

Anti-Harassment/Anti-Bullying Policy

The Board of Trustees of the San Mateo County Office of Education believes that 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, such as race, gender, gender identity, gender expression, ethnicity, age, culture, heritage, sexuality, physical/mental/intellectual attributes, or religious beliefs and practices.

To protect the rights of students, staff and other persons engaged in activities through SMCOE programs and to ensure a safe and secure learning environment for all, the Board of Trustees of the San Mateo County Office 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 Board of Trustees of the San Mateo County Office 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*

51501 *Prohibited means of instruction*

60044 *Prohibited instructional materials*

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Legal Reference:

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

Donovan v. Poway Unified School District, (2008) 167 Cal. App. 4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F. 3d 1130

CSBA PUBLICATIONS:

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

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

Protecting our Schools: Governing Board Strategies to Combat School Violence, 1999

Students

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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.cybersaftey.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