**Bullying BP ####**

Why is a Board Policy on Bullying Important?

Bullying and harassment are serious issues facing California students in school. School staff are legally required to intervene and stop bullying of students by their peers or adults. However, given that trained teachers, counselors, and mental health professionals are typically the best equipped to resolve bullying issues, school district staff should not rely on law enforcement to address it. A meaningful board policy on bullying can reduce needless student contact with law enforcement by providing comprehensive guidance for school staff on how to address different types of student bullying.

= Required Legal Standard

= Calls for Administrative Regulation or Relies on Different Board Policy

= ACLU Identified as Most Important



| ParagraphNumber | Provision | Model Board Policy | Explanation |
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| 1–2 | **Define Bullying** | “California law requires that schools provide students with a safe, supportive, and inclusive learning environment, free from discrimination, harassment, and bullying. [District] will not tolerate 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. A student shall not intimidate, harass, or bully another student through words or actions. Such behavior includes direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics, including disability status, 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.” | Bullying is a serious issue that can be harmful to students and school climate. School staff should make every effort to prevent bullying. Legally, a district must address bullying that targets a student based on specific characteristics related to the student’s actual or perceived identity (e.g., race, gender, sexual orientation, etc.). A board policy that is very clear about those “protected” characteristics will help ensure that parents, students, and district staff can identify and stop bullying on campus.  |
| 3 | **Variations of Bullying** | “[District] recognizes that some acts of discrimination, intimidation, harassment, and bullying may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of discrimination, intimidation, harassment, or bullying that require a response either at the classroom, school site, or district levels.” | Bullying is a significant problem facing students. Due to many factors, situations will arise where student bullying does not warrant a severe disciplinary response. Isolated incidents should be addressed by referring students to counselors or by using restorative justice strategies.However, where there is a pattern of pervasive student bullying that creates a hostile school environment, particularly if the bullying is based on the “protected characteristics” listed above, the district has a legal obligation to take meaningful steps to stop the bullying, which may require a more significant intervention by school staff.  |
| 4 | **Disciplinary Responsibility Over Bullying**  | “The principal or his/her designee shall address any alleged instances of discrimination, harassment, and bullying. The principal or his/her designee shall only contact law enforcement officers when there is a real and immediate physical threat to student, teacher, or public safety. School administrators should conduct an investigation prior to making a decision to request the involvement of law enforcement officers. The school investigation should include interviewing the student suspect and other witnesses to determine whether law enforcement involvement is appropriate, pursuant to the standards set forth in BP ####, Law Enforcement Contact.” | School-based discipline, including positive alternative methods such as restorative justice, should be the primary way that schools address bullying. The policy should assign primary responsibility to address bullying, discrimination, or harassment to district or school staff. School staff should only request law enforcement assistance if there is a real and immediate physical threat to student, staff, or public safety. The policy should lay out the investigation procedure that the responsible district staff must follow before requesting law enforcement assistance. This requirement will also limit needless student-officer interactions.  |
| 5 | **Bullying Prevention—Developing and Disseminating Related Policies** | “To the extent possible, [District] and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.” | Students and parents must know what “bullying” is and the consequences for engaging in bullying behavior. Students also need to know how to report bullying incidents. Under the law in California, school districts must have a specific process for receiving and investigating complaints about bullying.  |
| 6­­–7 | **Bullying Intervention—Staff Duties and Complaint Procedures** | “School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. 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.Each complaint of bullying should be promptly investigated. This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.” | Paragraphs 6 and 7 discuss three important legal requirements for school districts. The first is that school staff must immediately address bullying when it is safe to do so. This is important because it requires that school staff take affirmative steps to protect students who have been bullied. The second requirement is that district staff must investigate only complaints about student conduct that occurs on school grounds, while traveling to or from a school-sponsored activity, or during a school-sponsored activity. Generally, students cannot be disciplined for off-campus conduct, and students have greater First Amendment (freedom of speech) protections outside of school. Third, the school district should create a system that allows students to safely and confidentially report bullying incidents to the school. |
| 8  | **Staff and Student Training**  | “To ensure bullying does not occur on school campuses, the [District] will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school’s capacity to maintain a safe and healthy learning environment.” | Staff must receive adequate training so that they know when and how to intervene. This is especially important given California’s legal mandate that staff intervene to stop student bullying when it is safe to do so, and school staff’s role in preventing bullying and promoting a healthy, safe, and supportive school climate.  |
| 9 | **Explaining Policy to Students in Age-Appropriate Way**  | “Teachers should discuss this Bullying Policy with their students in age-appropriate ways and should assure students that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to appropriate disciplinary action.” | This section ensures that students know the effects of, and consequences for, bullying.  |
| 10 | **Disciplining Bullying** | “Any student who engages in bullying on school premises or off campus during a school-sponsored activity in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline including referrals to counselors, in accordance with district policies and regulations.” | Paragraph 10 mirrors the legal requirement discussed in paragraph 7, that district staff may only discipline students for conduct that occurs on school grounds, while traveling to or from a school-sponsored activity, or during a school-sponsored activity. Paragraph 10 is important because it identifies counselors and other school-based intervention mechanisms as the proper means to address bullying. District staff should not rely on law enforcement as an initial response to bullying. An effective policy will therefore identify which school-based interventions district staff must first pursue.  |