

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY
STUDENTS

BULLYING

5131.2
Page 1 of 4

The Governing Board of the San Marcos Unified School District 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 school environment enhances and increases academic achievement, attendance and 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.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

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.

Definitions

Bullying means, “any severe or pervasive physical or verbal act or conduct committed by a pupil or group of pupils, including communications made in writing or by means of an **electronic act, as defined, including but not limited to sexual harassment, hate violence, harassment, threats, or intimidation as defined in Education Code Sections 48900.2, 48900.3, and 48900.4 that has the effect 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.

*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)

**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 web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other 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.

Prevention and Intervention

Strategies for bullying prevention and intervention may be developed with involvement of key stakeholders in accordance with law, board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

Prevention

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.

The district may provide students with instruction, in the classroom or other educational settings that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

School staff may receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

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

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in a timely manner.

Discipline

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.

Compliance Officer

The Board hereby designates the Assistant Superintendent of Instructional Services as the Compliance Officer to oversee the District's handling of complaints of bullying based on actual or perceived 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.

Legal Reference

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade
Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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