

June 22, 2012

APPROVED
BY THE BOARD OF TRUSTEES
6-27-2012

To: Board Members

From: Cara Schukoske, Director of Pupil Services

Through: Jim Peabody, Superintendent

Subject: Agenda Item 8.3 Adoption of Board Policy and Administrative Regulation 5131.2: Bullying

Cara Schukoske, Director of Pupil Services, has recommended the adoption of Board Policy and Administrative Regulation 5131.2: Bullying to comply with changes in state law.

FISCAL IMPACT: Cost – none
Program or Department – Pupil Services
Is this a Restricted Program? No
Was this expenditure anticipated in the adopted budget? N/A
Will this Program or Department be over budget after this expenditure? N/A

RECOMMENDED: Superintendent recommends approval of the adoption of Board Policy and Administrative Regulation 5131.2: Bullying.

**DEL MAR UNION SCHOOL DISTRICT
STUDENTS**

BOARD POLICY 5131.2: BULLYING

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.

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.

To address incidents of bullying and the potential culture that supports such behavior, this policy has the following objectives.

1. Cultivate a culture of empathy, kindness, respect, and mutual trust among students and between students and staff;
2. Create a school climate which encourages students to disclose and discuss incidents of bullying, both in their roles as victims, perpetrators and bystanders;
3. Demonstrate a commitment to address incidents of bullying by outlining the school response to any such behaviors.

The District will communicate its objectives and procedures to eliminate bullying in the Annual Notification packet.

Definitions

Bullying means, “any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil as defined*, in fear of harm to that pupil’s or those pupils’ person or property, causing a reasonable pupil to experience a substantial detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial

interference with his or her academic performance, or 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.”

Education Code 48900(r)

*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.”

Education Code 48900.4(3)

Legal Reference:

EDUCATION CODE

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

**DEL MAR UNION SCHOOL DISTRICT
STUDENTS**

ADMINISTRATIVE REGULATION 5131.2: BULLYING

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Guidelines

1. Adopt a policy that prohibits discrimination, harassment, and bullying based on actual or perceived characteristics.
2. Adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation and bullying.

| Receiving and Investigating Process Requirements: |
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| A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she is required to take immediate steps to intervene when safe to do so; |
| Establishment of a timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district; |
| An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to E.C. 234.1; |
| All forms developed pursuant to this process shall be translated E.C. 48985 |
| Policy must be posted; |
| Complaints and resolution documentation must be maintained for one Categorical Program Monitoring review cycle; |
| Ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate. |

Reporting

School personnel who witness acts of bullying shall take immediate steps to intervene when safe to do so. Students who are the targets of bullying, staff, or any community member who has witnessed bullying, shall report the abuse to the principal, the principal's designee, or a trusted school staff member. Staff members, upon receiving a complaint or witnessing bullying, are required to make a report to the principal or principal's designee. The submission of a Bullying Incident Form is required by the reporting party and will be made available from the principal of each school and 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. Both oral and anonymous reports shall be documented and reported by the receiving administrator.

If a student or staff member feels that he/she is the target of cyberbullying, the student or staff member is encouraged to save and print any messages or other posts sent to them that they feel constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.

Investigation

Investigation: Upon receiving a report either directly from the target of bullying, a witness of bullying, or from a teacher or staff member, the principal or principal's designee (or Superintendent/designee) must initiate the Investigation Procedures.

The investigation must be prompt, diligent and adhering to the Districts set timelines. All interviews of witnesses, the victim, and the accused shall be conducted separately. During an investigation, all individuals involved must, to the extent reasonably possible, maintain the confidentiality of the proceedings and the names of the complainant and students involved.

Victim's Rights

The victim of bullying has the right to immediate support, including physical and psychological support. During and after the investigation, appropriate school personnel shall follow-up with the victim and provide the appropriate and necessary support. The victim should be provided a safety plan to deter further victimization in the future – the development of this plan should include parents, teachers, and other support personnel.

An appeal process shall be established for the complainant if he or she, should disagree with the resolution.

Intervention/Discipline

The Principal or designee shall decide the appropriate way to deal with bullying behavior if the investigation has proven that the student who engaged in the bullying behavior has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullying behavior, the designee should regard the bullying behavior and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the bullying, decreases chances of retaliation, and helps rehabilitate the student who has engaged in bullying behavior (if appropriate). Some acts of bullying may be part of a larger pattern of bullying that requires 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 interventions and education up to and including suspension/expulsion, or referral to law enforcement.

In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4(3) provide additional authority to discipline a pupil in any grades 4 to 12, inclusive for conduct that amounts to bullying.

Education

To address bullying, staff must be provided education and training regarding best practices in bullying prevention and intervention, which include:

1. Focus on the social environment of the school
2. Assess bullying at the school
3. Garner staff and parent support for bullying prevention
4. Form a group to coordinate the schools bullying prevention activities
5. Train staff on bullying prevention practices
6. Establish and enforce school rules and policies related to bullying
7. Increase trained adult supervision in “hot spots” where bullying occurs
8. Intervene consistently and appropriately in bullying situations
9. Focus class time on bullying prevention
10. Continue these efforts over time

False Reports and Statements

Intentionally false reports, use of the complaint process, or statement to defame a fellow student or staff member or any illegitimate reason, will result in disciplinary consequences.

Retaliation

Retaliation against a complainant or any individual involved in the investigation of a bullying situation, either by the student who has allegedly engaged in bullying behavior, the friends of the student who allegedly engaged in bullying behavior, or any other individual, is strictly prohibited or is grounds for discipline.

Annual Report to the Board

Each school site will make an annual report to the Director of Pupil Services in June detailing bullying incidents at the school and at a fall Board meeting, the Director of Pupil Services will report to the Board on bullying within the District and make recommendations as to how this policy can be more effectively implemented.

Legal Reference:

EDUCATION CODE

234.1, 32282, 48900, 48900.2, 48900.3, 48900.4(3)

Note: Education Code 234.1, as amended by AB 9 (Ch. 723, Statutes of 2011), requires the Governing Board to adopt policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics; see BP5145.3 – Nondiscrimination/Harassment for language fulfilling this mandate.

In addition, AB 1156 (Ch. 732, Statutes of 2011) amended Education Code 32282 to encourage comprehensive safety plans to include policies and procedures aimed at the prevention of bullying; see BP 0420 – Comprehensive Safety Plan.