

BULLYING

No individual or group 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 Monterey County Office of Education (MCOE) school or site personnel.

Definitions

Bullying may include any physical or verbal act or conduct by an individual or group of individuals, including communications made in writing or electronically, that a student has or may reasonably be predicted to experience fear of harm to their person or property, a detriment to their physical or mental health, an interference with their academic performance or with their ability to participate in or benefit from the services, activities or privileges provided by a school or county office program.

Cyberbullying may include 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 and Reporting

Division Heads of schools and student programs shall ensure the following:

1. MCOE schools and student programs shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate.
2. Students shall be informed, through student handbooks, instruction, and other appropriate means, of MCOE and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf. 5137 - Positive School Climate)

3. MCOE staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. The staff shall 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.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6163.4 - Student Use of Technology)

The principal shall conduct an annual assessment of bullying incidents at school and modify the school safety plan to increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

School officials have the authority to monitor student use of MCOE's internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated MCOE policy or the law.

(cf. 5145.12 - Search and Seizure)

(cf. 6163.4 - Student Use of Technology)

Intervention

Students shall be encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. Students will be instructed on how to report threats or incidents confidentially and anonymously.

School staff members who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal. [Education Code 234.1]

When appropriate, based on the severity or pervasiveness of the bullying, the program director or school principal should notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The program director or school principal 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. [Education Code 48900.9]

(cf. 6164.2 - Guidance/Counseling Services)

Filing of Complaints

Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with law and MCOE's uniform complaint procedures specified in AR 1312.3 – Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

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, the principal, a director, the division head, or any other available MCOE employee. Within one business day of receiving such a report, the staff member that received the report shall notify the principal or program director of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal or program director shall notify the division head. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal, program director, or division head, whether or not the alleged victim files a complaint. If a uniform complaint is filed, it shall be filed with a Compliance Officer identified in AR 1312.3.

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. When a student uses a social networking site or service to bully or harass another student, the principal, program director or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal, program director, or division head shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. 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.

Investigation and Resolution of Complaints

The school principal or program director will investigate any complaint of bullying, if determined to be discriminatory, in accordance with law and the MCOE's uniform complaint procedures specified in AR 1312.3.

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.

Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive, may include suspension or expulsion in accordance with MCOE policies and regulations. [Education Code 48900]

Additionally, discriminatory bullying on the basis of race, color, national origin, sex, or disability, federal law and regulations require school administrators to impose discipline on students, up to and including suspension and expulsion, when necessary, to remedy the effects of a hostile environment and prevent the discrimination from recurring.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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