

BULLYING

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide safe and supportive school environments that protect students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, 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.

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

Such strategies may 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.

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 AR 1312.3. 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 the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

BULLYING***State***

5 CCR 4600-4670: Uniform complaint procedures
Bus. and Prof. Code 22589-22589.4: Cyberbullying Protection Act
Ed. Code 200-262.4: Prohibition of discrimination
Ed. Code 32280-32289.5: School safety plans
Ed. Code 35181: Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5: School discipline rules
Ed. Code 46600: Student transfers
Ed. Code 48900-48925: Suspension and expulsion
Ed. Code 48985: Notices to parents in language other than English
Ed. Code 52060-52077: Local control and accountability plan
Pen. Code 422.55: Definition of hate crime
Pen. Code 647: Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7: Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2: Electronic communication devices; threats to safety

Federal

28 CFR 35.107: Nondiscrimination on basis of disability; complaints
34 CFR 104.7: Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.8: Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25: Notification of nondiscrimination on the basis of age
47 USC 254: Universal service discounts (E-rate)

Management Resources

CA Office of the Attorney General Publication: Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018
California Department of Education Publication: Social and Emotional Learning in California: A Guide to Resources, October 2018
California Department of Education Publication: Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
California Department of Education Publication: Bullying at School, 2003
California Department of Education Publication: Online Bullying Training Module and Bullying Module
California Department of Education Publication: California's Social and Emotional Learning: Guiding Principles, 2018
Court Decision: J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision: Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision: Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication: Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication: School Safety: Bullying and Cyberbullying, Policy Brief, October 2023
CSBA Publication: Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication: Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication: Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication: Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
CSBA Publication: Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

Students

BP 5131.2 (c)

BULLYING

U.S. DOE Office for Civil Rights Publication: Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DOE Publication: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023

U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023

U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023

U.S. DOE, Office for Civil Rights Publication: Dear Colleague Letter: Harassment and Bullying, October 2010

US Department of Health and Human Services: Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023

US Dept of Health and Human Services Publication: Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023

Website: U.S. Department of Health and Human Services, Stop Bullying

Website: CSBA District and County Office of Education Legal Services

Website: National School Safety Center

Website: Partnership for Children and Youth

Website: Center on Great Teachers and Leaders

Website: Collaborative for Academic Social and Emotional Learning

Website: Common Sense Media

Website: California Department of Education, Safe Schools

Website: California Office of the Attorney General

Website: CSBA

Website: U.S. Department of Education

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ORCUTT UNION SCHOOL DISTRICT
Orcutt, California