Anti-Harassment/Anti-Bullying

The San Mateo County Board of Education believes all students are entitled to a safe, orderly, caring and equitable learning environment that promotes academic achievement, school connectedness and meaningful participation for all students. In addition, the Board affirms the right of all students, staff and parents/guardians to be free from harassment or any activity that degrades the unique qualities of an individual or association with a person or a group with one or more actual or perceived protected characteristics, to include students’ parental, family, or marital status, ancestry, color, race, gender, gender identity, gender expression, ethnicity, age, culture, heritage, sexuality, physical/mental/intellectual attributes, or religious beliefs and practices. This right applies to all acts related to school activity or school attendance within a school under the jurisdiction of the Superintendent. School personnel will take immediate steps to intervene when it is safe to do so and when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

To protect the rights of students, staff and other persons engaged in activities through SMCOE programs and to ensure a safe and supportive learning environment for all, the San Mateo County Board of Education expressly prohibits discrimination, intimidation, bullying, cyberbullying or harassment of any student or employee by any employee, student, or other person on any school campus or at any school activity whether on or off campus.

The San Mateo County Board of Education expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff. The Board recognizes that bullying and harassment are inflammatory to those victimized by such acts and jeopardizes the safety and well being of students and staff. The Board authorizes the staff to discipline students involved in such acts, including counseling, suspensions and recommendation for expulsion as allowed by California Education Code.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
32280-32289 School Safety Programs
32261 Bullying
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension or expulsion of students
48950 Freedom of speech
49020-49023 Athletic programs
51512 Prohibition against electronic listening devices
51500 Prohibited instruction or activity
Legal Reference:

EDUCATION CODE
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE
313 Harmful matter
422.55 Definition of hate crime
422.6 Crimes, harassment
647 Electronic device to invade person’s privacy; misdemeanor
653.2 Electronic communication device, threats to safety

CODE OF REGULATIONS, TITLE 5
300-307 Duties of pupils
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

CSBA PUBLICATIONS:
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Anti-Harassment/Anti-Bullying

CSBA PUBLICATIONS:
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
Protecting our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
California Student Safety and Violence Prevention – Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS
Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Bullying in School: Fighting the Bullying Battle, 2006

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, January 1999
Preventing Bullying: A Manual for Schools and Communities, 1998

Legal Reference:

WEB SITES
CSBA: http://www.csba.org
California Cyber Safety for Children: http://www.cybersafety.ca.gov
California Safe Schools Coalition: http://www.casafeschools.org
California Department of Education: http://www.cde.ca.gov
Center for Safe and Responsible Internet: http://cyberbullying.org
First Amendment Center: http://www.firstamendment.org
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schoolsafety.us
U.S. Department of education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Adopted SMCBE: 02/01/12
Revised: 11/20/13, 3/2/16