TITLE: Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)

NUMBER: BUL-5212.2

ISSUER: Michelle King
Chief Deputy Superintendent

Earl R. Perkins
Assistant Superintendent
School Operations

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POLICY: The Los Angeles Unified School District is committed to providing a safe and civil learning and working environment. The District takes a strong position against bullying, hazing, and any behavior that infringes on the safety or well-being of students, employees, or any other persons within the District’s jurisdiction or interferes with learning or the ability to teach. The District prohibits retaliation against anyone who files a complaint or participates in the complaint investigation process.

District policy requires all schools and all personnel to promote mutual respect, tolerance and acceptance among students and staff. “All students and staff of public primary, elementary, middle and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful” [Article 1, Section 28 (c) of the California State Constitution]. Schools’ compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy is to be referenced in their Safe School Plan, Volume 1.

This policy shall encompass behaviors or actions that occur among students, District employees and associated adults. The policy is applicable in all areas of the District’s jurisdiction, including school and District-related activities, events, programs and traveling to and from school.

MAJOR CHANGES: This bulletin replaces Bulletin No. 5212.1, Bullying and Hazing Policy (Student-to-Student, Adult-to-Student and Student-to-Adult) dated September 17, 2012, issued by the Senior Deputy Superintendent School Operations. It reaffirms District policy against bullying in all areas of the District’s jurisdiction, updates the definition and types of bullying and provides recommendations on the investigations, monitoring, documentations and communications regarding incidents of bullying and hazing.

Bullying, harassment and hazing between employees, elected parent officials, contracted service providers and associated individuals are governed by BUL-5798.0, Workplace Violence, Bullying and Threats (Adult to Adult) and in BUL-1325.1, Visitors to School Campuses and Locked Campuses During Class Hours at All Schools.
GUIDELINES: Bullying and hazing are part of a continuum of aggressive or violent behaviors. Some acts of bullying or hazing may constitute other categories of misconduct, such as assault, battery, child abuse, hate-motivated incident, criminal activity, or sexual harassment and, as such, violate other District policies. In such cases, District personnel are obligated to follow appropriate District reporting guidelines as detailed in the Related Resources section of this policy bulletin.

I. DEFINITIONS

A. Bullying is any deliberate and unwanted severe or pervasive physical, verbal, or electronic act* that has the intention of, or can be reasonably predicted to have the effect of, one or more of the following:

1. Reasonable fear of harm to person or property.
2. Substantially detrimental effect on physical or mental health.
4. Substantial interference with the ability to participate in or benefit from school services, activities, or privilege.

* “Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication [CA Ed. Code § 48900 (2)(A)]. Impersonating a person through electronic means for purposes of harming, intimidating, threatening or defrauding a person is a violation of California Penal Code §§ 528.5 – 529.

B. Hazing is a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury, personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. Hazing does not include athletic events or school-sanctioned events [((CA Ed. Code § 48900(q, r), CA Penal Code § 245.6)].

C. Students are any person enrolled in a Los Angeles Unified School District school, including adult students. Adult students are also held to the guidelines associated with their enrollment in an adult education program.

D. Associated individuals are non-students who are affiliated with the District, including but not limited to parents/guardians, volunteers, vendors, contracted service providers, former students, former employees, spouses, domestic partners, and relatives or friends of employees or students.
II. TYPES OF BULLYING

All incidents must meet the impact criteria of bullying to be considered as such:

A. Cyberbullying is committed by means of an electronic communication device, such as a cellular phone, computer, or tablet. Cyberbullying may include messages, texts, sounds, images, posts on social network, Internet websites, and the creation of false profiles or credible impersonations of another actual person without their consent (CA Ed. Code § 32261 (a-g), CA Penal Code §§ 528.5 – 529).

B. Physical bullying includes intentional, unwelcome acts of beating, biting, fighting, hitting, kicking, poking, punching, pushing, shoving, spitting and tripping.

C. Social or relational bullying includes spreading rumors, manipulating relationships, exclusion, blackmailing, isolating, rejecting, using peer pressure and ranking personal characteristics.

D. Verbal and non-verbal bullying include gossiping, making rude noises, name-calling, spreading rumors, hurtful teasing and threatening gestures.

E. Playful teasing is good-natured joking and name-calling among friends with the intention of building closeness. By contrast, bullying is malicious teasing among individuals who are not friends with the intention of invoking harm, fear or humiliation. Teasing may have the unintended outcome of invoking embarrassment, whereas in bullying, invoking embarrassment is the intended goal. Teasing and bullying may appear similar, but the differentiating variables are the relationship between the parties and the intention of the perpetrators.

III. DISCRIMINATION AND HARASSMENT

All pupils have the right to participate in the educational process free from discrimination and harassment. Discrimination is different treatment on the basis of a protected category in the context of an educational program or activity, without a legitimate nondiscriminatory reason, that interferes with or limits the ability of the student to participate in or benefit from the services, activities or privileges provided by the District. Protected categories include an individual's actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, or age, as well as a person’s association with a person or group of these protected categories, or any other basis protected by federal, state, local law, ordinance, or regulation.

A. Sexual Harassment is unwelcome conduct of a sexual nature directed at or about an individual on the basis of actual or perceived sex, sexual orientation, gender identity or gender expression. Anti-gay and sexist epithets are forms of sexual
harassment. Schools should investigate and respond to such incidents under the guidelines of the relevant policy (see BUL-3349.1, Sexual Harassment Policy; BUL-2047.0, Responding to and Reporting Hate-Motivated Incidents and Crimes and BUL-6224.1, Transgender Students – Ensuring Equity and Nondiscrimination).

B. Hostile Environment Harassment occurs when: (1) the target is subjected to unwanted conduct related to a protected category; (2) the harassment is both subjectively offensive to the target and would be objectively offensive to a reasonable person of the same age and characteristics under the same circumstances; and (3) the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit the target’s ability to participate in or benefit from an educational program or activity.

IV. SCHOOL PRINCIPAL OR SITE ADMINISTRATOR(S) RESPONSIBILITIES

Safe campuses require a multi-faceted approach with strategies to prevent, respond to, and recover from incidents of bullying and hazing. The school principal and site administrators shall create an environment where the school community upholds the standards of respect and civility and understands that bullying and hazing are inappropriate, harmful and unacceptable. Toward this goal, schools shall:

A. Communicate with and ensure that all certificated and classified staff, activity directors, and volunteers on campus:

1. Understand school and District policies regarding bullying and hazing.
2. Recognize the indicators of bullying and hazing.
3. Understand their individual responsibilities to respond to, intervene, and report any act or incident of bullying or hazing.
4. Promote mutual respect and acceptance.

B. Provide instruction to ensure that students and staff are educated about appropriate online behavior and cyberbullying awareness (see BUL-999.9, Responsible & Acceptable Use Policy (RAUP) for District Computer and Network Systems; BUL-5688.0, Social Media Policy for Employees and Associated Persons, and BUL-6399.0, Social Media Policy for Students.)

C. Certify compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy in their Safe School Plan and Administrator Certification Form. The District takes reported cases of bullying and hazing seriously and utilizes positive behavior support strategies, progressive discipline, interventions, and corrective measures to address inappropriate behaviors.

D. Identify the Title IX/Bullying Complaint Managers responsible for documenting and managing complaints of bullying or hazing. The Complaint Manager must maintain records of complaints of bullying or hazing (see Attachment M, sample
Bullying Complaint Log).

E. Ensure that all reports of bullying or hazing are investigated and documented and that appropriate interventions are implemented and monitored. There must be at least one documentation of monitoring within 30 days and resolution within 60 days. For incidents of student misconduct related to bullying or hazing, document the investigation, interventions, and resolution in the MiSiS Student Support Module. Incidents that substantially disrupt school operations, require additional resources or sustained monitoring, should also be documented in iSTAR (see BUL-5269.2, Incident System Tracking Accountability Report).

F. Ensure that disciplinary actions are in compliance with District guidelines. Bullying or hazing that warrants suspension or expulsion must be reviewed by the standards set forth in BUL-5655.2, Guidelines for Student Suspension and BUL-6050.1, Expulsion of Students - Policy and Procedures.

G. Peer-to-peer bullying typically does not rise to the level of suspected child abuse. However, if child abuse is reasonably suspected, it must be reported to the appropriate child protective agency (see BUL-1347.2, Child Abuse and Neglect Reporting Requirements).

H. Display the English and Spanish Title IX/Bullying Complaint Manager posters (Attachments E-H) in prominent locations such as in offices and classroom where notices regarding rules, regulations, procedures, or standards of conduct are regularly posted.

I. Post expectations of positive behavior throughout the school to communicate norms of socially appropriate behavior for classrooms, restrooms, yard, eating areas, and other school activities.

V. STAFF RESPONSIBILITIES

A. Model and enforce appropriate behavior by creating an environment where mutual respect, tolerance, civility, and acceptance among students and staff are promoted, and students understand that bullying and hazing are inappropriate, harmful, and taken seriously.

B. Be familiar with the indicators of and appropriate responses to bullying and hazing.

C. Communicate and reinforce positive behavior expectations and norms for classrooms, restrooms, yards, eating areas, and other school activities.

D. Discuss all aspects of the Bullying and Hazing Policy with students including strategies to prevent, respond to, and report bullying and hazing (see Attachment G-L, Title IX/Bullying Complaint Manager posters and BUL-999.9, Responsible
& Acceptable Use Policy (RAUP) for District Computer and Network Systems).

E. Intervene immediately and safely with any act of discrimination, harassment, intimidation, hazing or bullying.

F. Document incidents of bullying and hazing in MiSiS and/or iSTAR. Incidents that exceed classroom management protocols should be referred to the Title IX/Bullying Complaint Manager for follow up.

G. Report any complaints or incidents of bullying or hazing involving a District employee to the site administrator immediately.

VI. TITLE IX/BULLYING COMPLAINT MANAGER RESPONSIBILITIES

A. The Title IX/Bullying Complaint Manager must ensure that the school employs a comprehensive system through which allegations of bullying and hazing can be safely and easily reported, and that the ensuing investigations, interventions, monitoring, and resolution are documented (Attachment M, sample Bullying Complaint Log). The principal or designee has the authority to delegate the tasks of investigating, responding, documenting, and monitoring alleged bullying and hazing. For incidents of student misconduct related to bullying or hazing, document the investigation, interventions, and actions taken in the MiSiS Student Support Module. Incidents that substantially disrupt school operations or require additional resources or sustained monitoring should also be documented in iSTAR (see BUL-5269.2, Incident System Tracking Accountability Report).

B. Ensure that the English and Spanish Title IX/Bullying Complaint Manager posters (Attachments E-H) are displayed in prominent locations such as in offices and classroom where notices regarding rules, regulations, procedures, or standards of conduct are regularly posted.

VII. STUDENT RESPONSIBILITIES

Students are significant contributors toward creating a safe school environment. Students should:

A. Be safe, respectful, and responsible for their actions at all times, during, before, and after school, and during school-related events and activities.

B. Treat everyone with respect. Participate in school-wide efforts to celebrate diversity. Be sensitive as to how others might perceive actions or words.

C. Practice safe and respectful behavior while on-line and while using electronic devices. Electronic behavior that causes a substantial disruption to school, even if it occurred during non-school hours, may be subject to disciplinary action, including
suspension and expulsion as described in CA Ed. Code § 48900 (r).

D. Report bullying or hazing to the Title IX/Bullying Complaint Manager or a District staff person.

E. Never engage in retaliatory behavior or ask, encourage, or consent to anyone to retaliate on their behalf.

VIII. RESPONDING TO BULLYING AND HAZING

It is imperative that schools investigate to determine if the behavior meets the criteria of bullying and hazing, make efforts to prevent its recurrence, and provide appropriate responsive actions. The following procedures should be followed in addressing incidents:

A. Secure student safety.

B. Assure involved parties that allegations are taken seriously.

C. Obtain factual written statements from the involved parties and if appropriate, witnesses (see Attachments A and B, Bullying and Hazing Complaint Form).

D. Provide the Title IX/Bullying Complaint Manager with copies of the complaint and supportive documentation.

E. Investigate promptly and thoroughly.

F. Develop an action plan to respond to and monitor the behavior. An Individual Student Safety Plan (Attachment D) and the No Bullying and Hazing Contract (Attachments G and H) are resources to assist in documenting agreements and interventions for the parties involved but are not required for all situations.

G. California Education Code Section 48900 stipulates that schools may respond to bullying that is created by electronic means (i.e., cyberbullying) that originated on or off of the school site if the incident meets the impact criteria of bullying and can be reasonably predicted to have the effect of one or more of the following:

1. Reasonable fear of harm to person or property.
2. Substantially detrimental effect on physical or mental health.
4. Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

H. For student misconduct related to bullying or hazing, document the
investigation, interventions, and actions taken in the MiSiS Student Support Module. Incidents that substantially disrupt school operations, or require additional resources or sustained monitoring, should also be documented in iSTAR (see BUL-5269.2, Incident System Tracking Accountability Report).

I. Consult with Administrator of Operations or Operations Coordinator in the Educational Service Center (ESC) or Intensive Support and Innovation Center (ISIC); Human Relations, Diversity and Equity; Educational Equity Compliance Office; Student Discipline and Expulsion Support Unit; and other offices as appropriate.

J. Confidentiality laws prohibit the sharing of information about a child to persons other than the custodial parents/guardians and authorized staff. The determination of findings and resolution must be documented and communicated to the complainant (see Attachments E and F, sample Letter of Findings). Upload any supportive documentation (e.g., Letter of Findings, minutes from a meeting, or an Individual Student Safety Plan) to iSTAR or MiSiS and give a copy to the Title IX/Bullying Complaint Manager.

K. Monitor to ensure that the misconduct has ceased. If there is a possibility that the incident has not been resolved, document at least one follow-up within 30 days of the initial filing to indicate the status of the investigation and actions taken. Within 60 days, document how the incident has been resolved.

L. Targets and perpetrators of bullying and hazing may benefit from support to re-engage with the school community (see BUL-6231.0, Discipline Foundation Policy: School Wide Positive Behavior Intervention and Support). Interventions should be reasonable, fair, age-appropriate, match the severity and nature of the misbehavior, and be paired with meaningful instruction and guidance.

M. Bullying, hazing or harassment that is based on the person’s actual or perceived characteristics or association with any protected classes, may also constitute discrimination or a hate-motivated incident and must be investigated (see BUL-2047.0, Responding to and Reporting Hate-Motivated Incidents and Crimes). The school will follow its standard procedures of documenting its investigation, intervention, and monitoring. The Educational Equity Compliance Office can provide technical assistance as needed.

N. Peer-to-peer bullying typically does not rise to the level of suspected child abuse. However, if child abuse is reasonably suspected, it must be reported to the appropriate child protective agency (see BUL-1347.2, Child Abuse and Neglect Reporting Requirements).

O. The determination of findings and resolution must be documented and communicated to the complainant (see Attachments E and F).
P. Complainants who disagree with the outcome of a bullying or hazing complaint may appeal the decision with the ESC or ISIC Administrator of Operations. Complainants who are still dissatisfied with the response may appeal at the central office level through Human Relations, Diversity and Equity. Hate-motivated incidents and bullying or harassment on the basis of a protected class can be appealed to Educational Equity Compliance through the Uniform Complaint Procedure.

IX. MONITORING AND EVALUATION
Data collection and analysis are critical tools that can inform efforts to create and refine school wide, classroom and individual student interventions to promote a positive school culture.

Every school has a School Safety Committee that is “accountable for writing, implementing, monitoring, and evaluating a comprehensive, integrated plan unique to its health and safety needs” (Safe School Plan, Volume 1). Schools also have a discipline review team “to support and monitor the implementation of the school-wide positive behavior intervention and support policy; to evaluate the outcomes; and to modify strategies as needed” (see BUL-6231.0, Discipline Foundation Policy: School Wide Positive Behavior Intervention and Support).

The Safe School Committee and the Discipline Review Team examine bullying and hazing from the lenses of prevention and intervention/response. They recognize that bullying and hazing are important indicators of school safety evaluate the efficacy of the school’s bullying and hazing prevention and response efforts.

Numerous metrics can be considered in an evaluation of positive school engagement. The Safe School Committee and the Discipline Review Team must maintain minutes of their meetings with an agenda, sign-in sheet, a log of the data they reviewed and next steps. External variables can inflate or suppress the number of bullying reports. Improved accuracy in reporting is a more reliable measure than a change in the number of reports. The following indicators may be considered in evaluating school climate:

1. Reporting patterns of allegations of bullying and hazing
2. Decrease of chronic bullying and/or hazing
3. Disciplinary office referrals, interventions and disciplinary action generated from the MiSiS Student Support Module
4. Incident reports generated from iSTAR
5. Title IX/Bullying Complaint Manager complaint logs
6. School Experience Survey
7. Overall climate for traditionally stigmatized or vulnerable populations, such as lesbian, gay, bisexual, transgender students, and students with disabilities, as evidenced through bias-related incidents on campus.
8. School-wide efforts to increase student engagement, such as Gay Straight
Alliances, restorative justice practice, and student-led social justice campaigns

X. RESOLUTION OF INCIDENTS OF BULLYING

Reported allegations of bullying must be investigated, monitored, and documented within 30 calendar days and resolved within 60 calendar days. “Resolution” means that an incident has been investigated and appropriate interventions have been taken to reasonably ensure that the specific behavior has ceased. A new incident should be regarded as a new report and investigated accordingly, unless it is determined to be a continuation of the initial complaint, in which case, the initial complaint could be reopened.

The determination of findings and resolution must be documented and communicated to the complainant (see Attachments E and F).

XI. CONFIDENTIALITY AND NON-RETAIATION

The reports and investigations of bullying or hazing shall respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those personnel who need to know within the confines of the District’s reporting procedures and investigation process.

The District will not tolerate retaliation against anyone who reports suspected bullying or hazing or participates in the investigation process. Confidentiality and non-retaliation requirements extend to all parties involved.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal authorities are applied in this policy:

California Constitution, Article I § 28(c)
California Education Code §§ 200, 220, 233, 234.1
California Education Code §§ 32228 et seq.
California Education Code §§ 32260 et seq.
California Education Code §§ 35160 et seq.
California Education Code §§ 35294.1 et seq.
California Education Code §§ 48900 (q - r)
California Penal Code § 245.6
California Penal Code §§ 422.55-422.57
California Penal Code §§ 528.5 – 529
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB256

RELATED RESOURCES: Board Resolution, Development of Bullying Policy, passed November 27, 2001
Board Resolution, To Enforce the Respectful Treatment of All Persons, passed October
Administrator Certification, Memorandum issued annually by the Office of the Superintendent

Child Abuse and Neglect Reporting Requirements, BUL-1347.2, dated July 1, 2011

Code of Conduct with Students-Distribution and Dissemination Requirement, BUL-5167.0, dated July 1, 2010

Discipline Foundation Policy: School-Wide Positive Behavior Support, BUL-6231.0 dated February 14, 2014

Employee Inappropriate Conduct Allegation Policy and Procedures, BUL-6211.0, dated December 20, 2013

Expulsion of Students-Policy and Procedures, BUL-6050.1, dated August 19, 2013

Guidelines and Procedures Relating To Student Behavior On School Bus, BUL-6385.0, dated September 29, 2014

Guidelines for Student Suspension, BUL-5655.2, dated August 19, 2013

Incident System Tracking Accountability Report, BUL-5269.2, July 10, 2013

LAUSDMAX Discipline Module Required Usage, BUL-5808.2, dated September 27, 2013

Name and/or Gender of Pupils for Purposes of School Records, BUL-5703.2, dated July 17, 2014

Nondiscrimination Required Notices and Ordering of Student Brochures, issued annually

Opportunity Transfer (OTs) - Policy and Procedures, BUL-6362.0, dated August 14, 2014

Policy Regarding Internet Safety for Students, BUL-5181.2, dated June 1, 2013

Responding to and Reporting Hate-Motivated Incidents and Crimes, BUL-2047.0, dated October 10, 2005

Responsible & Acceptable Use Policy (RAUP) for District Computer and Network Systems, BUL-999.9, dated November 3, 2014

Safe School Plan - Volume 1 (CSHS Plan, Prevention Programs), issued annually

Sexual Harassment Policy (Student-to-Student, Adult-to-Student and Student-to-Adult), BUL-3349.1, dated August 6, 2014

Social Media Policy for Employees and Associated Persons, BUL-5688.0, dated February 1, 2012

Social Media Policy for Students, BUL-6399.0, dated October 9, 2014

Suicide Prevention, Intervention and Postvention (Students), BUL-2637.1, dated July 10, 1988
16, 2012

**Threat Assessment and Management, (Student-to-Student, Student-to-Adult),** BUL-5799.0, dated July 16, 2012

**Title IX Policy/Complaint Procedures,** BUL-2521.1, dated June 7, 2006

**Transgender Students-Ensuring Equity and Nondiscrimination,** BUL-6224.1, dated August 15, 2014

**Uniform Complaint Procedures (UCP),** BUL-5159.3, dated May 15, 2014

**Use of Cellular Telephones and Other Electronic Devices by Students,** BUL-5468.0, dated May 4, 2011

**Visitors To School Campuses and Locked Campuses During Class Hours at All Schools,** BUL-1325.1, dated December 7, 2009

**Workplace Violence, Bullying and Threats (Adult to Adult),** BUL-5798.0, dated July 16, 2012

**ASSISTANCE:** For further information, to ask questions, to seek assistance, or for related resources, contact any of the following District offices:

- Crisis Counseling and Intervention Services - (213) 241-8264
- Division of Special Education, Behavior Support Office - (213) 241-8051
- Educational Equity Compliance Office - (213) 241-7682, [http://achieve.lausd.net/eeco](http://achieve.lausd.net/eeco)
- Educational Service Center Operations Coordinators
- Health Education Programs Office - (213) 241-3508
- Human Relations, Diversity and Equity - (213) 241-5337 [http://achieve.lausd.net/human-relations](http://achieve.lausd.net/human-relations)
- Interscholastic Athletics Office - (213) 241-5847
- Los Angeles School Police Department - (213) 625-6631
- Office of General Counsel - (213) 241-7600
- Office of School Operations - (213) 241-5337
- School Mental Health - (213) 241-3841
- Student Discipline and Expulsion Support Unit - (213) 202-7555

**ATTACHMENTS:**

- Attachment A: Bullying and Hazing Complaint Form, English
- Attachment B: Bullying and Hazing Complaint Form, Spanish
- Attachment C: Bullying and Hazing Complaint Response Worksheet
- Attachment D: Sample Individualized Student Safety Plan
- Attachment E: Sample Response Letter to Complainant, English
Attachment F: Sample Response Letter to Complainant, Spanish
Attachment G: No Bullying or Hazing Contract, English
Attachment H: No Bullying or Hazing Contract, Spanish
Attachment I: Title IX/Bullying Complaint Manager Poster, Secondary, English
Attachment J: Title IX/Bullying Complaint Manager Poster, Secondary, Spanish
Attachment K: Title IX/Bullying Complaint Manager Poster, Elementary, English
Attachment L: Title IX/Bullying Complaint Manager Poster, Elementary, Spanish
Attachment M: Sample Bullying Complaint Log
Attachment N: Together We Stand Against Bullying Brochure, English
Attachment O: Together We Stand Against Bullying Brochure, Spanish