

Students

BP 5131.2 (a)

BULLYING

The El Rancho Unified School District believes every child is entitled to a safe school environment free from discrimination and bullying and in partnership with the community has an obligation to promote mutual respect, tolerance, and acceptance.

The District prohibits bullying and discrimination and provides a timely and effective complaint procedure for pupils who believe they have been the victim of bullying or discrimination. The District also is mindful that, at times, behavior that is rude or insensitive may nevertheless be constitutionally protected in the context of a public school environment. Such conduct can best be combatted and prevented with effective strategies that involve pupils, parents and school employees in collaborative efforts to teach tolerance and ensure equal educational opportunities for all.

(cf. 5131 - Conduct)

(cf. 5145.2 – Freedom of Speech/Expression: Publication Code)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Applicability

This policy applies to all of the District's students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the El Rancho Unified School District. (Educ. Code § 234.1)

(cf. 5131.1 - Bus Conduct)

(cf. 6145.2 - Athletic Competition)

This policy shall also serve as reminder to school personnel of their obligation to intervene when safe to do so as required by Education Code section 234.1(b)(1).

Prevention and Discipline

To ensure bullying does not occur on school campuses, the District will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

It is the expectation that teachers and administrators shall discuss this policy with their students in age-appropriate ways and will assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

(cf. 5144.1 - Suspension/Expulsion/Due Process)
(cf. 5144.2 - Suspension/Expulsion/Due Process, Students with Disabilities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Anti-Bullying Rules

The El Rancho Unified School District shall adopt the following Anti-Bullying Rules:

- We will not bully others
- We will try to help students who are bullied
- We will try to include students who are left out.
- If we know that somebody is being bullied, we will tell an adult at school and an adult at home.

EDUCATION CODE

200-262.4 Prohibition of discrimination
32261 Bullying
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion
48908 Duties of students
51512 Prohibition use of electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

417.25-417.27 Laser scope
647(j) Use of camera or other instrument to invade person's privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

BULLYING

AR 5131.2 (a)

Definitions

“Bullying” means 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 as defined in Section 48900.2, 48900.3, or 48900.4, 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 pupils’ person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

While not an exhaustive list, examples of bullying/cyberbullying might include:

- direct physical contact, such as hitting or shoving;
- threats to harm another person;
- oral or written assaults, such as teasing or name-calling;
- social isolation or manipulation;
- posting harassing messages, direct threats, social cruelty or other harmful texts, sounds or images on the Internet, including social networking sites;
- posting or sharing false or defamatory information about another person;
- posting or sharing information about another person that is private;
- pretending to be another person on a social networking site or other electronic communication in order to damage that person’s reputation or friendships;
- posting or sharing photographs of other people without their permission;
- spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages); and
- retaliating against someone for complaining that they have been bullied.

“Electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, 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” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average 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.

BULLYING (Continued)**Prohibition Against Bullying**

The District prohibits bullying as defined in this policy. This includes, but is not limited to, discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code section 422.55 and Education Code section 220, 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. (Educ. Code §§ 234.1(a); 48900(r).)

(cf. 5145.3 – Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

In addition, the District prohibits retaliation against complainants.

Free Speech Protection

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code sections 48907 and 48950, and other applicable law.

(cf. 5145.2 – Freedom of Speech/Expression: Publication Code)

Duties and Responsibilities of School Employees

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so. (Educ. Code §234.1(b)(1).)

(cf. 2122 – Superintendent of Schools: Responsibilities and Duties)

(cf. 4119 – Rights, Responsibilities and Duties)

(cf. 4319.3 – Duties of Personnel)

(cf. 5145 – Rights and Responsibilities)

Reporting and Investigating Complaints; Complaint Officer

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. Students who have knowledge of discrimination, harassment, intimidation or bullying are encouraged to inform a teacher or school administrator as soon as possible. Students and parents may make such complaints anonymously by calling the Nondiscrimination Officer at the number below. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

BULLYING (Continued)

Formal complaints regarding violations of this policy shall be made pursuant to the District's Uniform Complaint Procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

The District's Nondiscrimination Officer is:

Child Welfare & Attendance Administrator
Department of Student Services
(562) 801-5128

The Nondiscrimination Officer is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer shall notify the parents of the reported victim and the alleged perpetrator of the complaint and, if appropriate, law enforcement officials. The Nondiscrimination Officer may refer the victim, perpetrator and others to counseling and mental and other health services, as appropriate. The Nondiscrimination Officer shall maintain documentation of complaints and their resolution for a minimum of one CPM review cycle. (Educ. Code § 234.1(e).)

Confidentiality

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Disciplinary Consequences

Students who violate this policy may be subject to discipline, including suspension and expulsion pursuant to the District's discipline policies and procedures.

(cf. 5131 - Conduct)
(cf. 5144.1 - Suspension/Expulsion/Due Process)
(cf. 5144.2 - Suspension/Expulsion/Due Process, Students with Disabilities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

BULLYING (Continued)

Notifications

The District shall publicize this policy, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board and the general public. The information shall be translated pursuant to Education Code section 48985. This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. (Educ. Code § 234.1(c) and (d).)

(cf. 1312.3 - Uniform Complaint Procedures)

Anti-Bullying Education; Training for Educators

The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity. (Educ. Code § 201(g).)

As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates pupils about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. The District also educates pupils and teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

(cf. 6162.7 - Use of Technology in Instruction)

(cf. 6163.4 - Student Use of Technology)

Interdistrict Transfers

A pupil who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed by a pupil of the district of residence shall, at the request of the person having legal custody of the pupil, be given priority for Interdistrict attendance under any existing Interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an Interdistrict attendance agreement. (Educ. Code § 46600(b).)

(cf. 5111.1 – Admission)

(cf. 5117 – Interdistrict Attendance)