

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

INSTRUCTIONAL SERVICES

BULLYING

5131.2

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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.

Education

The Superintendent or designee may take appropriate actions to reinforce the district’s bullying prevention and intervention which may include:

1. Focusing of the social environment of the school;
2. Assessing bullying at the school;
3. Garnering staff and parent support for bullying prevention;
4. Forming a group to coordinate the schools’ bullying prevention activities;
5. Training staff on bullying prevention practices
6. Establishing and enforcing school rules and policies related to bullying;
7. Intervening consistently and appropriately in bullying situations;
8. Focusing class time on bullying prevention;
9. Continuing these efforts over time.

Posting and Dissemination

The Superintendent or designee shall ensure that information about Board Policy 5131.2, "Bullying," is posted in all schools and offices, including staff lounges and student government meeting rooms. The existence of this policy, and the manner in which to file a complaint, shall be publicized to pupils, parents, employees, and the general public. The information shall be translated pursuant to Education Code 48985.

Intervention / Discipline

- A. If school personnel witness an act of bullying he or she shall take immediate steps to intervene when safe to do so.
- B. The Principal or designee shall decide the appropriate way to deal with bullying behavior if the investigation has proven that the student who engaged in the bullying behavior has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullying behavior, the designee should regard the bullying behavior and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the bullying, decreases chances of retaliation, and helps rehabilitate the student who has engaged in bullying behavior (if appropriate). Some acts of bullying may be part of a larger pattern of bullying that requires a response either at the classroom, school site, or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral interventions and education up to and including suspension/expulsion, or referral to law enforcement.

Reporting and Complaint Investigation Process

- A. Students who are the targets of bullying, and any person who has witnessed or has direct knowledge of such conduct, are encouraged to report the abuse to the principal/designee, or a trusted school staff member. Reports may be made anonymously, but may hinder the effectiveness of an investigation. Both oral and anonymous reports shall be documented by the receiving administrator.

If a student or staff member feels that he/she is the target of cyberbullying, the student or staff member is encouraged to save and print any messages or other posts sent to them that they feel constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.
- B. Any pupil wishing to make a complaint of bullying should immediately report it to the principal or designee or any staff member. Within 24 hours of being so informed, staff members shall report complaints to the principal/designee for handling. A pupil making a complaint shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all written, electronic, or verbal complaints of bullying. The District also will take immediate and appropriate action to resolve such complaints.

Bullying Based on Protected Characteristics

The following investigation and appeal process will be used if a complaint alleges, or it appears to the administrator, that the bullying was 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:

The principal/designee receiving the complaint shall follow these procedures:

1. Make sure the reporting party completes a bullying incident form. All forms shall be translated pursuant to Education Code 48985.
2. Authorize the investigation of the complaint and supervise and/or conduct the investigation of the complaint, which should be resolved in (5) school days. The investigation, at a minimum, shall include interviews with the complainant, the accused, and all other persons who reasonably may have relevant knowledge about the complaint, including possible witnesses or victims of prior similar conduct;
3. Take reasonable steps so to protect the complaint from any retaliation for filing the complaint;
4. Review factual information gathered to determine whether the alleged conduct constitutes bullying discrimination, harassment or intimidation.
5. Take into account when reaching a decision about the complaint:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of bullying or other prohibited conduct by the accused person
 - e. Evidence of past complaints that were found to be untrue
6. Take into consideration when judging the severity of the incident:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused
 - e. The subject(s) of harassment/bullying/discrimination
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school
7. If it is determined that bullying, discrimination, harassment or intimidation occurred, take and/or recommend prompt and effective remedial action against the harasser;
8. Take reasonable steps to protect the complainant and other potential victims from further bullying/harassment/discrimination if such is determined to have occurred;
9. Offer immediate physical and psychological support during and after the investigation. A school counselor or other appropriate school personnel may follow up with the victim and provide any appropriate and necessary support;

10. Take reasonable steps to alleviate the effects of the bullying, including keeping the identity of the complainant and information related to the complaint confidential to the extent possible and appropriate.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal first to discuss the resolution. If the complainant still disagrees with the resolution, the procedure shall be as follows:

1. The Superintendent or designee shall review the evidence of the incident and the resolution.
2. The student or the student's parent/guardian may designate a representative to be present with them at the meeting, but the representative shall not be legal counsel unless the District has legal counsel present to represent the School District.
3. At the meeting:
 - a. The Superintendent or designee shall review all written documents in the case.
 - b. The student and the student's parent/guardian and representative may address the Superintendent/designee on the evidence and the appropriateness of the penalty
4. The Superintendent/designee shall render a decision within five (5) school days. If the decision is that the resolution is inadequate or inappropriate, the resolution shall be referred back to the school site to be reviewed and revised as necessary. If the resolution is found to be appropriate and reasonable, no further action will be taken.

Annual Report

In June, each school site will make an annual report to the Director of Student Services detailing any bullying incidents at the school. Documentation of all complaints alleging bullying based on protected characteristics, and their resolution, shall be maintained for one Categorical Program Monitoring review cycle.

The Director of Student Services will provide the Board with a report on bullying within the district each year.

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