

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

BP 5131.2

Students

Bullying

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

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

(cf. [5131](#) - Conduct)

(cf. [5136](#) - Gangs)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

(cf. [5145.9](#) - Hate-Motivated Behavior)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [6020](#) - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. [1020](#) - Youth Services)

The Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.

(cf. [5137](#) - Positive School Climate)

The district is committed to providing 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.

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6142.94](#) - History-Social Science Instruction)

(cf. [6163.4](#) - Student Use of Technology)

The district is committed to providing staff with related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32282](#) Comprehensive safety plan

[32283.5](#) Bullying; online training

[35181](#) Governing board policy on responsibilities of students

[35291-35291.5](#) Rules

[48900-48925](#) Suspension or expulsion

[48985](#) Translation of notices

[52060-52077](#) Local control and accountability plan

PENAL CODE

[422.55](#) Definition of hate crime

[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

CODE OF REGULATIONS, TITLE 5

[4600-4687](#) Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.107](#) Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

[104.7](#) Designation of responsible employee for Section 504

[106.8](#) Designation of responsible employee for Title IX

[110.25](#) Notification of nondiscrimination on the basis of age

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

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: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

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

Common Sense Media: <http://www.common Sense Media.org>

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

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

Adopted: June 13, 2018

PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 5131.2

Students

Bullying

Bullying is defined in Education Code 48900(r) as any severe or pervasive physical or verbal act(s) or conduct, including electronic communications, that has, or can be reasonably predicted to have, the effect of one or more of the following:

1. Reasonable fear of harm to person or property.
2. Substantially detrimental effect on physical or mental health.
3. Substantial interference with academic performance.
4. Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

There are many ways to bully others including, but not limited to physical, verbal, social, electronic, gender-based, sexual, racial or cultural, religion-based or political-based bullying.

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

Any student, parent, or guardian who believes that the student has been subjected to bullying may file a written complaint As prescribed in AR 1312.3 – Uniform Complaint

The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of bullying, or for participation in the complaint procedures. The report and identity of any complainant shall be kept confidential except to the extent necessary to carry out the investigation or to take necessary subsequent actions.

Cyberbullying

Cyberbullying includes the creation or 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.

(cf. [5145.2](#) - Freedom of Speech/Expression)

The District may monitor students' use of the District's Internet system and conduct a search of

person or possessions such as, but not limited to, computer, locker, backpacks, if there is reasonable suspicion that a user has violated District policy or the law (see also BP/AR 6163.4, “Acceptable Use of Technology – Students and Employees”).

When conducted off campus using students' personal equipment, cyberbullying may be subject to District discipline to the extent that the activity is related to school activity or school attendance as noted above. The District is justified in responding when material:

1. Is posted, sent, or displayed to other students through the District's Internet system;
2. Originated on campus, such as a photo taken with a cell phone;
3. Is related to on-campus bullying;
4. Causes emotional harm to another student and interferes with his/her right to feel secure and successful at school; or
5. Causes or threatens to cause school disruptions.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten District property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying, and to notify a teacher, principal, or other employee so that the matter may be investigated. If the principal or designee finds investigation to be warranted he/she shall follow the procedures set forth in AR 1312.3 Uniform Complaint Process.

Cyberbullying conducted using District-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with District policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized.

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code [48900.9](#))
(cf. [6164.2](#) - Guidance/Counseling Services)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed (see BP/AR 1312.3, Uniform Complaint Procedures). In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.
(cf. [1312.3](#) - Uniform Complaint Procedures)

District Coordinator and Compliance Officer
760 Magnolia Avenue, Piedmont, CA 94611
(510) 549-2686
Cwozniak@piedmont.k12.ca.us

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3, Uniform Complaint Procedures. The student who is the alleged victim of the

bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the districts 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.

School-Level Complaint Process/Grievance Procedure Complaints of Bullying

1. The school principal and/or District Coordinator and Compliance Officer shall initiate an impartial investigation of an allegation of bullying within ten school days of receiving notice a complaint.
2. When a student, parent/guardian, school employee, or community member has complained or provided information about bullying, the school principal/District Coordinator and Compliance Officer shall describe the district's procedures and discuss what actions are being sought in response to the complaint. The student/person(s) who are complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the bullying, and put his/her complaint in writing. If the student/person(s) requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
3. The person who is the subject of the complaint shall have an opportunity to describe the incident, to request the presence of others who witnessed the incident, and to present any other information or evidence.
4. The school principal/district Coordinator and Compliance Officer shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the school principal/District Coordinator and Compliance Officer may interview individuals who are relevant to the investigation or to protect student safety, including, but not limited to:

- a. The student/person(s) who are complaining;
- b. The student who is the alleged victim;
- c. The person accused;
- d. Anyone who witnessed the reported behavior;
- e. Anyone mentioned as having relevant information;

- f. The Superintendent or designee, including compliance officer;
 - g. The parent/guardian of the student who complained;
 - h. The parent/guardian of the alleged accused if the alleged accused is a student;
 - i. A teacher or staff member whose knowledge of the students involved may help in determining the accuracy of the complaint;
 - j. Anyone mentioned as having related information;
 - k. Law enforcement and/or child protective services, if necessary; and/or
 - l. Legal counsel for the district.
5. The school principal/district Coordinator and Compliance Officer shall determine whether interim measures are necessary during the time pending the results of the investigation, such as placing students in separate classes or transferring a student(s) to a class taught by a different teacher.
 6. When the victim and/or the student who complained agree, along with the person accused of misconduct, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The victim and student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
 7. In reaching a decision about the complaint, the school principal/district Coordinator and Compliance Officer may take into account:
 - a. Statements made by the persons identified in the investigation process;
 - b. The details and consistency of each person's account;
 - c. Evidence of how the complaining student reacted to the incident;
 - d. Evidence of any past instances of prohibited behavior by the alleged accused; and/or
 - e. Evidence of any past prohibited behavior complaints that were found to have been unfounded.

To judge the severity of the prohibited behavior, the school principal/district Coordinator and Compliance Officer may take into consideration:

- a. How the misconduct affected one or more students' safety, well-being or education, or how the misconduct affected the safety and well-being of a teacher, administrator, any other staff member, or any other person in the district authorized to transact business or perform services on behalf of the district;
- b. The type, frequency, pattern, violence, and duration of the misconduct;
- c. The number of persons involved;
- d. The age, maturity, and gender of the person accused;
- e. The subject(s) prompting the misconduct;
- f. The place and situation where the incident occurred;
- g. Other incidents at the school, including incidents of misconduct; and/or
- h. According to the misconduct, a report may be obtained from the appropriate law enforcement agency.

Remedial Action

The District will consider the following factors in determining the appropriate response to students who commit or participate in one or more acts of misconduct:

1. Developmental and maturity levels of the parties involved
2. Levels of harm
3. Surrounding circumstances
4. Nature of the behaviors
5. Past incidences or past or continuing patterns of behavior
6. Relationships between the parties involved
7. Context in which the alleged incidents occurred

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code [48900](#), may include suspension or expulsion in accordance with district policies and regulations.

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. [6159.4](#) - Behavioral Interventions for Special Education Students)

Retaliation for Reporting Bullying

The District prohibits reprisal or retaliation against any student, or any participant in the complaint process who reports misconduct prohibited by this policy.

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

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Adopted: June 13, 2018