

**ADMINISTRATIVE REGULATION**

**AR5131.2**

**BUSINESS AND NONINSTRUCTIONAL OPERATIONS**

**BULLYING**

Definitions

“Bullying” includes 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 directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- placing a reasonable pupil in fear of harm to that pupil’s or those pupils’ person or property
- causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health
- causing a reasonable pupil to experience substantial interference with his or her academic performance
- causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from their services, activities, or privileges provided by a school

“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 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.

“Electronic act” means the creation and transmission originated on or off the school 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 judgement 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 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 and parents 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 engaging in bullying.

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.

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Bullying Prevention (continued)

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

Intervention, Reporting and Investigations

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.

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. Within one business day of receiving such a report or of observing an incident of bullying, a staff member shall notify the site administrator of the report or observation. All incidents of reported or observed bullying shall be investigated by the site administrator.

Reports of bullying and cyberbullying shall be investigated promptly, and corrective action shall be taken when a complaint is verified. Neither reprisals nor retaliation shall occur as a result of the submission of a complaint and confidentiality is to be maintained.

School personnel who witness an act of discrimination, harassment, intimidation, or bullying shall take immediate action to intervene when safe to do so.

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 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.

Whenever possible, the site administrator completes an investigation of a bullying report within five school days of receiving notice of bullying behavior. The site administrator shall determine whether interim measures are necessary during and pending the results of the investigation.

Whenever possible, within 30 days the site administrator shall compile a written result of the investigation. This report shall be kept on file at the school site.

If the complainant is not in agreement with the findings of the school site investigation, a Bullying Complaint District Level Appeal may be submitted to the Student Services Office within ten days of receiving the investigation findings.

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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.

When appropriate based on the severity of pervasiveness of the bullying, the Superintendent or designee may contact law enforcement.

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.

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*

Regulation Adopted: 1/10/17