

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)

(cf. 5136 - Gangs)

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).

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.

Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

(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

BULLYING (continued)

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 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 joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, 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 age 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 El Rancho Unified School District shall adopt the following Anti-Bullying Rules:

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

BULLYING (continued)

As appropriate, 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, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6163.4 - Student Use of Technology)*

To prevent bullying 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.

*(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 and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a target, witness, aggressor, 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 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

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).)

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.

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.

BULLYING (continued)

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, 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.

(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: (see next page)

BULLYING (continued)

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: (see next page)

BULLYING (continued)

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.commonsensemedia.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>