

STUDENTS

BULLYING

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and is committed to providing all students with a safe and healthy school environment that protects students from physical and emotional harm. To that end, the District, its schools, and the community have an obligation to promote mutual respect, tolerance and acceptance, and not tolerate behavior that infringes on the safety of any student, including bullying.

No individual or group shall, through physical, written, verbal, visual or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community. Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

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.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

## 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

46600 Student transfers

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

4600-4670 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:

## CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities &amp; 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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

## Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

## CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

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>California Office of the Attorney General: <http://oag.ca.gov>Center on Great Teachers and Leaders: <http://gtlcenter.org>Collaborative for Academic Social and Emotional Learning: <http://casel.org>Common Sense Media: <http://www.commonsensemedia.org>National School Safety Center: <http://www.schoolsafety.us>Partnership for Children and Youth: <http://www.partnerforchildren.org>U.S. Department of Education: <http://www.ed.gov>

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## CORONA-NORCO UNIFIED SCHOOL DISTRICT

### STUDENTS

AR 5131.2

### BULLYING

The Board of Education prohibits bullying at any location or activity under the jurisdiction of the school system. Any student who engages in bullying may be subject to disciplinary action up to and including expulsion, in accordance with applicable Board Policy and Education Code sections. In addition to disciplinary action, any student who engages in cyberbullying using the district network, or district-owned equipment on or off school premises, may have their user privileges revoked.

Students and/or staff shall immediately, or when it is safe to do so, report incidents of bullying to the principal or designee. Each complaint of bullying shall be investigated. If the complainant or the parent/guardian of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent/guardian of the student should contact the Principal. Retaliatory behavior against any complainant or any participant in the complaint process is prohibited.

Teachers should discuss this policy with their students in age-appropriate ways.

#### Bullying Defined

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause or threaten to cause bodily harm or emotional suffering, creates a hostile learning environment, or disrupts the normal operation of a school, classroom, or school related activity. Bullying can be physical, verbal or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, videos, 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.

These incidents will be acted upon when they are related to school activity, including but not limited to while students are on school grounds at any time, in route to and from school or a school-sponsored activity, during the lunch period whether on or off campus, or through social or electronic communications that impact a school activity or school attendance.

Bullying may include, but is not limited to making unsolicited written, verbal, physical and/or visual contact, including but not limited to:

1. Direct physical contact such as hitting, kicking, pinching, spitting, tripping, pushing, or shoving
2. Verbal assaults such as teasing or name-calling, intimidating/threatening comments, slurs, innuendos, inappropriate sexual comments, taunting, jokes, epithets, racial slurs, degrading remarks about actual or perceived immigration status or religious beliefs and customs, or spreading rumors
3. Intimidating/threatening letters, notes, messages or electronic communications
4. Leering or making cruel or rude hand gestures
5. Socially isolating or manipulating a student
6. Harassment of students or staff
7. Intimidation, hazing or initiation activity
8. Ridicule, such as embarrassing someone in public
9. Extortion or taking or breaking someone's possessions
10. Making reprisals, threats of reprisals, or implied threats of reprisal
11. Engaging in implicit or explicit coercive behavior to control, influence or affect the health and well-being of a student
12. Breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships
13. Posting or sharing embarrassing photos, videos, web sites, or fake profiles

#### 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, district and school web sites and social media, 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.

Students shall be encouraged to notify school staff when they are being bullied or when they suspect that another student is being bullied, and shall be provided means by which students may report threats or incidents confidentially and anonymously.

District employees shall be notified annually, pursuant to Education Code 234.1, that any staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so.

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, cafeterias, etc.

#### Student Instruction

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

#### Staff Development

The Superintendent or designee shall annually make available to all certificated staff and other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment (including sexual harassment), intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

#### Retaliation Prohibited

The initiation of a report of bullying should not reflect on the reporting student or witnesses in any way. It should not affect the student's future relationship with the school system, grades, class selection or other matters pertaining to their status as a student in any program.

#### Investigation Procedures

##### 1. 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, a compliance officer, or any other available school employee.

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 – Uniform Complaint Procedures. 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.

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.

## 2. Responsibilities of Employees

When it is safe to do so, employees who receive reports of bullying or observe an act of bullying should immediately stop the behavior and inform the principal or designee at the school the student attends within one business day.

It is the responsibility of the employee, regardless of whether a student has filed a complaint, asked the school to take action, or identified the harassment as bullying to report the incident.

Within two business day of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

## 3. Administrative Review and Procedure

### a. Investigation

All matters regarding bullying should be thoroughly investigated within five days of the initial report. The student accused of bullying should be informed of the investigation and given the opportunity to present their version of the situation and to identify witnesses on their behalf. Parents/Guardians of both the accused and the student filing the complaint should be contacted as appropriate.

### b. Establishing School Jurisdiction

School jurisdiction shall be established for an allegation of bullying when it is determined to be related to school activity and one of the following conditions are met:

- (1) The incidents occurred at school
- (2) The incidents occurred at a school activity
- (3) The incidents occurred while en route to or from school or a school activity
- (4) The incidents occurred via communications by means of an electronic act, whether the creation or transmission of such communications originated on or off the school site and resulted in:
  - (a) A disruption of the school's educational program
  - (b) The creation of a hostile learning environment for one or more students
  - (c) A negative impact on one or more students' attendance



- (5) The incidents occurred off campus, and the Superintendent or designee document the activity and identify specific facts or circumstances that explain the impact or potential impact on school activity, school climate, school attendance, or the targeted student's educational performance.

c. Confidentiality

Reasonable efforts will be made to keep a report of bullying and the results of the investigation confidential. Witnesses should be informed of the confidential nature of the investigation and should be asked to refrain from disclosing the nature of the investigation to others.

d. Corrective Actions/Discipline

Upon completion of the investigation, the principal or designee shall determine the appropriate action, if any, to take.

Corrective actions may include, but not be limited to, counseling, behavioral intervention and education, warning, or initiating disciplinary procedures up to and including suspension, involuntary transfer or expulsion, in accordance with district policies and regulations, against the offending student. To suspend or expel a student for bullying, the behavior must meet the definition of bullying in Education Code 48900.

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.

Corrective actions should be designed to prevent reoccurrence of the bullying. All corrective actions shall be recorded in the Student Information System.

4. Support Services

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 a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

## 5. Follow-up

The site administrator will ensure that students and their families know how to report subsequent problems, and conduct follow-up inquiries to determine if there have been any instances of retaliation and respond promptly to address continuing or new problems.

A bullying resolution may be appealed consistent with Board policy, administrative regulation and law.

- a. The burden shall be on the appealing party to show why the principal's/designee's decision should be overruled.
- b. Immediately following, or within ten (10) days of the resolution, the appealing party shall complete and submit a written request to the Director of Student Support Services specifying the reasons why the resolution is being challenged.
- c. The District Director's written decision to support or overrule the resolution will be sent to the principal/designee, and the parent/guardian.
- d. Within 30 days of receiving the request, the Director of Student Support Services shall determine whether or not to approve or deny the parent/guardian's request. Prior to making this determination, the District Director may meet with the appealing party and principal/designee. If the District Director determines that the appealing party has overwhelmingly proven that the principal's/designee's decision should be overruled, the District Director shall overrule the site's decision.
- e. The District Director's decision may be appealed by submitting a written request to the Board of Education within 15 school days. Within 30 days of receipt of a written appeal, or at the next scheduled Board meeting, the Board of Education shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the principal/designee, and the District Director to decide the appeal. The decision of the Board shall be final.

## Mandated Notification and Resources

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6
4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

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