



Huntington Beach Union High School District Board Policies and Administrative Regulations

BP 5144.3
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Instruction

Bullying

Introduction

The Governing Board believes every child is entitled to a safe school environment free from discrimination and bullying. Consistent with state and federal law, the District prohibits bullying and discrimination and provides a timely and effective complaint procedure for pupils who believe they have been the victim of bullying or discrimination. The District also is mindful that, at times, behavior that is rude or insensitive may nevertheless be constitutionally protected in the context of a public school environment. Such conduct can best be combated and prevented with effective strategies that involve pupils, parents and school employees in collaborative efforts to teach tolerance and ensure equal educational opportunities for all.

Applicability

This policy applies to all of the District's students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the Huntington Beach Union High School District. (EC § 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).

Definitions

- A. "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 pupil or group of pupils as defined in EC Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- 1) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

Bullying (continued)

Definitions (continued)

- 2) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - 3) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - 4) 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.
- B. While not an exhaustive list, examples of bullying/cyberbullying might include:
- 1) Direct physical contact, such as hitting or shoving;
 - 2) Threats to harm another person;
 - 3) Oral or written assaults, such as teasing or name-calling;
 - 4) Social isolation or manipulation;
 - 5) Posting harassing messages, direct threats, social cruelty or other harmful texts, sounds or images on the Internet, including social networking sites;
 - 6) Posting or sharing false or defamatory information about another person;
 - 7) Posting or sharing information about another person that is private;
 - 8) Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships;
 - 9) Posting or sharing photographs of other people without their permission;
 - 10) Spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages); and
 - 11) Retaliating against someone for complaining that they have been bullied.
- C. "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.
- D. "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.

Bullying (continued)

Prohibition Against Bullying

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. (EC §§ 234.1 (a); 48900(r)) [cf. Board Policy 0410 (Nondiscrimination in District Programs and Activities) and Board Policy 5145.7 (Sexual Harassment of Students)]

Free Speech Protection

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code sections 48907 and 48950, and other applicable law.

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. (EC §234.1(b)(1))

Reporting and Investigating Complaints: Complaint Officer

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall notify the District's Nondiscrimination Officer within 24 hours. Students who have knowledge of discrimination, harassment, intimidation or bullying are encouraged to inform a teacher or school administrator as soon as possible. Students and parents may make such complaints anonymously by calling the Nondiscrimination Officer at the number below. 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.

Bullying (continued)

Reporting and Investigating Complaints: Complaint Officer (continued)

Formal complaints regarding violations of this policy shall be made pursuant to the District's Uniform Complaint Procedure, Board Policy/Administrative Regulation 1312.3.

Title: Assistant Superintendent, Educational Services
Address: 5832 Bolsa Avenue, Huntington Beach, CA 92649
Telephone Number: (714) 903-7000

The Nondiscrimination Officer is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer shall notify the parents of the reported victim and the alleged perpetrator of the complaint and, if appropriate, law enforcement officials. The Nondiscrimination Officer may refer the victim, perpetrator and others to counseling and mental and other health services, as appropriate. The Nondiscrimination Officer shall maintain documentation of complaints and their resolution for a minimum of one CPM review cycle. (EC § 234.1(e))

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.

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/Administrative Regulation 5144.1.

Notifications

The District shall publicize this policy, including information about the manner in which to file a complaint, to pupils, 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 pupil government meeting rooms. (EC § 234.1 (c) and (d))

Bullying (continued)

Anti-Bullying Education: Training for Educators

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 pupils to equal educational opportunity. (EC § 201 (g))

As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates pupils about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. (Board Policy/Administrative Regulation 6163.4.) The District also educates pupils and teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

Interdistrict Transfers

A pupil who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed by a pupil of the district of residence shall, at the request of the person having legal custody of the pupil, be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement. (EC § 46600(b))

Bullying (continued)

Legal Reference:

EDUCATION CODE

201 (g)

220

234.1 (a), (b)(1), (c), (d), (e)

46600 (b)

48900 (r)

48900.2, 48900.3, 48900.4

48907

48950

48985

PENAL CODE

422.55

HBUHSD BOARD POLICIES/ADMINISTRATIVE REGULATIONS

0410

1312.3

5144.1

5145.7

6163.4

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