



Book	Policies
Section	5000: Students
Title	Bullying Prevention
Code	5131. 2 Board Policy
Status	Active
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Last Revised	February 25, 2015

BOARD POLICY 5131.2: BULLYING PREVENTION

I. Introduction

The Governing Board affirms that every student and staff member has the right to a safe and secure school environment, free of humiliation, intimidation, fear, harassment, or any form of bullying behavior. Furthermore, the Board believes that a healthy, positive psychosocial school environment enhances and increases academic achievement and pro-social development and therefore the prevention, reduction, elimination and effective disposition of bullying are fundamental to educational goals. The District, students, families, and staff have an obligation to create an environment that celebrates and respects diversity and human dignity and admonishes bullying behavior. To this end, the District has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as address incidents of bullying and harassment when they occur.

II. Applicability

This policy applies to all of the District's students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the Del Mar Union School District. (Educ. Code § 234.1(a).)

This policy also reminds school personnel of their obligation to intervene when safe to do so as required by Education Code Section 234.1(b)(1). (See Section VI below.)

III. Definitions

A. "Bullying" means any severe or pervasive physical or verbal act of 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.

B. "Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Website, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

C. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment 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.

D. Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, 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, camera, computer, or pager. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

IV. Prohibition Against Bullying

The District will not tolerate bullying as defined in this policy – 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, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, 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. (Educ. Code § § 234.1(a); 48900(r).) [cf. Board Policy 5145.3 (Nondiscrimination in District Programs and Activities) and Board Policy 5145.7 (Sexual Harassment of Students)]

In addition, the District prohibits retaliation against complainants.

V. Free Speech Protection

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code Sections 48907 and 48950, and other applicable law.

VI. Duties and Responsibilities of School Employees

School staff who witness discrimination, harassment, intimidation or bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

VII. Reporting and Investigating Complaints; Complaint Officer

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall notify the District's Nondiscrimination Officer within 24 hours. Students who have knowledge of discrimination, harassment, intimidation or bullying are encouraged to inform a teacher or school administrator as soon as possible. Students and parents may make such complaints anonymously by calling the Nondiscrimination Officer at the number below. Anonymous reports must be provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

When a student is reported to be engaging in bullying off campus, the District's Nondiscrimination Officer or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital 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.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the District's Nondiscrimination Officer or designee also may file a complaint with the Internet site or service to have the material removed.

Formal complaints regarding violations of this policy shall be made pursuant to the District's Uniform Complaint Procedure, Board Policy/Administrative Regulation 1312.3.

The District's Nondiscrimination Officer is:

Title: Director of Student Services
Address: 11232 El Camino Real, San Diego, CA 92130
Telephone Number: (858) 755-9301

The Nondiscrimination Officer is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer shall notify the parents of the reported victim and the alleged perpetrator of the complaint, and, if appropriate, law enforcement officials. The Nondiscrimination Officer shall maintain documentation of complaints and their resolution for a minimum of one CPM review cycle. (Educ. Code § 234.1(e).)

VIII. Confidentiality

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

IX. Disciplinary Consequences

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.

X. Counseling Referrals

The Superintendent, the principal of a school, or the principal's designee may refer a victim of bullying, witness to bullying, other pupil affected by an act of bullying, or a student engaged in an act of bullying to the school counselor, school psychologist, social worker, school nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program, as appropriate.

XI. Notifications

The District shall publicize this policy, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board and the general public. The information shall be translated pursuant to education Code Section 48985. This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. (Educ. Code § 234.1(c) and (d).)

To the extent possible, District and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students 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 perpetrators of bullying.

XII. Anti-Bullying Education; Training for Educators

The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment, and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity. (Educ. Code § 201(g).)

As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates pupils about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. (Board Policy/Administrative Regulation 6162.7.) The District also educates pupils and teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

Legal Reference:

EDUCATION CODE

234.1, 32282, 48900(r), 48600(4b), 46600, 48900.43, 234(a)

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