

KERN COUNTY SUPERINTENDENT OF SCHOOLS**INSTRUCTION****BULLYING**

The Kern County Superintendent of Schools 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. Employees of the office shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students 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.

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 Education Code sections 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.
 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.

While not an exhaustive list, examples of bullying/cyberbullying might include:

- Direct physical contact, such as hitting or shoving,
- Threats to harm another person,
- Oral or written assaults,
- Causing social isolation,

- Posting harassing or socially cruel messages, direct threats, or other harmful texts, sounds, or images on the Internet, including social networking sites,
 - Posting to or creating a burn page,
 - Creating a false profile of another person,
 - Posting and sharing false or defamatory information about another person,
 - Pretending to be another person on a social networking site or other electronic communication in order to damage that person's reputation or friendships,
 - Posting or sharing photographs of other people without their permission.
 - Spreading demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages), and
 - Retaliating against someone for complaining that he or she has been bullied.
- B. "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.
- C. "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.

BULLYING PREVENTION

Strategies for bullying prevention and intervention shall 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, and other applicable office and school plans.

To the extent possible, the office strategies shall focus on 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 office and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

The Kern County Superintendent of Schools may 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.

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

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

INTERVENTION

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

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Educ. Code § 234.1.)

As appropriate, based on the severity or pervasiveness of the bullying, the superintendent or designee shall notify the parents/guardians of victims and perpetrators. He or she also may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Educ. Code § 48900.9.)

COMPLAINTS AND INVESTIGATION

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, administrator, or any other available school employee. When a report of bullying is submitted, the superintendent or designee shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the Kern County Superintendent of Schools Uniform Complaint Procedures in SP 4100. 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.

Complaints of bullying shall be investigated, and if determined to be discriminatory, resolved in accordance with law and the Kern Superintendent of Schools Uniform Complaint Procedures in SP 4100. 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.

The Kern County Superintendent of Schools has the authority to monitor students' use of the office Internet system and to conduct individual searches of students' accounts if there is reasonable suspicion that a user has violated office policy or the law.

When a student is reported to be engaging in bullying off campus, the 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.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

DISCIPLINE

Any student who engages in bullying 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 corrective action, which 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 Kern County Superintendent of Schools policies.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
 32282 Comprehensive safety plan
 32283.5 Bullying; online training
 35181 Governing board policy on responsibilities of students
 35291-35291.5 Rules
 48900-48925 Suspension or expulsion
 48985 Translation of notices
 52060-52077 Local control and accountability plan

PENAL CODE

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

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

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

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