

BULLYING

The Governing Board believes that all students have a right to a safe and healthy school environment. The Board also believes that the district, its schools, and community have an obligation to promote mutual respect, tolerance, and acceptance. Student safety is of the highest priority, and the Board will not tolerate behavior in the form of bullying that infringes on the safety or emotional or physical well-being of any student.

For purposes of student discipline, the definition of bullying is governed by Education Code section 48900(r) and district Board Policy and Administrative Regulation 5144.1 (Suspension/Expulsion). More generally, however, and for purposes of this policy, bullying is defined as abusive action or conduct, which can be physical, verbal, written, psychological, or sexual in nature. Examples of bullying in these differing forms include, but are not limited to:

1. Physical: hitting, kicking, spitting, and pushing;
2. Verbal or Written: teasing, threatening, and name-calling;
3. Psychological: social isolation, manipulation, spreading rumors, and intimidating; and/or
4. Sexual: touching, assault, exhibitionism, and many of the actions listed above.

Normally bullying is a pattern of conduct or repeated over a period of time, but may in some instances take the form of one severe or egregious act.

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. District schools are encouraged to educate students, at least once annually and more often when called for, regarding the district's policies governing and prohibiting bullying, as well as the types of conduct constituting bullying and the harmful consequences of bullying on student victims.

(cf. 6163.4 - Student Use of Technology)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

While bullying is often perceived by students as common, the Board does not view such conduct or its consequences on the victims of bullying as a normal part of growing up to which district students should be subjected. The Board finds that the harmful consequences to student victims of bullying include, but are not limited to:

BULLYING

1. Negative impact on students' grades because of victims' concern over bullying and inability to focus on learning;
2. Absenteeism, truancy and dropping out in order to avoid an environment of bullying;
3. Psychological impacts on victims' self-esteem and feelings of isolation, resulting in withdrawal and/or depression;
4. Creation of a dangerous educational environment where victims physically fight back in response to perpetrators, or bring weapons or dangerous objects to school for protection from perpetrators; and
5. Long-term consequences for victims in terms of anxiousness, insecurity and/or depression.

The harmful consequences of bullying described above and other detrimental impacts resulting from bullying are significant and negatively influence students' ability to learn. The Board believes that the district and its schools are responsible for creating safe learning environments for all students and must work proactively to prevent bullying so that detrimental impacts on student learning and attendance do not result.

Consistent with the negative impacts of bullying that the Board seeks to prevent and redress, Board Policy 5145.3 prohibits discrimination, harassment, intimidation and bullying based on, among other things, actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, bully, cyberbully, cause bodily injury to, or commit hate violence against any other student, group of students or school personnel. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the district Superintendent.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

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

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

BULLYING

Cyberbullying

The Board finds that bullying takes place through the Internet or other forms of technology and electronic acts, i.e., cyberbullying. Cyberbullying includes the 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. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5145.2 - Freedom of Speech/Expression)

Bullying Prevention

The Board directs the Superintendent or designee to develop strategies for bullying prevention and intervention consistent with this policy, as well as consistent with Board policy and administrative regulations governing the development of comprehensive school safety plans, and to ensure that such strategies are incorporated into such safety plans.

(cf. 0420 - School Plans/Site Councils)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1220 - Citizen Advisory Committees)

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

(cf. 6020 - Parent Involvement)

To the extent possible, district and school strategies shall focus on the prevention of bullying by establishing clear rules for student conduct and strategies to establish 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 of bullying, and the consequences for perpetrators of bullying.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5137 - Positive School Climate)

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

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6162.7 - Use of Technology in Instruction)

BULLYING

Designated school staff shall receive related professional development, including information about early warning signs of harassing/intimidating/bullying behaviors and effective prevention and intervention strategies. District teachers are also encouraged to discuss at least once annually with their students, and more often when called for, on the district's policies governing and prohibiting bullying.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Based on evidence establishing that bullying behaviors or incidents continue to occur over time at a school, despite prevention efforts, the Superintendent or designee may temporarily increase supervision in affected areas of the campus.

Intervention

Students are expected to notify school staff when they are being bullied. Additionally, students who witness acts of bullying, or who suspect that another student is a victim of bullying, are encouraged and expected to notify school staff.

The Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously. School staff shall take immediate steps of intervention to investigate and correct bullying behavior when reported. District staff shall immediately interview involved students when an incident of bullying is reported, as well as document when an incident of bullying is reported and that the bullying behavior was corrected and stopped. District staff shall maintain a record of the reported bullying and intervention steps taken to correct the bullying behavior. Additionally, district staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee, or Principal or designee, shall notify the parents/guardians of victims and perpetrators of bullying. District staff, where appropriate, may involve the parents of bullying victims and bullying perpetrators to resolve and remediate bullying behavior, and to ensure that bullying does not recur. The Superintendent or designee, or Principal or designee also may involve school counselors, mental health counselors, and/or law enforcement.

School staff and students shall make all reasonable efforts to resolve disputes between students involving bullying. Students are to resolve their disputes without resorting to violence. Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems related to bullying peaceably.

BULLYING

School staff, where appropriate, shall refer students to conflict resolution or peer mediation with trained staff, adult or peer mediators. School staff and mediators will maintain the confidentiality of such conflict resolution and mediation discussions. Conflict resolution processes shall not supplant the authority of school staff to act to prevent violence, ensure campus safety, maintain order, and discipline students with respect to acts of bullying.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct that they consider to be bullying. In addition to informal resolution of complaints of bullying at the site level through a complaint to a teacher or site administrator, a written complaint can be filed in accordance with the Uniform Complaint Process under Board Policies 5145.3 (Nondiscrimination/Harassment/Intimidation/Bullying) and 1312.3 (Uniform Complaint Process). Such formal complaints should be submitted to the appropriate District administrators as designated in Board Policies 5145.3 and 1312.3.

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations, and the Education Code. (Education Code section 48900(r)-(s))

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

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity are encouraged to save, record and/or 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.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may provide notice to or file a complaint with the Internet site or service provider to have the objectionable material removed.

BULLYING

Even where discipline is not called for under district policies and regulations or the Education Code, school staff shall consider whether other forms of interventions are appropriate to address the needs of the alleged victim or victims and the conduct of the alleged perpetrator or perpetrators.

This policy, however, shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, or other applicable laws governing student free speech rights.

(cf. 5131 - Conduct)

(cf. 5145.2 - Freedom of Speech/Expression)

Publicize/Notice of Bullying Policy

The Board directs the Superintendent or designee to publicize this policy, as well as the district's policies governing and describing how to submit a complaint regarding bullying, and to ensure that notice of this policy is posted in school offices, schools, staff lounges and student government meeting rooms.

Other Enforcement Mechanisms

The Board's bullying policy is intended to supplement, and not replace, any applicable state and federal laws and regulations. Students may also request that other state and federal governmental agencies investigate complaints of bullying. For example, any student who thinks he or she has been bullied or retaliated against for complaining about bullying may file a complaint with the California Department of Education or U.S. Office for Civil Rights.

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35160 Authority of governing boards

35160.1 Broad authority of school districts

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48901.5 Electronic signaling devices

48985 Translation of notices

51512 Prohibition against electronic listening/recording device in classroom without permission

PENAL CODE

422.55 Defining hate crime

BULLYING

647-647.7 Use of camera or other instrument to invade person's privacy
653.2 Electronic communication devices, threats to safety
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Lavine v. Blaine School District (9th Cir. 2002) 279 F.3d 71
O.Z. v. Bd. of Trustees (C.D. Cal. Sept. 9, 2008) 2008 WL 4396895
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, April 2010.
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for Cal. Public Schools: K-12 Grade, 2008
Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>
California Cybersafety for Children: <http://www.cybersafety.ca.gov>
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>
Center for Safe and Responsible Internet Use: <http://cyberbully.org>
National School Boards Association: <http://www.nsba.org>
National School Safety Center: <http://www.schoolsafety.us>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>