

San Juan USD

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, school personnel or volunteer.

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

(cf. 5145.7 - Sexual Harassment)

The definition of "bullying" for purposes of establishing grounds for suspension or expulsion includes bullying via an electronic act to include posting of messages on social media networks (Education Code sections 32261, 48900.2-48900.4).

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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 student's electronic account and assuming that student'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 Regulations governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. 0420 - School Site Councils)

(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. 6164.2 - Guidance 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.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131, 4231 Staff Development)

Based on an assessment of bullying incidents at school, the Superintendent, or designee in consultation with the school site principal, may increase supervision and security in areas where bullying most often occurs, including but not limited to classrooms, playgrounds, hallways, restrooms, cafeterias, school parking lots, and athletic fields.

Intervention

Students should be strongly encouraged by campus personnel 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, including policies to prevent retaliation (Education Code section 234.1(f)). The District and/or school site staff shall notify all students of those policies.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so and separate the victims and perpetrators to protect the safety of all involved. (Education Code section 234.1)

As appropriate, the Superintendent or designee and/or the school principal 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 and/or parents/guardians may submit a verbal or written complaint of conduct they consider to be bullying to a teacher, counselor or administrator. School site staff shall be fully briefed on local school site procedures to receive these complaints and direct the student or

parent/guardian as to the next steps that will be taken to investigate the matter. Complaints of bullying not against a protected group shall be investigated and/or resolved in accordance with site-level grievance procedures specified in BP/AR 1312.1. The District shall follow uniform complaint procedures when addressing complaints alleging failure to

comply with state or federal law or regulations, including allegations of unlawful discrimination, harassment, intimidation, and/or bullying against any protected group as identified under Education Code sections 200 and 220 and Government Code section 11135, as identified in BP/AR 1312.3.

(cf. 1312.1 - Complaints Concerning School Personnel)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Students)

Any student who engages in the bullying of another student or anyone from the District may be subject to disciplinary action up to and including expulsion.

Staff may monitor students' use of the District's Internet system and to conduct individual searches of students' accounts if there is reasonable suspicion that a user has violated District policy or the law

(cf. 5145.12 - Search and Seizure)

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, if any, 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.

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, causes a substantially detrimental effect on a student's physical or mental health, substantially interferes with a student's academic performance, and/or substantially interferes with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school, shall be subject to discipline, which may include suspension or expulsion, in accordance with District policies and regulations. (Education Code section 48900(r))

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5131 - Conduct)

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
32261 Interagency School Safety Demonstration Act of 1985
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/lr/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 SAN JUAN UNIFIED SCHOOL DISTRICT
adopted: January 8, 2013 Carmichael, California

San Juan USD

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

The governing board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on actual or perceived sex, race, color, religion, ancestry, national origin, ethnic group identification, age, marital or parental status, physical or mental disability, sexual orientation, gender, gender identity or expression, or genetic information, or the perception of one or more such characteristics, or association with a person or group with one or more of these actual or perceived characteristics. The board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.2 - Interscholastic Competition)

(cf. 6164.4 - Individuals with Exceptional Needs)

(cf. 6164.6 - Identification and Education under Section 504)

(cf. 6178 - Vocational Education)

(cf. 6200 - Adult Education Program)

Annually, the superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The superintendent or designee shall report his/her findings and recommendations to the board after each review.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations, and readily accessible to individuals with disabilities.

(cf. 7110 - Determining Needs)

(cf. 7111 - Evaluation of School Facilities to Meet Educational Needs)

The superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices,

notetakers, written materials, taped text, Braille, or large print materials.

(cf. 6020 - Parent Involvement and Family Engagement)

Individuals with disabilities shall notify the superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

(cf. 9320 - Meetings)

(cf. 9322 - Agenda/Meeting Materials)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.6 - Notifications Required By Law)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code section 48985, 20 USC 6311 and 6312)

(cf. 7110 - Determining Needs)

As a public school district, the district is committed to maintaining neutrality toward religion, neither promoting/encouraging student participation in religious activities nor discouraging students from observing the tenets of their religious faith. To that end, the Board encourages district staff to be sensitive to the accommodation of students' religious needs so that students are able to participate in school and extracurricular activities without undue burden on the free exercise of their religious beliefs.

School staffs should be familiar with the most significant religious holy days and avoid scheduling, to the extent practicable and within their control, important school activities on those days. The superintendent or designee shall annually provide to all school sites a calendar of major religious holy days. The school calendar should be prepared so as to minimize conflict with these religious holy days. Where conflicts are unavoidable, care should be taken to avoid scheduling on significant religious holy days activities that would be difficult to make up.

Students whose religious beliefs necessitate accommodation in some fashion are expected to inform appropriate school staff, including teachers, coaches, extracurricular advisors, or other appropriate staff, at the outset of the school year and request, in writing, such accommodation. Teachers will work with the student to accommodate the student's need to be absent without being penalized academically. Accommodation should follow the rule of reasonableness, which

will depend on the particular facts of each case.

School administrators are directed to inform their teaching, coaching, and extracurricular staff of the provisions of this policy and oversee its implementation.

Students and parents/guardians shall be notified of this policy and Board policy 1312.3 (Uniform Complaint Procedures) at the beginning of each school year. When necessary, this notification and the district's nondiscrimination policy shall be published in English and provided in the individual's primary language as required by law and shall state that the lack of English language skills will not be a barrier to admission or participation in any district programs.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.6 - Notifications Required by Law)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education UNITED STATES

CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Protecting Students from Harassment and Hate Crime, January, 1999
Notice of Non-Discrimination, January, 1999
Nondiscrimination in Employment Practices in Education, August, 1991
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
2010 ADA Standards for Accessible Design, September 2010

WEB SITES

CDE: <http://www.cde.ca.gov>
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
California Safe Schools Coalition: <http://www.casafeschools.org>
Pacific ADA Center: <http://www.adapacific.org>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:
<http://www.ada.gov>
Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Policy SAN JUAN UNIFIED SCHOOL DISTRICT

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revised: January 27, 1998
revised: February 27, 2007
revised: March 24, 2015

San Juan USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The governing board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code section 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, discriminatory harassment, intimidation, bullying or the creation of a hostile environment, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the above identified categories with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination harassment, intimidation, or bullying. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe

or pervasive as defined in Education Code section 48900.4. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

The following position is designated to receive, coordinate and/or investigate complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

General Counsel, Legal Services
3738 Walnut Avenue
Carmichael, CA 95608
(916) 971-7110; fax: (916) 971-7704

The general counsel may assign other staff to investigate based on the nature of the complaint as directed under AR 1312.3, Uniform Complaint Procedures. Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the general counsel, the principal, or any other district employee. Any student who observes any such incident should report the incident to the general counsel or principal, or any other district employee whether or not the victim files a complaint. Any district employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to their supervisor, the general counsel, or principal, whether or not the victim files a complaint. In addition, the district employee shall immediately intervene when safe to do so. (Education Code section 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the general counsel or designee shall immediately investigate the complaint in accordance with AR 1312.3, Uniform Complaint Procedures.

(cf. 5145.7 - Sexual Harassment/Nondiscrimination/Harassment)

The general counsel shall ensure that the student and parent handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that may be available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Code of Ethics)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))
(cf. 5145.2 - Freedom of Speech/Expression)

The superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students,

parents/guardians, and employees. The superintendent or designee shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. The superintendent or designee shall report his/her findings and recommendations to the board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3513 - Use of School Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331.5 - Professional Growth)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Interscholastic Athletic Competition)
(cf. 6164.2 - Guidance Services)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy SAN JUAN UNIFIED SCHOOL DISTRICT

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