

## [Burbank USD Board Approved Policies |](#)

### **Bullying** BP 5131.2 Students

#### Definitions

Bullying is a form of violence. The acts involve real or perceived imbalance of power with the more powerful student, person, or group attacking those who are less powerful.

Bullying is subjecting a person to abusive actions. Typically, bullying behavior is unprovoked, intentional, and repeated over time, and includes the use of hurtful words and/or acts.

Bullying may include, but is not limited to gestures or written, verbal, or physical acts that are reasonably perceived as being motivated by general disrespect or by any actual or perceived characteristics, such as race, color, religion, ancestry, national origin, gender, gender identity or expression, sexual orientation, a mental, physical, or sensory disability, or on the basis of association with an individual who falls into one of the protected categories, that takes place on school property, on any school sponsored function, or on a school bus, or that (1) places student or school employee in reasonable fear of harm to his or her person or well-being; or damage to his or her property or (2) has the effect of substantially interfering with the student's educational performance, opportunities, or benefits; or (3) has the effect of substantially disrupting the orderly operation of the school.

#### Possible Indicators of Bullying Behavior

1. Bullying can occur face to face or via written, telephonic or online communication. Bullying behaviors are usually repetitive in nature and may include, but are not necessarily limited, to the following:
2. Verbal: Hurtful name-calling, teasing, gossiping, taunting, making threats, making rude noises, or spreading hurtful rumors.
3. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, stealing, or destroying property.
4. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.
5. Cyber Bullying: 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.
6. Any act that has the effect of insulting or demeaning any individual or group of individuals in such a way as to cause distress, reluctance to attend school, a decline in quality of work, or problem behaviors.

The Board of Education is committed to providing a safe working and learning environment. The district will not tolerate bullying or any behavior that infringes upon the safety or well-being of students, employees, or any persons within the district's jurisdiction. The district will not tolerate retaliation in any

form, when bullying has been reported. District policy requires all schools and all personnel to promote among students and employees mutual respect, tolerance, and acceptance. "All students and staff of public primary, elementary, junior high [middle school], and senior high have the inalienable right to attend campuses which are safe, secure and peaceful." (Article 1, Section 28 (c) of the California State Constitution)

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

(cf. [1312.3](#) - Uniform Complaint Procedures)

The Board desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. To this end, the Board also recognizes the harmful effects of bullying on student learning and school attendance and desires to protect students from physical and emotional harm. The environment at every school should be characterized by positive interpersonal relationships among students and between students, employees, and community members.

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

(cf. [3515](#) - Campus Security)

(cf. [3515.2](#) - Disruptions)

(cf. [5030](#) - Student Wellness)

(cf. [5131](#) - Conduct)

(cf. [5131.4](#) - Student Disturbances)

(cf. [5142](#) - Safety)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

No individual, student, or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other 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)

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [6020](#) - Parent Involvement)

### Bullying Prevention

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, parents, and staff 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.

(cf. [5137](#) - Positive School Climate)

(cf. [6164.2](#) - Guidance/Counseling Services)

The district may 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. [6163.4](#) - Student Use of Technology)

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6142.94](#) - History-Social Science Instruction)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(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, 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. A telephone hotline, (818) 729-4589, an email, and portal (StopBullying@burbankusd.org) have been established for the purpose of anonymously reporting claims of bullying. This information will be posted on our district website and at every school site.

School staff who witness 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

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures as specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

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.

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 to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

## Discipline

Any student who engages in bullying on school premises, or off campus 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, which may include suspension or expulsion, in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal, in accordance with applicable collective bargaining agreements and Board Policies.

(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)

## Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Board of Education policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

### PENAL CODE

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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

#### COURT DECISIONS

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Board of Educations to Ensure Student Success, 2011

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

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

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: Harassment and Bullying, October 2010

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

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

Common Sense Media: <http://www.commonsensemedia.org>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

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