

Acalanes Union HSD

Board Policy

Bullying

BP 5131.2

Students

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.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and 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. (Education Code 234.1)

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)

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)

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 perpetrators of bullying.

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

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 may 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

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 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 shall notify the parents/guardians of victims and

perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with procedures specified in AR 5131.2 - Bullying.

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 shall be encouraged to save and 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 file a complaint with the Internet site or service to have the material removed.

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 bullying is determined to be discriminatory, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

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.

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

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.

(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)

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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/ls/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>

Policy: ACALANES UNION HIGH SCHOOL DISTRICT

adopted: October 17, 2012 Lafayette, California

revised: September 16, 2015

Acalanes Union HSD

Administrative Regulation

Bullying

AR 5131.2

Students

School behavior standards shall be coordinated district-wide, with particular attention to applying the standards for discrimination, intimidation, harassment, and bullying behavior fairly and consistently among schools. Schools will follow district policies and regulations according to the Education Code and school rules pertaining to related matters such as discrimination, intimidation, harassment, bullying, suspension and expulsion.

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any persons with the district's jurisdiction whether directed at an individual or group. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and 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. (Education Code 234.1)

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

Definitions

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on her or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic act" is defined as the transmission of a communication, including, but not limited to, a message, text, sound, or image, or posted on a social network Internet Website, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

"Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs. (Education Code 48900r)

The school district has jurisdiction to respond to bullying behavior that is related to school activity or school attendance and that occurs at any time, including, but not limited to, while on school grounds, at a school sponsored activity, while traveling to or from school, on a school bus, or during the lunch period whether on or off campus. (Education Code 48900s)

Indicators of Discriminating, Intimidating, Harassing, and Bullying Behavior

Behaviors may include, but are not limited to, the following:

1. Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.
2. Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
3. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, pinching, slapping, "pantsing", biting, or spitting.
4. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
5. Cyber-bullying: Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communications. This policy pertains to cyberbullying that is related to school activity or attendance and is directed toward a pupil or school personnel.

Responding to Discrimination, Intimidation, Harassment, and Bullying Complaints

The district's response to discrimination, intimidation, harassment, and bullying shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address discrimination, intimidation, harassment, and bullying at all school levels.

A complaint may be made to any site or district level staff person, as appropriate. Victims of discrimination, intimidation, harassment, or bullying are encouraged to file their complaint in writing, using the Bullying Complaint Form. However, oral complaints will be accepted.

All discrimination, intimidation, harassment, and bullying complaints shall be investigated and resolved within fifteen (15) school days of the filing of a complaint.

The response shall:

1. Take reports of bullying seriously.
2. Provide all parties involved with assurances regarding district policies on confidentiality and non-retaliation in the complaint investigation.
3. Encourage individuals who witness discrimination, intimidation, harassment, or bullying to report such incidents per the district procedures.
4. Obtain specific information relevant to any discrimination, intimidation, harassment, or bullying complaint such as: the date, time, location, witness(s), and whether this was an isolated incident or related to previous incidents.
5. Obtain a written statement from the complainant. If the complainant is unable to provide a written statement, school personnel shall assist in writing a statement dictated by the complainant. However, any oral report of discrimination, intimidation, harassment, or bullying is considered as a complaint and will be investigated.
6. Obtain a written statement from the student alleged to have committed the discriminating, intimidating, harassing, or bullying act. If the student is unable to provide a written statement, school personnel shall assist in writing a statement dictated by the student.
7. Obtain statements from any witnesses, as appropriate.
8. Assure the student reporting discrimination, intimidation, harassment, or bullying, that steps will be taken to monitor that the behavior does not continue. Provide the individual with the names of school personnel who can help if the situation continues, escalates, or arises again.
9. Determine what type of action or consequences will resolve the situation.
10. Follow the school behavior guidelines.

Consequences for a student who commits an act of discrimination, intimidation, harassment, and bullying shall be appropriate according to the nature of the behavior, the developmental age of the student, the student's history of associated behaviors and performance, and consistent with related Board Policies and school regulations.

The parents/guardians of both the victim and the pupil who committed the act of discrimination, intimidation, harassment, or bullying shall be informed of the nature of the incident, the results of the investigation, and (as appropriate to ensure confidentiality) the type of consequences/actions that will be taken to resolve the situation.

Appeal Process

If either party disagrees with the resolution of the complaint, she/he may file an appeal to:

Associate Superintendent, Administrative Services
1212 Pleasant Hill Road
Lafayette, CA 94549
(925) 280-3900

An appeal must be filed with fifteen (15) calendar days of resolution of the initial complaint.

Other Considerations

It is important to note that discrimination, intimidation, harassment, or bullying may, at times, be part of a continuum of violence and that some discrimination, intimidation, harassment, or bullying actions can also constitute other categories of misconduct such as sexual harassment, hate-motivated behavior, assault, or child abuse, and as such, they would violate other district policies. When discrimination, intimidation, harassment, or bullying behavior does not escalate to the level of violating other district policies, district personnel are obliged to adhere to appropriate district reporting guidelines and protocols and may be required to report to one or more offices or outside agencies, as appropriate.

Regulation ACALANES UNION HIGH SCHOOL DISTRICT
approved: October 17, 2012 Lafayette, California
revised: November 20, 2012

Acalanes Union HSD

Exhibit

Bullying

E 5131.2

Students

BULLYING COMPLAINT FORM (BP/AR 5131.2)

Date of Report:

Name of Student making report:

Name of Person filing complaint of behalf of a student:

Person(s) complaint being filled against:

Date(s) of Incident:

If the incident(s) have been previously reported, to whom?

If the incident(s) have been previously reported, when?

Names of all students/individuals involved with this complaint:

Where did the incident(s) take place?

Please describe the complaint in as much detail as possible. Use extra sheets of paper if necessary.

Please list the names of all witnesses of the incident.

Signature

Date

Please submit this report to a school administrator. Complaints will be investigated and resolved within 15 school days of receipt of this complaint form.

Exhibit ACALANES UNION HIGH SCHOOL DISTRICT
version: October 17, 2012 Lafayette, California