



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.3

Meeting Date: May 5, 2011

Subject: New Board Policy 5145.4 Anti-Bullying

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☒ Conference/First Reading (Action Anticipated: June 2, 2011)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Accountability Office

Recommendation: Initial reading of new Board Policy 5145.4 regarding bullying and harassment of students.

Background/Rationale: In order to provide a safe, caring, orderly environment for all students, the Board should provide explicit policy that defines bullying and harassment including cyber-bullying, and provide specific direction to Principals and district personnel regarding investigating, reporting and providing disciplinary action as necessary.

Financial Considerations: No funds have been identified at this time to implement the policy but it will be necessary for SCUSD to implement procedures that ensure appropriate consequences and remedial responses to a student or staff member who violates this policy. Training for identification of alleged acts of harassment or bullying will be necessary for administrators and staff.

Documents Attached:

Executive Summary
Draft Board Policy

<p>Estimated Time of Presentation: 10 minutes</p> <p>Submitted by: Mary C. Shelton, Chief Accountability Officer</p> <p>Approved by: Jonathan P. Raymond, Superintendent</p>

Board of Education Executive Summary

Accountability / Safe Schools Office

Draft Board Policy 5145.4 Anti-Bullying

May 5, 2011



I. Overview/History of Department or Program

The issue of bullying has become a focus of national attention recently because of its impact on student health, wellness and educational achievement. In an effort to take a comprehensive approach to bullying prevention and intervention, SCUSD established a Bullying Prevention Task Force in October 2009. Through this process, the need to develop a Board policy specific to bullying was identified and advanced.

II. Driving Governance:

In a combined effort by the SCUSD Safe Schools Office, Integrated Support Services and Youth Development Department, the Task Force gathered data for the draft policy by first reviewing SCUSD policies related to discrimination, harassment, safety and school climate (specific references noted in policy draft). Next, the Task Force reviewed policies from other school districts and states to identify key issues to be included in the SCUSD Anti-Bullying Policy. Numerous draft versions of this policy were circulated to key stakeholders including students, parents, staff, administrators, community members, law enforcement, Lesbian, Gay, Bi-Sexual, and Transgender advocates, university researchers, after school providers and others participating in the Task Force. In April 2010, a final draft was moved forward for Board approval.

III. Budget:

No funds have been identified at this time to implement the policy but it will be necessary for SCUSD to implement procedures that ensure appropriate consequences and remedial responses to a student or staff member who violates this policy. Training for identification of alleged acts of harassment or bullying will be necessary for administrators and staff.

IV. Goals, Objectives and Measures:

The goal of the Anti-Bullying Policy is to provide more specific information than exists in current district policy regarding expectations of staff, students and parents with regards to bullying prevention and intervention. This includes the requirement that administrators develop procedures for reporting bullying, investigating complaints of bullying, providing consequences and remedial responses to perpetrators of bullying, as well as services and support for victims of bullying.

The proposed policy sets forth the requirement that SCUSD officials disseminate information about this policy each year to the entire school community and to incorporate information about these policies into relevant handbooks and training materials.

The proposed policy provides a specific definition of bullying that includes adverse conduct directed toward a student because of actual or perceived characteristics, or an association with someone with these characteristics.

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The proposed policy also outlines the scope of bullying as including that which occurs through email, text messages, web postings and other forms of electronic or cyber bullying.

V. Major Initiatives:

While the proposed policy creates a framework for defining bullying and mandating specific actions for responding to bullying, there is much more that needs to be done to ensure that all SCUSD schools are safe places for learning and are free from bullying. To that end, the Bullying Prevention Task Force is continuing to work on a comprehensive strategic plan for the district related to bullying prevention and intervention. While the current draft is being circulated widely for feedback, a final draft is expected to be presented to the Board before the end of this school year.

VI. Results:

The proposed Anti-Bullying policy will help establish a framework for reducing bullying throughout the district by requiring greater attention to prevention, reporting and responding to bullying at all SCUSD schools.

VII. Lessons Learned/Next Steps:

- Complete a comprehensive strategic plan for implementation
- Disseminate Board Policy widely to ensure principals, staff, students and families are aware of their rights and responsibilities regarding bullying and harassment
- Ensure that all District and site student – parent handbooks reflect the Board Policy
- Develop training module for the identification of harassment/bullying and appropriate responses
- Develop and disseminate Administrative Regulation

DRAFT

Sacramento City USD

Board Policy

Anti-Bullying

BP 5145.4

Students

The Governing Board desires to provide an orderly, caring and nondiscriminatory learning environment and specifically prohibits acts of harassment or bullying. The Governing Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, parents, students and volunteers to provide positive examples for student behavior.

(cf. 0200 - Goals for the School District)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

Harassment or bullying is any gesture or written, verbal, graphic, physical or electronic act (i.e. including, but not limited to, internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race; color; religion; ancestry; national origin; gender; sexual orientation; gender identity and expression; socioeconomic status; academic status; mental, physical, development or sensory disability or impairment; creed; political belief; age; linguistic or language differences; height; weight; marital status; parental status; or by any other distinguishing characteristic; or because of an association with a person who has or is perceived to have one or more of these characteristics. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, in a school vehicle, or by students, family members or staff.

Students shall be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school. Harassment involves unwelcome comments (written or spoken) or conduct which violates an individual's dignity, and/or creates an intimidating, hostile, degrading, humiliating or offensive environment.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Students shall be assured that they need not endure, for any reason, bullying behavior, including electronic or cyber bullying, which impairs the educational environment or a student's emotional well-being. Bullying is a comprehensive term that describes conduct that meets all of the following criteria:

- is directed at one or more persons;
- substantially interferes with educational opportunities, benefits, or programs of one or more students;
- adversely affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing emotional distress;
- is based on a student's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics;
- involves an imbalance of power or strength; and

- involves a pattern of behavior repeated over time

Electronic bullying or cyber bullying is the use of electronic communication technology such as, but not limited to, e-mail, instant messages, text messages, mobile phones, and web sites, to send or post messages or images to embarrass, humiliate, spread rumors, threaten or intimate. Sending sexually explicit images electronically, even consensually, may be considered as distribution of child pornography which is a felony, and is to be referred to district security and/or law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Use of Electronic Signaling Devices)

(cf. 5131.4 - Campus Disturbances)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 5145.9 - Hate-Motivated Behavior)

Since bystander support of harassment or bullying can support these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The Board requires school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits acts of harassment or bullying. Staff should provide services or supports to students who engage in acts of bullying and/or harassment to educate them on the impact of these behaviors on others. Administrators should ensure that appropriate services or supports are provided to students who report being victims of bullying or harassment.

The Board requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. Depending upon the extent and complexity of the investigation, within a reasonable period of time (approximately one week) after receiving the complaint, the principal or designee shall determine whether or not the student who complained was bullied against and/or harassed

The Board prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5144 - Discipline)

The Board requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying whether it takes place on or off school property, electronically, at any school-sponsored function, in a school vehicle, or by students, family members or staff. The chief school administrator shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

(cf. 4131 - Staff Development)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

221.5 Prohibited sex discrimination

221.7 School-sponsored athletic programs; prohibited sex discrimination

32211 Threatened disruption or interference with classes

35160 Authority of governing boards

35160.1 Broad authority of school districts

35181 Governing board policy on responsibilities of students

35291 - 35291.5 Rules

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

44806 Duty concerning instruction of students

44807 Duty concerning conduct of students

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48900 Grounds for suspension or expulsion

48900(r) Grounds for suspension or expulsion: bullying

48907 Student exercise of free expression

51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property

311 Child Pornography

403-420 Crimes against the public peace, especially:

415 Fighting; noise; offensive words

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

300 - 307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments