NEW

Students BP 5131.8 (a)

CONDUCT

Bullying or Cyberbullying

The purpose of this policy is to promote consistency of approach to school bullying and to help create a learning climate in which all types of bullying behavior are regarded as unacceptable. The Board of the San Leandro Unified School District affirms that all students and staff have a right to safe and supportive school environments, free from threat, harassment, hazing, intimidation or any type of bullying behavior.

(cf. 5131 - Conduct)

All staff of the San Leandro Unified School District must immediately report incidents of bullying to the principal or designee. All staff members are expected to immediately intervene when they see a bullying incident occur. Students should report incidents to any adult staff member. Reports of bullying will be promptly investigated. Site administrators are responsible for an annual review of this policy with all staff, and will ensure that the policy is visibly posted and supported with training as needed. An allegation of bullying that involves sexual harassment, and the results of the investigation, shall be kept confidential to the extent reasonably possible.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Bullying is defined as aggressive or unwanted and unwelcome behavior by an individual or groups of individuals who ridicule, harass, humiliate, or intimidate another while on school grounds, at a school sponsored activity, while traveling to or from school, on a school bus, during any activity related to school attendance, or that is directed against school district personnel or students and that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment. Typically, the behavior is repeated over time and includes the use of hurtful words and/or acts.

Bullying behaviors may include, but are not necessarily limited to the following:

1. Verbal: Hurtful name-calling, teasing, gossiping, making threats, making racial slurs or epithets, making rude noises, or spreading hurtful rumors.

Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or

2. Graphic images, or exhibiting inappropriate and/or threatening gestures or actions.

CONDUCT

Bullying or Cyberbullying

3. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "pantsing", pinching, slapping, biting, spitting, or destroying property.
4. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.

Cyberbullying: Bullying committed by means of an electronic act, the transmission of a communication, including but not limited to, a message, text, sexting (texting or images of a sexual nature) sound, or image by means of an electronic device, including but limited to, a phone, wireless telephone, or other wireless communication device, computer, or pager. Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. This policy pertains to cyberbullying in accordance to *California Education Code 48900 (r).*

(cf. 5145.31 - Hate-Motivated Behavior)
(cf. 5145.3 - Nondiscrimination/ Harassment)
(cf. 6163.4 – Student Use of Technology)

The 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.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Certain acts of bullying are covered under California Education Code Section 48900.4 which states: “In addition to the grounds specified in Section 48900 and 48900.2, a pupil enrolled in any of grades 4 through 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonable expected effect of materially

disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment."

(cf. 5145.31 - Hate-Motivated Behavior)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6163.4 – Student Use of Technology)

If the District determines that bullying has occurred, it will act appropriately in accordance to the District's Uniform Discipline policy and will take reasonable action to end the bullying. The District prohibits retaliatory conduct against any complainant or any participant in the complaint process, including witnesses.

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
32261 Bullying
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion, especially:
48908 Duties of students
51512 Prohibition against electronic listening or recording device in classroom without permission
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
PENAL CODE
288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope
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
VEHICLE CODE
23124 Use of cellular phones provisional license holders
CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils
UNITED STATES CODE, TITLE 42
2000h-2000h6 Title IX, 1972 Education Act Amendments
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)

Legal Reference: (continued)

COURT DECISIONS
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

NEW

Students AR 5131.8 (a)

CONDUCT

Bullying or Cyberbullying

The Board of the San Leandro Unified School District affirms that all students and staff have the right to a safe and supportive school environment, free from threat, harassment, hazing, intimidation or any type of bullying behavior.

(cf. 5131 - Conduct)

To ensure that bullying does not occur on school campuses, the District will provide staff development training in bullying prevention and methods for cultivating respect and understanding between all students and staff in order to build each school's capacity to maintain a safe and supportive learning environment.

District Administrators shall assist sites in developing comprehensive plans aimed toward accomplishing the following goals:

1. To send a clear message to students and staff members that bullying will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent the occurrence of bullying.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.
4. To initiate efforts to change the behavior of students engaged in bullying through re-education on acceptable behavior, discussion, counseling, social skills training, and appropriate consequences for negative behavior. Interventions should align with positive discipline procedures aimed at promoting pro-social behavior.
5. To support victims of bullying by means of individual counseling and through peer support or counseling where appropriate.
6. To train students to take a pro-active role as bystanders in bullying situations.
7. To provide social skills training for all students, and to develop peer support structures.
8. To promote and recognize pro-social student interactions and positive behavior on a regular basis.
9. To foster a productive partnership with parents and community members, including disseminating information, in order to help maintain a bully-free environment.
10. To send the message that SLUSD administrators and staff are expected to model respectful behavior and language in their interactions with students, staff and parents.

Bullying or Cyberbullying

Site Administrators are responsible for:

- Reviewing SLUSD policy and procedures on bullying annually with all certificated and classified staff
- Arranging staff training as necessary
- Visibly posting the policy in the school
- Ensuring that all staff, students, and parents/guardians receive a summary of the policy prohibiting bullying at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.

Teachers are responsible for:

- Discussing the District bullying policy with their students in an age appropriate manner
- Assuring students that they need not endure any form of bullying
- Ensuring their students know that bullying violates District policy, and that violators are subject to disciplinary action under District disciplinary code
- Adhering to District procedures as stated below.

Procedures for staff members intervening in bullying behavior include, but are not limited to the following:

- Staff members must immediately intervene when they witness a bullying incident.
- Serious or repeated incidents must be reported to the principal or administrator in charge with written documentation of the offense and what actions were taken.
- Such reporting will not reflect on the victim or witness in any way.
- Each incident reported must be promptly investigated. Investigation and action may involve interviews with perpetrators, victims, notification of parents or guardian, and counseling.
- The school will make reasonable efforts to keep a report of bullying and the results of investigation confidential.
- Incidents involving breaking the law will be reported to the police.

(cf. *4119.21/4219.21/4319.21* - Professional Standards)
(cf. *1400* - Relations Between Other Governmental Agencies and the Schools)

Bullying or Cyberbullying

All Schools must adopt a Student Code of Conduct regarding bullying to be followed by every student in accordance with BP 5145.31 for Hate Motivated Behavior. All students would follow the code when traveling to and from school or at a school-sponsored activities, during school lunch or recess, and whether on or off campus.

The Student Code of Conduct should include, but is not limited to the following expectations:

- Students are expected to treat others with respect and dignity.
- Any student who engages in bullying may be subject to disciplinary action under the District disciplinary code.
- Students are expected to immediately report incidents of bullying to the principal or designee. Reporting safety concerns to adult authorities is not the same as "tattling" and shows concern for the person or persons being harmed.
- Students should refuse to watch, laugh, or join in when someone is being bullied.
- Students are encouraged to offer moral support to any student who is being bullied or mistreated.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.
- If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the Site Administrator or the District Ombudsperson.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process.