

MODESTO CITY SCHOOLS

Board Policy

BP 5131.2

STUDENTS

Bullying

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, 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.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs) (N/A)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior) (N/A)

→ 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).

→ Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/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.

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Regular Black = Common Language

→ Denotes changes being suggested

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Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

*(cf. 0420 - School Plans/Site Councils)**(cf. 0450 - Comprehensive Safety Plan) (N/A)**(cf. 0460 - Local Control and Accountability Plan) (N/A)*

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) (N/A)**(cf. 4218 - Dismissal/Suspension/Disciplinary Action)***Bold Black Underline = MCS Language****Bold Red = CSBA Language**

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STUDENTS**Bullying****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*****4600-4670 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*****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******Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010******Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009*****Bold Black Underline = MCS Language****Bold Red = CSBA Language**

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STUDENTS**Bullying****CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS****Bullying Module*****California's Social and Emotional Learning: Guiding Principles, 2018******Social and Emotional Learning in California: A Guide to Resources, 2018******Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008******Bullying at School, 2003*****CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*****Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018*****U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*****Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014******Guidance to America's Schools: Bullying of Students with Disabilities, October 2014******Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010******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>******California Office of the Attorney General: <http://oag.ca.gov>******Center on Great Teachers and Leaders: <http://gtlcenter.org>******Collaborative for Academic Social and Emotional Learning: <http://casel.org>******Common Sense Media: <http://www.common Sense Media.org>******National School Safety Center: <http://www.schoolsafety.us>******Partnership for Children and Youth: <http://www.partnerforchildren.org>******U.S. Department of Education: <http://www.ed.gov>***

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