

# ADMINISTRATIVE REGULATION

Placentia-Yorba Linda Unified School District

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Students

5131.1 - AR

## STUDENT ANTI-BULLYING

### A. Purpose and Scope

This policy applies to all schools of the district and to all acts related to school activity or school attendance occurring under the jurisdiction of the superintendent of the Placentia-Yorba Linda Unified School District. (Educ. Code § 234.1 (a))

This policy also reminds school personnel of their obligation to intervene when safe to do so as required by Education Code section 234.1(b)(1). (See Section 6 below.)

### B. General

1. The district prohibits bullying as defined in this policy. This includes, but is not limited to, discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code section 422.55 and Education Code section 220, and 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. (Educ. Code §§234.1(a); 48900(r).) [cf. Board Policy 5145.3 (Nondiscrimination/Harassment) and Board Policy 5145.7 (Sexual Harassment of Students)] In addition, the district prohibits retaliation against complainants.
2. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Experience fear of harm to that student's or those students' person or property.
  - b. Experience a substantially detrimental effect on his or her physical or mental health.
  - c. Experience substantial interference with his or her academic performance.
  - d. Experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
3. Cyberbullying is bullying, as defined above, through an electronic act; e.g., e-mail, texting, social networks, blogs, websites, or digital messages or images sent to a cellular phone or computer and may be directed toward one or more students. While not an exhaustive list, examples of bullying/cyberbullying might include:

- a. Oral or written assaults, such as teasing or name-calling.
  - b. Social isolation or manipulation, posting harassing messages, direct threats, social cruelty or other harmful texts, sounds or images on the Internet, including social networking sites.
  - c. Posting or sharing false or defamatory information about another person
  - d. Posting or sharing information about another person that is private.
  - e. Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships.
  - f. Spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages.
  - g. Retaliating against someone for complaining that they have been bullied  
Incidences of cyberbullying will be investigated if they create a disruption to the educational environment of the school.
4. "Electronic act" means the creation and transmission originated on or off the school site of a communication including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Website, by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer or pager.
  5. Free Speech Protection shall not be construed to limit students' rights to free speech as protected by the United States Constitution, the California Constitution, and Education Code sections 48907 and 48950, and other applicable law.
  6. Duties and Responsibilities of School Employees

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so. (Educ. Code §234.1(b)(1).)

C. Managing Bullying Behavior on School Campuses

1. Inform staff, students and parents of the District policy and school procedures regarding bullying.
2. Develop and publish information regarding student anti-bullying in the school's student discipline and safety plan.
3. Develop interventions to address bullying school wide. Interventions may include the following:
  - a. Verbal Warning
  - b. Written Warning

- c. Detention
- d. Student/Parent Conference
- e. Law Enforcement
- f. Suspension
- g. Expulsion

4. Inform staff of the indicators of bullying and how to respond and report bullying behavior.

D. Procedures for Reporting and Investigating Complaints

1. School Level

- a. The principal or designee will gather and review the information in a timely manner to determine if an alleged bullying or cyberbullying conduct has occurred.
- b. After the information has been gathered, the principal or designee will determine the need for further investigation for the appropriate intervention, which may result in administrative discipline to ensure that the conduct ceases.
- c. Parent/student written appeals may be filed through the Uniform Complaint process.

2. District Office

- a. The Nondiscrimination Officers are responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. Written appeals received by District personnel shall be investigated in a timely manner.
- b. The investigation shall provide an opportunity for the complainant and district representatives to meet to discuss the complaint and provide an opportunity to present relevant information.
- c. Nondiscrimination Officers will prepare a written District decision upon completion of the investigation.
- d. The Nondiscrimination Officers may refer the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.
- e. The Nondiscrimination Officers shall maintain documentation of complaints and their resolution for a minimum of one CPM (Categorical Program Monitoring) review cycle. (Educ. Code § 234.1(e)).
- f. Students and parents may make complaints anonymously. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

### 3. Confidentiality

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

### 4. Disciplinary Consequences

Students who violate this policy may be subject to discipline including suspension and expulsion pursuant to the District's discipline policies and procedures, Board Policy 5131.2.

### 5. Notifications

The District shall publicize this policy, including information about the manner in which to file a complaint, to students, parents, employees, agents of the governing board and the general public. The information shall be translated pursuant to Education Code section 48985. This policy shall be posted in all schools and offices, including staff lounges and student government meeting rooms. (Educ. Code § 234.1(c) and (d).)

### 6. Anti-Bullying Education; Training for Educators

- a. The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of students to equal educational opportunity. (Educ. Code § 201(g).)
- b. As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. (Board Policy 6202) The District also educates students and teachers on the appropriate and ethical use of information technology in the classroom and digital citizenship.

### 7. Interdistrict Transfers

A student who has been determined to have been the victim of an act of bullying committed by a student of the district of residence shall, at the request of the person having legal custody of the student, be given priority for an interdistrict transfer only if an alternative educational placement within the Placentia-Yorba Linda Unified School District is unavailable or not appropriate.

E. Reports Required

1. Written district decision
2. All information required by the California Department of Education in the appeal process
3. Log of complaints

F. Record Retention

1. Written complaints
2. Written district decision
3. Documents, data, notes and all other relevant information gathered in the investigative process
4. All written information forwarded in the appeal process

G. Responsible Administrative Unit

Director, Executive Services

H. Approved by:

Candy Plahy  
Responsible Division Head

07/07/14  
Date

Doug Domene  
Superintendent

07/07/14  
Date