

Da Vinci Schools Board Policy Bullying

The Board of Trustees believes that all students have a right to a safe and healthy school environment. Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, and leads to other antisocial behavior. Recognizing the harmful effects of bullying on student learning and school attendance, Da Vinci School employees have an obligation to promote mutual respect, tolerance, and acceptance.

Da Vinci Schools will not tolerate behavior that infringes on the safety of any student. No individual or group shall intimidate, harass, sexually harass, threaten, cause bodily injury to, or commit hate violence against another student or school personnel through physical, written, verbal, or other means. Such behavior includes: direct physical contact, such as hitting or shoving, or taking or breaking another individual's property; verbal assaults, such as name-calling, taunting, making inappropriate sexual comments, or threatening to cause harm; and social isolation, embarrassment, or manipulation.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, videos, or images. Cyberbullying can include sharing personal or private information about another student, causing embarrassment or humiliation.

Strategies for addressing bullying in Da Vinci Schools may be incorporated into the comprehensive school safety plan, the local control and accountability plan, and other applicable school plans. As appropriate, Da Vinci Schools may collaborate with law enforcement and community-based organizations and agencies in the development and implementation of strategies to promote safety in schools and the community and to provide services for alleged victims, witnesses, and perpetrators of bullying.

Bullying Prevention

To ensure bullying does not occur on school campuses, Da Vinci Schools shall provide staff development training to raise their awareness about the legal obligation of Da Vinci Schools and its employees to prevent discrimination, harassment, intimidation, and bullying of students, and to cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including varying immigration experiences and religious beliefs
2. Discuss bullying prevention strategies with students, and teach students to recognize 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

Certificated schoolsite employees who serve students in grades 7 to 12 shall be provided with information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, and students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation. (Education Code 234.1)

Each school shall adopt a Student Code of Conduct to be followed by every student while on school grounds, or when traveling to and from school or a school-sponsored activity. Students shall be informed of the Student Code of Conduct and the consequences specific to bullying through student handbooks and other appropriate means.

The Student Code of Conduct includes, but is not limited to:

1. Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.
2. Students are expected to immediately report incidents of bullying to the principal or designee.
3. Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.
4. If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal or the Chief Executive Officer. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

As appropriate, teachers shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolutions skills, character/values education, respect for cultural and individual differences, self esteem development, assertiveness skills, and appropriate online behavior. Such instruction 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.

Based on an assessment of bullying incidents at schools, Da Vinci Schools may increase supervision and security in areas where bullying most often occurs.

Bullying Intervention

Da Vinci Schools expects students to immediately report to the principal or designee incidents of bullying or when there is suspicion that a student is being victimized on school grounds, while traveling to and from school, during the lunch period, and during a school-sponsored activity. The principal or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School employees who witness an act of bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate based on the severity or pervasiveness of the bullying, the Chief Executive Officer, principal, or principal's designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The 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)

Reporting and Filing of Complaints

Any 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. A school employee who receives a report or is witness of an incident of bullying involving a student shall notify the principal within one business day, whether or not the alleged victim files a complaint.

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 Chief Executive Officer or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Complaints or reports filed should include, at minimum, the following information:

1. Description of the incident, including date, time, and location of such incident
2. Identity of the alleged victim(s) and alleged offender(s)
3. List of witnesses who may have relevant information
4. Any evidence of the bullying allegations

Investigation and Resolution of Complaints

All complaints of bullying must be investigated by the principal or designee within ten business days from the date the complaint was filed. The principal or designee shall take all necessary actions to resolve the complaint and provide the complainant with a final written decision that contains, at minimum, the following elements:

1. A description of the complaint
2. The list of evidence gathered and reviewed

3. The rationale for the decision based on evidence and any applicable laws or Da Vinci Schools policies
4. Corrective actions, if any are warranted

Discrimination, harassment, intimidation, and bullying based on actual or perceived status of a student belonging to a protected class is prohibited. If the principal or designee, in the course of the investigation, determines that discriminatory harassment, intimidation, or bullying has occurred, the principal or designee shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Da Vinci Schools' Uniform Complaint Procedures (UCP). The principal or designee shall also inform the Chief Executive Officer of the complaint, who shall then investigate and resolve the complaint in accordance with the UCP.

As part of the investigation, the principal or designee shall provide an opportunity for the complainant, or the complainant's representative, or both, to present evidence or information to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation. Refusal by the complainant to provide documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Interviews of the alleged victim(s), any alleged offenders, and other relevant witnesses shall be conducted privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

All complainants shall be protected from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or discriminatory harassment, intimidation, or bullying, the Chief Executive Officer or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

As appropriate, interim measures shall be implemented during and pending the result of an investigation and shall remain in place until the principal or designee determines they are no longer necessary.

Corrective Actions and Disciplinary Measures

When a complaint is found to have merit, appropriate remedies that may be offered to the victim but not communicated to the offender may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided that the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and that there has been no retaliation

Corrective actions for a student determined to have committed an act of bullying of any type may include, but are not limited to, the following:

1. Transfer from a class or school
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges
7. Disciplinary action, such as suspension, expulsion, or involuntary removal as permitted by law

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

Da Vinci Schools may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute bullying and discriminatory harassment, intimidation, and bullying, that Da Vinci Schools does not tolerate it, and how to report and respond to it.

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity, prohibition of discrimination

32280-32289 School safety plans

47600-46610 Charter schools

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

CODE OF REGULATIONS, TITLE 5
300 Student responsibilities
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

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