

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5131.2

Bullying

The Governing Board 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. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

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 student or school personnel.

- (cf. 5131 - Conduct)
- (cf. 5136 - Gangs)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5145.9 - Hate-Motivated Behavior)

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.

- (cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools 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 district and school plans.

- (cf. 0420 - School Plans/Site Councils)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 0460 - Local Control and Accountability Plan)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the 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 district 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)

As appropriate, the district 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)

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)

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, and 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 an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee 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)

Reporting and Filing of Complaints

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 compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. 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 or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

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 Superintendent 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 or a district compliance officer 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

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district'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 as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

(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)

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

Management Resources:

CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>
Common Sense Media: <http://www.commonsensemedia.org>
National School Safety Center: <http://www.schoolsafety.us>
ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>
U.S. Department of Education: <http://www.ed.gov>

8/29/12; 9/12/12A; 3/13/13A; 08/26/15A

OAKLAND UNIFIED SCHOOL DISTRICT

Administrative Regulation

Students

AR 5131.2

Investigating Complaints of Bullying

Bullying is defined in Education Code 48900(r) as any severe or pervasive physical or verbal act(s) or conduct, including electronic communications, that has, or can be reasonably predicted to have, the effect of one or more of the following:

- (1) Reasonable fear of harm to person or property.
- (2) Substantially detrimental effect on physical or mental health.
- (3) Substantial interference with academic performance.
- (4) Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

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

Any student, parent, or guardian who believes that the student has been subjected to bullying may file a written complaint under the procedure described below.

Written complaints of bullying based on protected characteristics designated in the Uniform Complaint Procedures (BP 1312.3) will be investigated as provided in the Uniform Complaint Procedures. (AR 1312.3) All other written complaints of bullying will be investigated as provided in this Administrative Regulation.

The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of bullying, or for participation in the complaint procedures. The report and identity of any complainant shall be kept confidential except to the extent necessary to carry out the investigation or to take necessary subsequent actions.

Site-Level Procedures for Investigating Complaints of Bullying

1) Bullying Complaints

- a) A student, parent, or guardian (“complainant”) may file a bullying complaint verbally or by completing the District’s bullying complaint form.
- b) If a student, parent, or guardian makes a verbal complaint of bullying, staff will advise the complainant of the opportunity to submit a written complaint on the District’s bullying complaint form.
- c) Staff shall investigate all verbal and written complaints of bullying.

2) Investigating a Bullying Complaint

- a) All written complaints of bullying that allege the bullying relates to a protected characteristic such as race, national origin, religion, sexual orientation, disability, or

gender identity as described more fully in Board Policy 1312.3 shall be promptly forwarded to the Ombudsperson for investigation. Written complaints of bullying based on protected characteristics shall be investigated pursuant to the Uniform Complaint Procedures. (AR 1312.3)

- b) All other complaints of bullying shall be promptly investigated by the principal or designee or shall be forwarded to Regional Office staff for investigation.
- c) The student who is alleging bullying shall have an opportunity to describe the incident, identify witnesses, and present evidence of bullying.
- d) When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and share the messages with the principal or principal's designee.
- e) To judge the severity of the conduct, the principal or designee may take into consideration the following (including but not limited to):
 - i) How the misconduct affected one or more students' education, mental/physical health, and ability to participate or benefit from school services, activities, or privileges
 - ii) Injury to persons or property
 - iii) The type, frequency, and duration of the misconduct
 - iv) The number of persons involved
 - v) The age of the person accused of bullying
 - vi) The place and situation where the incident occurred

3) Reporting Findings

- a) The principal or designee will make every effort to complete his or her investigation within fourteen school days and report his/her findings to the complainant.
- b) If the principal or designee verifies that bullying occurred, the principal or designee will, to the extent permitted by confidentiality laws, document the actions taken to end the bullying, address the effects of the bullying on the student who has been bullied, and put in place measures to prevent retaliation or further bullying.
- c) In response to written complaints of bullying, the principal or designee will provide the complainant with a brief written report of his/her findings.
- d) The principal or designee shall maintain a copy of the report as well as the complaint in a secure location at the school site for five years.

4) Appeal

- 1. The complainant may appeal the findings of the principal or designee by filing a Level I complaint with the Office of the Ombudsperson within five school days of being notified of the results of the principal's investigation. The Office of the Ombudsperson is located at 1000 Broadway, 1st Floor, Suite 150, Oakland, CA 94607

2.

5) Notification

- a) The District will publicize the bullying policy to students, parents, employees, agents of the governing board, and the general public, including information about the manner in which to file a complaint. The information shall be translated pursuant to Education Code Section 48985.

- b) A copy of the District's bullying policy will be posted in all schools and offices, including teacher lounges and student government meeting rooms.

Legal Reference:

EDUCATION CODE

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Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

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Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

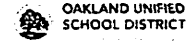
National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

8/1/13, 8/22/17A

PLEASE POST IN MAIN OFFICE
 Administrative Reg. 5145.7
 Bullying Report Form
 ENGLISH – Revised January 2016



BULLY, HARASSMENT OR INTIMIDATION REPORTING FORM

OAKLAND UNIFIED SCHOOL DISTRICT – 1000 Broadway, Suite 150, Oakland, CA 94607

This form should be used to report a possible incident of student-to-student bullying, harassment, sexual harassment, teen-dating violence, etc. By completing this form, you are verifying that your statement is true and correct to the best of your knowledge. **If you fear a student is in IMMEDIATE danger, please contact a school administrator right away!**

PROCESS: Any student, parent(s), school staff, or other concerned person can report bullying or harassment by talking to an administrator or completing this form. This form can be emailed to: nobullying@ousd.org or returned to the student's designated school / district office. Upon receiving the form; administrators or designee will investigate and respond within 14 school days.

Per Board Policy and Education Code 48900(r), Bullying is defined a physical or verbal act(s) that is **severe or pervasive** AND causes one of the following effects on a reasonable student: (1) reasonable fear of harm to person or property; (2) a substantially detrimental effect on physical or mental health; or (3) substantial interference with academic performance or the ability to participate in school activities.

DIRECTION: Please print clearly and e-mail or return form to the student's school or district office.

Today's date: ___/___/___ School _____

PERSON REPORTING INCIDENT:

Name _____

Address: _____ Zip Code: _____

Telephone: () ___-___-___ Cellphone: () ___-___-___ Email: _____

Place an (X) appropriate box: () Student () Student [witness/bystander] () Parent/Guardian
 () School Staff Member Other _____

1. Name of Student Targeted in the Incident: _____

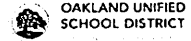
2. Is this the first time it happened? () Yes () No
- a. If NO, is it by the same person or group of people? () Yes () No
- b. Were any of these incidents previously reported? () Yes () No To Whom _____
- c. Did any action taken? () Yes () No By Whom: _____

3. Name(s) of alleged offender(s) If known (Please Print)	Grade	School (if known)	Is s/he a student?
			() Yes / () No
			() Yes / () No
			() Yes / () No
			() Yes / () No

4. On what date(s) did the incident happen? _____

5. Location of Incident: Bathroom Bus loading zone Cafeteria Common area
 Gym Library Hallway / Breezeway On Bus On the way/from school
 On the computer / social media Parking Lot Playground Special even/assembly / field-trip

BULLY, HARASSMENT OR INTIMIDATION REPORTING FORM



OAKLAND UNIFIED SCHOOL DISTRICT – 1000 Broadway, Suite 150, Oakland, CA 94607

6. Were there any witnesses? () Yes () No	Name(s) If known (Please Print)	Grade	School (if known)

7. Place an (X) next to the statement (s) that best describes what happened (choose all that apply):

BULLYING and HARASSMENT took the form of
(Check all that apply):

- Verbal (e.g. name-calling, teasing, demeaning jokes)
- Physical (involves physical aggression)
- Threat or Stalking
- Public humiliation
- Excluding or rejecting the student
- Teen Dating Violence
- Electronic communication (e.g. email, text, sexting, etc.)
- Cyber bullying (e.g. social media—Instagram, Vine)
- Gang related / gang recruitment
- Human trafficking/Prostitution recruitment
- Other(s) – please describe: _____

BULLYING and HARASSMENT occurred on the basis of
(check all that apply):

- Gender /Sexual Harassment
- Beliefs/ Religion
- Race, Color, Origin
- Disabilities
- Perceived sexual orientation/gender identity
- Other(s) – please describe: _____

8. What did the alleged offender(s) say or do? _____

 _____ (Attach a separate sheet if necessary)

9. Why do you think the incident happened? _____

 _____ (Attach a separate sheet if necessary)

10. What can the adult(s) at your school do to help? Example: Who? What? _____

 _____ (Attach a separate sheet if necessary)