

**BULLYING**

The County Board recognizes the harmful effects of discrimination, harassment, intimidation, and bullying on student learning and school attendance and desires to provide a welcoming, safe school environments that protect all students from physical, mental and emotional harm. The County Superintendent will establish student safety as a high priority and will not tolerate discrimination, harassment, intimidation, or bullying of any student.

Acts of discrimination, harassment, intimidation, and bullying based on actual or perceived immigration status, 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, are prohibited under this policy. (Penal Code 422.55; Education Code 220).

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a school under the jurisdiction of the County Superintendent, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the County Board and the Superintendent in enacting County Office policies and procedures.

No student or group of students 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. This includes acts of discrimination, harassment, intimidation, and bullying related to school activity or school attendance occurring within a school under the jurisdiction of the County Superintendent.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

As appropriate, the County Superintendent or designee shall develop effective strategies with students, parents/guardians, staff, law enforcement, courts, social services, mental health services, and other agencies and community organizations of processes to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6020 - Parent Involvement)*

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.

**BULLYING** (continued)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 0460 - Local Control and Accountability Plan)*

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and LACOE's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint involves nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

*(cf.1312.3 – Uniform Complaint Procedures)*

If the County 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 County 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 County Superintendent or designee shall allow the transfer in accordance with law and LACOE policy on intradistrict or interdistrict transfer, as applicable.

*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5117 - Interdistrict Attendance)*

LACOE families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying. Any employee who permits or engages in bullying or retaliation related to a complaint of 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:*

*BUSINESS AND PROFESSIONS CODE*  
*22589-22589.4 Cyberbullying Protection Act*  
*EDUCATION CODE*  
*200-262.4 Prohibition of discrimination*  
*32282 Comprehensive safety plan*  
*35181 Governing board policy on responsibilities of students*  
*35291-35291.5 School discipline 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 plan*

*Legal References (continued next page)*

**BULLYING (continued)***Legal references (continued)*

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:*

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

*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

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

*Dear Colleague Letter: Bullying of Students with Disabilities*, August 2013

WEBSITES

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/ls/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>

**BULLYING**

**Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. 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, or images which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 6163.4 - Student Use of Technology)*

Examples of the types of conduct that may constitute bullying and are prohibited by LACOE include, but are not limited to:

1. **Physical bullying:** An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. **Verbal bullying:** An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. **Social/relational bullying:** An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. **Cyberbullying:** An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

**Measures to Prevent Bullying**

The County Superintendent or designee will implement measures to prevent bullying in LACOE schools, including, but not limited to, the following:

**BULLYING** (continued)

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
2. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, supportive and collaborative school climate

*(cf. 5131 - Conduct)*

*(cf. 5137 - Positive School Climate)*

3. Providing information to students, through student handbooks, LACOE school website and social media, and other age-appropriate means, about LACOE school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
6. Annually notifying LACOE employees that, pursuant to Education Code 234.1, any school 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

**Staff Development**

The County Superintendent or designee shall annually make available to all certificated staff and to 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 and cyberbullying (Education Code 32283.5)

**BULLYING** (continued)*(cf. 4131 - Staff Development)**(cf. 4231 - Staff Development)**(cf. 4331 - Staff Development)*

The County Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of LACOE and its employees to prevent discrimination, harassment, intimidation, and bullying of LACOE 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

**Information and Resources**

The County Superintendent or designee shall post on LACOE school website, 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. LACOE's policy on student suicide prevention, including a reference to the policy's age appropriateness

*(cf. 5141.52 - Suicide Prevention)*

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 LACOE's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
4. LACOE policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

## **BULLYING (continued)**

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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 the CDE pursuant to Education Code 234.5-
7. Any additional information the County Superintendent or designee deems important for preventing bullying and harassment

*(cf. 1113 - Websites)*

### **Student Instruction**

As appropriate, LACOE 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, digital and media literacy skills and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

LACOE 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 are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are 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.

### **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.

**BULLYING** (continued)

When a report of bullying is submitted, the principal or a LACOE 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.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a LACOE compliance officer, regardless of whether or not the alleged victim files a complaint.

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

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the County Superintendent or designee may report the cyberbullying to the social media platform and may request to have the material removed.

**Discipline/Corrective Actions**

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 LACOE policies and regulations.

*(cf. 5116.2 - Involuntary Student Transfers)*

*(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)*

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)



**BULLYING** (continued)

When appropriate based on the severity or pervasiveness of the bullying, the County Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

**Support Services**

The County 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)

*(cf. 6164.2 - Guidance/Counseling Services)*

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