with the law.

The investigators also found that many schools had biases against students with disabilities and had never received any instruction about how to interact with those students. Many students perceived disabled students as "weird," disruptive in class and a burden to teach. The federal agency also found that the school did not comply with the law.
How often does bullying happen in Palo Alto?

Tracking an elusive number

"If someone says bullying is not a problem in Palo Alto, I'd say: You need to look again," said Juliet Melamid, a marriage and family therapist and former director of FriendSmarts, a psycho-social treatment program for school-age children and teens located in Palo Alto. In the 12 years she ran the program, before moving to New York a year ago, Melamid saw an average of 60 children per week from Palo Alto and nearby communities in social-skills groups that ran for 12-week sessions. Several Palo Alto parents interviewed by the Weekly have children who attended FriendSmarts.

"Most of the kids coming into FriendSmarts dealt with some aspect of bullying," Melamid said. It affected every age in all variations, ranging from serious and everyday to less obvious and less frequent but still an issue. It was a "pervasive problem" with the students she worked with. For the kids who experienced it, bullying was "everything from excruciatingly painful to slightly damaging." Incidents Melamid remembered from the past few years included being locked in the bathroom, hit over the head with a lunch tray, picked on, teased or excluded in mean ways.

Melamid had high praise for how the Palo Alto schools generally dealt with these issues, experiencing school professionals as "good partners with parents." The middle school staff, she said, was particularly vigilant and caring: "really on top of things."

Other local counseling services have observed bullying issues with Palo Alto students as well. Adolescent Counseling Services (ACS) Executive Director Philippe Rey told the Weekly that students are generally referred to his nonprofit for issues other than bullying (acting out, isolating themselves socially, excessive absences, falling grades, depression, etc.), and then in the course of therapy, bullying experiences can emerge as underlying issues.

"I hear a lot about relational bullying with the girls," one Adolescent Counseling Services middle school director said.

Another middle school director mentioned examples heard from students: "After school every day I'm getting hassled at my locker" or "He's threatening me as I walk home: 'You better watch out.'"

The Adolescent Counseling Services counselors interviewed agreed that while it is impossible to know from their vantage point the overall number of those bullied within the broader school population, they see the problem and its impacts often enough to view it as a serious issue.

"It has a lot of fallout, so yes, it is a serious issue, but how prevalent it is, I'm reluctant to speculate," one middle school counselor said.

According to Liz Schoeben, executive director of CASSY (Counseling and Support Services for Youth), which currently serves six Palo Alto elementary schools, peer issues (including bullying) top the list of concerns among students who saw CASSY's on-campus mental health counselors during the 2011-12 school year. In CASSY's annual report to the Palo Alto Unified School District, the "presenting issue" for 44 percent of the children seen was either "peer relationships" or "social skills." Schoeben estimates that at least half of the peer relationship cases (26 percent) involve bullying dynamics and that those needing support for social skills (18 percent) frequently are involved in bullying dynamics as well.

Most experts in the community -- educators, psychologists and parent leaders steeped in the issue -- estimate that the overall incidence of bullying and harassment in Palo Alto is about average or somewhat below that of other communities, although most are reluctant to put a number on it.

Erica Pelavin and Gloria Moskowitz-Sweet, bullying-prevention educators and founders of Digital Tat2, said that bullying in Palo Alto tends to be more subtle and thus may be harder to detect.

"In a politically correct environment, where we feel as if we can't have racism, or we can't have homophobia, those go underground," Moskowitz-Sweet said. It's less likely to be said out loud but it turns up online.

Physical bullying, the most obvious, clear-cut form, is encountered at much lower rates in Palo Alto, experts agree.
"In terms of the prevalence of bullying in Palo Alto, I would say that it is probably comparable, if not a bit lower, than bullying within other communities," Parents Place psychologist and bullying prevention program director Holly Pedersen wrote in an e-mail to the Weekly. "I think that while not perfect, this community has strong awareness of bullying and the need to include (social-emotional learning) in classroom curriculum, and this is an educated community that appreciates diversity for the most part. While the numbers in the research are all over the map depending on the study, the larger and more reputable studies on bullying have found that about 30 percent of kids are involved in bullying -- about 13-15 percent as the children who bully, about 10 percent as the targets and the remaining 5-7 percent being involved both as the bullying child and the target.

"The number of kids involved in cyber-bullying appears to be slightly higher. I think that the general public often misperceives the prevalence of bullying as being much higher than it actually is -- doesn't mean that bullying isn't a problem that needs attention, just that it is not an epidemic as some people describe it," Pedersen stated.

There are two sources of federally collected data on youth bullying, according to the website "Stopbullying.gov" maintained by the U.S. Department of Health and Human Services.

• The 2011 [www.cdc.gov Youth Risk Behavior Surveillance System] (Centers for Disease Control and Prevention) indicates that, nationwide, 20 percent of students in grades 9-12 experienced bullying.

• The 2008--2009 [nces.ed.gov School Crime Supplement] (National Center for Education Statistics and Bureau of Justice Statistics) indicates that, nationwide, 28 percent of students in grades 6-12 experienced bullying.

Bullying experts also point out that a large percentage of students who are not targets or aggressors are still impacted by the bullying dynamic when they are bystanders. According to Adolescent Counseling Services' Rey, these bystanders make up a majority of the student body in any school. Witnesses to bullying can lose their sense of security, which impacts learning and other aspects of student life, including mental health, according to Rey and national research.

National studies also show that a large percentage of bullying incidents go unreported, making bullying rates that much harder to pin down. Kevin Jennings, former assistant deputy secretary for the U.S. Department of Education, advised parents: "If you are a parent and your child tells you that they are being bullied, what you are hearing is the tip of the iceberg. If the kid is willing to talk to you about it, the problem is probably 10 times worse than they're telling you."

Palo Alto school district staff cites student surveys as an important indicator of low bullying rates in Palo Alto. One of the surveys, called Paio Alto Reality Check (PARC), is administered to all the middle schools each fall. District summaries of Reality Check data feature unusually low bullying rates; however, this is due in part to the fact that the district analysis uses the narrowest and most serious category of bullying, that which occurs once a week or more during the past 12 months. Other data for less frequent bullying is collected in the survey but is generally not included in the district's presentations of the data.

At the Feb. 12 school board meeting, district staff presented the 2012 PARC survey data to show that only 6 percent of students at JLS, 4.58 percent at Jordan and 5.73 percent at Terman were verbally bullied once a week or more in the past 12 months and that those rates had declined since 2008. Rates presented were lower for the other types of bullying surveyed (physically, social and cyber) at that level of frequency and had also generally declined.

Stanford University law and sociology professor Michele Dauber questioned the school district's conclusions about its survey data.

"When the definition includes acts occurring less frequently than once per week or more, then Palo Alto appears to have much higher rates of bullying that likely approximate the state and national norms for similar schools," Dauber wrote to the board in February.

Several of the Reality Check survey questions allow students to indicate if they have not been bullied at all during the past year. For 2011 and 2012, this data shows that between 50 and 60 percent of students fall into that category, with the rest reporting bullying somewhere along the frequency spectrum. In addition, about 40 percent report that they have never seen a student being bullied, indicating that about 60 percent have experienced the role of bystander.

A Weekly analysis of the Reality Check data obtained from the school district shows that of the 2,174 Palo Alto middle school students surveyed in fall 2012 who were asked about being bullied once or twice (or more) in the past 12 months, a total of 48 percent reported verbal bullying; 38 percent social bullying; 22 percent physical bullying; and 15 percent electronic bullying. [www.paloaltoonline.com (See bar graph.)]

When asked about being bullied once a month (or more) during the past 12 months, the students' response was: 8.9 percent verbal bullying; 6.9 percent social bullying; 2.3 percent physical bullying; and 2.8 percent electronic bullying.

The survey questions defined verbal bullying as "tried to hurt your feelings -- called names, had mean things said to you, verbal threats"; social bullying as "purposefully left you out, refused to play or hang out with you, spoke behind your back, got others to not like you"; physical bullying as "hurt in any physical way -- hit, pushed, kicked, property damaged"; and electronic bullying as...
"email, text messages, phone, or Internet used to make you look bad to others."

A multitude of other Palo Alto survey data is available, including the California Healthy Kids Survey, the Sources of Strength survey (Gunn High School students only) and the Developmental Assets survey, all of which can be analyzed to conclude that Palo Alto falls somewhere on the scale from low to average in terms of its bullying rates, depending on how data is defined, selected and interpreted, and what it is compared to.

"I like data, but I think that data can really skew what is happening, and so it takes some really talented folks and it takes time to look at the data from a lot of different perspectives," Palo Alto High School Principal Phil Winston said. The data provides a "snapshot" that might be clear on that day but also could change a month later, he added.

Another way to look at bullying incidents is to examine how often they are actually reported in Palo Alto schools, keeping in mind that many incidents go unreported. According to Associate Superintendent Michael Milliken: "There could be 10 categories (in the Infinite Campus software system) that a staff member might pick for bullying-type behavior, depending on the context or what else happened during the course of the incident."

These categories include bullying, harassment, sexual harassment, disruption, roughhousing, teasing, caused or threatened physical injury, property damage, defied authority and "other." Also, each school follows its own unique and variably applied practices regarding which incidents warrant documentation, according to Milliken.

This is particularly true at the middle schools. At Jordan and Terman, for example, if the incident "is headed towards a disciplinary consequence," it is generally recorded, but otherwise it often is not, according to Milliken. At JLS, there is a wider net cast and a greater proportion of reported incidents recorded. Also, at Jordan bullying incidents often are referred for handling by an adult-coached, peer-mediated program (patterned after San Francisco nonprofit No Bull's non-disciplinary approach using what are called "solution teams," made up of the bullying student and several selected peers, not including the target). Those incidents are not recorded in the Infinite Campus data system, Milliken said. Jordan utilized about 15 such solution teams during the second semester of 2011-12 and another 15 during the first half of 2012-13, according to Milliken, who also noted that none of the incidents involved were "significant enough to require the school to use discipline," although discipline might have been used under more traditional approaches for some of the incidents. Jordan's Infinite Campus incident data thus does not reflect these incidents (numbering about 30) deferred for intervention under the "solution team" approach.

According to Infinite Campus data for the secondary schools provided to the Weekly by the district for all 10 categories listed by Milliken, the number of total incidents across these categories reflected the variance at the middle school level. For the first half of the 2012-13 school year, the number of such incidents recorded for JLS was 77; for Jordan 33; and for Terman 12 (note that Terman is a smaller school with about 750 students; there are 1,100 at JLS and Jordan). For 2011-12 the number at JLS was 174; at Jordan 154; and Terman 68. The year before (2010-2011), 315 at JLS; 105 at Jordan; and 43 at Terman.

"Why some sites have more documented incidents than other ... has less to do with actual incidents of bullying and harassment between schools and more to do with recording practices," said Brenda Carrillo, district student-services coordinator.

There was less variation at the high schools. For the first half of 2012-13, Gunn recorded six incidents under bullying, harassment or sexual harassment and a total of 49 incidents in all the categories of misconduct provided, which may have included incidents involving "bullying-type behavior" according to Milliken. In that same time, Paly recorded four incidents under bullying, harassment or sexual harassment, and a total of 65 incidents in all the categories combined. For the year 2011-12, Gunn had 10 in the bullying/harassment categories and 105 overall; Paly had seven in the bullying/harassment categories and 113 overall.

The district currently provides no guidance on how documentation of bullying or harassment incidents at the middle and high schools should be kept, although that may be changing along with other policies and practices in the wake of the recent Office for Civil Rights report, according to district staff. Also, the district is planning to look at "ways to formalize collection of data at the elementary school level," Carrillo said. "We think that's really important."

Also showing variability among schools is the number of suspensions for these combined categories of misconduct. For 2011-12, for example, JLS showed three suspensions, Jordan 27, and Terman one. In the first half of the 2012-13 school year, JLS showed six; Jordan none; and Terman one.

At the high school level, for the first half of the 2012-13 school year, Gunn showed 11 suspensions and Paly seven; in 2011-12, Gunn showed 16 and Paly 17.

• ==BI Return to== [www.paloaltoonline.com "Out of the shadows" index of articles]
Discriminatory harassment and bullying: a definitional sticky wicket?
One term is overused while the other is spelled out in federal law

Definitional issues, as technical as they are important, have occupied much discussion among Palo Alto school board members, administrators, lawyers and the public in the wake of the Office for Civil Rights report. What does "bullying" mean within the law, and how does it relate to students' civil rights?

"The policy issue is clearly a complicated one, with all of the conflicts between federal and state law requirements," wrote Dora Dome, one of the district's attorneys and leader of staff training, in a March email to the Office for Civil Rights.

Part of the confusion arises from the word's increased popularity and the public's tendency (fueled by the media) to apply it too broadly. This is what Emily Bazelon, senior Slate legal editor and author of Sticks and Stones, argued in a New York Times op-ed in March: "(The word) is being overused -- expanding, accordion-like to encompass both appalling violence or harassment and a few mean words. ... The misdiagnosis of bullying is making the real but limited problem seem impossible to solve. If every act of aggression counts as bullying, how can we stop it?"

In a later column in Psychology Today (March 31), Bazelon drew a distinction between the overused definition of "bullying," on the one hand, and the consistently clear definition of "discriminatory harassment" under federal discrimination laws. She urged care in "distinguishing discriminatory harassment from other kinds of bullying. In the case of discriminatory harassment (based on race, disability, sex, etc.), the law is clear and so are the definitions. The federal Department of Education [www2.ed.gov wrote a letter to schools] reminding them of their obligations in 2010, and it sets out clear guidelines for shielding students from bullying that's based on what's really discrimination."

So, according to Bazelon, the definition of bullying has been bastardized, but the definition of discriminatory harassment is clear and always has been. This requires some deconstruction.

The standard definition of "bullying" among educators and psychologists comes not from the law but from a Swedish psychologist, Dan Olweus, according to Bazelon. While researching aggression among youth during the 1960s, Olweus identified a whole range of cruel behaviors but found a particularly wounding form of aggression he labeled "bullying." This behavior had three basic elements: verbal or physical aggression; repetition over time; and a power differential.

"A onetime episode of meanness or violence could be bad in the moment, but it was the repetition and the power imbalance that were most often associated with lasting, scarring impact. Bullying, as Olweus defined it, was the behavior that constituted real abuse in the eyes of the children themselves: a serious rupture in their lives with potentially devastating consequences," Bazelon wrote.

California law does not contain a definition of prohibited "bullying" conduct, except to the extent that it outlines school findings necessary for the most severe disciplinary consequences, as stated in Education Code section 48900(r). In order to suspend or recommend expulsion, a school must find "bullying" that fits these requirements:

"Severe or pervasive physical or verbal acts or conduct, including communications made in writing or by means of an electronic act ... directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities or privileges provided by a school."

Federal law does not directly address bullying. However, both California and federal law prohibit "harassment" of students based
on legally protected attributes (race, sex, disability, etc.). "Harassment" is defined as conduct that creates a "hostile environment" that limits students from participating or benefiting from school activities or services and can include conduct that might also be considered "bullying" under the Olweus or other definitions.

California Education Code section 48900.4 provides that the school may suspend or recommend for expulsion students in grades 4 to 12 when the school has determined that "the pupil has intentionally engaged in harassment, threats or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment."

While "harassment" conduct may overlap with what is known as "bullying," it is not the same as bullying. The concept of bullying is based on a psychological construct designed to identify the most emotionally harmful behavior; by contrast, harassment is a legal construct designed to protect certain students from discrimination. Harassment, which may include bullying, may also include conduct outside the standard definition of bullying; for example, harassment under federal law does not need to be directed at a specific target, is not necessarily motivated by intent to harm and is not always repeated.

Under federal law, the types of discriminatory conduct outlawed in the educational settings are those based on race, color, national origin, sex, age and disability. ==I (See== [www.paloaltoonline.com "Office for Civil Rights: Why is it there and what does it do?"][=I ).==

California law expands on the federal categories of protections to also include: gender, gender identity, gender expression, nationality, ethnicity, religion and sexual orientation.

School districts may be in violation of federal law 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. California law has similar anti-discrimination requirements (but with the expanded list of categories).

Under federal and California law, prohibited discrimination does not necessarily involve targets with the specific protected attributes; instead the protections are focused on the basis for the discrimination, which can include harassment directed at someone perceived to have that characteristic (e.g., a heterosexual perceived to be gay) or associated with a person or group with one of the listed actual or perceived characteristics (e.g., a brother or close friend of a disabled student).

On Oct. 26, 2010, as Bazelon noted, the U.S. Department of Education sent a "Dear Colleague" letter to all districts receiving federal funds (including Palo Alto) addressing the issue of bullying and how it relates to discriminatory harassment under federal law. The letter reminded schools that while certain conduct might be labeled as "bullying" and covered by local anti-bullying policies, some of that same conduct "also may trigger responsibilities under one or more federal antidiscrimination laws." It warned that by "limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the student misconduct also results in discriminatory harassment." The letter provides a comprehensive re-cap of what federal law specifically prohibits and what schools' response obligations are to discriminatory harassment.

The Office for Civil Rights lawyers visiting Palo Alto on May 16 for the community educational event at Ohlone Elementary School covered these issues in detail in their presentation about [www.paloaltoonline.com federal civil rights law.]

According to the Office for Civil Rights' "Dear Colleague" letter, "When the behavior implicates the civil rights laws, school administrators need to look beyond simply disciplining the perpetrators. While disciplining the perpetrators is likely a necessary step, it often is insufficient. ... Put differently, the unique effects of discriminatory harassment may demand a different response than would other types of bullying."

This distinction between bullying and harassment -- where behaviors can overlap, but legal responsibilities are quite different -- can be difficult to grasp. In the Weekly's fall interviews with 13 principals, many used the terms "bullying" and "harassment" interchangeably, and when asked, had differing definitions.

Palo Alto's current board policies are little help as they do not define bullying ==I (see== [www.paloaltoonline.com "New district policies and procedures"]==I ).== However, a few of the schools' handbooks do. For example, Barron Park Elementary School defines bullying as "unfair, one-sided and on purpose. It happens when one or more people keep hurting, frightening, teasing or leaving someone out." Other handbooks use different formulations.

Gunn High School Assistant Principal Trinity Klein said: "Bullying and harassment, for working purposes, don't differ very much. It is one person acting in a way towards somebody else that that person feels uncomfortable with. ... What we always try to emphasize is that how the perpetrator intends it to come across is not relevant. What is relevant is how the person receiving the words or actions feels." Other principals focus more on student intent, how a "reasonable" student would react, or other factors.

Some principals described what they saw as the differences between the two terms, but these descriptions were not consistent from school to school and at times did not seem to reflect the law.
For example, last October, Terman Middle School Principal Katherine Baker told the Weekly: "Bullying is separate from harassment. Bullying can be as benign as rolling your eyes, put downs of other people. It can be excluding them socially in a group. It can be physically bullying them, blocking their way, pushing them, shoving them. ... Harassment is where it happens more than once, when you’ve told them to stop and they continue to do it. ... Kids are a bully to many different kids, but harassment is when you are targeting somebody, and you’re doing it over and over again."

As the Office for Civil Rights report found, this interpretation misconstrues the law.

These differing understandings exist not only among principals but also among teachers, parents and others who work with students, as well as students themselves, according to Weekly interviews. Any survey of teachers and administrators that includes questions about bullying definitions will typically reveal this definitional hodge-podge within a school community, according to bullying expert and Stanford University Adjunct Clinic Faculty Psychiatrist Tom Tarshis, who has worked with Palo Alto schools and parent groups in the past. Such a survey can be an eye-opener and motivator to develop a common policy and practices on these issues, according to Tarshis.

Many school officials shy away from use of the word "bullying." The label carries stigma. Many students don't relate to it well; some teens especially consider it an adult construct irrelevant to their lives and weighty with baggage, according to Weekly interviews.

Micaela Presti, former Palo Alto parent and PTA Council leader on these issues, said: "I don't like the word 'bullying.' It's so negative, and people just hear it and they think, 'Well, that's not my child.'"

Despite aversion to the word "bullying," the need for consensus around a common definition has been one of the frequently mentioned goals of the Palo Alto principals' March training, the secondary-student instruction this spring, and also the new bullying policies still in development (all of which were measures undertaken pursuant to the terms of the Office for Civil Rights resolution agreement).

This consensus is difficult to reach, however. For example, the district and the Office for Civil Rights had difficulties coordinating the definitional message for the required spring secondary-student instruction, according to documents provided to the Weekly by the district. On March 15 the district presented to the federal agency five different plans for each of the secondary schools.

"Each site has taken ownership and created lesson plans which take into consideration the culture and community of the respective school," wrote Holly Wade, district director of special education. Despite the district's stated goals of common language and consistency across the schools, the district apparently continued to defer to school autonomy in development of the student trainings. The volume of paperwork alone, including the Office for Civil Rights' meticulous comments on each school's program, illustrates some of the inefficiencies and difficulty in oversight of such a site-based system.

Also, the schedule for student instruction included in the district's package to the Office for Civil Rights showed that the JLS Middle School instruction had already occurred on March 6 (the rest were scheduled later in March and April), which became a problem because the Office for Civil Rights did not agree with the bullying definition utilized in the JLS presentation. In an email on March 26, Office for Civil Rights staff expressed concern that the JLS training had occurred before the federal agency had had an opportunity to review it: "We'd like to remind the District that there does not need to be a power imbalance ... and (that) even one instance of harassment can create a hostile environment in violation of federal civil rights laws."

The Office for Civil Rights asked for a plan from the district to provide corrected information to students about the definition of bullying that constituted discriminatory harassment.

On April 12, the district proposed that an announcement be made to all students at the middle school level with a corrected definition. The federal attorneys reviewed and approved the proposed announcement, with some changes, as follows:

"Students, last month you received training on bullying in school, specifically as it relates to disability-based harassment. The following is a definition of bullying. Last month we indicated that there needed to be an imbalance of power for bullying to occur. Please disregard that definition, and rely on this one. If you have questions, please ask your teacher.

• Bullying can be physical or verbal conduct that happens once or is repeated over time.
• Bullying can be sexual harassment or harassment that targets someone based on protected status, like disability, race or sexual orientation
• Bullying can be conduct that creates a hostile or intimidating educational environment for other students.

According to Wade, this message was delivered to all the middle school students this spring. In addition lessons were delivered to both high schools in May.

Palo Alto High School Principal Phil Winston told the Weekly that he has never seen bullying that was not based on the characteristics protected by discrimination laws.
"If you take the time and are patient enough to strip it away, absolutely," he said. "I've never not seen it that way."

If that holds true, or even mostly true, for other principals, then most bullying situations are likely to trigger civil rights obligations under anti-discrimination laws. It is this additional lens on any reported or witnessed incident that administrators, teachers, parents and students are now learning bears close attention as a result of the Office of Civil Rights involvement in the Palo Alto bullying cases.


Find this article at:
New district policies and procedures: months in the making and still not fully baked

District continues to work with Office for Civil Rights to develop system that complies with law

This story is part of an in-depth package of stories on the subject of bullying in Palo Alto schools. For links to all the stories, [follow this link.]

Complicated board policies and procedures designed to protect student rights, create fair process and comply with ever-growing numbers of federal and state laws can be a burden to overworked school administrators, school officials point out.

In Palo Alto, individual schools have traditionally developed their own procedures for handling bullying and harassment complaints, with the district staff's blessing, in place of using board-enacted procedures. These site-based approaches involve largely unwritten practices, generally featuring case-by-case management and using professional judgment and discretion about the best way to investigate and resolve issues within a unique school culture.

The Board of Education itself has fallen behind in updating its policies and procedures to reflect new state laws on bullying and harassment. One of these laws, AB 9 (known as Seth's Law), became effective July 1, 2012, and expanded protections for students bullied on the basis of bias. Among other provisions, it required districts to update their Uniform Complaint Procedures to include a process for complaints of unlawful discrimination, harassment, intimidation and bullying based on actual or perceived characteristics of age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, race or ethnicity, religion, sex or sexual orientation, or on the basis of a person's association with a person or group with these actual or perceived characteristics, according to the state's Legislative Counsel's Digest.

According to a California Department of Education brochure (issued by its Office of Equal Opportunity), dated July 2012, California law requires the "Uniform Complaint Procedure to be followed for complaints of discrimination, harassment and bullying."

The Palo Alto school district has yet to update its Uniform Complaint Procedure policy as required by Seth's Law. The California Department of Education has tried to facilitate this process for districts by providing information about the new requirements along with a sample Uniform Complaint Procedure board policy and a notification to parents and students in its Sept. 4, 2012, letter from the department's general counsel to all superintendents in the state. "All (districts) are encouraged to utilize these sample documents to comply with the requirements of AB 9," the letter stated. It also added that the California Department of Education "shall monitor ... to ensure that each (district) is fulfilling UCP requirements in accordance with the Safe Place to Learn Act (aka Seth's Law)."

This legal mandate is reflected also in the Office for Civil Rights resolution agreement with Palo Alto, which requires the district to provide an explanation to its administrators "that the Uniform Complaint Procedure is the district's procedure for resolving disability discrimination complaints."

The Uniform Complaint Procedure is a standardized, state-mandated district-level complaint procedure for certain types of complaints, including those concerning discrimination, harassment, intimidation and bullying, according to the California Department of Education's website. Its purpose is to provide a structure for equitable resolutions when the complainant or district chooses that route, typically when situations cannot be resolved informally at the school level. The complaints must be written, signed and filed with the district within six months of the alleged violations. The law allows districts to adopt their own version of the Uniform Complaint Procedure, as long as it is consistent with certain specified criteria, found in the California Code of Regulations (Title 5, section 4600 et seq), including a timeline of 60 days to complete the process. It also allows for mediated resolutions whenever all parties agree and the results are consistent with state and federal law.

The district's own existing Uniform Complaint Procedure (Board Policy 1312.3) currently requires the district to investigate any complaints alleging "unlawful discrimination and shall seek to resolve these complaints in accordance with the district's Uniform Complaint Procedure."

The Santa Clara County Board of Education recently proposed updates to its Uniform Complaint Procedure to bring it into conformance with Seth's Law, as stated in a May 1 memo to the board.
The Palo Alto school district has spent the past school year working to develop new bullying policies and procedures but so far has not hit the mark sufficient to gain Office for Civil Rights or public approval. Student Services Coordinator Brenda Carrillo began the effort last August with several model policies (Santa Clara County, the California School Board Association and Florida's Broward County), input from each school, a working group of stakeholders, the district leadership and its lawyers. Carrillo's stated goals were to take a comprehensive approach, create a common definition of bullying and provide clear and consistent districtwide procedures for the reporting, investigating, resolving and documenting of bullying and harassment incidents. In a February board presentation, Carrillo told the board that such a policy would place the district "at the forefront" and as "a model" for other districts.

Meanwhile the Office for Civil Rights did not approve the draft policies and procedures the district submitted in mid-February, for reasons not publicly known (the federal agency does not permit press contact and neither do the district's lawyers). In any case, the Office for Civil Rights' failure to approve the language offered by the district has resulted in numerous delays in bringing these new policies before the general public for review and approval. The new policies were originally scheduled to come to the board in February and then each month since, but they still have not made an appearance.

The Office for Civil Rights is now consulting with the California Department of Education about some of the questions raised, per Superintendent Kevin Skelly's most recent board update.

In March, the district switched the project lead to an outside consultant and lawyer, Dora Dome (who also was in charge of a March training for administrators). On March 26, the district arranged for Dome to walk district staff and selected parent groups (including PASS (Parent Advocates for Student Success) and the Community Advisory Committee for Special Education) through her current draft (56 pages) of new bullying and harassment policies.

Several community members who reviewed the Dome draft were struck by its complexity, its inaccessibility to the average reader, the number of times "shall" had turned to "may," and the new two-tiered approach to classifying complaints (based on whether "protected" or "unprotected" status was involved). Using this two-tiered system, the district promoted continued school-level complaint procedures, separate from the Uniform Complaint Procedure, with "fast-track" incentives (15 days at the school-level versus 60 days with the district's Uniform Complaint Procedure) so that "protected-status" complainants would be motivated to opt for the site-based process. In designing systems to reduce or avoid the use of the Uniform Complaint Procedure, some say the district is reacting to fears of a potential "bottleneck" of complaints at the district office.

To deal with the complexity, some parents have suggested that the district provide a flow chart to illustrate each step of the process from the time a report of bullying or harassment has been made. Others have suggested that the district look to other districts' policies as models for how to achieve more clarity and user-friendliness, including Newton, Mass.; San Ramon; Los Angeles; Berkeley; and Seattle, Wash.

Despite legal requirements, the Uniform Complaint Procedure is rarely used in Palo Alto. The district has processed a total of three Uniform Complaint Procedure complaints in almost seven years (since 2006), according to its state-required complaint log provided to the Weekly.

The district does little, if anything, to direct parents towards the Uniform Complaint Procedure when parents and school staff disagree over bullying or harassment situations, according to parents.

In reviewing one of the February drafts of the district's proposed bullying prevention policies and procedures, SEAN (Student Equity Action Network) General Counsel and parent Cathy Kirkman wrote the board to urge compliance with the Uniform Complaint Procedure law in its new policies.

"We ask that the district be mindful that by law discrimination should not be conflated with bullying per se, as reflected in your proposed Bullying Policy BP 5131.2, as it may occur in different guises. Accordingly, we write to request that the district implement clear, accessible, plain English ... complaint procedures that are compliant in all respects with the Uniform Complaint Procedures, as you have agreed to use pursuant to the resolution agreement. ... We request that the district make these forms conspicuously available at the district and site level (including their websites), and through the parent handbooks, and have the complaint form include the district-office contact responsible for receiving these complaints as well as a descriptive guide to the complaint process."

The Office for Civil Rights' April "data request" in the Duveneck Elementary School disability harassment complaint asked for...
copies of district policies and procedures related to discrimination complaints and a description of steps that school administrators are supposed to follow if they receive notice that an incident may have occurred.

The district's response to this request was to refer to the proposed new policies and procedures, under Office for Civil Rights review; and the fact that the district "utilizes the UCP process to address complaints of discrimination based on protected classes." The district did not mention the other existing board policies and procedures bearing on these issues -- or the fact that it barely uses the Uniform Complaint Procedure.

Why not refer to the other existing board policies and procedures? Even though they are the community's currently applicable board policies and procedures -- at least until new ones are adopted -- they are commonly treated as if they don't exist. Some community members have argued that existing policies provide superior structure and protections (assuming updates to reflect new laws) than the policies and procedures being proposed.

Until new policies and procedures are adopted, the key existing board policies and regulations that pertain to bullying and harassment are:

Board Policy 5131 (labeled "Conduct") describes prohibited student misconduct (including bullying, hazing, harassment, ridicule, profane or abusive language, etc.) and states that "complaints of bullying or harassment shall be investigated in accordance with site-level grievance procedures specified in AR 5145.7 -- (labeled) Sexual Harassment." While this policy is listed as "under review" on the district website, the policy itself indicates "Policy adopted: 1/12/10 Under Board/Staff Review" and the board meeting minutes seem to reflect that it was adopted.

Board Policy 5145.3 (labeled "Nondiscrimination/Harassment") prohibits harassment, intimidation and discrimination based on a list of characteristics (sex, religion, color, disability, sexual orientation, etc.). It requires employees to report any incidents of harassment immediately to a "Coordinator for Nondiscrimination" designated as three district assistant superintendents (Human Resources, Educational Services, and Administrative Services).

The policy states: "Upon receiving a complaint of discrimination or harassment, the coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 -- (labeled) Sexual Harassment." It also requires the coordinator, if he/she finds harassment has occurred, "to take prompt, appropriate action to end the harassment and address its effects on the victim." He/she "shall also advise the victim of any other remedies that may be available" and file a report with the superintendent or designee.

Board Policy 5145.7 (labeled "Sexual Harassment") requires instruction to all students on this topic; details employees' immediate obligations to report any observation or complaint about an incident of sexual harassment; requires the principal or designee to "immediately investigate the complaint in accordance with administrative regulation" ( AR 5145.7). "Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim." The policy also requires that the victim be advised of any other remedies and that a report shall be filed with the superintendent or designee. Also, the superintendent or designee "shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools."

Administrative Regulation ("AR") 5145.7 (labeled "Sexual Harassment") describes in detail the kind of conduct that constitutes "sexual harassment" and includes sexual slurs, derogatory comments, graphic comments about an individual's body, spreading sexual rumors, sexually degrading descriptions, unwelcome sexual flirtations, threats, leering, and touching in a sexual way ("sexual violence" is not explicitly mentioned).

AR 5145.7 also includes the "site-level grievance procedure" to be utilized for all complaints under the above Conduct, Nondiscrimination/Harassment, and Sexual Harassment policies.

AR 5145.7 (shared among the three policies described above) includes requirements for prompt investigation and interviews with all witnesses to the incident(s) or anyone with related information. The student complaining "shall have an opportunity to describe the incident, present witnesses and other evidence." With the agreement of the students involved, the complaint may be resolved informally "with help of a counselor, teacher, administrator or trained mediator." The policy lists 12 factors the administrator may take into account in reaching a decision about the complaint, all relating to credibility of the evidence, the impact and severity of the harassment.

AR 5145.7 requires that the administrator "shall write a report of his/her findings, decision, and reasons for the decision and shall present this report" to the students involved, and also provide "a written report of the complaint and the investigation" to the superintendent or designee, describing actions taken to end the harassment, address the effects of the harassment, and prevent retaliation or further harassment. Within two weeks the administrator shall determine whether any further harassment has occurred and keep a record of this follow-up information.

Board Policy 1312.3 and its companion AR 1312.3 provide for the district's current Uniform Complaint Procedure process for investigation and resolution of complaints alleging unlawful discrimination. Among the many listed bases for discrimination, "disability" is not included under this policy, though it should be. The policy encourages early, informal resolution at the school whenever possible and also provides for mediation. But for complaints that proceed more formally, Associate Superintendent
Charles Young is designed as the "compliance officer" for the district, who is "to receive and investigate complaints and to ensure district compliance with the law."

Find this article at:
Christina Schmidt and Mary Vincent: Volunteering to be part of the solution

The Office for Civil Rights report inspired Palo Alto special-education parents and Community Advisory Committee members Christina Schmidt and Mary Vincent to research and prepare their own presentation for school decision-makers on the topic of disability-based bullying and lessons learned from the federal report.

Armed with large binders and handouts, Schmidt spoke at the Walter Hays and Duveneck elementary schools’ site councils in April, with Vincent joining her for the Duveneck meeting. The two parents also met this spring with PTA Council leaders and Duveneck staff serving on the school’s Social-Emotional Learning Committee. Schmidt said she and Vincent hope to be a “part of the solution” that includes addressing the needs of all children, especially those with disabilities who are more vulnerable to peer victimization and harm.

Schmidt begins her site council presentation with a careful review of the facts in the Office for Civil Rights report, line by line.

“There is a lot of misunderstanding based on a lack of grounding in the report,” Schmidt said. “There is a great opportunity to use the information in the report to improve the schools and community.”

The two volunteers also provide a list of resources about best practices for bullying-prevention programs and intervention strategies.

Schmidt and Vincent are enthusiastic advocates for building a transparent, easily navigated system for bringing complaints about bullying and harassment issues.

"Information has to be visible," Schmidt said.

Part of their work has been to collect anti-bullying posters and public-service announcements for possible use at the schools. They both also advocate for more training “across the board for everyone who interacts with kids.”

Schmidt and Vincent share a belief that the district needs more central direction and monitoring of schools and are glad to see the movement now in that direction. With school autonomy, responsibility can be “too diffused” and accountability too difficult, Schmidt said.

Schmidt's and Vincent's fall agenda includes speaking to other site councils and leaders across the district. They also would like to see information on this topic featured in the back-to-school packet and envision fall parent-education events rolling out the district's new bullying policies and procedures, once they are finished and approved by the Office for Civil Rights and Board of Education.

Schmidt also served on the task force of the district's new "Safe and Welcoming Schools" initiative and [www.paloaltoonline.com advocated consideration of an independent ombudsman] to review complaints about bullying.

• Return to [www.paloaltoonline.com "Out of the shadows" index of articles]


-- BI This story is part of an in-depth package of stories on the subject of bullying in Palo Alto schools. For links to all the stories,== [www.paloaltoonline.com follow this link.==]
Family reveals details of 2012 Office of Civil Rights case alleging discriminatory harassment and retaliation

On Jan. 16, 2012, the parents of a Palo Alto student filed a complaint with the Office for Civil Rights against the Palo Alto Unified School District. The parents alleged disability-based discriminatory harassment by a teacher and also subsequent acts of retaliation by school officials in response to the concerns the parents raised about the teacher, according to the student's mother, who provided the Weekly with a copy of the complaint. The student involved had a diagnosed disability and Individualized Education Program (IEP).

 Allegations of civil-rights violations included claims that the student was unfairly penalized for disability-related excused school absences. The school had already lowered grades, reduced class credits and was threatening further grade and credit reductions, along with a "modified" diploma if the student's disability-related absences continued.

 The complaint also claimed the district refused to discuss accommodations to compensate for the student's disability-related absences, which would have provided the student with equal opportunity to participate in and demonstrate mastery of the curriculum. In emails to the district and in the complaint, the mother had proposed multiple possible accommodations to achieve these goals, including alternative instructional strategies such as home-based tutoring, interactive web-based programs and digital audio recordings of classroom instruction.

 In another alleged retaliatory act, the school also suggested that it might force a change in the student's school placement, which the complaint claimed was inappropriate, uncalled for and in violation of the student's right to a free and appropriate public education (FAPE).

 The Office for Civil Rights opened an investigation into these allegations, and according to the mother, within a few weeks the district agreed to meet the concerns set out in the complaint. No formal "resolution agreement" was entered into between the district and the federal agency; the district's agreement (which included reversing lowered grades and credits, retaining the student's placement, and accepting the parents' proposed accommodations) was documented in the student's updated Individualized Education Program and also later in an Office for Civil Rights "closure letter," according to the mother.

 Soon after the early agreement was reached, however, the district engaged in further ongoing acts of retaliation in violation of its agreement, according to the mother and as documented in emails to the Office for Civil Rights. These retaliatory acts included multiple renewed threats to change the student's placement. According to the mother, further interventions by the federal agency were required to correct these continuing breaches over the course of the next few months. This process of "holding the district's feet to the fire," as the mother described it, created significant stress and disruption for the student and the student's family.

 As the mother stated in her April 24, 2012, email to the Office for Civil Rights, in which she described a series of retaliatory actions taken by the district: "(The student) is entitled to a free public education that is appropriate, not one that is engineered to punish (the student) for having challenged PAUSD ... through an OCR complaint."

 By May 1, 2012, the mother reported in an email to the Office for Civil Rights that "most of the problems I referred to in my (earlier e-mail) were taken care of. ... I am concerned about further retaliation as ... PAUSD staff were somewhat hostile (in recent meetings with the student and parents). But we have documented everything I could think of in the IEP, and I will remain vigilant. Thank you very much for your quick response to my complaint of retaliation. Your intervention certainly did prevent further harm to (the student)."

 According to the mother, up until the time of the student's graduation more than a year after the complaint, district staff continued to be "rude and hostile in IEP meetings. The whole experience was nasty right up to the end. It took enormous courage for (the student) to endure."

==B Catalog of seven complaints since 2011==

According to a spokesman from the U.S. Department of Education, between January 2011 and May 10, 2013, the Office for Civil Rights received seven complaints involving the Palo Alto school district, as follows:
• Two have been closed: One complaint alleged discrimination on the basis of sex in 2011; the other (described above) alleged disability discrimination in 2012;

• Two complaints were resolved with resolution agreements ([www.paloaltoonline.com one with the Terman Middle School] student, and the [www.paloaltoonline.com other involving 504 eligibility]): Both alleged disability discrimination, and both resolution agreements are currently under monitoring by the Office for Civil Rights to ensure full implementation; and

• Three complaints are currently under investigation: Two complaints alleged disability discrimination ([www.paloaltoonline.com one at Duveneck Elementary] and the [www.paloaltoonline.com other at a middle school]); and one complaint alleged different treatment ([www.paloaltoonline.com on the basis of race]).

It is hard to know how this number compares to other school districts' because the Office for Civil Rights does not publicly post data by district. At [www.paloaltoonline.com a recent informational event held at Ohlone Elementary School] featuring two Office for Civil Rights attorneys, one audience member asked how Palo Alto’s complaint record compares to other districts in California, suggesting that Palo Alto is "night and day" better than the Los Angeles Unified School District, for example. Office for Civil Rights attorney James Wood said he wouldn't be able to address the question "because it would involve looking at current investigations."

The Weekly has not attempted to find out directly from other districts the number of complaints filed against them with the Office of Civil Rights.

• ==BI Return to== [www.paloaltoonline.com "Out of the shadows" index of articles]

Find this article at:
How 'Out of the shadows' came about
*Additional sidebars cover the statistics on bullying, advice to parents*

Reporting for "Out of the shadows" began almost a year ago. It was to be an in-depth look at bullying in Palo Alto schools, the myriad anti-bullying programs used throughout the district, why some kids behave cruelly and what educators and community leaders are doing about it.

In the middle of the Palo Alto Weekly's reporting effort, however, the Office for Civil Rights investigation into the case of a bullied Palo Alto middle school student came to light -- solely due to the family's decision to share their story in hopes of focusing attention on an important local issue that otherwise would likely have remained in the shadows.

The federal report unleashed swift reactions, raised questions and resulted in a community wake-up call. Systemic reforms are now emerging.

The Weekly has interviewed more than 100 parents, children, educators, psychologists and other bullying-prevention experts for this collection of articles, some of which were published in [www.paloaltoonline.com](http://www.paloaltoonline.com) the June 14 edition of the Palo Alto Weekly and all of which are posted here.

"Out of the shadows" is the first in a series planned over the next few months.

- [www.paloaltoonline.com](http://www.paloaltoonline.com) Out of the shadows
- [www.paloaltoonline.com](http://www.paloaltoonline.com) Office for Civil Rights: Why is it there and what does it do?
- [www.paloaltoonline.com](http://www.paloaltoonline.com) Advice to parents of a targeted child
- [www.paloaltoonline.com](http://www.paloaltoonline.com) How often does bullying happen in Palo Alto?
- [www.paloaltoonline.com](http://www.paloaltoonline.com) What civil-rights investigators found at Terman
- [www.paloaltoonline.com](http://www.paloaltoonline.com) Discriminatory harassment and bullying: a definitional sticky wicket?
- [www.paloaltoonline.com](http://www.paloaltoonline.com) Family reveals details of 2012 Office of Civil Rights case alleging discriminatory harassment and retaliation
- [www.paloaltoonline.com](http://www.paloaltoonline.com) New district policies and procedures: months in the making and still not fully baked
- [www.paloaltoonline.com](http://www.paloaltoonline.com) Christina Schmidt and Mary Vincent: Volunteering to be part of the solution