

Regulation 5131.2: Bullying

Status: ADOPTED

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Examples of Prohibited Conduct

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.

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:** An act 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:** An act 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:** An act 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:** An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, website, 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 and implements strategies to promote a positive, collaborative school climate;
2. Providing information to students, through student handbooks, District and school websites and social media, and other ageappropriate means, 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 as needed on school site property;
5. Annually notifying District employees that 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. (Education Code 234.1).

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

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.

Information and Resources

The Superintendent or designee shall post on the District's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The District's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6; (cf. 5141.52 - Suicide Prevention);
2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8;
3. Title IX information included on the District's website and a link to the Title IX information included on CDE's website (Education Code 221.61);
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying;

5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media;
6. A link to statewide resources, including community-based organizations (Education Code 234.5);
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment.

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 development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

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. Students will also be advised that not all behavior of other students or District staff is bullying.

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 or parent/guardian 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.

Any school employee to whom bullying is reported shall promptly inform the school site principal of the concern. In addition, any school employee who observes an incident of bullying involving a student shall, within one school day, report such observation to the principal, whether or not the alleged victim files a complaint or voices a concern.

When a report of bullying is submitted, the principal or his/her designee shall investigate the allegation(s) and provide an informal written response to the parent/guardian within 10 school days. The informal written response shall include 1) factual findings and 2) conclusions relative to the incident (i.e. whether the allegation of bullying is founded or unfounded.) If the allegation is founded, the principal or his/her designee shall only inform the complainant that corrective action will be taken.

The informal written response shall also inform the parent/guardian of the right to file a formal written complaint in accordance with BP and AR 1312.3 - Uniform Complaint Procedures if the complainant is dissatisfied with the outcome of the informal investigation.

If a parent/guardian elects to proceed with filing a formal UCP complaint (either before, during or after completion of the principal's informal investigation) the District's compliance officer shall proceed with the UCP investigation in accordance with BP and AR 1312.3.

In any informal (and/or formal UCP) investigation, the student who is the alleged victim of the bullying and the alleged bully or bullies shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other relevant evidence.

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 and/or law enforcement agencies to suspend the privileges of the student and/or to have the material removed.

Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include Multi-tiered Systems of Support including but not limited to restorative justice practices, counseling, behavioral intervention, involuntary transfer and/or, 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 and California Education Code 48900.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify law enforcement agencies.

Support Services

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(v); 48900(w)(2); 48900.9)

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 District or community mental health services, other health professionals, and/or law enforcement. If a student with a disability is found, via the principal's informal investigation or via the District's formal UCP investigation, to be involved in bullying incident (either as the perpetrator or the victim), the student's Section 504 team or IEP team, as applicable, shall be advised to convene a team meeting to discuss the impact of the bullying and/or whether additional supports or services are necessary to ensure continued provision of a Free Appropriate Public Education(FAPE).

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Description

5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 46600	Student transfers
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52060-52077	Local control and accountability plan
Pen. Code 422.55	Definition of hate crime
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2	Electronic communication devices; threats to safety
Federal	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)
Management Resources	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018

Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on Basis of Sex, Race, Color, Oct 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Partnership for Children and Youth
Website	Center on Great Teachers and Leaders
Website	Collaborative for Academic Social and Emotional Learning
Website	Common Sense Media
Website	California Department of Education, Safe Schools
Website	California Office of the Attorney General
Website	CSBA
Website	U.S. Department of Education

Cross References

Code	Description
0100	Philosophy
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1113	District And School Websites
1113	District And School Websites
1113-E PDF(1)	District And School Websites
1113-E(1)	District And School Websites
1313	Civility
3515	Campus Security
3515	Campus Security
4131	Staff Development
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards
4231	Staff Development
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records

5125	<u>Student Records</u>
5131	<u>Conduct</u>
5131.8	<u>Mobile Communication Devices</u>
5136	<u>Gangs</u>
5137	<u>Positive School Climate</u>
5141.27	<u>Food Allergies/Special Dietary Needs</u>
5141.27	<u>Food Allergies/Special Dietary Needs</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5144.4	<u>Required Parental Attendance</u>
5144.4	<u>Required Parental Attendance</u>
5145.12	<u>Search And Seizure</u>
5145.2	<u>Freedom Of Speech/Expression</u>
5145.2	<u>Freedom Of Speech/Expression</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.9	<u>Hate-Motivated Behavior</u>
6144	<u>Controversial Issues</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E PDF(1)	<u>Student Use Of Technology</u>
6164.2	<u>Guidance/Counseling Services</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>