

## **OCSA BULLYING/CYBER BULLYING/HATE VIOLENCE POLICY**

All students and employees of the Orange County School of the Arts have the right to work, to attend school, and to participate in the educational process in a safe environment that is free from bullying and hate-motivated behavior. Every effort shall be made to promote mutual respect among students and staff and between and among students to encourage safe and harmonious relations that support human dignity and equality.

The OCSA Board of Trustees 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. School employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No 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. Students who have been bullied or cyberbullied shall promptly report such incidents to any staff member.

Behavior or statements that degrade, intimidate, and/or harm an individual on the basis of his/her race, ethnicity, culture, heritage, immigration status, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated. Bullying in any form or platform, repeatedly picking fights with, or repeatedly taunting another person shall not be tolerated.

This policy applies to all OCSA students and employees. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Executive Director of the Orange County School of the Arts. (Education Code 234.1 (a))

Complaints of bullying and cyberbullying shall be investigated promptly, and corrective action shall be taken when a complaint is verified. Neither reprisals nor retaliation shall occur as a result of the submission of a complaint and confidentiality is to be maintained.

### **Definitions**

"Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (a) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (b) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (c) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(d) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Cyberbullying" 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.

"Electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer or pager.

"Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

### **Prohibition Against Bullying**

OCSA prohibits bullying as defined in this policy. This includes, but is not limited to, discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code section 422.55 and Education Code section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religion, perceived characteristics. (Education Code 2341.(a); 48900(r)). In addition, OCSA prohibits retaliation against complainants.

### **Free Speech Protection**

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code sections 48907 and 48950, and other applicable law.

### **Duties and Responsibilities of School Employees**

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so. (Education Code 234.1(b)(1))

### **Reporting and Investigating Complaints**

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall investigate accordingly. Students demonstrating hate-motivated or bullying behavior shall be subject to discipline in accordance with student discipline policies. The response to hate-motivated or bullying behavior shall assure protection for the victim, as well as appropriate disciplinary action for the perpetrator.

Any student or employee who feels he/she is a victim of hate-motivated behavior and/or bullying shall immediately contact the appropriate teacher or supervisor. Parents or students may submit

to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying, harassment, or hate-violence. A school site administrator shall investigate and provide an informal written response to the parents or student within 10 school days and shall notify the parent of the option to file a formal complaint of bullying pursuant to OCSA's Uniform Complaint procedures, as applicable.

When a student is reported to be engaging in bullying off campus, the Executive Director 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.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Executive Director 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 school policies.

### **Notifications**

OCSA shall publicize this policy, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the Board of Trustees and the general public. The information shall be translated pursuant to Education Code section 48985 as needed. This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. (Education Code 234.1(c) and (d))

### **Bullying Prevention**

To the extent possible, 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 shall be informed, through student handbooks and other appropriate means, of school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

OCSA 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.

Strategies for addressing bullying at OCSA may 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 accountability plan, and other applicable school plans.

The Executive Director or designee may collaborate with mental health services, community organizations, law enforcement, and social services in the development and implementation of joint strategies to promote safety in schools and to provide services to students affected by bullying.

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

Legal References:

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  
California's Social and Emotional Learning: Guiding Principles, 2018  
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008  
Bullying at School, 2003  
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS  
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 School in Responding to Immigration Issues, April 2018  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Guidance to Schools: Bullying of Students with Disabilities, October 2014  
Dear Colleague Letter: Guidance of Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010  
Dear Colleague Letter: Harassment and Bullying, October 2010  
WEB SITES  
CSBA: <http://www.csba.org>  
California Office of the Attorney General: <http://oag.ca.gov>  
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>  
Center on Great Teachers and Leaders: <http://gtlcenter.org>  
Collaborative for Academic Social and Emotional Learning: <http://casel.org>  
Common Sense Media: <http://www.common Sense Media.org>  
National School Safety Center: <http://www.schoolsafety.us>  
Partnership for Children and Youth: <http://partnerforchildren.org>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>