

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>

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