

ANTI-BULLYING AND **CONFLICT RESOLUTION** **POLICY**



“Climbing Toward College & Career Readiness”

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ANTI-BULLYING POLICY

Ararat Charter School (ACS) prohibits acts of harassment or bullying. ACS has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers. The goal is to provide positive examples for student behavior.

"Harassment or bullying including cyberbullying" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. Internet, cell phone, personal digital assistant [pda], or wireless hand-held device) that is reasonably perceived as being motivated either by an actual or perceived characteristic, such as: race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or during school-related transportation.

“Harassment” is conduct that meets all of the following criteria:

- it is directed at one or more pupils;
- it substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- it adversely affects the ability of a pupil to participate in or benefit from the school's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- it is based on a pupil's actual or perceived distinguishing characteristic (see above),
- or is based on an association with another person who has or is perceived to have any of these characteristics.

“Bullying” is conduct that meets all of the following criteria:

- it is directed at one or more pupils;
- it substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- it adversely affects the ability of a pupil to participate in or benefit from the school’s educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; and,
- it is based on a pupil’s actual or perceived distinguishing characteristic (see description above), or is based on an association with another person who has or is perceived to have any of these characteristics.

“Cyberbullying” is committed by means of an electronic communication device, such as a cellular phone, computer, or tablet. Cyberbullying may include messages, texts, sounds, images, posts on social network, Internet websites, and the creation of false profiles or credible impersonations of another actual person without their consent.

Ararat Charter School expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

Ararat Charter School believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

Ararat Charter School believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students’ abilities to develop self-discipline.

Since bystander support of harassment or bullying can validate those behaviors, Ararat Charter School prohibits both active and passive support for acts of harassment or bullying. The staff

should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

Ararat Charter School requires its administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* corrective responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and corrective measures for each act of harassment or bullying.

Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred.

Factors for Determining Corrective Measures

Personal

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

Environmental

- School culture
- School climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

Consequences and appropriate corrective actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Ararat Charter School's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Ararat Charter School's approved code of student conduct. Corrective measures shall be designed to: *correct the problem behavior*; *prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should be consistently employed school-wide, based upon a communicated list of bullying offenses and the associated consequences. The consequences and corrective measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention

- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action
- Expulsion or termination

Examples of Corrective Measures

Personal

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.
- Behavioral assessment or evaluation
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

Environmental (School Building/Grounds, Transportation, Activities)

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement

- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Law enforcement involvement (e.g., school resource officer, juvenile officer)

Ararat Charter School requires the principal and/or the principal's designee to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

Ararat Charter School requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made.

Ararat Charter School prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The administrator will determine the consequence and appropriate

corrective action for the person who engaged in reprisal or retaliation, after considering the nature, severity, and circumstances of the act.

Ararat Charter School prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate corrective action for a *person* found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate corrective action for a *school employee* found to have falsely accused another person as a means of harassment or bullying shall be disciplined in accordance with school policies, procedures, and agreements.

Ararat Charter School will annually disseminate the policy to all school staff, students, and parents, with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The chief school administrator shall develop an annual process for discussing the policy on harassment and bullying with students and staff.

Ararat Charter School shall incorporate information regarding the policy against harassment and bullying into each employee training program and handbook.

Legal Reference:

Education Code, Sections 200-262.4; 32282; 32283.5; 35181; 35291- 35291.5; 48900-48925; 48985; 52060-52077

Penal Code, Sections 422.55; 647; 647.7; 653.2

Code of Regulations, Title 5, Sections 4600-4687

United States Code, Title 47, Section 254

Code of Federal Regulations, Title 28, Section 35.107

Code of Federal Regulations, Title 34, Sections 104.7; 106.8; 110.25

Court Decisions:

Wynar v. Douglas County School District, (2013) 728 F.3d 1062 J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094 Lavine v. Blaine School District, (2002) 279 F.3d 719

Adopted 8/15/15

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