

**Policy 5131.2: Bullying**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2015 | **Last Revised Date:** 12/01/2019~~2023~~ | **Last Reviewed Date:** 12/01/2019~~2023~~

CSBA NOTE: Education Code 234.4 **mandates** districts to adopt procedures for preventing acts of bullying, including cyberbullying. The following policy and accompanying administrative regulation contain sample procedures that fulfill this mandate and may be revised to reflect district practice.

In addition, Education Code 234.1 and federal law **mandate** that the Governing Board adopt policy as well as a process for prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics and ensuring the protection of complainants from retaliation. Also see Education Code 234.1 requires that the district's nondiscrimination policy include a statement that the policy applies to all acts related to a school activity or school attendance and, as amended by AB 1078 (Ch. 229, Statute of 2023), all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. See BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment for language fulfilling this mandate.

In its The U.S. Department of Education Office for Civil Rights' (OCR) October 2010 Dear Colleague Letter:-, "Harassment and Bullying, the U.S. Department of Education Office for Civil Rights (OCR) clarified," clarifies that misconduct that falls under a district's general anti-bullying policy may also trigger responsibilities under one or more federal or state antidiscrimination laws if the bullying is on the basis of race, color, national origin, sex, sexual orientation, gender identity or expression, age, disability, and/or another legally protected category. Federal law requires the district to take immediate and appropriate action to investigate or otherwise determine what occurred and, if it finds that unlawful discrimination did occur, take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR's October 2014 Dear Colleague Letter:-, "Responding to Bullying of Students with Disabilities points out," explains that any bullying of a student with a disability that results in the student not receiving meaningful educational benefit constitutes a denial of a free appropriate public education and must be remedied under the federal Individuals with Disabilities Education Act. As necessary, the school may need to convene the student's individualized education program (IEP) team to determine whether the student's needs have changed as a result of the bullying and, if so, revise the IEP to ensure that the student continues to receive appropriate special education and related services.

Thus, while OCR's November 2023 Dear Colleague Letter, "Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," further states that all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin. Title VI also protects students from discrimination which is based on (1) actual or perceived citizenship or residency in a country with a dominant religion or distinct religious identity, including Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes, (2) a student's skin color, physical features, or style of

dress that reflects both ethnic and religious traditions, and (3) where a student came from or is perceived to have come from. Discrimination based on a student's foreign accent, foreign name, or a student speaking a foreign language may also violate Title VI's prohibitions against discrimination.

OCR's May 2023 Dear Colleague Letter, "Addressing Discrimination Against Jewish Students," states that a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, including antisemitic harassment. Such harassment may include ethnic or ancestral slurs, harassment based on appearance, dress, or speech in ways linked to ethnicity or ancestry, or stereotyping based on perceived shared ancestral or ethnic characteristics.

The U.S. Department of Education's June 2023 Toolkit, "Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students," includes examples of policies and practices that schools and districts may consider developing to support lesbian, gay, bisexual, transgender, queer, or intersex students and families, including training and activities to reduce and prevent bullying.

Additionally, CSBA's October 2023 Policy Brief, "School Safety: Bullying and Cyberbullying," provides that a positive, safe, and inclusive school climate helps prevent bullying and harassment, reduce absenteeism, and improve academic achievement, and includes resources to assist districts in building safe and inclusive schools.

While this policy is intended to prevent and address all types of bullying incidents among students, when "discriminatory bullying" is committed and the bullying is sufficiently serious to create a hostile educational environment for the alleged victim or to otherwise deny or limit the student's educational benefits and services, including denial of a free appropriate public education, the alleged victim must be afforded the protections specified under relevant state and/or federal law.

The Governing Board This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

CSBA NOTE: Because bullying and its effects extend beyond the school environment, collaboration among a variety of community agencies and organizations that serve youth may be helpful in preventing and responding to bullying. For further information about building a collaborative, see CSBA's publications, "Safe Schools: Strategies for Governing Boards to Ensure Student Success," and "Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement."

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

CSBA NOTE: Education Code 32282 encourages districts to include bullying prevention policies and procedures in their comprehensive safety plan; see BP 0450 - Comprehensive Safety Plan. In addition, Education Code 52060-52077 require the Board to adopt and annually update a local control and accountability plan which includes, among other specified state priorities, goals for addressing school climate; see BP/AR 0460 - Local Control and Accountability Plan. Pursuant to Education Code 52060, school climate should be measured by student suspension and expulsion rates and other local measures, including surveys of students, parents/guardians, and teachers on the sense of safety and school connectedness, as applicable.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

CSBA NOTE: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on specified characteristics. Pursuant to 5 CCR 4600-4633, the uniform complaint procedures (UCP) must be used for this purpose. In addition, federal regulations require districts to adopt procedures providing for prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) on the basis of sex (34 CFR 106.8), disability (~~34 CFR 104.7~~ and 28 CFR 35.107 and 34 CFR 104.7), and age (34 CFR 110.25).

Although some bullying incidents may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate all bullying incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of an actual or perceived membership in a legally protected class. Those bullying incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When a bullying incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary process. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with AR 1312.3 - Uniform Complaint Procedures.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR Administrative Regulation 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.

CSBA NOTE: Education Code 46600, ~~as amended by AB 1127 (Ch. 781, Statutes of 2019)~~, requires a district to approve an intradistrict transfer request for a victim of bullying. If there is no available school for an intradistrict transfer, the district cannot prohibit the student's interdistrict transfer. See BP/AR 5116.1 - Intradistrict Open Enrollment and AR 5117 - Interdistrict Attendance.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. -If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

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

**Policy Reference UPDATE Service**

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

5 CCR 4600-4670

**Description**

Uniform complaint procedures

Bus. and Prof. Code 22589-22589.4

Cyberbullying Protection Act

Ed. Code 200-262.4

Prohibition of discrimination

Ed. Code 32280-32289.5

School safety plans

~~Ed. Code 32283.5~~

~~Bullying; online training~~

Ed. Code 35181

Governing board authority to set policy on responsibilities of students

Ed. Code 35291-35291.5

School discipline Rules~~rules~~

Ed. Code 46600

Student transfers

Ed. Code 48900-48925

Suspension and expulsion

Ed. Code 48985

Notices to parents in language other than English

Ed. Code 52060-52077

Local control and accountability plan

Pen. Code 422.55

Definition of hate crime

Pen. Code 647

Use of camera or other instrument to invade person's privacy; misdemeanor

Pen. Code 647.7

Use of camera or other instrument to invade person's privacy; punishment

Pen. Code 653.2

Electronic communication devices; threats to safety

**Federal**

**Description**

28 CFR 35.107

Nondiscrimination on basis of disability; complaints

34 CFR 104.7

Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.8

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

34 CFR 110.25

Notification of nondiscrimination on the basis of age

47 USC 254

Universal service discounts (E-rate)

**Management Resources**

**Description**

CA Office of the Attorney General Publication	Promoting a Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, April 2018 <a href="https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf">https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf</a>
California Department of Education Publication	Bullying at School, 2003 <a href="https://www.cde.ca.gov/ls/ss/se/documents/bullyingatschool.pdf">https://www.cde.ca.gov/ls/ss/se/documents/bullyingatschool.pdf</a>
California Department of Education Publication	<a href="https://www.cde.ca.gov/ls/ss/se/bullyres.asp">Online Bullying Training Module and Bullying Module</a> <a href="https://www.cde.ca.gov/ls/ss/se/bullyres.asp">https://www.cde.ca.gov/ls/ss/se/bullyres.asp</a>
California Department of Education Publication	California's Social and Emotional Learning: -Guiding Principles, 2018 <a href="https://www.cde.ca.gov/eo/in/documents/selguidingprinciple.swb.pdf">https://www.cde.ca.gov/eo/in/documents/selguidingprinciple.swb.pdf</a>
California Department of Education Publication	Health Education Content Standards for California Public Schools: -Kindergarten Through Grade Twelve, 2008 <a href="https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf">https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf</a>
California Department of Education Publication	Social and Emotional Learning in California: -A Guide to Resources, <a href="#">October</a> 2018 <a href="https://www.cde.ca.gov/eo/in/documents/selresourcesguide.pdf">https://www.cde.ca.gov/eo/in/documents/selresourcesguide.pdf</a>
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Addressing the Conditions of Children: -Focus on Bullying, Governance Brief, December 2012 <a href="https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201212GBBullying.ashx?la=en&amp;rev=8033965a0418461488e9c1af7f9a3b0a">https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201212GBBullying.ashx?la=en&amp;rev=8033965a0418461488e9c1af7f9a3b0a</a>
<a href="#">CSBA Publication</a>	<a href="#">School Safety: Bullying and Cyberbullying, Policy Brief, October 2023</a> <a href="https://www.csba.org/-/media/CSBA/Files/GovernanceResources/EducationIssues/ConditionsofChildren/BullyingGovBrief-REPD_10-2023.ashx?la=en&amp;rev=d409e63de5f641839230ee2dd9ae9ff9">https://www.csba.org/-/media/CSBA/Files/GovernanceResources/EducationIssues/ConditionsofChildren/BullyingGovBrief-REPD_10-2023.ashx?la=en&amp;rev=d409e63de5f641839230ee2dd9ae9ff9</a>
<a href="#">CSBA Publication</a>	<a href="#">Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009</a> <a href="https://www.csba.org/~media/4D07909373B14A0BB5CA2CCF41F98351.ashx">https://www.csba.org/~media/4D07909373B14A0BB5CA2CCF41F98351.ashx</a>
CSBA Publication	Cyberbullying: -Policy Considerations for Boards, Policy Brief, rev. July 2010

CSBA Publication	<p>Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</p> <p><a href="https://www.csba.org/~media/E68E16A652D34EADA2BFD CD9668B1C8F.ashx">https://www.csba.org/~media/E68E16A652D34EADA2BFD CD9668B1C8F.ashx</a></p>
CSBA Publication	<p>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</p>
CSBA Publication	<p><a href="https://www.csba.org/~media/CSBA/Files/Advocacy/Legal-Guidance-Transgender-Legal-10-2022_p1-(1).ashx?la=en&amp;rev=8c8f01b47a1b4e4bbb15a6bd64122a53">Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</a>  <a href="https://www.csba.org/~media/CSBA/Files/Advocacy/Legal-Guidance-Transgender-Legal-10-2022_p1-(1).ashx?la=en&amp;rev=8c8f01b47a1b4e4bbb15a6bd64122a53">https://www.csba.org/~media/CSBA/Files/Advocacy/Legal-Guidance-Transgender-Legal-10-2022_p1-(1).ashx?la=en&amp;rev=8c8f01b47a1b4e4bbb15a6bd64122a53</a></p>
CSBA Publication	<p>Final Guidance:- AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities &amp; Facilities, Legal Guidance, March 2014</p> <p><a href="https://www.csba.org/Advocacy/~media/CSBA/Files/Advocacy/ELA/2014_03_AB1266_FinalGuidance.ashx">https://www.csba.org/Advocacy/~media/CSBA/Files/Advocacy/ELA/2014_03_AB1266_FinalGuidance.ashx</a></p>
<a href="#">U.S. Dept of Health and Human Services Publication</a>	<p><a href="https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf?cldee=BBbo_C98Ln9rzCMeTJBzPZCO nUOkbn-AOHa_4HvS_q-LBOXReDvSFA36L-k_EsCj&amp;recipientid=">Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023</a>  <a href="https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf?cldee=BBbo_C98Ln9rzCMeTJBzPZCO nUOkbn-AOHa_4HvS_q-LBOXReDvSFA36L-k_EsCj&amp;recipientid=">https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf?cldee=BBbo_C98Ln9rzCMeTJBzPZCO nUOkbn-AOHa_4HvS_q-LBOXReDvSFA36L-k_EsCj&amp;recipientid=)</a></p>
<a href="#">U.S. Dept of Health and Human Services Publication</a>	<p><a href="https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf">Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023</a>  <a href="https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf">https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf</a></p>
<a href="#">U.S. DOE Publication</a>	<p><a href="https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf">Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023</a>  <a href="https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/lgbtqi-student-resources-toolkit-062023.pdf</a></p>
U.S. DOE Office for Civil Rights Publication	<p><del>Guidance to America's Schools: Bullying of Students with Disabilities, October 2014</del></p>
<a href="#">U.S. DOE, Office for Civil Rights Publication</a>	<p><a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf">Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</a>  <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf</a></p>
<a href="#">U.S. DOE, Office for Civil Rights Publication</a>	<p><a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf">Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014</a>  <a href="https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf">https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf</a></p>

U.S. DOE, Office for Civil Rights  
Publication

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Publication

Website

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Website

Dear Colleague Letter: Addressing Discrimination Against  
Jewish Students, May 2023  
(<https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>)

~~Dear Colleague Letter: Guidance on Schools' Obligations to  
Protect Students from Student-on-Student Harassment on  
Basis of Sex, Race, Color, Oct 2010~~

Dear Colleague Letter: -Harassment and Bullying, October  
2010  
(<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>)

CSBA District and County Office of Education Legal Services

National School Safety Center

Partnership for Children and Youth

Center on Great Teachers and Leaders

Collaborative for Academic Social and Emotional Learning

Common Sense Media

California Department of Education, Safe Schools

California Office of the Attorney General

CSBA

U.S. Department of Education

U.S. Department of Health and Human Services, Stop Bullying  
(<https://www.stopbullying.gov>)

## Cross References

Code	Description
0100	Philosophy
0410	Nondiscrimination In District Programs And Activities
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1313	Civility

3515	Campus Security
3515	Campus Security
4131	Staff Development
4219.21	Professional Standards
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4231	Staff Development
4319.21	Professional Standards
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5030	Student Wellness
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
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5131	Conduct
5131.8	Mobile Communication Devices
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.27	Food Allergies/Special Dietary Needs
5141.27	Food Allergies/Special Dietary Needs
<u>5141.5</u>	<u>Mental Health</u>
5141.52	Suicide Prevention
5141.52	Suicide Prevention
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5144	Discipline



5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
<u>6142.8</u>	<u>Comprehensive Health Education</u>
6144	Controversial Issues
6163.4	Student Use Of Technology
6163.4-E(1)	Student Use Of Technology
6164.2	Guidance/Counseling Services
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6184	Continuation Education
6184	Continuation Education