

# **Board Policy**

## **Conduct**

BP 5131 – Bullying – Harassment

### **Students**

The San Lorenzo Unified School District Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions and any form of bullying. A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending himself or herself. AB 86 (Ch. 646, Statutes of 2008) amended Education Code 48900 to add bullying, including bullying via an electronic act as defined in Education Code 32261, to the grounds for suspension and expulsion. Education Code 32261 defines an "electronic act" as the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, such as a telephone, wireless telephone, other wireless communication device, computer, or pager. Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital 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 or friendships.

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and 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. (Education Code 48900.2, 48900.3, and 48900.4)

The Governing Board recognizes that some acts of bullying, harassment, or intimidation may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of bullying that require a response either at the classroom, school site, or district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral intervention and education up to and including suspension or expulsion. In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil in any of grades 4 to 12, inclusive for conduct that amounts to bullying.

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the

matter to his/her supervisor or administrator for further investigation.

**Definition, EC 48900 (r)**

Education code 48900 (r) defines “Bullying” as 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 Section 48900.2, 48900.3, or 48900.4, 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 or pupils 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 his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities in accordance with Board policy. This includes the act of cyberbullying committed off-campus that results in a posed threat to the safety of other students, staff, or school property, disrupting the educational program. In such off-campus cyberbullying cases, discipline may be afforded as long as the district can document the impact or disruption that the conduct had, or could be expected to have, on campus. Students also may be subject to discipline for any off-campus conduct during non-school hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation. Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers. The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

**Prohibited student conduct includes, but is not limited to:**

1. Conduct that endangers students, staff, or others
2. Conduct that disrupts the orderly classroom or school environment
3. Harassment of students or staff, such as bullying, including cyberbullying, intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering.
4. Damage to or theft of property belonging to students, staff, or the district

**Bullying/Cyberbullying**

The district may provide students instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members. School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance.

Students shall be encouraged to save and print any 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. Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. 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.

## **Possession/Use of Cellular Phones and Other Mobile Communications Devices**

Students may possess or use on school campus personal electronic signaling devices for educational purposes as instructed by school administrators, including but not limited to; cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, and laptop computers, provided that such devices do not disrupt the educational program, school activities, or school/student safety. Such devices also are not to be used for illegal, harmful, or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day. Students who bring such devices to school remain responsible for them, even when confiscated by an adult on campus. At no time will school faculty or administration be responsible for the electronic devices brought to school by students. A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

## **Reporting Violations of this Policy**

The principal or principal's designee at each school shall be responsible for receiving complaints alleging violations of this policy. All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of bullying or harassing behavior, to immediately intervene, call for assistance, and report such incidents. The Board requires that staff follow district and school procedures for reporting alleged acts of bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at the district office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of alleged acts of bullying is expected.

Students are expected to report all incidents of bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, principal, or staff person. If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures. Students are to be informed annually of the process by which they may make a report of bullying or harassment.

## **Retaliation is Prohibited**

Retaliation against a student because the student has filed a bullying complaint or assisted or participated in a bullying or harassment investigation or proceeding is also prohibited. Students who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student

## **Resolution/Investigation Timeline & Appeal Process**

All student reports of bullying and or harassment will be investigated for the purpose of resolution by the school principal or designee. A thorough principal investigation process shall begin swiftly and is not to exceed 10 school days. If an appeal process is initiated after the investigation and resolution of the principal/designee, the entire process is not to exceed 30 school days. The expectation is that all reports of bullying and or harassment will be successfully resolved and addressed by the site-based principal. The following timeline and steps will be initiated in response to school-related reports of bullying and or harassment:

1. All student reports of bullying and or harassment will be investigated for the purpose of resolution by the school principal or designee and the school-administered investigation is not to exceed 10 school days.
2. Student and family reports of bullying or harassment not satisfactorily resolved at the school level may be appealed to the Director of Student Support Services.
3. Student and family reports of bullying or harassment not satisfactorily resolved by the Director of Student Support Services may be appealed to the Superintendent.
4. Student and family reports of bullying or harassment not satisfactorily resolved by the Superintendent will be acted upon by the Governing Board.