**Status: ADOPTED** 

# **Superintendent Policy 5131.2: Bullying**

Original Adopted Date: 03/05/2020 | Last Revised Date: 01/30/2024 | Last Reviewed Date: 01/30/2024

This policy shall apply to all acts constituting bullying related to a school activity or school attendance occurring within a county office of education (COE) 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 County Board of Education and the County Superintendent of Schools in enacting policies and procedures that govern the COE.

The County Superintendent of Schools recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a welcoming, safe 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.

### **Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational, involves repetition or potential repetition of a deliberate act, and includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of prohibited conduct that may constitute bullying include, but are not limited to:

- 1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
- 2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
- 3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
- 4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, , direct messages or public posts on social media apps, gaming forums, or emails, sending rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting embarrassing photos, videos, or fake profiles

# **Measures to Prevent Bullying**

The County Superintendent of Schools encourages the involvement of students, parents/guardians, staff, 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.

The County Superintendent of Schools incorporates any strategies which may include, but are not limited to:

1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships

with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection

- 2. Ensuring that each school establishes clear rules for student and staffconduct and implements strategies to promote a positive, supportive, and collaborative school climate
- 3. Providing information to students, through student handbooks, COE and school websites, and other age-appropriate means, information about county office of education (COE) and school rules related to bullying and harassment prevention, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying, as required by law
- 4. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
- 5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
- 6. Annually notifying COE employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so
- 7. Providing professional development to all school staff who have regular interaction with students, including information regarding staff's obligation to prevent discrimination, harassment, intimidation, and bullying of students and annually making available the California Department of Education's online training module on the dynamics of bullying and cyberbullying pursuant to Education Code 32283.5
- 8. Providing students with instruction, as appropriate, that promotes social-emotional learning, effective communication skills, conflict resolution skills, character development, respect for cultural differences, self-esteem development, assertiveness skills, digital and media literacy skills, and appropriate online behavior and teaches 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

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

Preventive strategies may be incorporated into schools' comprehensive safety plans and, to the extent possible, into the local control and accountability plan and other applicable COE and school plans.

### **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.

Any complaint of bullying shall be submitted to and investigated by the individual(s), position(s), or unit(s) designated by the County Superintendent of Schools and, if determined to be discriminatory, shall be resolved in accordance with law and County Board Policy 1312.3 - Uniform Complaint Procedures. 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.

Any individual with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, school administrator, or other COE employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, a report of the cyberbullying may be made to the social media platform together with a request that the material be removed.

# **Discipline/Corrective Actions**

A victim of bullying, witness, perpetrator, or other student affected by an act of bullying may be referred 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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, intervention protocols should be implemented, which may include, but are not limited to, referral to COE or community mental health services, other health professionals, and/or law enforcement, in accordance with County Board Policy 5141.52 - Suicide Prevention.

In addition, corrective actions for a student who commits an act of bullying may include behavioral intervention and education and, if the behavior is severe or pervasive, may include notification of the student's parent/guardian, suspension or expulsion, and/or referral to law enforcement.

When a student commits an incident of racist bullying, harassment, or intimidation, the student shall be required to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance, and a regular check may be made on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. A restorative justice practice suitable to the needs of both the victim and perpetrator may also be provided to the students. (Education Code 48900.5)

**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.

Federal References	Description
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 110.25	Prohibition of discrimination based on age
47 USC 254	Universal service discounts (E-Rate)
Management Resources References	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	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Online Bullying Training Module and Bullying Module
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Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
CSBA Publication	School Safety: Bullying and Cyberbullying, Policy Brief, October 2023
CSBA Publication	Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

2011

Management Resources References	Description
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
U.S. Dept of Health and Human Services Publication	Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory, 2023
U.S. 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
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: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023
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Website	U.S. Department of Health and Human Services, Stop Bullying
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Website	CSBA
Website	Common Sense Media
Website	Collaborative for Academic Social and Emotional Learning
Website	Center on Great Teachers and Leaders
Website	California Office of the Attorney General
Website	California Department of Education, Safe Schools
State References	Description
5 CCR 4600-4670	Uniform complaint procedures
Bus. and Prof. Code 22589-22589.4	Cyberbullying Protection Act
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex

School safety plans

Governing board policy on responsibilities of students

Ed. Code 35291-35291.5 School discipline rules

Ed. Code 32282

Ed. Code 35181

State References Description

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

Cross References Description

0410 Nondiscrimination In County Office Programs And Activities

Local Control And Accountability Plan
 Local Control And Accountability Plan

1312.3 Uniform Complaint Procedures
1312.3 Uniform Complaint Procedures
1312.3-E(1) Uniform Complaint Procedures
1312.3 Uniform Complaint Procedures

5141.52Suicide Prevention5141.52Suicide Prevention5145.12Search And Seizure5145.12Search And Seizure

5145.3 Nondiscrimination/Harassment
5145.3 Nondiscrimination/Harassment

5145.7 Sexual Harassment
5145.7 Sexual Harassment

6173.1 Education For Foster Youth
6173.1 Education For Foster Youth

**Status: ADOPTED** 

# **County Office Regulation 5131.2: Bullying**

Original Adopted Date: 08/19/2022 | Last Revised Date: 05/28/2024 | Last Reviewed Date: 05/28/2024

### **Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical har. Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the County Office of Education (COE) include, but are not limited to:

- 1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
- 2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
- 3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
- 4. Cyberbullying: An act that occurs on electronic devices such as computers, tablets, or cell phones, such as sending demeaning or hateful text messages, direct messages or public posts on social media apps, gaming forums, or emails, spreading rumors by email or by posting on social networking sites, shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content, or posting or sharing embarrassing photos, videos, website, or fake profiles

# Measures to Prevent Bullying

The County Superintendent of Schools or designee shall implement measures to prevent bullying in COE schools, including, but not limited to, the following:

- 1. Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection
- 2. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate
- 3. Providing information to students, through student handbooks, COE and school websites and social media, and other age-appropriate means, about COE and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
- 4. Encouraging students to notify school staff when they are being bullied or when they suspect that another

student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously

- 5. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
- 6. Annually notifying COE employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

#### **Staff Development**

The County Superintendent of Schools or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

The County Superintendent of Schools or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the COE and its employees to prevent discrimination, harassment, intimidation, and bullying of COE students. Such training shall be designed to provide staff with the skills to:

- 1. Discuss the diversity of the student body and school community, including their varying immigration experiences
- 2. Discuss bullying prevention strategies with students, and 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

### **Information and Resources**

The County Superintendent of Schools or designee shall post on the COE's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

- 1. The COE's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6
- 2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8
- 3. Title IX information included on the COE's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6
- 4. COE policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying
- 5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media
- 6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.
- 7. Any additional information the County Superintendent of Schools or designee deems important for preventing bullying and harassment

### **Student Instruction**

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

The COE 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.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff e are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

# **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.

When a report of bullying is submitted, the principal or a COE compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. 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.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, regardless of whether 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 such observation to the principal or a COE compliance officer, regardless of whether the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the COE compliance officer identified in AR 1312.3.

Any individuals with information about cyberbullying activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and shall notify a teacher, the principal, or other employee so that the matter may be investigated. When an investigation concludes that a student used a social networking site or service to bully or harass another student, the County Superintendent of Schools or designee may report the cyberbullying to the social media platform and may request the material be removed.

#### **Discipline/Corrective Actions**

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 COE policies and regulations.

When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students. The principal or designer shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues. (Education Code 48900.5)

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

# **Support Services**

The County Superintendent of Schools, principal, or 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)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the County Superintendent of Schools or designee shall, as appropriate, implement COE intervention protocols which may include, but are not limited to, referral to COE or community mental health services, other health professionals, and/or law enforcement in accordance with Superintendent Policy and Regulation #5141.52 - Suicide Prevention .

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Website	National School Safety Center
Website	CSBA
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State References	Description
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Website

5 CCR 4600-4670	Uniform complaint procedures
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California Department of Education, Safe Schools

Pen. Code 422.55

Definition of hate crime

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Use of camera or other instrument to invade person's privacy; misdemeanor

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Use of camera or other instrument to invade person's privacy; punishment

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