

Students

BULLYING

BP 5131.2 (a)

The Board of Education recognizes the harmful effects of bullying on *student well-being*, 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 shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel *or retaliate against them for filing a complaint or participating in the complaint resolution process. This includes the prohibition of discrimination, harassment, intimidation, and bullying based on these actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation. Discrimination, harassment, intimidation or bullying directed at someone associated with a person or group with one or more of the listed actual or perceived characteristics is also prohibited.*

(cf. 5131 - Conduct) (cf.

5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment) (cf.

5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

~~Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes 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) (cf.*~~

~~*6163.4 - Student Use of Technology)*~~

The Superintendent or designee shall develop strategies for addressing bullying district schools with the involvement of students, parent/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community. 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.*~~

~~*1220 - Citizen Advisory Committees)*~~

~~*(cf., Relations Between Other Governmental Agencies and the Schools)*~~

~~*(cf. 6020 - Parent Involvement)*~~

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into

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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)

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

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)

~~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 Services)*~~

Bullying Prevention

~~To the extent possible, District schools shall focus on 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.~~

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(cf. 5137—Positive School Climate)

As appropriate, the District may provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, 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)

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

(cf. 4131/4231/4331—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, 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

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~~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 of 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)~~

Reporting and Filing 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 principal, a 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 a 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 cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to 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 a 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 be discriminatory, resolved in~~

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accordance with law and the districts uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion, in accordance with District policies and regulations.

(cf. 5138—Conflict Resolution/Peer Mediation)

(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

46600 Student transfers

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 complain 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

CODE OF FEDERAL REGUALTINS, 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 of the basis of age

COURT DECISIONS

BULLYING

The Board of Education recognizes the harmful effects of bullying on student learning and school attendance and is committed to providing all students with a safe and healthy environment. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. To that end, students and staff shall immediately report any suspected or observed bullying to site administration for investigation and appropriate action.

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code §48900(r), is the harassment of students, intimidation, a hazing or initiation activity, ridicule, extortion, or any other verbal, written, electronic communication (cyberbullying), or physical conduct, repeated over time with the intent to cause or threaten to cause bodily harm or emotional suffering, creating a division of power and a hostile learning environment, or disrupts the normal operation of a school, classroom, or school-related activity.

Cyberbullying includes the *electronic 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.~~ Cyberbullying also includes 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)

(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

- 1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures*
- 2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm*
- 3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public*
- 4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles*

Measures to Prevent Bullying

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The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

- 1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate*
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
- 2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying*
- 3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously*
- 4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias*
- 5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so*

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

- 1. Discuss the diversity of the student body and school community, including their varying immigration experiences*
- 2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims*
- 3. Identify the signs of bullying or harassing behavior*

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4. *Take immediate corrective action when bullying is observed*
5. *Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior*

Information and Resources

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. *The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6*

(cf. 5141.52 - Suicide Prevention)

2. *The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8*
3. *Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6*
4. *District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying*

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

5. *A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media*
6. *A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.*
7. *Any additional information the Superintendent or designee deems important for preventing bullying and harassment*

(cf. 1113 - District and School Web Sites)

Student Instruction

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, 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)

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The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing 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 principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a 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 - Uniform Complaint Procedures. 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.

(cf. 1312.3 - Uniform Complaint Procedures)

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 such observation to the principal or a 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.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to 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.

Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

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(cf. 5116.2 - Involuntary Student Transfers)

(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)

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.

Support Services

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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

A. Bullying

~~Bullying may include, but is not limited to making unsolicited written, verbal, physical and/or visual contact, including but not limited to:~~

- ~~1. Direct physical contact such as hitting or shoving~~
- ~~2. Verbal assaults such as intimidating/threatening comments, innuendos, teasing, jokes, epithets, racial slurs, or spreading rumors~~
- ~~3. Intimidating/threatening letters, notes, messages or electronic communications including but not limited to media, the internet or cellular telephone text/photo messages~~
- ~~4. Leering or gestures~~
- ~~5. Socially isolating or manipulating a student~~
- ~~6. Harassment of students or staff~~
- ~~7. Intimidation, hazing or initiation activity~~
- ~~8. Ridicule~~
- ~~9. Extortion or the taking of personal property~~
- ~~10. Making reprisals, threats of reprisals, or implied threats of reprisal~~
- ~~11. Engaging in implicit or explicit coercive behavior to control, influence or affect the health and well-being of a student~~
- ~~12. Breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships~~

BULLYING (continued)**B. — Investigation Procedures****1. — Reporting Allegations of Bullying**

~~If direct communication with the person whose conduct is offensive has been ineffective or would be impracticable, the aggrieved student should communicate his/her concern to a principal, assistant principal, counselor or teacher. All complaints of bullying shall be forwarded to a site administrator.~~

2. — Responsibilities of Employees

~~Employees who receive reports of bullying or observe an act of bullying shall immediately stop the behavior and inform the principal or designee at the school the student attends.~~

~~It shall be the responsibility of the employee, regardless of whether a student has complained, asked the school to take action, or identified the harassment as bullying to report the incident.~~

~~Reasonable efforts will be made to keep a report of bullying and the results of the investigation confidential.~~

C. — Corrective Action/Discipline

~~Upon completion of the investigation, the principal or designee should determine the appropriate action, if any, to take. Corrective action may include, but not be limited to, counseling, warning, or initiating disciplinary procedures up to and including suspension, involuntary transfer or expulsion against the offending student. Corrective action should be designed to prevent reoccurrence of the bullying. All corrective actions shall be recorded in the Student Information System.~~

D. — Administrative Responsibilities

- ~~1. — Communicate and ensure staff, students, and parents/guardians are informed annually of the District policy and school procedures regarding bullying.~~
- ~~2. — Develop and incorporate anti-bullying procedures into behavior or discipline practices. Review and revise these annually, as appropriate.~~
- ~~3. — Create an environment where the school community understands that bullying is inappropriate and will not be tolerated.~~
- ~~4. — Develop interventions to address bullying at all levels, school-wide, classroom, and individual.~~
- ~~5. — Provide staff training to certificated and classified staff to ensure that staff is able to identify the indicators of bullying and understand their individual responsibilities to appropriately respond to and report bullying behavior.~~
- ~~6. — Provide training for new staff, as needed, on identification of and response to bullying as well as on the District's Board Policy on bullying.~~
- ~~7. — Designate a site coordinator/committee for oversight of the anti-bullying program.~~

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including student instruction, implementation of prevention and intervention strategies, and dissemination of bullying and harassment information to students, staff and parents.

8. — Enforce bullying/harassment procedures for disciplinary action fairly and consistently per the school behavior expectations/guidelines.
9. — Assess or collect information from students regarding the extent of bullying they witness or experience at school (e.g. data analysis.)

E. — Staff Responsibilities

1. — Create an environment where students understand that bullying is unacceptable and will not be tolerated.
2. — Discuss with all students all aspects of the bullying/harassment policy and strategies to prevent bullying.
3. — Encourage students to report bullying incidents.
4. — Learn to recognize the indicators of bullying behavior.
5. — Intervene immediately and take corrective action when bullying is observed.
6. — Understand individual responsibility not only to intervene when bullying is observed, but also, to report incidents and actions to appropriate administrators, District offices, or outside agencies, as required.

F. — Student Responsibilities

1. — Take responsibility for helping create a safe school environment.
2. — Do not engage in or contribute to bullying behaviors, actions or words.
3. — Treat everyone with respect. Be sensitive to how others might perceive your actions or words.
4. — Students are expected to report all incidents of teasing, bullying, harassment, intimidation or other verbal or physical abuse.
5. — Understand the bullying policy and guidelines about bullying and model it for others.
6. — Report bullying behavior directed at oneself or others to a trusted adult.
7. — Never engage in retaliatory behavior or ask of, encourage, or consent to anyone's taking retaliatory actions on your behalf.
8. — Learn ways to protect oneself from bullying and how to help others who have been bullied.

G. — Parent Responsibilities

1. — Understand and support District policies and school rules.
2. — Discuss District policies and school rules with your child.
3. — Report incidents of bullying or harassment to your student's teacher, counselor, principal or principal's designee.
4. — Learn the warning signs that indicate your child might be a victim of bullying or might be a bully.

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