

# Sacramento City USD

## Administrative Regulation

### Anti-Bullying

AR 5145.4

Students

#### Prohibition on Bullying

Schools will work toward providing an orderly, caring and nondiscriminatory learning environment which prohibits acts of harassment or bullying behavior. Each school will strive to provide a safe and civil environment necessary for students to learn and achieve high academic standards. Active demonstration of appropriate behavior, treating others with civility and respect, and promoting an inclusive atmosphere is expected of administrators, faculty, staff, parents, students and volunteers in order to model and promote a safe academic environment.

(cf. 5145.3 – Nondiscrimination/Harassment/Intimidation/Bullying)

(cf. 5145.4 – Anti-Bullying)

(cf. 5137 – Positive School Climate)

(cf. 0450 – Comprehensive Safety Plan)

A student shall not be harassed, intimidated, or bullied based on his/her actual or perceived characteristics as set forth in Penal Code section 422.55 and Education Code sections 220 and 234.1, which includes but is not limited to 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.

(cf. 5145.3 – Nondiscrimination/Harassment/Intimidation/Bullying)

(cf. 5145.4 – Anti-Bullying)

For purposes of Board Policy 5145.4 and this Administrative Regulation, bullying is defined as, and includes, but is not limited to abusive action or conduct, which can be physical, verbal, written, psychological or sexual in nature. Examples of bullying in these different forms include, but are not limited to:

- Physical: hitting, kicking, spitting or pushing;
- Verbal or Written: teasing, threatening, or name-calling;
- Psychological: social isolation, manipulation, spreading rumors, or intimidating; and/or
- Sexual: touching, assault, exhibitionism, or many of the actions listed above.

Normally, bullying is a pattern of conduct or is conduct which is repeated over a period of time, but may, in some instances, take the form of one severe or egregious act.

## **Cyberbullying**

Bullying may also take place through the Internet or through other forms of technology or electronic acts. “Cyberbullying” includes the 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.

For purposes of pupil suspension or recommendation for expulsion from a school, Education Code section 48900(r) defines “electronic act” as the creation and transmission originated on or off the school site, by means of electronic device, of an electronic communication.

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

## **Student Discipline for Bullying**

For purposes of student discipline, the definition of bullying is governed by Education Code 48900(r) and District Administrative Regulation 5144.1, and is as follows: bullying means severe or pervasive physical or verbal act(s) or conduct, including communications made in writing or by means of an electronic act, as defined in Education Code 48900(r)(2), and including one or more acts committed by a student or group of students, directed towards one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- placing a reasonable student(s) in fear of harm to that student’s or a group of student’s person or property;
- causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
- causing a reasonable student to experience substantial interference with his or her academic performance; or
- causing a reasonable student to experience a substantial interference with his or her ability to participate in or benefit from the services, activities or privileges provided in school.

A reasonable student shall have the same meaning as a “reasonable pupil” as defined in Education Code 48900(r)(3).

## **Bullying Prevention Plan**

Each school site will create a bullying prevention plan that will be attached to the Comprehensive Safety Plan, approved by the School Site Council and distributed to the school community. Each school site’s bullying prevention plan will include:

1. A definition of bullying behavior, in relation to both Board Policies and Administrative Regulations 5145.3 and 5145.4, and Education Code 48900(r).

2. A statement of assurance that students have a right to be free of bullying, intimidation and harassment from SCUSD students, administrators, faculty, staff, or volunteers, including bullying through an electronic act, as defined in Education Code 48900(r), while the student is at any school activity or is attending a school which is under the jurisdiction of the superintendent of the District, including but not limited to a school-sponsored function, in a school vehicle, during the instructional day; or conduct which occurs after school hours and off District property, but which is reasonably likely to cause or causes a substantial disruption of a school activity or attendance.
3. That the school site principal or designee shall receive and respond to all reports of bullying.
4. A requirement that all school site staff report bullying behavior to the principal or designee.
5. A recommendation that all students, parents/guardians and others report bullying behavior to the principal or designee or, as is necessary, to any school site employee.
6. A requirement that if school site personnel witness an act of discrimination, harassment, intimidation or bullying, he or she shall take immediate steps to intervene when safe to do so.
7. Procedures for how school site staff, students, parents/guardians and others are to report bullying behavior.
8. Procedures to ensure that reports of bullying are investigated within a reasonable period of time, as set forth more fully in this Administrative Regulation. Normally, such an investigation should be completed in one week's time from the date the report is submitted to the site administrator.
9. Expectations regarding training for all school site personnel regarding bullying prevention, identification, intervention and reporting requirements.
10. Assurance that students who walk away, constructively attempt to stop bullying or report to a designated authority will be positively supported.
11. Assurance that retaliation toward bullying complainants will be addressed by administration.
12. The school site plan may include additional strategies to prevent bullying and encourage students to be respectful of each other.
13. Notice that bullying may be reported anonymously, by using the WeTip Bullying Reporting Hotline.

## **Reporting Procedures**

Staff, faculty, administrators and students are expected to report bullying behavior. Reports may be made to any school employee either verbally, in writing, or through electronic communications such as email. Reports may also be made by completing the District Report of Suspected Bullying Form and submitting it to the school site principal or designee or District office.

Site administrators and staff shall utilize the District Report of Suspected Bullying Form to document alleged bullying behavior. This includes behavior that is directly observed, as well as behavior that has been reported to them by students, parent/guardians or others. The form should

be completed by the staff person observing or receiving the report of bullying and should be submitted to the school site principal or designee immediately.

### **Anonymous Reporting**

The District will utilize the WeTip Bullying Reporting Hotline for anonymous reporting of bullying behavior through phone and electronic communications. Administrators are required to publicly post information about WeTip at their schools and discuss with staff, students, parent/guardians, volunteers and others annually. Reports of bullying behavior made through WeTip will be delivered to the District's Bullying Prevention Specialist and then routed to the appropriate site principal or designee for investigation and action.

### **Complaints of Bullying by District Employees, Non-Students or Off-Campus**

Under Board Policy 5145.4 and this Administrative Regulation, students may complain of alleged bullying by staff or other non-students. Complaints of alleged staff or non-student bullying will generally be investigated like any other incident of alleged staff or non-student misconduct, and will be investigated at the school site or district level for possible discipline or other consequences.

Following disposition of a bullying complaint or report, if a victim or the victim's parent or guardian are dissatisfied with the outcome of the investigation, and the victim or victim's parent or guardian allege that bullying has taken place based upon the his or her actual or perceived characteristics as set forth in Penal Code section 422.55 and Education Code sections 220 and 234.1, the victim or victim's parent or guardian may initiate a formal complaint under the District's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.3 – Nondiscrimination/Harassment/Intimidation/Bullying)

To the extent the District receives complaints under Board Policy 5145.4 and this Administrative Regulation regarding alleged bullying by non-students and/or events taking place off campus, for which the District may not have jurisdiction or authority to address, complainants will be referred to the proper authorities, including but not limited to local law enforcement.

### **Response Procedures**

The school site principal or designee will investigate all bullying reports in accordance with existing District practice and Board Policy 5145.4. The school site principal or designee shall complete the investigation within a reasonable period of time. Normally, such an investigation should be completed in one week's time from the date the report is submitted to the site administrator. Depending upon the extent and complexity of the complaint, however, in rare circumstances investigations into alleged bullying may take up to 30 calendar days.

If the allegations in the complaint are determined through investigation to meet the definition of bullying under Board Policy 5145.4 and this Administrative Regulation or for purposes of

student discipline under Education Code 48900(r) and Administrative Regulation 5144.1, the principal or designee shall within one week of that determination:

1. Complete the Student Safety Plan for the student being bullied;
2. Complete the Student Action Plan for the student who bullied; and
3. Notify the parents/guardians of the students involved in the incident.

Whenever possible, the Student Safety and Action Plans should be completed with both the student and parent present. If the Student Safety and Student Action Plans have not been effective in resolving the bullying behavior, the school site principal or designee may consider, in consultation with Student Hearing and Placement Department and/or the District Enrollment Center, a parent/guardian's request for transfer to another school within the District, to ensure student safety in accordance with Education Code 35160.5(b). The decision to transfer a student under these circumstances shall be made jointly by the school site principal or designee, parent/guardian and/or student, when age appropriate.

(cf. 5116.1 – Intradistrict Open Enrollment)

A copy of the Student Safety Plan and Student Action Plan must be provided to the student and parent/guardian for whom the plan was completed. A copy of the Report of Suspected Bullying Form, investigative report, Student Safety Plan and Student Action Plan will be forwarded to the District's Bullying Prevention Specialist for data tracking, compliance with state and federal law, and review of best practices. Only the Student Safety Plan and Student Action Plan will be kept in each student's cumulative folder. Additionally, documentation of complaints and their resolution shall be maintained by each school site in a confidential file for a minimum of one review cycle by the California Department of Education relative to commonly known as the Categorical Program Monitoring process (EC 234.1.)

The Superintendent or designee may temporarily increase supervision in affected areas of the campus, if there is evidence establishing that bullying behaviors or incidents continue to occur over time at a school, despite prevention efforts.

### **Assessment, Alternative Consequences and Progressive Responses**

The school site principal or designee shall develop strategies to assess the needs of students who engage in bullying behavior and attempt to utilize alternative consequences and progressive disciplinary responses to address this. In addition, the principal or designee may provide support to these students to address the underlying causes of the bullying behavior. Follow-up by the principals or designee, with both the individual who was bullied and the person who bullied, should be conducted in a timely manner to ensure that the bullying or harassing behavior does not continue and that student safety is maintained.

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

The school site principal or designee shall also consider, even when discipline is not called for under District policies and regulations or the Education Code, whether other forms of

interventions are appropriate to address the needs of the alleged victim(s) and the conduct of the alleged perpetrator(s).

### **Appeals Process**

If a student or parent/guardian is not satisfied with resolution of a complaint of bullying at the school site level under Board Policy 5145.4 and this Administrative Regulation, complainants may appeal to the district ombudsperson that serves the school site involved in the alleged incident. However, where there is a complaint of alleged harassment, intimidation or bullying, as set forth in Penal Code section 422.55 and Education Code sections 220 and 234.1, and the student or parent/guardian is unsatisfied with the school's decision or response to a bullying complaint, then the student or parent/guardian may appeal through the District's Uniform Complaint Process under Board Policies 5145.3 (Nondiscrimination/Harassment/Intimidation/Bullying) and 1312.3 (Uniform Complaint Process). Such appeals/complaints should be submitted to the appropriate District administrators as designated in Board Policies 5145.3 and 1312.3.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

### **Training**

All administrators, including principals, assistant principals and district administrators, will attend a two (2) hour bullying prevention and intervention training once every two (2) years. The training will focus on District policies, procedures and bullying prevention strategies and will specifically provide information and materials to support administrators in training their staff.

School site administrators will offer a one (1) hour bullying prevention training for school staff once every two (2) years. The training will be offered to all school staff, including classified staff such as yard duty, cafeteria, office, custodial, safety and others. This training will be conducted within one year of the date the administrator received the training.

All school sites will strive to provide a classroom training each year to students on the District's bullying policy. This will include the definition of bullying, procedures for identifying and reporting bullying behavior, the importance of not engaging in bystander behavior, and ways to constructively and safely stop acts of bullying behavior.

The District's bullying prevention specialist or other District personnel designated by the Superintendent will conduct training for parent/guardians, volunteers and others at least six times per year at a variety of District locations.

### **Free Speech**

This regulation shall not be construed to limit student rights to free speech as protected by the United States Constitution, the California Constitution, or other applicable laws governing student free speech rights.

**Publicize/Notice of Bullying Policy**

Each school site shall publicize Board Policy 5145.4 and this Administrative Regulation, as well as the district’s policies governing and describing how to submit a complaint regarding bullying, and to ensure that notice of this policy is posted in school offices, schools, staff lounges and student government meeting rooms. This notice should include the prohibition on harassment, intimidation, or bullying based on a student’s actual or perceived characteristics as set forth in Penal Code section 422.55 and Education Code sections 220 and 234.1, which includes but is not limited to: 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. School sites are also encouraged to provide notice of and publicize the site’s bullying prevention plan.

**Other Enforcement Mechanisms**

The Board Policy 5145.4 and this Administrative Regulation are intended to supplement, and not replace, any applicable state and federal laws and regulations. Students may also request that other state and federal governmental agencies investigate complaints of bullying. For example, any student who thinks he or she has been bullied or retaliated against for complaining about bullying may file a complaint with the California Department of Education or U.S. Office for Civil Rights.

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