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Bullying

The Governing Board 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, 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)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, 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. 1400 - Relations Between Other Governmental Agencies and the Schools)
- (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 effective strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

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(cf. 1020 - Youth Services)

Investigation and Resolution of Complaints

Unless a formal Uniform Complaint is first filed with the District's Compliance Officer, any student or parent/guardian concern regarding bullying shall be investigated informally at the school site level, and an informal written response shall be provided to the parent/guardian. If the complainant is dissatisfied with the response, the complainant may elect to file a formal Uniform Complaint. Informal investigation of and resolution to allegations of bullying more often than not resolve concerns expeditiously and as effectively as the formal Uniform Complaint process. If a formal Uniform Complaint is filed with the District's Compliance Officer, it shall be investigated in accordance with BP and AR 1312.3.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable. Additionally, the perpetrator of bullying may be involuntarily transferred to another district school in accordance with the law and district policies and procedures.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

Discipline

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

Any student, who, after a site-level investigation, is found to have engaged in bullying, may be subject to discipline such as suspension, expulsion or involuntary transfer or mandated to participate in other restorative justice methods, in accordance with California Education Code § 48900 and/or § 48900.9(b) and district policies and procedures.

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- (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4119.21/4219.21/4319.21 - Professional Standards)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144.1-Suspension and Expulsion/Due Process)

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

- 4600-4687 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
- 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

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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
Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009
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: Bullying of Students with Disabilities, August 2013
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/ls/ss>
Common Sense Media: <http://www.common sense media.org>
National School Safety Center: <http://www.schoolsafety.us>
ON[the]LINE, digital citizenship resources: <http://www.ontheline.org>
U.S. Department of Education,

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