

Book BCSD Board Policies
Section 0600 Students
Title BULLYING
Code 0601.02
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The Governing Board recognizes the harmful effects of bullying on student well-being, student learning and school attendance. The Board desires to provide school environments that are safe, healthy, and secure and to protect students from physical and emotional harm. District employees will commit to treat others with empathy and to show genuine concern for the well-being of others. The Governing Board also expects these values to be taught to students as part of establishing a positive school climate of equity and caring. District employees shall: (1) clearly communicate that students and staff must respect each other and the school will promptly and reliably respond to any reports of harassment; (2) establish student safety as a high priority; and (3) not tolerate bullying of any student.

(cf. BB 100.12 - Values, Vision, Mission, and Superintendent Priorities)
(cf. BP 600.4 - Positive School Climate)

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

(cf. BP 601.14 - Nondiscrimination/Harassment)
(cf. BP 601.01 - Conduct of Pupils)
(cf. BP 601.06 - Sexual Harassment of or by Students)
(cf. BP 601.12 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for preventing and addressing bullying in District schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. BP 300.50 – Relations Between Other Governmental Agencies and the Schools)
(cf. BP 300.55 – Citizen Advisory Committees)
(cf. BP 400.36 – 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.

(cf. BP 300.44 – School Safety Plan)
(cf. BP 300.64 – School Plans/Site Councils)
(cf. BP 300.67 – Local Control and Accountability Plan)

Bullying Prevention

To the extent possible, District and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct, taking active steps to promote positive behavior, and by using strategies to establish a positive, collaborative school climate. Published rules, student guides, and other appropriate means will be used to inform others of District and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. When staff initially believes bullying has occurred, staff will identify and label-bullying behaviors observed and review the relevant school rules against bullying. Bystanders will be included in the conversation receiving guidance how they may appropriately intervene, get help, and take a more active prevention role.

(cf. BP 600.04 – Positive School Climate)
(cf. BP 603.18 – Guidance/Counseling Services)

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, social skills, character/values education, respect for cultural and individual differences, assertiveness skills, and appropriate online behavior.

(cf. BP 400.43 – Student Use of Technology)
(cf. BP 400.56 – Comprehensive Health Education)

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.

The Superintendent or designee shall provide training to teachers and other school staff to raise awareness about the legal obligation of the District and its employees to prevent discrimination, 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

(cf. BB 100.12 – Values, Vision, Mission, and Superintendent Priorities)
(cf. BP 600.04 – Positive School Climate)

Data will be collected regarding discipline and bullying incidents and used to support decisions to prevent discipline problems and to enhance school safety and a positive school climate. The Superintendent or designee may increase supervision and security in areas where discipline and bullying incidents most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are strongly 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.

Students will be informed that bullying is unacceptable and against school and District rules. School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so (Education Code Section 234.1).

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. Consistent with the law, he/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

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 Administrative Regulation 605.03 – Uniform Complaint Procedures.

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 a parent/guardian files a written complaint and it is determined through an investigation conducted in accordance with Education Code Section 234.1 that the student is a victim of bullying, the parent/guardian may request the student receive an intradistrict transfer to a different school within the District. If the requested school is at capacity, the District shall accept a request for an alternate school with available space. If no options for intradistrict transfer exist, then the student may apply for an interdistrict transfer. The District shall not prohibit an interdistrict transfer application submitted by the parent/guardian of a victim of bullying submitted in accordance with this provision (Education Code Section 46600).

(cf. BP 602.03 – Interdistrict Attendance)
(cf. BP 602.12 – Intradistrict Attendance)

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education. 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 shall be subject to discipline, which may include suspension or expulsion, in accordance with District policies and regulations.

(cf. BP 601.4 – Suspension and Expulsion/Due Process)
(cf. BP 601.7 – Discipline)
(cf. BP 606.6 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. BP 606.7 – Behavioral Interventions (Special Education Students))

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	Interdistrict attendance
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
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UNITED STATES CODE, TITLE 47

254	Universal service discounts (e-rate)
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CODE OF FEDERAL REGULATIONS, TITLE 28

35.107	Nondiscrimination on basis of disability; complaints
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CODE OF FEDERAL REGULATIONS, TITLE 34

104.7	Designation of responsible employee for Section 504
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106.8 Designation of responsible employee for Title IX
110.25 Notifications 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

Other References:

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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AR 601.02 - Bullying

Administrative Regulation

Bullying Defined

Bullying means 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 as defined in Education Code Sections 48900.2 (sexual harassment), 48900.3 (hate violence), or 48900.4 (harassment, threats and intimidation), directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- A. Placing a reasonable pupil(s) in fear of harm to that pupil's or those pupils' person or property;
- B. Causing a reasonable pupil to experience a substantially detrimental effect on the student's physical or mental health;
- C. Causing a reasonable pupil to experience substantial interference with the student's academic performance; or
- D. Causing a reasonable pupil to experience substantial interference with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school (Education Code Section 48900(r)).

(cf. BP 601.14 – Nondiscrimination/Harassment)

(cf. BP 601.01 – Conduct of Pupils)

(cf. BP 601.06 – Sexual Harassment of or by Students)

(cf. BP 600.04 – Positive School Climate)

In general terms, bullying is an unwanted, aggressive behavior that involves an imbalance of real or perceived power between individuals with the intent to cause harm. In order to be considered bullying, the behavior must include:

1. A deliberate act to cause emotional or physical harm to another individual.
2. An imbalance of power: Those who bully often use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and vary in different situations, even if they involve the same people.
3. Repetition: Bullying behaviors that display more than one time or have the potential to happen more than once.

Examples of types of conduct which are prohibited in the District and which may constitute bullying; 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 such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles
5. Repeated exposure over time to negative actions or acts of intimidation.

6. Verbal, written, graphic, digital, or physical conduct relating to a student's race, national origin, immigration status, religion, color, disability, sexuality, gender identity, gender expression, or gender that is severe, pervasive, or persistent.
7. Unprovoked, intentional, and usually repeated acts many of which may be carried out by means of an electronic act and include:
 - a. Emotionally-based behavior (spreading rumors, manipulating social relationships, rejecting, excluding, degrading, extorting, or intimidating);
 - b. Verbally-based behavior (taunting, malicious teasing, name calling, racial slurs, insults, threatening, demanding money, property, or some service to be performed); and Physically-based behavior (hitting, kicking, spitting, pinching, pushing, excessive tickling).
8. Indirect bullying such as:
 - a. Rejecting, excluding or isolating the target(s);
 - b. Humiliating the target(s) in front of friends;
 - c. Manipulating friends and relationships;
 - d. Sending hurtful or threatening e-mail or notes; and
 - e. Developing a Website to taunt or degrade a target and inviting others to post humiliating notes or messages.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Electronic act means the transmission, by means of an electronic device; including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication; including, but not limited to:

1. A message, text, sound, or image;
2. A post on a social network Internet Website created for the purpose of having one or more of the effects listed above in the definition of bullying; including, but not limited to:
 - a. Posting to or creating a burn page on an Internet Website;
 - b. Creating a credible impersonation of another actual pupil to include knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated; and
 - c. Creating a false profile to include a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of cyber sexual bullying via sexually explicit depictions.

An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet (Education Code Section 48900).

Bullying Prevention

The Superintendent or designee shall implement measures to prevent bullying in District schools, including, but not limited to, the following:

1. A focus on prevention of bullying by utilizing strategies to establish a positive, collaborative school climate. Bullying prevention is a part of a comprehensive, cohesive, and integrated multi-tiered system of supports that clearly defines behavioral expectations, clear rules for student conduct, establishes a consistent process for teaching and acknowledging appropriate behavior, uses assessment and data-based decision making to help create cultural norms of safety, connectedness to school, and acceptance of each person.

(cf. BB 100.12 – Values, Vision, Mission, and Superintendent Priorities)

(cf. BP 300.44 – School Safety Plan)

2. A review and analysis of office referrals, suspensions, expulsion referrals and other information sources will be periodically conducted by the principal or designee to help determine how resources may be used to establish and sustain effective bullying prevention strategies and services. Assessment of the bullying incidents and the school environment is used to help: (1) determine perceived safety and supportiveness of the school among students, staff and parents; (2) identify specific strengths and areas for improvement; (3) identify specific groups at risk in the school (e.g., ethnic groups, students with disabilities); (4) identify where and how bullying occurs at the school; and (5) if necessary, inform increases in supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.
3. 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.
4. Providing to students, through student handbooks and other age-appropriate means, information about District and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.
5. Annually notifying District employees that, pursuant to Education Code Section 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.
6. Involve students, including school-site student body officers, to identify and label bullying behaviors as well as teach both the relevant school rules against bullying and positive alternative behaviors. Students who may be a bystander to bullying events will also be assisted so they may appropriately intervene, get help, and take a more active prevention role.

(cf. BP 601.14 – Nondiscrimination/Harassment)

(cf. BP 600.04 – Positive School Climate)

(cf. BP 601.01 – Conduct of Pupils)

(cf. BP 601.04 – Suspension and Expulsion/Due Process)

(cf. BP 601.06 – Sexual Harassment of or by Students)

(cf. BP 601.07 – Discipline)

(cf. BP 601.12 – Hate-Motivated Behavior)

(cf. BP 603.18 – Guidance/Counseling Services)

(cf. BP 400.43 – Student Use of Technology)

(cf. BP 400.56 – Comprehensive Health Education)

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/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

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.

The District's social-emotional learning program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the Collaborative for Academic, Social, and Emotional

Learning standards and related California content standards and curriculum frameworks. Social-emotional learning instruction shall be incorporated into the instructional program at all grades and shall be designed to help students:

1. Develop self-awareness skills, such as mindfulness practices, which support the recognition of behaviors (warning signs) and life issues (risk factors) associated with bullying;
2. Develop self-management skills which support anger management, coping and resiliency strategies;
3. Develop social awareness and relationships skills which support student's ability to learn to listen, be honest, share feelings, advocate for oneself and get help when communicating with friends regarding bullying;
4. Develop responsible decision-making skills which support the identification of trusted adults, being a role model for other students, demonstrating effective problem solving, helping others being bullied and implementing strategies to discourage bullying as a bystander

The District 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.

Staff Development

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

In addition, staff shall receive professional development to ensure awareness of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted in this policy and administrative regulation, and in meeting their legally mandated obligation to take immediate action to intervene if the staff member witnesses an act of discrimination, harassment, intimidation, or bullying (Education Code Section 234.1) to include:

- A. Discussing the varying immigration experiences among members of the student body and school community.
- B. Responding to teasing and inappropriate language use, including, but not limited to, the use of name calling, slurs, offensive representations, and teasing of students:
 1. From lesbian, gay, bi-sexual, transgender, questioning, intersex, asexual, or hold a noncisgender identity not listed above (LGTBQIA+) families or who may identify or be questioning as LGBTIA+;
 2. Based actual or perceived characteristics of race or ethnicity including, but not limited to, teasing related to hair texture/style;
 3. Based on immigration status, religious beliefs, or customs.
- C. Modeling appropriate behavior and discussing prevention strategies with students by teaching students to recognize the behavior characteristics of bullying perpetrators and victims.
- D. Identifying the signs of bullying or harassing behavior.
- E. Taking immediate corrective action when bullying is observed including applying strategies for interrupting teasing, discrimination, harassment, intimidation, and bullying behavior, supporting bystanders, and supporting students who have been bullied.
- F. Reporting incidents to the appropriate authorities, including law enforcement in instances of criminal behavior or hate-crimes.

Information 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 Section 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 Section 230, including the rights set forth in Education Code Section 221.8.
3. Title IX information included on the District's web site pursuant to Education Code Section 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code Section 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 Section 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 Section 234.5.
7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment.

School-Level Grievance Process/Grievance Procedure

Published rules, student guides, and other appropriate means will be used to inform individuals of District and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. The Superintendent or designee shall also develop means for students to report threats or incidents confidentially and anonymously such as through a designated drop-box at the school site or online form. The District may also establish anonymous reports through cell phone applications and on the District's Website.

Complaints of bullying shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** 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 605.03 - Uniform Complaint Procedures.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, 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 District compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a formal written complaint of bullying, the principal shall notify the District compliance officer identified in AR 605.03. The complaint shall be investigated in accordance with procedures outlined in AR 605.03.

If the student, parent/guardian, or other individual who makes a report of bullying does not file a formal written complaint, the principal or designee shall investigate the alleged report of bullying. Using the procedures contained herein. All reports of bullying shall be recorded in the District's student information system or on a District approved log. Logs recording reports of bullying, intimidation, harassment, and discrimination shall be turned in to the Compliance Officer bi-annually.

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. **Initiation of Investigation:** The Principal/Coordinator shall initiate an impartial investigation of an allegation of bullying promptly, but in no case later than five school days after receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes they has been subjected to bullying, the student's parent/guardian, and an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Principal/Coordinator receives an anonymous complaint or media report about alleged bullying, they shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about bullying, the Principal/Coordinator shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put their complaint in writing. If the student requests confidentiality, the student shall be informed that such a request may limit the District's ability to investigate.
4. **Investigation Process:** The Principal/Coordinator shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action (Title 5, California Code of Regulations, Section 4964). Communicating privileged information concerning the District's response to the bullying incident shall be done consistent with the laws regarding the confidentiality of student and personnel records.

(cf. BP 300.49 – Unauthorized Release of Confidential/Privileged Information)
(cf. BP 605.07 – Student Records)

The Principal/Coordinator shall interview individuals who are relevant to the investigation; including, but not limited to, the student who is complaining, the person(s) accused of bullying, anyone who witnessed the reported bullying, and anyone mentioned as having relevant information. The Principal/Coordinator may take other steps such as reviewing any records, notes, or statements related to the bullying or visiting the location where the bullying is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal/Coordinator also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and District legal counsel or the District's risk manager. If the alleged act(s) may be a violation of criminal law, the principal or designee will refer the matter to the appropriate law enforcement agency or Child Protective Services as applicable.

(cf. BP 603.7 – Child Abuse and Neglect Prevention and Reporting)

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation (e.g., placing students in separate classes or transferring a student to a class taught by a different teacher).
6. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:

- a. Statements made by the persons identified above;
- b. The details and consistency of each person's account;
- c. Evidence of how the complaining student reacted to the incident;
- d. Evidence of any past instances of harassment by the alleged harasser; and
- e. Evidence of any past harassment complaints that were found to be untrue.

To judge the severity of the harassment, the Principal/Coordinator may take into consideration:

- a. How the misconduct affected one or more students' education;
 - b. The type, frequency, and duration of the misconduct;
 - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them;
 - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed;
 - e. The size of the school, location of the incidents, and context in which they occurred; and
 - f. Other incidents at the school involving different students.
7. **Response and Follow-Up:** No more than 60 days after receiving the complaint, the Principal/Coordinator shall conclude the investigation and prepare an oral or written response. This timeline may be extended for good cause. If an extension is needed, the Principal/Coordinator shall notify the complainant and explain the reasons for the extension.

The response shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that bullying occurred; the response shall also include any corrective actions that have or will be taken to address the bullying and prevent any retaliation or further bullying. The response shall be provided to the complainant. All responses of bullying shall be recorded in the District's student information system or on a District approved log. Logs recording reports of bullying, intimidation, harassment, and discrimination shall be turned in to the Compliance Officer bi-annually. In addition, the principal or designee may provide a written report to the parent/guardian of any student involved in an incident regarding bullying, intimidation, harassment, or discrimination.

In addition, the Principal/Coordinator shall ensure that the bullied student and the parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to enforce the District's bullying policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti;
2. Providing staff in-service, student instruction, or counseling;
3. Notifying parents/guardians of the actions taken;
4. Notifying child protective services; and
5. Taking appropriate disciplinary action.

Discipline/Corrective Actions

In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of bullying which he/she knew was not true.

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 Section 48900, may include suspension or expulsion in accordance with District policies and regulations.

(cf. BP 601.04 – Suspension and Expulsion/Due Process)

(cf. BP 601.07 – Discipline)

(cf. BP 606.06 – Suspension and Expulsion/Due Process [Students with Disabilities])

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.

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 Section 48900.9).

(cf. BP 603.18 – 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 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.

(cf. BP 603.25 – Suicide Prevention)

Adopted November 20, 2012

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