

The Anaheim Union High School District is committed to a safe school environment free from bullying, discrimination, harassment, and intimidation consistent with state and federal law. Consistent with the law, the District prohibits bullying and discrimination and provides a timely and effective complaint procedure for pupils who believe they have been the victim of bullying or discrimination.

This policy applies to all of the District's students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the Anaheim Union High School District. This policy also reminds school personnel of their obligation to intervene, when safe to do so, as required by Education Code section 234.1(b)(1).

The District also is mindful that, at times, behavior that is rude or insensitive may nevertheless be constitutionally protected in the context of a public school environment. Such conduct can best be combatted and prevented with effective strategies that involve pupils, parents and school employees in collaborative efforts to teach tolerance and ensure equal educational opportunities for all.

Legal Reference:

EDUCATION CODE

234-234.5 Safe Place to Learn Act

Board of Trustees

August 16, 2012

Revised: November 5, 2019

DEFINITIONS

- A. “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- a. Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
 - b. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - c. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - d. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

While not an exhaustive list, examples of bullying/cyberbullying might include:

- direct physical contact, such as hitting or shoving;
- threats to harm another person;
- oral or written assaults, such as teasing or name-calling;
- social isolation or manipulation;
- posting harassing messages, direct threats, social cruelty or other harmful texts, sounds or images on the Internet, including social networking sites;
- posting or sharing false or defamatory information about another person;
- posting or sharing information about another person that is private;
- pretending to be another person on a social networking site or other electronic communication in order to damage that person’s reputation or friendships;
- posting or sharing photographs of other people without their permission;
- spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages); and
- retaliating against someone for complaining that they have been bullied

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- B. “Electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer or pager.
- C. “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

PROHIBITION OF BULLYING

The District prohibits bullying as defined in this policy. This includes, but is not limited to, discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics set forth in Penal Code section 422.55 and Education Code section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics. (Educ. Code §§ 234.1(a); 48900(r).) [cf. Board Policy 7703/7703-R (Uniform Complaint Procedures) and Board Policy 8708/8708-R (Sexual Harassment of Students)]

In addition, the District prohibits retaliation against complainants.

FREE SPEECH PROTECTION

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code sections 48907 and 48950, and other applicable law.

DUTIES AND RESPONSIBILITIES OF SCHOOL EMPLOYEES

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, the employee shall take immediate steps to intervene when safe to do so. (Educ. Code §234.1(b)(1).)

Any student or parent/guardian who has knowledge of bullying, believes that a student has been subjected to bullying, or has witnessed bullying, may report the incident to a teacher, the principal, the Nondiscrimination Officer, or any other available school employee.

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall notify the District’s Nondiscrimination Officer of allegations of bullying based on a protected class or allegations of discrimination or harassment based on a protected class within one school day.

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The District's Student Nondiscrimination Officer for student-based discrimination or harassment is:

Equity Compliance Officer
Student Support Services
501 Crescent Way, Anaheim, Ca. 92803
(714) 999-5621
EquityComplianceOfficer@auhsd.us

The Nondiscrimination Officer/designee is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer/designee shall maintain documentation of complaints and their resolution for a minimum of one CPM review cycle. (Educ. Code § 234.1(e).)

When a report of bullying is made based on a protected class, the District shall notify the individual of the opportunity to file a written complaint seeking investigation pursuant to the Uniform Complaint Procedure (Board Policy/Administrative Regulation 91200) as applicable. Site Administrators may work with families to informally resolve verbal reports of bullying through the process described below, while a student considers whether to file a Uniform Complaint Procedures complaint. If a written complaint of bullying is received, the site administrator should promptly meet with a student to determine if the complaint is made on the basis of a protected class, and is a complaint pursuant to Board Policy/Administrative regulation 91200.

INVESTIGATING COMPLAINTS

When a report of bullying is submitted, school administration will work with students to investigate that matter and resolve the issue at the school level. All matters regarding bullying occurring within the school's jurisdiction should be thoroughly investigated. A student accused of bullying should be informed of the investigation and given the opportunity to present their version of the situation and to identify witnesses on their behalf. Parents/Guardians of both the accused and the student filing the complaint should be contacted as appropriate. The Principal or designee shall provide a written finding to the alleged victim/complainant within 10 school days of their receipt of initial report. This may be extended for good cause.

The Principal's/designee's findings may be appealed by the Complainant or Respondent, as outlined below:

- a. The burden shall be on the appealing party to show why the principal's/designee's decision should be overruled.
- b. Within 10 days of the date of the finding document, the appealing party shall submit a written request to the Assistant Superintendent of Education or designee specifying the reasons why the decision is being challenged.

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c. Within 30 days of receipt of the appeal, the Assistant Superintendent of Education or designee shall provide a written decision either supporting or overruling the principal's/designee's findings. This timeline may be extended for good cause. Prior to making this determination, the Assistant Superintendent of Education or designee may meet with the appealing party and principal/designee and conduct further investigation.

The Assistant Superintendent of Education's or designee's findings are final.

If the student or parent/guardian believes the complaint should have been processed as a Uniform Complaint, they may file a formal Uniform Complaint at any time.

CONFIDENTIALITY

The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

DISCIPLINARY CONSEQUENCES

Students who violate this policy may be subject to discipline, including suspension and expulsion pursuant to the District's discipline policies and procedures, Board Policy/Administrative Regulation 8700/8700-R.

NOTIFICATIONS

The District shall publicize this policy, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board and the general public. The information shall be translated pursuant to Education Code section 48985. This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. (Educ. Code § 234.1(c) and (d).)

ANTI-BULLYING EDUCATION; TRAINING FOR EDUCATORS

The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity. (Educ. Code § 201(g).)

As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates pupils about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. (Board Policy/Administrative Regulation 7901.03/7901.03-R.) The District also educates pupils and

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teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

INTER-DISTRICT TRANSFERS

A pupil who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed by a pupil of the district of residence shall, at the request of the person having legal custody of the pupil, be given priority for inter-district attendance under any existing inter-district attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an inter-district attendance agreement. (Educ. Code § 46600(b).)

Legal References:**Board Policy**

- 7703 Uniform Complaint Procedures
- 7901.03/7901.03-R Use of Technology
- 8700/8700-R Student Discipline
- 8708/8708-R Sexual Harassment of Students

Education Code

- 201 (g) Equal Educational Opportunity
- 220 Harassment characteristics
- 234.1 (a), (b)(1), (c), (d), (e)
- 35351 Discrimination
- 46600 (b) Inter-district Attendance
- 48900 (r) Bullying
- 48900.2 Sexual Harassment
- 48900.3 Hate Violence
- 48900.4 Harassment, Intimidation
- 48980 Notification of Parent or Guardian

Penal Code References:

- 422.55

Board of Trustees

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