

**BULLYING**

The Governing Board ~~of Trustees~~ 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. ~~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, visual, or other means, harass, sexually harass, threaten, intimidate, ~~retaliate,~~ 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)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

~~The Superintendent~~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)*~~

designee shall develop strategies~~Strategies~~ for addressing bullying in district schools ~~shall be developed with the involvement of key stakeholders, including 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.

~~*(cf. 1220 - Citizen Advisory Committees)*~~

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

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

Such strategies shall~~may~~ 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)*~~

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

~~*(cf. 1220 - Citizen Advisory Committees)*~~

~~*(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 Services)*

## **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~~

---

---

~~BP 5131.2(b)~~

## **~~BULLYING (continued)~~**

~~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 social-emotional learning, effective communication and conflict-resolution 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 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.~~

---

---

~~BP 5131.2(e)~~

## ~~**BULLYING (continued)**~~

### ~~**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)~~

### ~~**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. 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 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~~

~~———BP 5131.2(d)~~

## ~~**BULLYING**~~ (continued)

~~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 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.

### **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 - 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)~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

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

BP 5131.2(b)

### **BULLYING (continued)**

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

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

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

~~Legal Reference: (see next page)~~

~~———— BP 5131.2(e)~~

### **BULLYING (continued)**

*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-~~4670~~~~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*  
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~~*  
~~*J1062*~~ *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: (see next page)

BP 5131.2(c)

## **BULLYING (continued)**

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

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

~~Management Resources continued: (see next page)~~

~~BP 5131.2(f)~~

~~**BULLYING** (continued)~~

~~Management Resources: (continued)~~

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: Bullying of Students with Disabilities, August 2013~~

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/ss>

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.common Sense Media.org>

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

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

Policy ~~CSBA MANUAL MAINTENANCE SERVICES SAN MATEO UNION HIGH SCHOOL DISTRICT~~

adopted: \_\_\_\_\_ May 2019

**BULLYING****Definitions**

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 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.

(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 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. 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

~~September 27, 2018~~

~~San Mateo,~~

**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 and implements strategies to promote a positive, collaborative school climate

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)



**BULLYING (continued)**

2. Providing to students, through student handbooks and other age-appropriate means, information 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 classrooms, 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 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
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

## **BULLYING (continued)**

5. Report incidents to the appropriate authorities, 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, 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, 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 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 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

**BULLYING (continued)**

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.

*(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.

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,

**BULLYING (continued)**

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.

(cf. 5141.52 - Suicide Prevention)

Regulation

CSBA MANUAL MAINTENANCE SERVICE

approved:

May 2019

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**

The Governing Board-of-Trustees desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, and unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. ~~The district's educational program shall also promote~~ students' understanding of sexuality as a normal part of human development and their ~~the~~ development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

*(cf. 5030 - Student Wellness)*

~~*(cf. 5141.22 - Infectious Diseases)*~~

~~*(cf. 5141.25 - Availability of Condoms)*~~

~~*(cf. 5146 - Married/Pregnant/Parenting Students)*~~

~~*(cf. 6142.8 - Comprehensive Health Education)*~~

~~Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12, including at least once in junior high or middle school and at least once in high school. (Education Code 51934)~~

~~The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards.~~ The district shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

~~*(cf. 5141.22 - Infectious Diseases)*~~

~~*(cf. 5141.25 - Availability of Condoms)*~~

~~*(cf. 5146 - Married/Pregnant/Parenting Students)*~~

~~Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12 at least once in junior high or middle school and at least once in high school. (Education Code 51934)~~

~~*(cf. 6143 - Courses of Study)*~~

The district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall

consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to~~may appoint a coordinator and/or an advisory committee regarding~~ the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians~~curriculum. The advisory committee shall represent a divergence of~~ students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381~~viewpoints and may participate in planning, implementing, and evaluating the district's program.~~

~~(cf. 1220 - Citizen Advisory Committees)~~

### **Parent/Guardian Consent**

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the accompanying

BP 6142.1(b)

### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

administrative regulation, that they~~A parent/guardian~~ may request in writing that their~~his/her~~ child be excused from participating in comprehensive sexual health and HIV prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

*(cf. 5022 - Student and Family Privacy Rights)*

BP 6142.1(b)

### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

*Legal Reference:*

EDUCATION CODE

220 Prohibition of discrimination  
33544 Inclusion of sexual harassment and violence in health curriculum framework  
48980 Notice at beginning of term  
49381 Human trafficking prevention resources  
51202 Instruction in personal and public health and safety  
51210.8 Health education curriculum  
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation  
51240 Excuse from instruction due to religious beliefs  
51513 Test, questionnaire, survey, or examination ~~Materials~~ containing questions about beliefs or practices  
51930-51939 California Healthy Youth Act  
51950 Abuse, sexual abuse, and human trafficking prevention education  
67386 Student safety; affirmative consent standard  
HEALTH AND SAFETY CODE  
1255.7 Parents surrendering physical custody of a baby  
PENAL CODE  
243.4 Sexual battery  
261.5 Unlawful sexual intercourse  
271.5 Parents voluntarily surrendering custody of a baby  
UNITED STATES CODE, TITLE 20  
1232h Protection of student rights  
7906 Sex education requirements and prohibited use of funds

Management Resources: (see next page)

BP 6142.1(c)

## SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

Management Resources:

### CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008

Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

### HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, January 2019

### WEB SITES

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

California Department of Education, Sex Education and HIV/AIDS/STD Instruction: <http://www.cde.ca.gov/ls/he/se>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Partnership to End Domestic Violence: <http://www.cpedv.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Human Rights Campaign: <https://www.hrc.org/hrc-story/hrc-foundation>

Policy ~~CSBA MANUAL MAINTENANCE SERVICE SAN MATEO UNION HIGH SCHOOL DISTRICT~~  
adopted: ~~May 2016~~ 2019  
~~2016~~ San Mateo, California

## Instruction

AR 6142.1(a)

### SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

#### Definitions

*Comprehensive sexual health education* means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

*HIV prevention education* means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

*Age appropriate* refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. (Education Code 51931)

*Medically accurate* means verified or supported by research conducted in compliance with

scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (Education Code 51931)

#### General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

1. Are age appropriate



2. Are ~~factually and~~ medically accurate and objective
3. ~~Are aligned~~Align with and support the following purposes as specified in Education Code 51930:
  - a. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy
  - b. To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family

AR 6142.1(b)

### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

- c. To promote understanding of sexuality as a normal part of human development
  - d. To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
  - e. To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors
4. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds; ~~students with disabilities; and English learners~~

~~(cf. 0410 - Nondiscrimination in District Programs and Activities)~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

(cf. 6174 - Education for English ~~Language~~ Learners)

5. Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code
6. Are accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids

(cf. 6159 - Individualized Education Program)

7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships
9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes
10. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so
11. Teach the value of and prepare students to have and maintain committed relationships such as marriage

---

AR 6142.1(c)

#### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, harassment, and intimidation

---

AR 6142.1(e)

#### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

*(cf. 5145.3 - Nondiscrimination/Harassment)*

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication~~negotiation~~ and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
14. Do not teach or promote religious doctrine

#### **Components of Sexual Health and HIV Prevention Education**

The district's comprehensive sexual health education and HIV prevention education for students in grades 7-12, in addition to complying with the criteria listed above in the section

"General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV and other sexually transmitted infections and their effects on the human body
2. Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual behaviors and injection drug use
3. Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

*(cf. 5141.25 - Availability of Condoms)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

4. Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually \*transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention

---

AR 6142.1(d)

#### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

5. Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing

---

AR 6142.1(d)

#### **SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

6. Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others
7. Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and ~~that~~ testing is the only way to know if one is HIV-positive.

8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence
9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:
  - a. Parenting, adoption, and abortion
  - b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5
  - c. The importance of prenatal care
10. Information about sexual harassment, sexual assault, ~~sexual adolescent relationship~~ abuse, ~~intimate partner violence~~, and ~~human sex~~ trafficking, including:
  - a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking
  - b. Information on how social media and mobile device applications are used for human trafficking

AR 6142.1(e)

---

### SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each

The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks, or other digital media. (Education Code 51934)

### **Professional Development**

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most

recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, ~~51933~~, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

---

AR 6142.1(e)

### ~~SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION~~ (continued)

*(cf. 4131 - Staff Development)*

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from the CDE or Centers for Disease Control and Prevention. (Education Code 51935)

The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. (Education Code 51950)

---

AR 6142.1(f)

### SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

#### **Use of Consultants or Guest Speakers**

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise

in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

(cf. 6145.8 - Assemblies and Special Events)

### **Parent/Guardian Notification**

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about instruction in comprehensive sexual health education and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. -The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection
2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district

---

AR 6142.1(f)

### ~~SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)~~

3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV prevention education will be taught by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:

~~—If the district chooses to use outside consultants or to hold an assembly with guest speakers to deliver comprehensive sexual health or HIV prevention education, the notification shall include: (Education Code 51938)~~

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. ~~(Education Code 51938)~~

*(cf. 5145.6 - Parental Notifications)*

**Nonapplicability to Certain Instruction or Materials**

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Education Code 51931

*(cf. 6142.93 - Science Instruction)*

2. Instruction, ~~or~~ materials, presentations, or programming that ~~discusses~~discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and ~~does~~do not discuss human reproductive organs and their functions

## Instruction

BP 6142.6(a)

### VISUAL AND PERFORMING ARTS EDUCATION

The Governing Board ~~of Trustees~~ believes that visual and performing arts are essential to a well-rounded educational program and should be an integral part of the course of study offered to students at all grade levels. The district's arts education program shall be designed to foster students' artistic competencies, cultivate students' appreciation and understanding of the arts in ways that are enjoyable, fulfilling, and transferable to students' personal, academic, and professional endeavors, and support students to fully engage in lifelong arts learning ~~provide opportunities for creation, performance, and appreciation of the arts.~~

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

The Board shall adopt academic standards for dance, media arts, music, theatre, and visual arts that lead to artistic literacy and promote access and equity in the arts. District standards shall describe the skills, knowledge, and abilities that students are ~~shall be~~ expected to possess at each grade level and. ~~The district's standards shall meet or exceed state standards for each of these disciplines.~~

(cf. 0415 - Equity)

(cf. 6011 - Academic Standards)

The Superintendent or designee shall develop a sequential curriculum for dance, media arts, music, theatre, and visual arts which is consistent with the state curriculum framework and includes the following artistic processes ~~strands~~:

1. Creating: conceiving and developing new artistic ideas and work
2. Performing/producing/presenting: realizing artistic ideas and work through interpretation and presentation
1. ~~Artistic perception: processing, analyzing, and responding to sensory information through the use of language and skills unique to each arts discipline~~
2. ~~Creative expression: composing, arranging, and performing a work and using a variety of means to communicate meaning and intent in one's own original works~~
3. Responding ~~Historical and cultural context: understanding and evaluating how the arts convey meaning~~



4. ~~Connecting: relating artistic ideas and work with personal meaningthe historical contributions and external contentcultural dimensions of an arts discipline~~

~~4. Aesthetic valuing: analyzing and critically assessing works of dance, music, theatre, and visual arts~~

5. ~~Connections, relationships, and applications: connecting, comparing, and applying what is learned in one arts discipline to learning in the other arts, other subject areas, and careers~~

(cf. 6141 - Curriculum Development and Evaluation)

The Board shall adopt standards-based instructional materials for visual and performing arts ~~in accordance with applicable law, Board policy, and administrative regulation,~~ which may incorporate a variety of media and technologies.

(cf. ~~04400400~~ - District Technology Plan)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. ~~6161.3 - Toxic Art Materials~~)

---

BP 6142.6(b)

## ~~VISUAL AND PERFORMING ARTS EDUCATION (continued)~~

~~(cf. 6162.6 - Use of Copyrighted Materials)~~

(cf. 6163.1 - Library Media Centers)

---

BP 6142.6(b)

## VISUAL AND PERFORMING ARTS EDUCATION (continued)

As appropriate, the Superintendent or designee shall provide a standards-based professional development program designed to increase teachers' knowledge of and ability to teach the arts and to implement the district's arts education program~~adopted instructional materials.~~

(cf. 4131 - Staff Development)

The Superintendent or designee shall encourage the integration of community arts resources into the educational program. Such resources may include opportunities for students to attend musical and theatrical performances, observe the works of accomplished artists, and work directly with artists-in-residence and volunteers. In addition, the Superintendent or designee may collaborate with community organizations to share resources and seek grant opportunities.

(cf. 1230 - School-Connected Organizations)  
(cf. 1240 - Volunteer Assistance)  
(cf. 1260 - Educational Foundation)  
(cf. 1700 - Relations ~~Between~~ Private Industry and the Schools)  
(cf. 3290 - Gifts, Grants and Bequests)  
(cf. 6020 - Parent Involvement)  
(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall regularly evaluate the implementation of the district's arts education program at each grade level and report to the Board regarding its effectiveness in enabling students to meet academic standards.

(cf. 0500 - Accountability)  
(cf. 6162.5 - Student Assessment)

*Legal Reference: (see next page)*

BP 6142.6(c)

## **VISUAL AND PERFORMING ARTS EDUCATION (continued)**

*Legal Reference:*

EDUCATION CODE

8950-8957 California summer school ~~for~~ the arts  
32060-32066 Toxic art supplies  
35330-35332 Field trips  
51210 Course of study, grades 1-6  
51220 Course of study, grades 7-12  
51225.3 Graduation requirements  
58800-58805 Specialized secondary programs  
60200-~~60213~~60210 Instructional materials, elementary schools  
60400-60411 Instructional materials, high schools  
99200-~~99204~~99206 Subject matter projects

*Management Resources:*

CALIFORNIA ALLIANCE FOR ARTS EDUCATION PUBLICATIONS

Parents' Guide to the Visual and Performing Arts in California Public Schools

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California ~~Visual and Performing~~ Arts Framework for ~~California~~ Public Schools, ÷ Kindergarten through Grade Twelve, 2004

~~California Visual and Performing Arts Content Standards for Public Schools, Prekindergarten through Grade Twelve, January 2019~~  
~~2001  
Arts Education Program Toolkit: A Visual and Performing Arts Program Assessment Process, 2001~~

WEB SITES:

CSBA: <http://www.csba.org>  
Arts Education Partnership: <http://aep-arts.org>  
California Alliance for Arts Education: <http://www.artsed411.org>  
California Arts Council: <http://www.cac.ca.gov>  
California Art Education Association: <http://www.caea-arteducation.org>  
~~California Association for Music Education: <http://www.actaonline.org/content/california-association-music-education>~~  
California Dance Education Association: <http://www.cdeadance.org>  
California Department of Education, Visual and Performing Arts: <http://www.cde.ca.gov/ci/vp>  
California Educational Theatre Association: <http://www.cetoweb.org>  
California Music Educators Association: <http://www.calmusiced.com>  
The California Arts Project: <http://csmp.ucop.edu/tcap>

Policy ~~CSBA MANUAL MAINTENANCE SERVICE SAN MATEO UNION HIGH SCHOOL~~  
~~DISTRICT~~

adopted: May

2014

2019,

San Mateo, California