

Los Angeles Unified School District

It Could Do More to Improve Its Handling of Child Abuse Allegations

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This report concludes that the Los Angeles Unified School District (district) often did not properly notify the Commission on Teacher Credentialing (commission) when required to do so, such as when an employee with a certificate to teach is dismissed while an allegation of misconduct is pending. Our review of the information the district provided to the commission found that the district failed to report as required at least 144 cases—including cases involving employee misconduct against students—submitted a year or more late when the district finally did report them. Of the 144 cases, 31 were more than three years late when they were reported to the commission. As a result of the delays in reporting these cases, the commission was not able to determine promptly whether it was appropriate to revoke the teachers' certificates and thus prevent the individuals from working in other school districts. Further, we found that there is no statewide mechanism to communicate to other school districts when a classified employee at any given district, such as a campus aide or food service worker, separates by dismissal, resignation, or settlement during the course of an investigation involving misconduct with students.

The district has made improvements to its policies and procedures related to reporting, investigating, and tracking suspected child abuse over time. However, although the district generally followed state law and its own policies and procedures when reporting and investigating suspected child abuse, we found that the district did not always act promptly on some allegations during the investigation, nor did it always discipline employees in a timely manner. During an investigation of employee misconduct, the district is responsible for keeping the employee away from the school site. The district's policy for addressing this responsibility is to *house* the employee—to relocate him or her away from its school sites. During this time the district continues to pay the employee's salary. We noted that the district paid \$3 million in salaries to 20 employees housed the longest for allegations of misconduct against students. Finally, the lengthy and expensive dismissal process required by state law contributes to the district's settling with employees rather than continuing with the dismissal process. However, the district does not maintain a districtwide tracking mechanism for settlements that includes the total amount paid out and descriptions of the misconduct. Such information could help the district identify and analyze patterns and trends associated with providing a settlement.

In the report, the California State Auditor (state auditor) made the following recommendations to the district and the Legislature. The state auditor's determination regarding the current status of recommendations is based on the district's response to the state auditor as of November 2012.

Recommendation 1.1—See pages 14—19 of the audit report for information on the related finding.

To ensure that the commission is made aware of certificated employees who need to be reviewed to determine whether the employees' teaching credentials 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.

District's Action: Partially implemented.

The district states that between February 2012 and May 2012 it conducted a comprehensive review of all aspects of the reporting process in order to analyze strengths and weaknesses and make any necessary improvements. According to the district, 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 commission reporting.

The district also reports that it has put in place a commission reporting team that has developed detailed internal protocols and procedures that identify reportable cases and the specific responsibilities of each team member. According to the district, each case is reviewed by at least two team members and regular monitoring is conducted by additional team members.

The district states that to ensure that cases are effectively reported and tracked, a new commission reporting component was created within the Employee Relations misconduct database in March 2012. This component tracks initial reports to the commission, follow-up correspondence between the district and the commission related to the initial report, and statutory notification to employees. The district's Human Resources Division plans to conduct internal audits of the reporting process and procedures and make improvements as warranted in order to ensure student safety.

Recommendation 1.2—See pages 19—21 of the audit report for information on the related finding.

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.

Legislative Action: Unknown.

The state auditor is not aware of any action taken by the Legislature as of December 18, 2012.

Recommendation 2.1—See pages 34—40 of the audit report for information on the related finding.

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 of employee abuse against students.

District's Action: Pending.

The district states that as a component of its recent reorganization, its Human Resources Division has augmented support for investigations and any resulting discipline by assigning additional staff relations personnel to the district's new Educational Service Centers, creating a Certificated Performance Evaluation Support Unit, and more strategically utilizing the previously created Investigations Unit. According to the district, these units have collaborated in designing and conducting intensive training on conducting investigations for school site administrators and operations personnel. The district indicates that various units are collaborating in creating guidelines for administrative investigations of allegations of employee misconduct as well as providing appropriate assistance in conducting investigations related to the investigations.

Recommendation 3.1—See pages 48—50 of the audit report for information on the related finding.

To ensure that it does not duplicate 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 amounts paid and descriptions of the misconduct.

District's Action: Pending.

The district plans to establish a confidential integrated settlement database, which is to be maintained by its Office of General Counsel, as soon as possible to address the concerns outlined in the audit. The district plans to assemble a team, consisting of representatives from various departments, which will be responsible for evaluating the audit findings, determining whether district licensed computer programs can be used to establish the necessary confidential tracking

database, or if new programming is required. According to the district, 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.

