

Cyberbullying Proposal Approved by the Technology Committee
Addendum to the District Technology Plan

Definition: Cyberbullying is the use of modern communication technologies (such as email, instant messaging, chat rooms, web sites, social networking sites, and cell phones/other forms of technology) to intentionally embarrass, humiliate, threaten, or intimidate an individual or group in an attempt to gain power and control.

District Policy regarding cyberbullying: When there is a clear nexus between the behavior listed above and the school (including the provisions of 48900 (s)), the superintendent or designee will take action based upon the provisions outlined in the district's school conduct guidelines and the education code.

When deciding if there is a clear nexus between the behavior and the school, administrators must ensure that victim impact statements or bystander/friend/perpetrator statements reveal that the behavior has impacted the victim's attendance, has impacted the victim's academics, and/or has impacted the victim at school. Administrators must also consider if other students shared the text, video, etc. at school. Finally, administrators must decide if the cyberbullying has caused school bullying.

In the district's school conduct guidelines, cyberbullying (and bullying in general) is listed under the heading "Serious Expellable Acts" and represents a Level #3 infraction on the first offense, moving up through the levels with each subsequent offense.

The applicable section of the education code is section 48900 (r): Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

Section 32261 (f) and (g) are as follows:

(f) As used in this chapter, "bullying" means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4.

(g) As used in this chapter, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

Section 48900.2, 48900.3 and 48900.4 are as follows:

48900.2) Sexual harassment

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in California Penal Code Section 212.5

48900.3) Hate violence

In addition to the reasons specified in Sections 48900 and 48900.2, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subsection (e) of California Penal Code Section 33032.5

48900.4) Harassment, threats, or intimidation

In addition to the reasons specified in Sections 48900 and 48900.2, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats or intimidation, directed against a pupil or groups of pupils sufficiently severe or pervasive to the actual and reasonable effort of particularly disrupting class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

48900 (s) is as follows:

A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.