

## **Bullying**

### **Students**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group of students shall engage in “bullying”, by means of:

- (1) Any severe or pervasive physical or verbal act or conduct, including communications made in writing or by an electronic act (Ed. Code §48900(r);
- (2) Sexual harassment (Ed. Code §48900.2);
- (3) Hate violence (Ed. Code §48900.3); or
- (4) Intentional harassment, threats or intimidation directed against any student or school personnel 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 (Ed. Code §48900.4).

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

Bullying by electronic act includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device, and breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

*(cf. 5145.2 - Freedom of Speech/Expression)*

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6020 - Parent Involvement)*

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

*(cf. 1020 - Youth Service)*

## Board Policy 5131.2 (b)

### **Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

*(cf. 5137 - Positive School Climate)*

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

*(cf. 6163.4 - Student Use of Technology)*

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 - Guidance/Counseling Services)*

## **Board Policy 5131.2 (c)**

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the assistant principal, the principal, the Compliance Officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or the district Compliance Officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district Compliance Officer identified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

When the circumstances involve bullying by electronic act, individuals with information about the activity shall be encouraged to save and print the electronic or digital messages and notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or the district Compliance Officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

### **Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to involve unlawful discrimination, including discriminatory harassment, intimidation, or bullying, resolved in accordance with law and the District's uniform complaint procedures specified in AR 1312.3.

All other bullying complaints shall be addressed in accordance with BP/AR 5144 or other applicable policy and regulation, and the principal or designee shall take all necessary, appropriate actions to resolve the complaint.

### **Corrective and Disciplinary Action**

Corrective actions for a student who commits an act of bullying of any type may include, but are not limited to:

- (1) A conference between school personnel, the student's parent or guardian and the student;
- (2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support personnel for case management and counseling;

## Board Policy 5131.2 (d)

- (3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents;
- (4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the Rehabilitation Act of 1973;
- (5) Enrollment in a program for teaching prosocial behavior or anger management;
- (6) Participation in a restorative justice program;
- (7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus;
- (8) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors including, but not limited to, those operated in collaboration with local parent and community groups; and
- (9) Community service on school grounds during non-school hours. (Ed. Code §§48900.5(b) and 48900.6)

If the behavior is severe or pervasive, disciplinary action may include suspension or expulsion in accordance with district policies and regulations and Education Code sections 48900 et seq.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### *Legal Reference:*

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*32282 Comprehensive safety plan*

*32283.5 Bullying; online training*

*35181 Governing board policy on responsibilities of students*

*35291-35291.5 Rules*

*48900-48925 Suspension or expulsion*

*48985 Translation of notices*

*52060-52077 Local control and accountability plan*

#### **PENAL CODE**

*422.55 Definition of hate crime*

*647 Use of camera or other instrument to invade person's privacy; misdemeanor*

*647.7 Use of camera or other instrument to invade person's privacy; punishment*

*653.2 Electronic communication devices, threats to safety*

#### **CODE OF REGULATIONS, TITLE 5**

*4600-4687 Uniform complaint procedures*

#### **UNITED STATES CODE, TITLE 47**

*254 Universal service discounts (e-rate)*

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

*35.107 Nondiscrimination on basis of disability; complaints*

## Board Policy 5131.2 (e)

### *CODE OF FEDERAL REGULATIONS, TITLE 34*

*104.7 Designation of responsible employee for Section 504*

*106.8 Designation of responsible employee for Title IX*

*110.25 Notification of nondiscrimination on the basis of age*

### *COURT DECISIONS*

*Wynar v. Douglas County School District, (2013) 728 F.3d 1062*

*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094*

*Lavine v. Blaine School District, (2002) 279 F.3d 719*

### *Management Resources:*

### *CSBA PUBLICATIONS*

*Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014*

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*  
*Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

*Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009*

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

### *CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*

*Bullying at School, 2003*

### *U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*

*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

### *WEB SITES*

*CSBA: <http://www.csba.org>*

*California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>*

*Common Sense Media: <http://www.commonsensemedia.org>*

*National School Safety Center: <http://www.schoolsafety.us>*

*ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>*

*U.S. Department of Education: <http://www.ed.gov>*