

REGULATION 5131.2: BULLYING

Comparison Chart

Section: Students

SUMMARY OF UPDATE

Summary of Update: *The regulation has been updated to expand the definition of "cyberbullying" based on the CSBA's policy brief on bullying and cyberbullying. It now includes additional preventive measures in line with new U.S. Surgeon General guidance, such as developing a strategic plan for school connectedness, implementing social education techniques, fostering a supportive school environment, and integrating social connections into health education. The regulation also incorporates digital and media literacy into student instruction, expands staff responsibilities as role models, and reflects a new law (AB 2879, 2022) requiring social media platforms to allow anyone to report cyberbullying, even without a profile. Additionally, under AB 1165 (2023), the regulation encourages the use of restorative justice practices for students involved in racist bullying incidents, with follow-up support for victims to prevent long-term mental health impacts.*

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	December 2023	
			December 8, 2020	
			Examples of Prohibited Conduct	No change
1			Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).	No change

CSBA NOTE: Education Code 234.4 mandates districts to adopt procedures for preventing acts of bullying, including cyberbullying. The following administrative regulation may be revised to reflect district practice.

CSBA NOTE: The following section reflects definitions and examples of bullying and cyberbullying contained in the California Department of Education's (CDE), "Bullying Module," and CSBA's October 2023 Policy Brief, "School Safety: Bullying and Cyberbullying," and may be revised to reflect district practice.

Education Code 48900 defines "bullying," including bullying via an electronic act, for purposes of establishing grounds for suspension or expulsion. See AR 5144.1 - Suspension and Expulsion/Due Process. In addition, Penal Code 653.2 makes it a crime to

					distribute another person's personally identifiable information electronically with the intent to place that person in reasonable fear of the person's own or a family member's safety and for the purpose of imminently causing harassment or injury by a third party.
2		Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.	Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images, <i>which may be shared, sent, or posted publicly. Cyberbullying may include, but is not limited to, personal or private information that causes humiliation, false or negative information to discredit or disparage, or threats of physical harm.</i> Cyberbullying may also include breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.		
3		Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:	No change		
	1	Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures	No change		
	2	Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm	No change		
	3	Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with	No change		

		someone, spreading rumors, or embarrassing someone in public		
	4	Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles	Cyberbullying: An act <i>that occurs on electronic devices such as computers, tablets, or cell phones</i> , such as sending demeaning or hateful text messages, <i>direct messages or public posts on social media apps, gaming forums</i> , or emails, spreading rumors by email or by posting on social networking sites, <i>shaming or humiliating by allowing others to view, participate in, or share disparaging or harmful content</i> , or posting or sharing embarrassing photos, videos, website, or fake profiles	
		Measures to Prevent Bullying	No change	
	1	The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:	No change	
			1. <i>Developing a strategic plan for school connectedness and social skills with benchmark tracking, which may include providing regular opportunities and spaces for students to develop social skills and strengthen relationships and promoting adult support from family and school staff, peer-led programs, and partnerships with key community groups, implementing socially based educational techniques such as cooperative learning projects that can improve educational outcomes as well as peer relations, creating a supportive school environment that fosters belonging through equitable classroom management, mentoring, and peer support groups that allow students to lean on each other and learn from each other's experiences, and building social connection into health</i>	New section added CSBA NOTE: The U.S. Surgeon General's 2023 Advisory, "Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community," emphasizes the critical role that social connection plays in individual and societal health and well-being and provides recommendations for addressing the effects of a lack of social connection. Because schools play an important role in facilitating positive social connection, the advisory includes specific actions districts can implement, as listed in Item #1 below. For more information on mental health and health education, see BP 5141.5 - Mental Health and BP 6142.8 - Comprehensive Health Education.

			<i>education courses including information on the consequences of social connection on physical and mental health, key risk and protective factors, and strategies for increasing social connection</i>	
1		Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate	2. Ensuring that each school establishes clear rules for student <i>and staff</i> conduct and implements strategies to promote a positive, <i>supportive, and</i> collaborative school climate	
2		Providing information to students, through student handbooks, district and school websites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying	3. No change except numbering	
3		Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously	4. No change except numbering	
4		Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias	5. No change except numbering	
5		Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so	6. No change except numbering	CSBA NOTE: Pursuant to Education Code 234.1, the district must adopt a policy requiring school personnel who witness acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against a student to take immediate steps to intervene when it is safe to do so. It is recommended that districts apply this policy

					equally to all students. Also see AR 5145.3 - Nondiscrimination/Harassment.
			Staff Development	No change	
1			The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying.	No change	CSBA NOTE: Education Code 32283.5 requires districts to make available annually, to certificated staff and all other employees who have regular interaction with students, CDE's online, "Bullying Module," described below.
2			The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:	No change	CSBA NOTE: Pursuant to Education Code 234.7, districts are mandated to adopt policy, equivalent to that developed by the Attorney General, which requires the provision of staff training with the components specified below.
	1		Discuss the diversity of the student body and school community, including their varying immigration experiences	No change	
	2		Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims	No change	
	3		Identify the signs of bullying or harassing behavior	No change	
	4		Take immediate corrective action when bullying is observed	No change	
	5		Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior	No change	
			Information and Resources	No change	

1		The Superintendent or designee shall post on the district's website, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following:	No change	CSBA NOTE: Education Code 234.6 requires districts to make specified information on bullying and harassment prevention readily accessible on their websites. The following list reflects, but does not reproduce in exact form, all the items specified in Education Code 234.6.
	1	The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6	No change	CSBA NOTE: Education Code 215 mandates that districts adopt a policy on student suicide prevention, intervention, and postvention; see BP/AR 5141.52 - Suicide Prevention. Districts that do not maintain any of grades K-6 should modify Item #1 accordingly.
	2	The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8	No change	
	3	Title IX information included on the district's website pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's website pursuant to Education Code 221.6	No change	
	4	District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying	No change	
	5	A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media	No change	
	6	A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5	No change	
	7	Any additional information the Superintendent or designee deems important for preventing bullying and harassment	No change	

		Student Instruction	No change	
1		As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.	As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character development, respect for cultural and individual differences, self-esteem development, assertiveness skills, <i>digital and media literacy skills</i> , and appropriate online behavior.	<p>CSBA NOTE: California content standards related to student education about bullying and violence prevention (e.g., recognizing the characteristics of bullying, examining the effects of bullying on others, demonstrating what to say and do when witnessing bullying) are addressed within the health education content standards adopted by the State Board of Education.</p> <p>The U.S. Surgeon General's advisory, "Social Media and Youth Mental Health," describes the positive and negative impacts of social media on children and adolescents, including the impact on mental health and well-being, and recommends that schools develop, implement, and evaluate digital and media literacy curriculum to provide students and staff with the skills to strengthen digital resilience.</p> <p>47 USC 254 mandates districts that receive e-rate discounts to adopt a policy which addresses educating students about appropriate online behavior, including the interaction with other individuals on social networking websites and in chat rooms, as well as providing information about cyberbullying awareness and response. See BP 6163.4 - Student Use of Technology for language implementing this mandate.</p>
2		The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.	No change	CSBA NOTE: Education Code 234.7 requires districts to educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs and customs. The following paragraph reflects the California Attorney General's

				model policy developed pursuant to Education Code 234.7, contained in the Office of the Attorney General's publication, "Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues," and has been expanded to include education about the impact of bullying based on any other individual characteristic.
3		Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.	Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff <i>are responsible for teaching and modeling respectful behavior and building safe and supportive learning environments, and are</i> expected to demonstrate effective problem-solving and anger management skills.	CSBA NOTE: The remainder of this section reflects recommendations in CDE's, "Bullying Module," and may be revised to reflect district practice.
4		To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.	No change	
		Reporting and Filing of Complaints	No change	
1		Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.	No change	CSBA NOTE: The following reporting process may be revised to reflect district practice.
2		When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the	No change	

		right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.		
3		Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.	Within one business day of receiving such a report, a staff member shall notify the principal of the report, <i>regardless of</i> whether a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, <i>regardless of</i> whether the alleged victim files a complaint.	
4		Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.	No change	
5		When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.	<i>Any</i> individuals with information about <i>cyberbullying</i> activity shall save and print any electronic or digital messages that they feel constitute cyberbullying and <i>shall</i> notify a teacher, the principal, or other employee so that the matter may be investigated. When <i>an investigation concludes that</i> a student used a social networking site or service to bully or harass another student, the Superintendent or designee may <i>report the cyberbullying to the social media platform and may request</i> the material <i>be</i> removed.	CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts have the authority to monitor student use of the district's Internet system and to conduct individual searches of student accounts if there is reasonable suspicion that a user has violated district policy or the law; see BP/AR 5145.12 - Search and Seizure and BP/E 6163.4 - Student Use of Technology. Business and Professions Code 22589.1, as added by AB 2879 (Ch. 700, Statutes of 2022), requires a social media platform, as defined, to establish a mechanism that allows any individual, regardless of whether that individual has a profile on the internet-based

				service, to report cyberbullying or any content that violates the existing terms of service. Although not directly applicable to schools, based on this new law, schools may report cyberbullying to social media companies.
			<u>Discipline/Corrective Actions</u>	No change
1			Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.	<p>No change</p> <p>CSBA NOTE: Pursuant to Education Code 48900-48900.4, "bullying" is a ground for suspension or expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process.</p> <p>In Wynar v. Douglas County School District and Lavine v. Blaine School District, the Ninth Circuit upheld discipline for off-campus student conduct that poses an identifiable threat to the safety of other students, staff, or school property or presents a risk of substantial disruption of school activities, provided that the district is able to document the impact or disruption that the conduct has, or could be expected to have, on school activities. The court in J.C. v. Beverly Hills Unified School District found that the district would be able to discipline a student for a video recorded off campus and posted on YouTube, but that the discipline imposed on this particular student was not justified since the district did not present evidence of specific facts that led school officials to predict that the video would cause substantial disruption (e.g., the video was not violent or threatening nor did it lead to any confrontations between the students).</p> <p>Consistent with these interpretations, Education Code 48900 defines bullying by means of an "electronic act" to include creation or transmission originating on or off</p>

					<p>the school site. Thus, for purposes of determining whether the conduct may be subject to suspension or expulsion, the act does not necessarily need to have been committed while at school, while coming to or from school, or during a school-sponsored activity. Nevertheless, the act needs to satisfy the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges).</p> <p>When the conduct does not rise to the level specified in Education Code 48900, the district may implement interventions other than suspension or expulsion to address the bullying. For further information, see CSBA's policy brief, "School Safety: Bullying and Cyberbullying." Also see BP 5131 - Conduct and BP 5145.2 - Freedom of Speech/Expression.</p>
				<p><i>When a student has been suspended, or other means of correction have been implemented against the student, for an incident of racist bullying, harassment, or intimidation, the principal or designee shall engage both the victim and perpetrator in a restorative justice practice suitable to the needs of the students.</i></p>	<p>New paragraph added CSBA NOTE: The following paragraph may be revised to reflect district practice. Pursuant to Education Code 48900.5, as amended by AB 1165 (Ch. 22, Statutes of 2023), the district is encouraged to have a student who has been suspended, or for whom other means of</p>

			<i>The principal or designee shall also require the perpetrator to engage in a culturally sensitive program that promotes racial justice and equity and combats racism and ignorance and shall regularly check on the victim to ensure that the victim is not in danger of suffering from any long-lasting mental health issues.</i>	correction have been implemented pursuant to Education Code 48900.5 for an incident of racist bullying, harassment, or intimidation, as well as the victim, to engage in a restorative justice practice suitable to address the needs of both the victim and the perpetrator, in addition to the other measures specified in the following paragraph.
2		When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.	No change	
		Support Services	No change	
		The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate.	The Superintendent, principal, or designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate.	
		If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.	If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement, <i>in accordance with Board Policy and AR 5141.52 - Suicide Prevention.</i>	

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