

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 5145.4(a)

Students

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.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel on the basis of actual or perceived race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, gender, gender identity, gender expression, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. (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 creation or 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 - Freedom of Speech/Expression)

Strategies for addressing bullying related to actual or perceived race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, gender, gender identity, gender expression, or sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and shall 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)

The Superintendent or designee may collaborate with social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies that will teach appropriate behavior and

intervene restoratively, when students misbehave, to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying. In addition, law enforcement and courts may be utilized as appropriate. (cf. 1020 - Youth Services)

Bullying Prevention

District schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 bullying. (cf. 5137 - Positive School Climate)

The District shall 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, social emotional learning, and appropriate online behavior. (cf. 6142.8 - Comprehensive Health Education) (cf. 6142.94 - History-Social Science Instruction) (cf. 6163.4 - Student Use of Technology)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response including researched based strategies to create supportive, safe spaces for our students and staff. (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, and 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 an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators, utilize intervention strategies listed below, and may refer to law enforcement.

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 restorative practices as appropriate. (Education Code 48900.0) (cf. 6164.2 - Guidance/Counseling Services)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, District compliance officer, director of School Climate, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a District compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the District compliance officer identified in AR 1312.3 - Uniform Complaint Procedures. (cf. 1312.3 - Uniform Complaint Procedures)

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 to suspend the privileges of the student and to have the material removed.

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.

Investigation and Resolution of Complaints

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, 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 using District policy and practices.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, restorative practices, positive behavioral intervention and supports, and if the behavior continues as severe or pervasive, as defined in Education Code 48900, suspension or expulsion may be used 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
32283.5	Bullying; online training
35181	Governing board policy on responsibilities of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
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 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

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 Leaders 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.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>