

**BULLYING**

The Governing Board recognizes the harmful effects of bullying on 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. This policy applies to bullying on school grounds, while going to or coming from school or school-related activities, and off-school grounds in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance. (Ed. Code §234.1(a))

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, commit hate violence against any other student or school personnel, or in violation of Education Code section 48900 et seq.

- (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 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)

**Bullying Prevention**

To the extent possible, district and school strategies shall focus on 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 or threats, and the consequences for engaging in of bullying.

- (cf. 5137 -Positive School Climate)
- (cf. 6164.2 -Guidance/Counseling Services)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, board policy, and administrative regulation

governing the development of comprehensive safety plans and shall be incorporated into such 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)

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.

- (cf. 6163.4 -Student Use of Technology)
- (cf. 6142.8 -Comprehensive Health Education)
- (cf. 6142.94 -History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

- (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, cafeterias.

### **Intervention**

Any student who believes that he, she or another person has been bullied in violation of BP 5130 is encouraged to promptly report the incident(s) to a teacher, a school counselor, the school site administrator, or the Superintendent. In addition, the Superintendent, school site administrator or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Ed. Code §234.1)

As appropriate, the Superintendent, school site administrator or designee shall notify the parents/ guardians of victims and perpetrators. A victim, witness, or perpetrator may be referred to school counselors, mental health counselors, other school support services, and/or law enforcement.

## **Complaints and Investigation**

Any student who believes that he, she or another person has been bullied in violation of BP 5130, Bullying, is encouraged to report the incident(s) promptly to a teacher, a school counselor, the school site administrator, or the Superintendent. The complaint shall be investigated in accordance with Administrative Regulation 5130 if not resolved through voluntary informal mediation.

When the complaint involves 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 notify a teacher, school counselor or school site administrator, or the Superintendent.

If cyberbullying involves the use of a social networking site or service that has terms of use prohibiting the posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

## **Restorative/Corrective/Disciplinary Action**

Any person who is found to have engaged in bullying on school grounds, going to or coming from school or school-related activities, or in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance shall be subject to restorative, corrective and/or disciplinary action in accordance with board policy, administrative regulations, state law, and any applicable collective bargaining agreement. Restorative, corrective, and/or disciplinary action(s) may include, but are not limited to, counseling for the complainant, other persons impacted by the bullying, and the respondent; verbal or written warnings; limiting respondent's contact with the complainant; school-wide actions, such as education and training, to stop the bullying and prevent a recurrence; and suspension, expulsion or dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

(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)

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

#### **PENAL CODE**

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

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, (2002) 279 F.3d 719

Management Resources:

## **CSBA PUBLICATIONS**

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

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

## **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Health Education Content Standards for California Public Schools: Kindergarten through Grade Twelve,

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/lr/ss>

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>

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