

LODI UNIFIED SCHOOL DISTRICT

Revised
Students

Policy 5131.3 ~~Policy 5131.2~~

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 student or groups 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.~~

~~Cyberbullying includes the creation and transmission of harassing communication, 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.~~

~~Strategies for addressing bullying in district schools shall 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 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 and 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 district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.~~

~~The district 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.~~

~~Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.~~

~~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, and 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 bullying shall immediately intervene to stop the incident when it is safe to do so.~~

~~When appropriate, the superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or 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.~~

Reporting and Filing 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 Board Rule 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 that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student or 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 Board Rule 1312.3. The student who is the alleged victim of 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 law and the district's uniform complaint procedures specified in Board Rule 1312.3.~~

~~If during the investigation, it is determined to be discriminatory 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.~~

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

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 Board of Education 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.

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.

<i>State</i>	<i>Description</i>
<i>5 CCR 4600-4670</i>	<i>Uniform complaint procedures</i>
<i>Bus. and Prof. Code 22589-22589.4</i>	<i>Cyberbullying Protection Act</i>
<i>Ed. Code 200-262.4</i>	<i><u>Prohibition of discrimination</u></i>
<i>Ed. Code 32280-32289.5</i>	<i><u>School safety plans</u></i>
<i>Ed. Code 35181</i>	<i><u>Governing board authority to set policy on responsibilities of students</u></i>
<i>Ed. Code 35291-35291.5</i>	<i><u>Rules</u></i>
<i>Ed. Code 46600</i>	<i><u>Student transfers</u></i>
<i>Ed. Code 48900-48925</i>	<i><u>Suspension and expulsion</u></i>
<i>Ed. Code 48985</i>	<i><u>Notices to parents in language other than English</u></i>
<i>Ed. Code 52060-52077</i>	<i><u>Local control and accountability plan</u></i>
<i>Pen. Code 422.55</i>	<i><u>Definition of hate crime</u></i>
<i>Pen. Code 647</i>	<i><u>Use of camera or other instrument to invade person's privacy; misdemeanor</u></i>
<i>Pen. Code 647.7</i>	<i><u>Use of camera or other instrument to invade person's privacy; punishment</u></i>
<i>Pen. Code 653.2</i>	<i><u>Electronic communication devices; threats to safety</u></i>
<i>Federal</i>	<i>Description</i>
<i>28 CFR 35.107</i>	<i>Nondiscrimination on basis of disability; complaints</i>
<i>34 CFR 104.7</i>	<i>Section 504; Designation of responsible employee and adoption of grievances procedures</i>

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
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
Bullying at School, 2003

*California Department of Education
Publication*

*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

*California Department of Education
Publication*

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

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

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

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

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

<i>U.S. DOE, Office for Civil Rights Publication</i>	<u><i>Dear Colleague Letter: Addressing Discrimination Against Jewish Students, May 2023</i></u>
<i>U.S. DOE, Office for Civil Rights Publication</i>	<u><i>Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics, November 2023</i></u>
<i>U.S. DOE, Office for Civil Rights Publication</i>	<u><i>Dear Colleague Letter: Harassment and Bullying, October 2010</i></u>
<i>US Department of Health and Human Services</i>	<u><i>Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory, 2023</i></u>
<i>US Dept of Health and Human Services Publication</i>	<u><i>Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General’s Advisory on the Health Effects of Social Connection and the Community, 2023</i></u>
<i>Website</i>	<u><i>U.S. Department of Health and Human Services, Stop Bullying</i></u>
<i>Website</i>	<u><i>CSBA District and County Office of Education Legal Services</i></u>
<i>Website</i>	<u><i>National School Safety Center</i></u>
<i>Website</i>	<u><i>Partnership for Children and Youth</i></u>
<i>Website</i>	<u><i>Center on Great Teachers and Leaders</i></u>
<i>Website</i>	<u><i>Collaborative for Academic Social and Emotional Learning</i></u>
<i>Website</i>	<u><i>Common Sense Media</i></u>
<i>Website</i>	<u><i>California Department of Education, Safe Schools</i></u>
<i>Website</i>	<u><i>California Office of the Attorney General</i></u>
<i>Website</i>	<u><i>CSBA</i></u>
<i>Website</i>	<u><i>U.S. Department of Education</i></u>

(cf. 5138—Conflict Resolution/Peer Mediation)

(cf. 5144—Discipline)

(cf. 5144.2—Suspension and Expulsion/Due Process)

(cf. 6159.4—Behavioral Interventions for Special Education Students)

~~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~~

~~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~~

~~UNITED STATES CODE, TITLE 47~~

~~254 Universal service discounts (e-rate)~~

~~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~~

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

~~Safe Schools: Strategies for Governing Boards to Ensure
Student Success, 2011~~

~~Providing a Safe, Nondiscriminatory School Environment
for All Students, Policy Brief, April 2010~~

~~Cyberbullying: Policy Considerations for Boards, Policy
Brief, July 2007~~

~~CALIFORNIA DEPARTMENT OF EDUCATION
PUBLICATIONS~~

~~Health Education Content Standards for California Public
Schools: Kindergarten Through Grade Twelve, 2008-
Bullying at School, 2003~~

~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL
RIGHTS PUBLICATIONS~~

~~Dear Colleague Letter: Harassment and bullying, October
2010~~

~~WEB SITES~~

~~CSBA: <http://www.csba.org>~~

~~California cybersafety for Children:~~

~~<http://www.cybersafety.ca.gov>~~

~~California Department of Education, Safe School Office:~~

~~<http://www.cde.ca.gov/Is/ss>~~

~~Center for Safe Responsible Internet~~

~~Use:<http://cyberbully.org>~~

National School Boards Association: <http://www.nsba.org>
National School Safety Center: <http://www.schoolsafety.us>
U.S. Department of Education, Office of Civil
Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy
adopted: 12/10/13
revised: 05/19/15
revised: 08/15/17

LODI UNIFIED SCHOOL DISTRICT

NEW
Students

Rule 5131.2

Bullying

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 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 conduct that may constitute bullying and are prohibited by the district 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 Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

- 1. Ensuring that each school establishes clear rules for student and staff conduct and implements strategies to promote a positive, supportive, and collaborative school climate*
- 2. Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying*
- 3. Notify district 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*

Professional Development

The Superintendent 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.

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, 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 Superintendent or designee shall post on the district'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:

The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

1. *The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8*
2. *Title IX information included on the district'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*
3. *District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying*
4. *A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media*
5. *A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5*
6. *Any additional information the Superintendent or designee deems important for preventing bullying and harassment*

Student Instruction

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 development, respect for cultural and individual differences, self-esteem development, assertiveness skills,

digital and media literacy skills, and appropriate online behavior.

The district 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 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 district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Administrative Regulation 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.

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 Superintendent 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 district policies and regulations.

Support Services

The Superintendent, 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.

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

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Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
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28 CFR 35.107	<u>Nondiscrimination on basis of disability; complaints</u>

34 CFR 104.7

Section 504; Designation of responsible employee and adoption of grievances procedures

34 CFR 106.8

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34 CFR 110.25

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

U.S. DOE Office for Civil Rights

Dear Colleague Letter: Responding to Bullying of Students

<i>Publication</i>	<u><i>with Disabilities, October 2014</i></u>
<i>U.S. DOE Publication</i>	<u><i>Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students, June 2023</i></u>
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<i>Website</i>	<u><i>CSBA</i></u>
<i>Website</i>	<u><i>U.S. Department of Education</i></u>