

## AR 5131.2 **Bullying**

### Definitions

**Bullying behavior is severe or pervasive physical or verbal conduct (including written or electronic communication), which involves an imbalance of power, threats, harassment, intimidation, hate speech/violence, or sexual harassment, and that deliberately causes emotional or physical harm, fear of harm, poor academic performance, or interference with school activities. (Education Code [48900.4](#), [48900.3](#), [48900.2](#))**

~~Bullying is an unwanted, 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 involves repetition or potential repetition of a deliberate act.~~

Cyberbullying includes the electronic creation or transmission of harassing communications, direct **or indirect** threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account **and/or** assuming that person's online 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 **behavior** and are prohibited by the district include, but are not limited to:

1. Physical bullying 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 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 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. Harassment that is directed at an individual on the basis of personal characteristics or status (i.e., actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, ethnicity, or immigration status, or association with a person or group with one or more of the aforementioned characteristics) and creates a hostile environment and/or jeopardizes equal educational opportunity**

~~4.~~ **5.** Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

#### Measures to Prevent Bullying

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 **that align with district guidelines, adopt a program that explicitly addresses bullying behavior,** and implements strategies to promote a positive, collaborative, **restorative, and equitable** school climate

**2. Employing tiered interventions and supports that recognize students involved in these incidents not as “bullies” who must be excluded from school, but as young people who need scaffolded opportunities and interventions to grow as individuals and repair any harm they have caused**

(cf. [5131](#) - Conduct)

(cf. 5137 - Positive School Climate)

~~2.~~ **3.** Providing to students, through student handbooks and other age-appropriate means (**e.g., all school assemblies, teacher-led norm-setting and social-emotional learning, student voice/empowerment opportunities, etc.**), information about district ~~and school~~ rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying

~~3.~~ **4. Supporting and providing structures, described in each site’s handbook or communication, that encourage** ~~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 **safely** report threats or incidents confidentially and anonymously

~~4.~~ **5. Conducting an assessment of Monitoring and documenting (in the student information system)** bullying incidents at each school and, if necessary, **creating a plan to address bullying based on patterns, which may include** increasing supervision ~~and security~~ in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias

~~5.~~ **6.** 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 make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (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 **with disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, ethnicity, and/or immigration status**

**2. Identify bias and ensure racial equity in adult responses to perceived bullying behavior**

~~3. 2.~~ Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims

~~4. 3.~~ Identify the signs of bullying or harassing behavior

~~5. 4. Take~~ Offer immediate **interventions corrective action** when bullying is observed **or reported, including multi-tiered systems of supports, restorative practices, and counseling or referrals to intensive supports as necessary**

~~6. 5.~~ Report incidents to the ~~appropriate~~ **school and/or district** authorities, **as appropriate including law enforcement in instances of criminal behavior**

#### 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/values education, respect for cultural and individual differences, self-esteem development, **empathy/compassion**, assertiveness skills, and appropriate online behavior.

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6142.94](#) - History-Social Science Instruction)

The district shall also educate students about the negative impact of bullying **behavior**, discrimination, intimidation, and harassment based on actual or perceived ~~immigration status, religious beliefs and customs, or any other individual bias or prejudice.~~ **disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, ethnicity, or immigration status, or association with a person or group with one or more of the aforementioned characteristics.**

Students ~~will 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, **students will be given instruction in media literacy and digital citizenship**, ~~teachers may including advise~~ **advising students not to share** ~~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 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 principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer **(to be specified and communicated annually by central office)** 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~~ **complainant** shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying **behavior**.

(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 **behavior** 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 ~~will may~~ include **restorative practices**, counseling, **and/or** behavioral intervention and education. **Suspension and expulsion may only be considered when** ~~and, if~~ the behavior is “severe” or “pervasive” as defined in Education Code [48900](#), **and** ~~when~~ **when it can be documented that other restorative, non-punitive, alternative means of correction have failed to bring about proper conduct, or when a student's presence causes a**

**danger to themselves or others or they commit a single act of a grave nature or an offense for which suspension or expulsion is required by law.**~~may include suspension or expulsion in accordance with district policies and regulations.~~

(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 **students involved in bullying incidents** ~~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.~~

**School personnel shall intervene to stop bullying behavior, utilizing methods that reflect a commitment to restorative practices and without criminalizing student behavior, including:**

- 1. Immediate referral of the student harmed to appropriate support services in the school and/or community;**
- 2. Processes for resolution, such as restorative justice circles, led by a trained facilitator;**
- 3. Referral of those who caused harm to counseling or coaching to address underlying behavior;**
- 4. Notification of parents of all those involved;**
- 5. Ongoing actions intended to prevent recurrence, such as informing teachers and other adults in the school of the situation, increasing adult supervision of an activity in which incidents have occurred, and close monitoring of and check-ins with bullying targets;**
- 6. Documentation of incidents and interventions and supports delivered, and**
- 7. Restriction of the use of exclusionary practices such as removal, suspension, expulsion, or arrest, unless absolutely necessary (e.g., suspension or expulsion is required by law, a student's ongoing presence causes a danger to themselves or others, or there is an imminent threat that requires an emergency response).**

(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 **school counselors**, district or community mental health services, **or** other health professionals, ~~and/or law enforcement~~.

(cf. [5141.52](#) - Suicide Prevention)

Regulation SAN MATEO FOSTER CITY SCHOOL DISTRICT

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