

Mill Valley ESD

Board Policy

Harassment, Intimidation And Bullying

BP 5131.2

Students

The Governing Board affirms the right of every student to attend a school that is safe and secure. Therefore, the district, schools, students, parents/guardians and community have an obligation to promote mutual respect and safe, harmonious relations that support dignity and equality. To that end, the school district has in place policies, procedures, and practices that educate and empower our students to reduce and eliminate harassment, intimidation and bullying. Moreover, the school district has processes and procedures to address incidents of harassment, intimidation and bullying ("HIB") when they occur, whether through education, counseling, and/or progressive discipline.

Staff, students, and parents/guardians, will be notified of these policies/procedures annually.

The district will not tolerate bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes, but is not limited to actual or perceived HIB based on race, color, creed, national origin, ethnicity, gender, language, sexual orientation, physical or mental disability, learning differences, political or religious ideology, physical appearance, or economic status. (Education Code 48900.2, 48900.3, and 48900.4)

GUIDELINES

Definitions

Harassment is defined as continued unwanted and annoying actions aimed at an individual or a group, including threats and demands.

Intimidation is defined as frightening one into submission, compliance or acquiescence. To intimidate implies the presence of fear-inspiring force.

Bullying is defined as aggressive or unwanted and unwelcome behavior by an individual or groups of individuals who ridicule, harass, humiliate, or intimidate another individual or individuals while on school grounds, at a school sponsored activity, while traveling to or from school, during an activity related to school attendance or that is directed against school district personnel or students and that constitutes sexual harassment, hate violence or creates an intimidating or hostile educational environment. Typically, the behavior is repeated over time and includes the use of hurtful words and/or acts.

Indicators of Bullying Behavior

Bullying behaviors may include, but are not necessarily limited to the following:

1. Verbal: Hurtful name-calling, teasing, gossiping, making threats, taunting, intimidating, insulting, making slurs or epithets, making rude noises, or spreading hurtful rumors.
2. Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
3. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "panting", pinching, slapping, biting, spitting, or destroying property.
4. Relational (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating or undermining peer relationships, isolating, shunning, ostracizing, using peer pressure, or rating personal characteristics.
5. Cyber bullying: Bullying committed by means of an electronic act, the transmission of a communication, including but not limited to, a message, text, sound, or image by means of an electronic device, including but limited to, a phone, wireless telephone, or other wireless communication device, computer, or pager. Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. This policy pertains to cyberbullying that is related to school activity or attendance that occurs at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period whether on or off campus, during, or while going to or coming from, a school sponsored activity, that is directed specifically toward a pupil or school personnel.

The Board recognizes that some acts of HIB may be isolated and/or unintentional incidents requiring only that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of bullying that additionally require 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 intervention and education up to and including suspension or expulsion. (See Education Code 48900-48900.4)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Complaints and Investigation

The principal or principal's designee at each school shall be responsible for receiving complaints alleging violations of this policy. All staff are expected to provide supervision to enforce standards of conduct and educate students in those standards if they observe or

become aware of bullying or harassing behavior, staff shall immediately intervene to stop the incident when safe to do so, call for assistance (if necessary), and report such incidents. The Board requires that staff follow district and school procedures for reporting alleged acts of harassment, intimidation and bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at the district office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. .

Students are expected to report all incidents of bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, principal, or staff person. If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures. In addition to ongoing education, all students are to be informed of the process by which they may make reports of harassment, intimidation or bullying.

Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7- Sexual Harassment.

Retaliation is Prohibited

Retaliation against a student because the student has filed an incident report or assisted or participated in a bullying or harassment investigation or proceeding is prohibited. Students who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

Confidentiality

An allegation of HIB, and the results of the investigation, shall be kept confidential to the extent reasonably possible.

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5137 - Positive School Climate)

(cf. 5131.5 - Vandalism, Theft, and Graffiti)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy MILL VALLEY SCHOOL DISTRICT

adopted: March 9, 2011 Mill Valley, California

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Mill Valley ESD

Administrative Regulation

Harassment, Intimidation And Bullying

AR 5131.2

Students

Educating and empowering our students to address actual or perceived harassment, intimidation and bullying ("HIB") in our schools is paramount to addressing this issue. School behavior standards shall be coordinated district-wide, with particular attention to applying the standards for HIB behavior fairly and consistently among schools at the same grade level. Schools will follow district guidelines and policies according to the Education Code and school rules pertaining to related matters such as bullying, suspension and expulsion, student expression, and the rights and responsibilities of students. (Education Code 35291.5)

Administrative Responsibilities

1. Create an environment and culture where the school community understands that HIB behavior is inappropriate and will not be tolerated.
2. Educate students as to the nature and causes of HIB behavior, and provide them with strategies to address these behaviors. Inform staff, students and parents/guardians of the district policy and school procedures regarding HIB, and all other related policies.
3. Utilize strategies to address harassment, intimidation and bullying school-wide, in the classroom, and with individual students.
4. Provide training to certificated and classified staff so that they are able to identify the indicators of HIB and understand their individual responsibility to address it.
5. Implement HIB procedures for disciplinary action fairly and consistently per the school behavior expectations/guidelines.
6. Collect and assess information from students regarding the school-wide extent of HIB.

Staff Responsibilities

1. Create an environment and culture where students understand that HIB behavior is inappropriate and will not be tolerated.
2. Learn to recognize the indicators of HIB behavior
3. Inform students of strategies to prevent HIB behavior

4. Encourage students to report HIB incidents
5. Intervene immediately to stop the incident when safe to do so, and take corrective action when HIB behavior is observed.
6. Report incidents and actions to appropriate administrators, the district office, or outside agencies, as required.

Student Responsibilities

1. Take responsibility for helping to create a safe school environment.
2. Treat everyone with respect, and be sensitive to how others might perceive your actions or words. Do not engage in or encourage harassing, intimidating or bullying behaviors.
3. Report all incidents of HIB or other verbal or physical abuse.
4. Refrain from retaliatory behavior, or from encouraging or consenting to anyone taking retaliatory actions on your behalf.
5. Learn ways to protect yourself and others from HIB.

Parent Responsibilities

1. Contribute to an environment and culture where students understand that HIB behavior is inappropriate and will not be tolerated.
2. Model respectful behavior and be sensitive to how others might perceive your actions or words.
3. Discuss this policy and school rules with your child.
4. Learn more about the warning signs that your child might be a victim or perpetrator of these types of behavior.
5. Report incidents of HIB to your student's teacher, counselor, principal, or principal's designee.

Responding to Reports of Harassment, Intimidation or Bullying

All reports of HIB will be taken seriously. The district's response shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address these behaviors at all school levels. Such a program shall:

1. Provide all parties involved with assurances regarding district policies on confidentiality and non-retaliation in the complaint investigation.

2. Encourage individuals who witness this behavior to report such incidents per the district reporting procedures.
3. Obtain specific information relevant to any report such as: the date, time, location, witness(es), and whether this was an isolated incident or related to previous incidents.
4. Obtain a written statement from the complainant, and also any witnesses, if appropriate. If the complainant is unable to provide a written statement, school personnel shall assist in writing a statement as dictated by the complainant. It is important to note that any oral report is to be considered a complaint and, as such, must be investigated.
5. Obtain a written statement from the student alleged to have committed the act. If the student is unable to provide a written statement, school personnel shall assist in writing a statement as dictated by the student.
6. Assure the student reporting the behavior that steps will be taken to prevent the behavior from continuing. Provide the individual with the names of school personnel who can help if the situation continues, escalates, or arises again.
7. Determine what type of action or consequences will resolve the situation. Consequences for a student who commits an act of harassment, intimidation or bullying shall be appropriate according to:
 - a. The nature of the behavior.
 - b. The developmental age of the student.
 - c. The student's history of problem behaviors and performance.
8. Inform the parents/guardians of both the victim and the child who committed the bullying of:
 - a. The nature of the incident
 - b. The results of the investigation
 - c. The type of action(s), consequences, and follow-up that will be taken to resolve the situation, as appropriate to ensure confidentiality

Other Considerations

If the student who was bullied (or parent/guardian on behalf of the student) believes the situation has not been remedied, she/he may file a complaint in accordance with district Uniform Complaint policy and procedures.

It is important to note that HIB may, at times, be part of a continuum of violence and that some of these actions can and do constitute other categories of misconduct such as sexual harassment, hate-motivated behavior, assault, or child abuse, and as such, they would violate other district policies. When these behaviors do escalate to the level of violating other district policies, district personnel are obligated to adhere to appropriate district reporting guidelines and protocols and may be required to report to one or more offices or outside agencies, as appropriate.

Regulation MILL VALLEY SCHOOL DISTRICT

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