

Orange Unified School District on Bullying

The Orange Unified School District Board of Education is committed to providing all students with a safe and healthy school environment. To that end, the District, its schools, and the community have an obligation to promote mutual respect, tolerance and acceptance, and not tolerate behavior that infringes on the safety of any student, including bullying. Students and staff shall immediately report any suspected or observed bullying to site administration for investigation and appropriate action. For this reason the Orange Unified School District is taking an active role in the movement against bullying in our schools and community by educating parents, children and students, teachers, administrators, lawmakers, law enforcement groups, mental health groups, volunteers, and community members about the tragic consequences of bullying in public and private schools. Bullying takes place in all age groups and at all levels of education.

Take Action – OUSD believes in taking immediate action on reports of bullying. The longer a child is a victim of bullying, the more likely the trauma will become a lifelong emotional and sometimes physical handicap. Many schools shooting and suicides have been attributed to bullying. Bullying prevention is a top priority. We have activated a Stop Bullying email address for students and parents to get us information that we can share with the school site for them to take action.

Social Emotional Development

OUSD is committed to not only the academic development of our students but also their social emotional growth. Beginning in the 2019-2020 school year we will focus on a different component of our student's social emotional development each month. The first year will be for staff only. The list below will spell out our month by month the focus. Working with the development of our student's social emotional health will not only pay dividends in the culture and climate on our campuses but will also improve student academic success. Students perform better in welcoming environments.

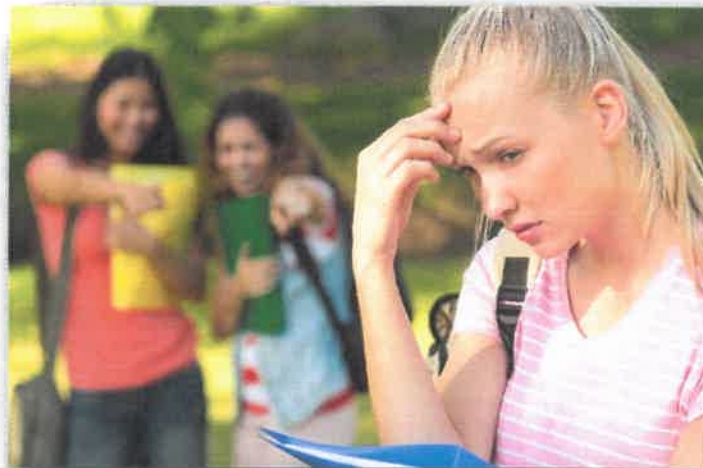


Definition of Bullying

Bullying IS

Bullying is defined as the harassment of students, intimidation, a hazing or initiation activity, ridicule, extortion, or any other verbal, written, electronic communication, or physical conduct, repeated over time, that causes or threatens to cause bodily harm or emotional suffering and creates a hostile learning environment or disrupts the normal operation of a school, classroom, or school related activity. Such behavior can include the following:

1. **Cyberbullying**, which involves the use of electronic communications to post harassing messages, threats, social cruelty, or other harmful text, sounds, or images on the Internet, social networking sites, or other digital technologies.
2. **Physical bullying**, which includes purposeful hitting, kicking, tripping, pinching, pushing or any other type of physical contact with the intent to cause injury, hurt or intimidation.
3. **Verbal bullying**, which includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse. While verbal teasing may start as harmless, if it continues and is escalated to verbal targeting that differentiates the behavior from a “just joking” behavior.
4. **Social bullying or covert bullying**, may at times be harder to recognize since it can be carried out behind the bullied person's back. The behavior targets a person or a group of people in order to harm someone's social reputation and/or cause humiliation.



Bullying IS NOT

As described above, bullying is when an individual or a group of people with more power, repeatedly and intentionally cause hurt or harm to another person or group of people who feel they have been placed in a situation that has made them unable to adequately and effectively respond. Since the act of bullying can continue over time, it is often hidden from adults, and will probably continue if no action is taken. However, bullying is not:

1. single episodes of social rejection or dislike
2. single episode acts of nastiness or spite
3. random acts of aggression or intimidation
4. mutual arguments, disagreements, dislike or fights

Although the above behavior can cause great distress and may require the intervention of a third party, they *are not* examples of bullying unless someone is deliberately and repeatedly doing them.

References:

Education Codes 32261(f)(g), 48900, 48900.2, 48900.3, 48900.4, 48910, 48911, 48915, 48915.5, 48918, 48918.5

<https://www.ncab.org.au/bullying-advice/bullying-for-parents/types-of-bullying/>

OUSD Bullying Prevention Policy

Every student is entitled to a safe school environment free from discrimination, harassment, intimidation, and bullying.

The Orange Unified School District's Policy on Bullying can be accessed on the OUSD website. Copies are available at each school site.

1. The Orange Unified School District prohibits bullying. This includes, but not limited to, discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in the Penal Code section 422.55 and Education Code section 220, and disability, gender, gender identity, gender expression, nationality, race, or ethnicity, religion, sexual orientation, or association with person of



group with one or more of these actual or perceived characteristics. Bullying is defined in Education Code section 48900(r).

2. School personnel must immediately intervene if they witness an act of discrimination, harassment, intimidation, or bullying, provided it is safe to do so.
3. Acts of discrimination or bullying should be brought to the attention of the principal.
4. You may make an anonymous complaint by contacting the principal or Orange Unified School District Student and Community Services. If there is sufficient corroborating information, the Orange Unified School District will commence an investigation.
5. Complaints of bullying or discrimination will be considered confidential. However, it may be necessary to disclose certain information in order to effectively investigate.
6. Students who violate the Orange Unified School District's policies on bullying or discrimination may be subject to discipline, including suspension and expulsion.
7. The Orange Unified School District prohibits retaliation against individuals who make complaints of bullying or provide information related to such complaints.
8. Students and parents also may contact OUSD's Student Community Services at (714) 628- 5424.

OUSD Board Policy on Bullying

The Board of Education 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 other student or school personnel.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as



defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for addressing bullying in District schools shall be developed with the involvement of key stakeholders including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plans of the local control and accountability plan, and other applicable District and school plans.

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.

Bullying Prevention

To the extent possible, District schools shall focus on 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 perpetrators of bullying.

As appropriate, the District shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs, and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the District and its employees to prevent discrimination, harassment, intimidation, and



bullying of District students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community.
2. Discuss bullying prevention strategies with students. Teach students to recognize the behavior and characteristics of bullying perpetrators and victims.
3. Identify the signs of bullying or harassing behavior.
4. Take immediate corrective action when bullying is observed.
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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, or 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)



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.

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 another employee so that the matter may be investigated. When a student is using a social networking site or service to bully or harass another student, the Superintendent or designee shall 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 the 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.

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

