

Bullying

The Solano County Office of Education (SCOE) 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. SCOE 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 other student or school personnel.

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.

In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's address online so that s/he receives harassing messages, etc.).

Strategies for addressing bullying in SCOE's programs and activities may 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 (LCAP), and other applicable SCOE plans.

As appropriate, the County 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.

Bullying Prevention

To the extent possible, SCOE 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 SCOE and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences of engaging in bullying.

As appropriate, SCOE shall 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.

Staff may receive related professional development including information about early warning signs of harassing/intimidating behaviors and effective response.

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

Policy 5131.2 (Continued)

Intervention

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

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, and based on the severity or pervasiveness of the bullying, the County Superintendent, principal, or designee shall notify the parents/guardians of victims and perpetrators and may also contact law enforcement and/or refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, school nurse, social worker, child welfare attendance personnel, or other school support services personnel for case management, counseling, and/or participation in a restorative justice program. (Education Code section 48900.9)

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to unlawful discrimination, harassment, intimidation, or bullying, or who has witnessed any of these unlawful acts, may report the incident, either in writing or verbally, to a teacher, the principal, a Compliance Officer, or any other available SCOE employee.

Staff who observe or receive a report on any of these unlawful acts shall notify the principal or site administrator within one business day. Within two business days, the principal or site administrator shall notify the Compliance Officer identified in SCOE Policy 1312.3 – Uniform Complaint Procedures.

When a student is reported to be engaged in bullying off campus, the County Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

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 County Superintendent or designee may file a request with the networking site or service to have the material removed and suspend the privileges of the offending student.

When a report of bullying is submitted, the principal or Compliance Officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Policy 1312.3. 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

Complaints of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with the law and Policy 1312.3 – Uniform Complaint Procedures.

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.

Discipline

Any student who engages in bullying of any type 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. Corrective actions may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code section 48900, may include suspension or expulsion in accordance with Education Code and SCOE's administrative policies and regulations.

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination, especially:
234.1 Process for investigating complaints 32261 Bullying via an electronic act
32282 Comprehensive safety plan
32283.5 Bullying; online training
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Definition of bullying; Conduct subject to suspension or expulsion
48985 Translation of notices
52060-52077 Local Control and Accountability Plan (LCAP)

PENAL CODE

288.2 Electronic communication of a sexual nature with a minor
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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF REGULATIONS (CCR), TITLE 5

4600-4687 Uniform Complaint Procedures

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

Policy 5131.2 (Continued)

Policy Cross-Reference:

- 0420 School Plans
- 0450 Comprehensive Safety Plan
- 0460 Local Control and Accountability Plan (LCAP)
- 1020 Youth Services
- 1220 Citizen Advisory Committees
- 1312.3 Uniform Complaint Procedures
- 1400 Relations Between Other Governmental Agencies and the Schools
- 4118 Dismissal, Suspension, Disciplinary Action
- 4119.21 Professional Standards
- 4131 Staff Development
- 5131 Conduct
- 5136 Gangs
- 5137 Positive School Climate
- 5144 Discipline
- 5144.1 Suspension and Expulsion/Due Process
- 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
- 5145.2 Freedom of Speech/Expression
- 5145.3 Nondiscrimination/Harassment
- 5145.7 Sexual Harassment
- 5145.9 Hate-Motivated Behavior
- 6020 Parent Involvement
- 6142.8 Comprehensive Health Education
- 6159.4 Behavioral Interventions for Special Education Students
- 6163.4 Student Use of Technology