

Bullying Prevention and Intervention

California School for the Deaf, Fremont (CSD) is committed to creating a safe and secure school environment where all students may learn by eliminating bullying and harassment. It is important that all members of the CSD community be aware of school policies including what bullying looks like. Working together as a community, bullying can be eliminated.

The administration of CSD recognizes that there is a nationwide concern regarding the issue of bullying, and acknowledges that CSD is not immune to such issues. Bullying is defined by CSD as an ongoing pattern of behavior that involves harassment, terrorism, intimidation, or threatening of an individual or individuals for a significant period of time. Bullying occurs in the forms of physical, emotional, verbal, or sexual/racial torment. It also includes the exclusion or isolation of another person and can be done face to face, in writing, by text, or via the internet. The CSD administration takes bullying behaviors very seriously. Bullying incidents and complaints are responded to by staff and disciplinary action is imposed when warranted. The school's goal is to provide a safe environment free of intimidation where students may learn and thrive. Bullying falls under the harassment policy which has clear and established consequences. Harassment of any kind including bullying is not tolerated.

Students who engage in any act of bullying while at school, at any school-sponsored activity or event, or while in route to or from school are subject to disciplinary action, up to and including suspension and expulsion. Law enforcement officials are notified of bullying incidents, as required by law.

Types of Bullying:

- **Physical bullying** – when someone hits, shoves, kicks, spits on or beats up others, including damaging or stealing another's property
- **Verbal bullying** – name-calling, mocking, hurtful teasing, humiliating or threatening someone, making people do things they don't want to do
- **Social bullying** – excluding others from the group, spreading gossip or rumors about others, making others look foolish, making sure others do not spend time with a certain person
- **Cyber/Electronic bullying** – using e-mail, instant messaging, text messages, or digital images to threaten or hurt someone's feelings, single someone out, embarrass or make someone look bad, spread rumors, or reveal secrets about someone

Hate Behavior

Any behavior that is motivated by hate is not permitted:

- demeaning students or staff members who cannot sign well
- destroying or removing posters or flyers put up by others
- making bigoted insults, taunts, or slurs
- making racist, sexist, or demeaning comments or jokes
- posting or distributing materials that are demeaning
- posting or distributing printed hate materials
- threatening to or destroying property
- threatening to or hurting someone physically or emotionally

Physical Abuse

Physical abuse of staff or students, or threat of such abuse, is not tolerated. If such abuse or threat of such abuse occurs, a report of the incident is written by the staff member(s) involved or to whom the abuse is reported. The Principal or Supervisor of Residence Program (SRP) investigates the incident and may suspend the student for one to five days if abuse or threat of abuse has occurred. Repeated suspensions may result in a recommendation for an administrative hearing for consideration of expulsion. If an injury occurs, the student is accompanied to Health Services. An injury report is written and parents/guardians are informed immediately.

Physical Restraint

CSD provides training to all Staff that have interactions with students on a daily or periodic basis by the National Crisis Prevention Institute. Staff receive refreshers to this training every two years. Physical restraint is used by staff only as a last resort when verbal techniques have been exhausted or when a student displays behavior that presents a danger to self or others. Parents/guardians are informed when the Non-Violent Crisis Prevention Intervention (NV-CPI) physical restraint system needed to be employed. The police are contacted if a student's behavior is beyond the control of the NCI physical restraint system.

Sexual Harassment in Schools (Assembly Bill 2900)

Sexual harassment will be forbidden in any education institution, whether it may be public or private preschool, elementary, or secondary school or institution: a public or private institution of vocational, professional, or postsecondary education. For the purpose of clarification, sexual harassment means any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature, made by someone from or in the work or educational setting.

Sexual Assault, Abuse, and Harassment:

Sexual assault, and abuse, and harassment are not permitted.

- **Sexual assault** – date rape or unwelcome sexual contact or rape
- **Sexual abuse** – any unwanted touching, wedgies, bra-snapping, fondling, unwanted hugging, kissing, or touching or grabbing private parts of the body
- **Verbal sexual harassment** – dirty language, lewd comments, propositions for sex, talking about sex, talking about genitals, threatening forced sex, sex taunting in the presence of others, commenting on someone's sexual orientation
- **Visual sexual harassment** – exposing oneself, flashing, panting, mooning, showing sexually offensive pictures, magazines or videos, or showing sexual items such as condoms in a provocative way
- **Pressure for sexual favors** – threatening harm if sex is withheld, threatening rape
* Offenses are weighted to reflect their severity.
- **Sexual abuse, verbal harassment, or visual harassment** – counts as level 1 for each offense
- **Pressure for sexual favors** – counts as level 2 for each offense
- **Sexual assault** – counts as level 3 for each offense

The police are contacted for all offenses involving sexual assault and may be contacted for other types of offenses.

Grievance Procedure for Students

If harassment, abuse or discrimination happens, students are responsible for following Steps 1 and 2:

- **STEP 1: Discuss** — Try to discuss the incident with the person who did the offense. If you are not comfortable talking to the person, discuss it with a staff member or a friend and ask for his/her help. If the result of the discussion is unsatisfactory, go to Step 2.
- **STEP 2: File a Complaint** — Ask the teacher, Educational Advisor, cottage counselor, school counselor, Principal or Supervisor of Residence Programs (SRP), Supervising Counselor (SC) or staff to help you file a complaint right away. The staff member must prepare the incident report and give it to the Principal, supervisor or SRP within 24 hours of the report. If the incident involves abuse, the staff member must follow the CSD policy for reporting abuse.
- **STEP 3: Investigating** — The Principal, supervisor, SRP, SC, or Educational Advisor upon receiving the complaint, must investigate the incident and request a Sexual Harassment Panel within a reasonable amount of time. The Panel will interview those involved, including witnesses and others who may have been victims and also review previous incidents to determine if a pattern exists. The police may be called to conduct an investigation depending on the severity and age of those involved.
- **STEP 4: Inform Parents/Guardians** — The investigator will inform the victim's parent or guardian within 24 hours after the investigation has been completed unless there is serious injury to the student that warrants an immediate call.
- **STEP 5: Complete Report** — The investigator will complete the incident report and give the report to the Director of Instruction, the Director of Residential Life and Director of Pupil Personnel Services. If the incident involves abuse, the investigator will distribute the report in accordance with the CSD policy, as confidentiality of students and staff must be maintained.
- **STEP 6: Disciplinary Action** — Departmental Principals, SRPs, SCs, supervisors, and Educational Advisor will determine consequences based on the report. Consequences may include behavior plan, suspension and/or involvement of the police. Parents/Guardians will be notified of the outcome.
- **STEP 7: Administrative Review if Necessary** — If needed, CSD administrators will meet to determine whether or not referral to an expulsion hearing should take place. The students' LEA will be notified and when appropriate will be included in the process.

Uniform Complaint Procedures

(California Code of Regulations, Title V, Section 4622)

The following procedures shall be used to address complaints, including "Williams Uniform Complaints", which allege that the California School for the Deaf, Fremont has violated federal or state laws or regulations governing educational programs. Within 30 calendar days of receipt of a written complaint, the school will make every effort to resolve the complaint through investigation and will complete a written report. The time period may be extended based on the progress of the investigation. School principals shall maintain a record of each complaint and subsequent related action. Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts to the extent the law permits.

Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance with the Office of Equal Opportunity, California Department of Education, 1430 N Street, Room 4206, Sacramento, CA 95814 (phone) 916-445-9174 (fax) 916-324-9818 (email) oeoinfo@cde.ca.gov.

Complaints alleging unlawful discrimination may be filed by a person who alleges that (s)he personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination.

Unlawful discrimination is prohibited by the following Federal statutes:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; and
- Title II of the American with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

Any individual, public agency, or organization may also file a complaint with the U.S. Department of Education, Office for Civil Rights, Old Federal Building, Room 229, 50 United Nations Plaza, San Francisco, California, 94102.

Appeal Procedures

If you are dissatisfied with the results of the complaint procedure identified on the back of the Complaint form you may appeal to the Superintendent.

Confidentiality

The person who investigates any complaints WILL protect the confidentiality of the victim and all others involved. This policy applies only to situations that occur during school supervised hours.

Williams Notice

Notice to Parents, Guardians, Pupils, and Teachers Complaint Rights

Parents, Guardians, Pupils, and Teachers,

Pursuant to California Education Code Section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
 2. School facilities must be clean, safe, and maintained in good repair.
 3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present. Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.
 4. A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(D) (4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)
 5. A complaint form may be obtained at the school office, district office, or downloaded from the District's Website at: <http://www.fcusd.org/UCPForm>
 6. You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/cp/uc>
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Aviso a Padres, Tutores, Alumnos y Maestros de sus Derechos a Presentar Quejas.

Padres, Tutores Legales, Alumnos y Maestros,

Conforme el Código de Educación de California, Sección 35186, por este medio se les avisa que:

1. Debe haber suficientes libros y materiales de enseñanza. Eso significa que cada alumno, incluyendo a los alumnos en proceso de aprender inglés, debe tener un libro o materiales de instrucción, o ambos, para usar en clase y para llevar a casa.
2. Las instalaciones escolares deben estar limpias, seguras, y deben mantenerse en buen estado.
3. No debe haber falta de maestros ni asignaciones incorrectas de maestros. Debe haber un maestro asignado a cada clase y no una serie de suplentes u otros maestros de colocación temporal. El maestro debe tener la certificación apropiada para enseñar la clase, incluyendo la certificación requerida para enseñar a alumnos en proceso de aprender inglés, si es que los hubiese en la clase. Falta de maestros significa que existe un puesto al cual no se ha sido asignado un empleado con certificación al principio del año escolar y por todo un año, o si curso es semestral, un puesto al cual no se ha asignado un empleado con certificación al principio de un semestre y por todo el semestre completo. Una asignación incorrecta significa que un empleado con certificación es colocado en un puesto de maestro o proveedor de servicios sin tener una certificación o credencial legalmente reconocida, o colocado en un puesto de maestro o proveedor de servicios que el empleado no está legalmente autorizado a ocupar.
4. Un estudiante, incluso si éste es aprendiz de inglés, que no ha pasado el Examen de Graduación de la Preparatoria al final del 12° grado, y no se le dio la oportunidad de recibir enseñanza intensiva y servicios para ese fin conforme el Código de Educación de California 37254(D) (4) and (5), por dos años escolares consecutivos después de terminar el 12° grado o hasta que el estudiante pase ambas partes del examen de graduación, lo que ocurra primero (Código de Educación 35186).
5. Usted puede obtener el formulario para presentar su queja en la oficina de la escuela, en la oficina del distrito o en la página de Internet del distrito en: <http://www.fcusd.org/UCPForm>
6. También puede obtener el formulario en el sitio de Internet del Departamento de Educación de California en la siguiente dirección: <http://www.cde.ca.gov/re/cp/uc>