

Students

Board Policy No. 5131.2

Policy Adopted: November 16, 2023

Policy Reviewed: February 8, 2023

BULLYING

This policy shall apply to all acts constituting bullying related to school activity or to school attendance occurring within a district school, to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

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 Administrative Regulation 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.

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

District families are encouraged to model respectful behavior, contribute to a safe and supportive learning environment, and monitor potential causes of bullying.

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

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
Mountain View, California

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Code

5 CCR 4600-4670, Uniform complaint procedures

Bus. and Prof. Code 22589-22589.4, Cyberbullying Protection Act

Education Code

Ed. Code 200-262.4, Prohibition of discrimination

Ed. Code 32280-32289.5, School safety plans

Ed. Code 35181, Governing board authority to set policy on responsibilities of students

Ed. Code 35291-35291.5, School discipline rules

Ed. Code 46600, Student transfers

Ed. Code 48900-48925, Suspension and expulsion

Ed. Code 48985, Notices to parents in language other than English

Ed. Code 52060-52077, Local control and accountability plan

Pen. Code 422.55, Definition of hate crime

Pen. Code 647, Use of camera or other instrument to invade person's privacy; misdemeanor

Pen. Code 647.7, Use of camera or other instrument to invade person's privacy; punishment

Pen. Code 653.2, Electronic communication devices; threats to safety

Federal, Description

28 CFR 35.107, Nondiscrimination on basis of disability; complaints

34 CFR 104.7, Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.8, Designation of coordinator; dissemination of policy, and adoption of grievance procedures

34 CFR 110.25, Notification of nondiscrimination on the basis of age

47 USC 254, Universal service discounts (E-rate)

Management Resources, Description

CA Office of the Attorney General Publication, Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

California Department of Education Publication, Social and Emotional Learning in California: A Guide to Resources, October 2018

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

California Department of Education Publication, Bullying at School, 2003

California Department of Education Publication, Online Bullying Training Module and Bullying Module

California Department of Education Publication, California's Social and Emotional Learning: Guiding Principles, 2018

Court Decision, J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Court Decision, Lavine v. Blaine School District, (2002) 279 F.3d 719

Court Decision, Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

CSBA Publication, School Safety: Bullying and Cyberbullying, Policy Brief, October 2023

CSBA Publication, Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

CSBA Publication, Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

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

CSBA Publication, Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022

U.S. DOE Office for Civil Rights Publication, Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DOE Publication, Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023

U.S. DOE, Office for Civil Rights Publication, Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023

U.S. DOE, Office for Civil Rights Publication, Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023

U.S. DOE, Office for Civil Rights Publication, Dear Colleague Letter: Harassment and Bullying, October 2010

US Department of Health and Human Services, Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023

US Dept of Health and Human Services Publication, Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Health Effects of Social Connection and the Community, 2023

Website, U.S. Department of Health and Human Services, Stop Bullying

Website, CSBA District and County Office of Education Legal Services

Website, National School Safety Center

Website, Partnership for Children and Youth

Website, Center on Great Teachers and Leaders

Website, Collaborative for Academic Social and Emotional Learning

Website, Common Sense Media

Website, California Department of Education, Safe Schools

Website, California Office of the Attorney General

Website, CSBA

Website, U.S. Department of Education

Cross References

0100, Philosophy

0410, Nondiscrimination In District Programs And Activities

0440, District Technology Plan

0440, District Technology Plan

0450, Comprehensive Safety Plan

0450, Comprehensive Safety Plan

0470, COVID-19 Mitigation Plan

1113, District And School Websites

1113, District And School Websites

1113-E(1), District And School Websites

1313, Civility

3515, Campus Security

3515, Campus Security

4131, Staff Development

4219.21, Professional Standards

4219.21-E(1), Professional Standards

4231, Staff Development

4319.21, Professional Standards

4319.21-E(1), Professional Standards

5030, Student Wellness

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Mountain View, California

5113.1, *Chronic Absence And Truancy*
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5113.12, *District School Attendance Review Board*
5113.12, *District School Attendance Review Board*
5116.1, *Intradistrict Open Enrollment*
5116.1, *Intradistrict Open Enrollment*
5116.2, *Involuntary Student Transfers*
5117, *Interdistrict Attendance*
5117, *Interdistrict Attendance*
5125, *Student Records*
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5131, *Conduct*
5131.8, *Mobile Communication Devices*
5136, *Gangs*
5136, *Gangs*
5137, *Positive School Climate*
5138, *Conflict Resolution/Peer Mediation*
5141.27, *Food Allergies/Special Dietary Needs*
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5141.5, *Mental Health*
5141.52, *Suicide Prevention*
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5144, *Discipline*
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5144.1, *Suspension And Expulsion/Due Process*
5144.1, *Suspension And Expulsion/Due Process*
5144.2, *Suspension And Expulsion/Due Process (Students With Disabilities)*
5144.4, *Required Parental Attendance*
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5145.12, *Search And Seizure*
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5145.2, *Freedom Of Speech/Expression*
5145.2, *Freedom Of Speech/Expression*
5145.3, *Nondiscrimination/Harassment*
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5145.7, *Sexual Harassment*
5145.7, *Sexual Harassment*
5145.9, *Hate-Motivated Behavior*
6142.8, *Comprehensive Health Education*
6142.8, *Comprehensive Health Education*
6144, *Controversial Issues*
6163.4, *Student Use Of Technology*
6163.4-E(1), *Student Use Of Technology*
6164.2, *Guidance/Counseling Services*
6173.1, *Education For Foster Youth*
6173.1, *Education For Foster Youth*
6184, *Continuation Education*
6184, *Continuation Education*