

**CLOVIS UNIFIED
SCHOOL DISTRICT****STUDENTS****Rights and Responsibilities****BULLYING**

PURPOSE: To establish a policy to ensure every student shall be free from bullying at school or school-related activities.

The District prohibits bullying, including that which is based on actual or perceived characteristics described in Penal Code section 422.55, Education Code section 220, or association with a person or group with one or more of these actual or perceived characteristics, and which is more fully described in the administrative regulation. The District also prohibits retaliation for filing a complaint or for participating in the complaint resolution process. This policy applies to all acts related to school activity or school attendance occurring within a school of the District.

The Board authorizes the Superintendent to adopt an administrative regulation to implement this policy to ensure that students are free from discrimination, harassment, intimidation, and bullying. The Board further authorizes the Superintendent or designee to provide a mechanism for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics described in Penal Code section 422.55, Education Code section 220, or association with a person or group with one or more of these actual or perceived characteristics. Said complaint process must:

1. Require all school personnel who witness an act of discrimination, harassment, intimidation, or bullying to take immediate steps to intervene when safe to do so.
2. Set forth a timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools of the District.
3. Include an appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to this policy.

All forms developed pursuant to the complaint process shall be translated in keeping with Education Code section 48985. All individuals making a complaint alleging discrimination, harassment, intimidation, or bullying pursuant to this policy shall be protected from retaliation and have their identity remain confidential, as appropriate, which includes the confidentiality of immigration status.

The Board directs the Superintendent or designee to publicize this policy, including a description of how to file a complaint, and to ensure that this policy is posted in school offices, schools, staff lounges, and student government meeting rooms.

The Board directs that students be educated regarding bullying and harassment, which shall include education of students regarding the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The Board further

**CLOVIS UNIFIED
SCHOOL DISTRICT**

directs that District employees be trained so they are aware of their duty to take responsible steps to eliminate a hostile environment and respond to any incident of harassment based on any protected actual or perceived characteristics. Such training should, at a minimum, provide District employees with the skills to do all of the following:

1. Discuss the varying immigration experiences among members of the student body and school community.
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.

The Board identifies the Associate Superintendent of School Leadership as the responsible District employee for ensuring compliance with this policy.

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 section 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 section 46600, the Superintendent or designee shall allow the transfer in accordance with law and District policy on intra-district or inter-district transfer, as applicable.

This policy shall not be construed to limit pupil rights to free speech as protected by the United State Constitution, the California Constitution, or other applicable law.

The Board has also adopted Board Policy No. 5145.3 regarding nondiscrimination and Board Policy No. 5145.7 regarding sexual harassment.

Adopted: 06/13/2012

Amended: 06/13/2018, 11/18/2020 (BP 2116 renumbered as BP 5131.2)

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Interagency School Safety Demonstration Act

32282 Comprehensive safety plan

32283 Workshops; contracts with professional law enforcement and educator trainers

32283.5 Bullying; online training

**CLOVIS UNIFIED
SCHOOL DISTRICT**

35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
46600 Student transfers
48900-48925 Suspension or expulsion
48985 Translation of notices
52060-52077 Local control and accountability plan

PENAL CODE

288.2 Harmful matter sent to minor
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

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 42

2000d-2000e Title VI of the Civil Rights Act of 1964
2000h-2-2000h-6 Intervention by Attorney General

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

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