November 1, 2012

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

Re: Response to Draft Audit Report

Dear Ms. Howle:

I write to provide the Los Angeles Unified School District’s (“LAUSD” or “District”) response to the Bureau of State Audits draft report titled “Los Angeles Unified School District: It Could Do More to Improve Its Handling of Child Abuse Allegations.” The District would like to thank the Joint Legislative Audit Committee for ordering the audit and the team of auditors that invested months reviewing documents and interviewing District personnel to develop the audit and recommendations. I have stated publicly on many occasions, we welcome all partners who would help us improve safety for our students.

We gladly and respectfully accept all of the recommendations presented in this audit, and we welcome the opportunity to continue working with the Bureau, CTC, Department of Justice, local law enforcement, local and state leaders, teachers, parents and the community to implement them. The recommendations received in the audit will allow us to better serve our students and the entire community. I would like to express my appreciation for the extent to which the audit recognizes and supports the District’s intense sense of urgency to secure the safety of our students and the significant and immediate steps taken before the audit to improve systems, structures and protocols.

Over the past year, we have made policy and structural changes that are helping to ensure maximum accountability and efficiency. As a matter of policy, we also updated the way in which parents and the community are notified about alleged incidents of misconduct at a school site. There is now a mandatory District-wide 72-hour notification guideline, which requires parental notification of alleged misconduct within that time. This policy has already been effectively used to notify and inform parents.

In February 2012, before the audit began, the District conducted a mandatory District wide professional conduct training during which employees were re-trained on how best to commit themselves individually and collectively to the District priority of keeping students safe.

In July 2012, we underwent a major reorganization as part of ongoing efforts to create a better District. This reorganization allowed for a realignment of services to ensure that, there are separate and distinct organizational structures called Educational Service Centers (ESCs) with clear lines of accountability to provide strong support in the areas of student safety and school operations.

Additionally, we launched a performance management process to move the District from a ‘compliance culture’ to a ‘performance culture’ focusing every employee’s work on utilizing data to meet accountability measures that will drive continuous improvement in supporting safe and nurturing learning conditions in all of our schools. As part of this effort, with the launch of the District’s 2012-2015 strategic plan, we determined that providing a safe, caring, and nurturing environment for all youth, as one of the five Key Strategies District wide. By identifying this as a Key Strategy of the District, our senior leadership and I committed to not only ensure that it was in compliance with all local, state, and federal laws and regulations with regard to student safety, but also insure that top decision-makers are engaged in a cycle of regularly reviewing performance data, holding robust performance dialogues, and making appropriate adjustments at regular intervals throughout the year.

The reorganization of Local Districts to Educational Service Centers, reallocation of resources, and increased staffing levels of the Operations, Staff Relations, and Employee Relations units will increase the level of support to principals and ESCs completing investigations and any necessary disciplinary actions needed as the result of a completed investigation. Closer coordination between support staff, Principals, and Directors conducting investigations and issuing any warranted discipline will occur in the most timely manner possible. I now turn to a more in-depth response to the recommendations.

Recommendation 1: To ensure that the commission is made aware of certificated employees who need to be reviewed to determine if the employee’s teaching credential should be suspended or revoked, the district should adhere to state requirements for reporting cases to the commission. Further, the district should avoid reporting cases that are not yet required to be reported so that it will not overburden the commission.

We agree with the recommendation to adhere to state requirements for reporting changes in an employee’s employment status “as a result of an allegation of misconduct or while an allegation of misconduct is pending” (Title 5, Section 80303) as well as reporting any credentialed employee who is placed on a mandatory leave of absence (Education Code 44940).

Because the District considers student safety to be its highest priority, even before the audit began, the District conducted a comprehensive review of all aspects of the reporting process in order to analyze strengths and weaknesses and make any necessary improvements. This review began in February 2012 and was completed in May 2012. The review resulted in the development of a reporting system that incorporates a team approach, detailed internal protocols with built-in redundancy, and an enhanced database to track and monitor all aspects of CTC reporting.

Our goal for an enhanced reporting system is to insure that100% of required cases are reported in a timely and accurate manner. The District has put in place a CTC reporting team composed of senior administrators, human resources professionals, information technology consultants, technicians, and clerical support. The team has developed detailed internal protocols and procedures that identify reportable cases and the specific responsibilities of each team member. Each case is reviewed by at least two team members. Regular monitoring is conducted by additional team members.

In order to ensure that cases are effectively reported and tracked, a new CTC reporting component was created within the Employee Relations misconduct database in March 2012, before the audit commenced. This component tracks initial reports to CTC, follow-up correspondence between the District and CTC related to the initial report, and statutory notification to employees.

The District’s Human Resources Division will conduct internal audits of the reporting process and procedures and make improvements as warranted in order to ensure student safety.

Additionally, we look forward to continuing an ongoing relationship with the Commission on Teacher Credentialing, the California Department of Justice, local law enforcement agencies, and other relevant agencies in order to ensure the safety of all students in our state.

Recommendation 2: The Legislature should consider establishing a mechanism to monitor classified employees who have separated from a school district by dismissal, resignation, or settlement during the course of an investigation for misconduct involving students, similar to the oversight provided by the commission for certificated employees. If such a mechanism existed, school districts throughout the State could be notified before hiring these classified employees.

We fully support the legislative recommendations made to the California Legislature. The District agrees that the Legislature should consider establishing a mechanism to monitor classified employees who have separated from a school district by dismissal, resignation, or settlement during the course of an investigation. If such a mechanism existed, school districts throughout the State could be notified before hiring those classified employees.

We also agree with the audit’s assessment that the lengthy and expensive dismissal process required by state law often causes delays and contributes to the District settling with some employees rather than continuing with the termination process. In 2009 and 2012, the District’s Board of Education approved resolutions calling on the California Legislature to make numerous changes to the certificated employee dismissal process. Among the recommended changes, the District called for a removal of the summer moratorium on dismissal filings; a streamlined composition of the Commission on Professional Competence; and better alignment of the disciplinary process for certificated and classified employees. As noted in the report, the District supported several measures in the California legislature in 2012 that sought to make many of the proposed changes to state law. To date, the California legislature has failed to approve any bills that would improve the current statutory process. The LAUSD will continue its commitment to seek the necessary changes to California law.

Recommendation 3: To ensure that investigations proceed in a timely manner and that the district disciplines employees promptly, the district should increase its oversight of open allegations.

The District agrees with the recommendation to increase oversight of open allegations. As part of the District’s goal to have an effective teacher in every classroom, we have undergone a reorganization that has assigned dedicated personnel to focus on operational matters such as supporting schools in completing investigations related to employee misconduct. The District now has five Educational Service Centers (ESCs) with each center having approximately six operations coordinators and administrators.

As an additional component of the District’s reorganization, the Human Resources Division has augmented support for investigations and any resulting discipline by assigning additional Staff Relations personnel to ESCs, creating a Certificated Performance Evaluation Support Unit, and more strategically utilizing the previously created Central Investigations Unit. These units have collaborated in designing and conducting intensive training on conducting investigations for school site administrators and Operations personnel.

The Human Resources Division, the Office of School Operations, the Office of the Inspector General, the Los Angeles School Police Department and the Office of General Counsel are actively collaborating in creating guidelines for administrative investigations of allegations of employee misconduct as well as providing appropriate assistance in conducting investigations related to the allegations.

The District’s Investigations Unit has created a tiered model of support for investigations. For simple investigations, consultative support is provided consisting of telephonic assistance with information on how to conduct a non-complex administrative investigation. If additional investigative support is requested, an Employee Relations investigator will be available to provide on-site support with interviews. For complex investigations (e.g. multiple victims, multiple sites, cold cases), the investigations unit may take over the entire investigation and allocate specialized personnel to successfully conclude the investigation. Support may include technical areas such as forensic computer analysis.

By reorganizing to more effectively target resources, augment personnel strategically, intensify training and provide central support where needed, we have increased our oversight of allegations and expedited the discipline of employees.

Recommendation 4: To ensure that it is not duplicating efforts and that its information is complete, the district should identify one division to maintain a districtwide tracking mechanism for settlements that includes the total amount paid out and a description of the misconduct.

We agree with the recommendation that the District identify and designate one division or department to maintain a district-wide tracking mechanism or integrated database for settlements that includes a description of the misconduct alleged against a District employee and the total settlement amount paid to resolve employee dismissal actions.

The District will work diligently and take all necessary steps to establish a confidential integrated settlement database as soon as possible so as to address the concerns outlined in the recent audit. Namely, the District will assemble a team, consisting of representatives from various departments, including the Office of the General Counsel, the Information Technology Division, the Department of Finance and the Human Resources Division. This team will be responsible for evaluating the audit findings, determining whether District licensed computer programs can be utilized to establish the necessary confidential tracking database or if new programming is required. The team will work towards establishing a process and procedure that is streamlined and efficient, and provides the District with the means of tracking the total cost of the settlements in employee dismissal actions and a description of the misconduct for which dismissal is sought.

The Office of the General Counsel will maintain the district-wide confidential settlement tracking database.

In closing, I note that to ensure we are successfully implementing the strategy of ensuring a safe, caring, and nurturing environment for all youth, the District has committed to dedicated work streams and supporting projects that will enable it to meet specific targets to improve school safety, which are reflected in metrics referred to as Key Performance Indicators.

Two of the most significant targets with regards to ensuring a safe, caring, and nurturing environment for all youth that the District will achieve through the completion of these work streams and projects are making certain that 100% of mandated reports are filed in a timely and effective manner with the CTC, and achieving a substantial reduction in the median time that employees are ‘housed’ by committing that investigations proceed in a timely manner. Further, employee discipline is rendered promptly. Projects that have been undertaken relative to these targets include updating the Employee Relations database to track employee misconduct cases and required reporting to the CTC, and the creation of a data informed Human Capital Management System (data warehouse).

In addition, the District has initiated a review of all phases of the investigative process to foster alignment between Educational Service Centers (formerly local districts) and relevant Central Office Divisions, and ensure appropriate oversight and timely disposition of investigations. The Division of Certificated Human Resources has augmented current staffing levels in the Office of Staff Relations to meet this objective. For the 2012-2013 school year, the Office of Staff Relations is providing two (2) certificated Field Directors and one (1) Labor Relations Representative/Human Resources Representative to each of the five (5) Educational Service Centers. Field Directors are staffed at the highest level since 2008-2009 and Labor Relations Representatives/Human Resources Representatives are now staffed at their highest levels in over a decade. The increase in District resources to Office of Staff Relations positions will help ensure that adequate and timely responses for assistance, guidance, investigations, and/or discipline are provided. This process is being monitored on a monthly basis by the Superintendent of Schools, the Senior Leadership Team, and the Chief Human Resources Officer.

I would like to again thank the Bureau team for its work and recommendations. The thoughtful insights will benefit our students, staff and community.

Cordially,

(*Signed by: Dr. John E. Deasy*)

Dr. John E. Deasy Superintendent