
BULLYING AND CYBERBULLYING PREVENTION POLICY

Empower will not tolerate bullying or any behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions for any reason including race, religion, personal appearance, and sexual preference such that the actions substantially interferes with a student's educational experience; creates an intimidating or threatening educational environment; or disrupts the orderly operation of the school, and/or the overall educational environment.

Definition: Bullying can be defined as aggressive behavior that involves an imbalance of real or perceived physical or psychological power among those involved. Typically the behavior is repeated over time and includes the use of hurtful words and/or acts.

Indicators of Bullying Behavior: Bullying behaviors may include, but are not necessarily limited to, the following:

- Verbal – Hurtful name-calling, teasing, gossiping, making threats, making rude noises, or spreading hurtful rumors.
- Nonverbal – Posturing, making gang signs, leering, staring, stalking, excluding, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening, gestures or actions.
- Physical – Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, or destroying property.
- Emotional/Psychological – Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- Cyber Bulling – Any bullying, harassment or intimidation when such is accomplished utilizing electronic communication media or electronic signaling devices. Such media includes, but shall not be limited to, e-mail messages, text messages, instant messages, social networking sites; internet based video sites and postings of blogs.

Empower reserves the right to regulate, review, investigate and discipline students for bullying, harassment, intimidation and/or cyberbullying, or any other disciplinary violations when such activities threaten violence against another student, are related to school activities, or otherwise disrupt the learning environment or orderly conduct of the school, school business or school activities even if such activities occur after school hours and/or off campus.

Empower expects student and/or staff to immediately report incidents of bullying to a teacher, Executive Director, or other staff member. Students may also request that their name be kept in confidence to the extent allowed by law. Staff members are expected to immediately intervene when they see a bullying incident occur.

Each complaint of bullying shall be promptly investigated and addressed by Empower. Depending on the nature of the bullying complaint, the complaint may be investigated through Empower's Uniform Complaint Procedures policy.

To prevent bullying on campus, Empower will provide training in bullying prevention and intervention strategies to staff and students. Empower may provide students with instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills.

CYBERBULLYING

What is Cyberbullying?

Cyberbullying is bullying that takes place using electronic communication technology such as cell phones, computers, and tablets, as well as communication tools including social media sites, e-mail, web applications, and text messages. In some cases, cyberbullying is a single child sending a hurtful text to another child. But it can also be a group of students posting hurtful things about another student on a social media website. Examples of cyberbullying include:

- Sending mean emails, texts or instant messages to students.
- Threatening or intimidating another student online or in a text message.
- Posting hurtful statements about a student on social media platforms.
- Pretending to be another person by creating a fake online profile.
- Taking an embarrassing or sexually explicit photo of a student and/or sharing it without permission.
- Sending repetitive neutral messages to someone a student in a harassing manner.

Victims of cyberbullying may experience many of the same effects as children who are bullied in person, such as impacted academic performance, low self-esteem, or depression. However cyberbullying can seem more extreme to its victims for several reasons:

- Cyberbullying can be harsher. Often kids say things online that they wouldn't say in person.
- Cyberbullying can have a greater impact on children as they can receive bullying communications at home. Being bullied at home can take away the place children feel most safe.
- Cyberbullying's impact can be devastating due to how easy it is to share bullying communications. Children are able to send emails or make posts on social media about a student and it can be easily shared with classmates and a larger public audience.

Empower can discipline students for any acts that occur *on-campus* (e.g., student sends bullying texts to another student during school hours). A student may also be disciplined for *off-campus* cyberbullying if it meets the definition of bullying above and substantially disrupts another student's instructional

environment. For example, a student who uses a home computer to post insulting statements about another student on a social media website is engaging in cyberbullying. As a result, the target student may be subject to additional harassment at school, making it more difficult for him/her to participate in educational activities. Any student who makes that kind of post will be subject to disciplinary action, as well as any other students who are responsible for harassing the target student.

Empower recognizes students' First Amendment rights and will consult with legal counsel if they have questions about the school's ability to discipline a student for actions conducted off-campus.

Parent Interactions with Staff

Empower benefits from volunteer support of our parent community. This support takes many forms, including helpful parent feedback. Empower expects that parents/guardians will communicate with staff in a respectful and non-harassing manner. If parents/guardians direct harassing, malicious, obscene, threatening, or intimidating communications towards any member of the Empower community (e.g., staff, parents, and students), they may have their electronic and/or telephonic access to school staff and Empower social media accounts (e.g., Facebook groups and pages) restricted at the discretion of the Executive Director or designee.

Cyberbullying Prevention Resources

- Parents are encouraged to provide guidance to children on appropriate behavior using technology, which may include:
 - Never give out personal information online, whether in instant message profiles, chat rooms, blogs, social media sites, or personal websites.
 - Never tell anyone but your parents your password, even friends.
 - If someone sends a mean or threatening message, don't respond. Save it or print it out and show it to an adult.
 - Don't put anything online that you wouldn't want your classmates to see, even in email.
 - Don't send messages or make posts when you're angry. Before clicking "send," ask yourself how you would feel if you received the message.
 - Help other students who are bullied online by not joining in and showing bullying messages to an adult.
 - Always be as polite online as you are in person.
- Know the sites your children visit and their online activities. Ask where they're going, what they're doing, and who they're doing it with.
- Learn about the sites and applications your children use, so you can better monitor their use.
- Discuss cyberbullying with your children and ask if they have ever experienced it or seen it happen to someone.
- For older students who have social media accounts, ask for their passwords, and if necessary tell them you'll only use them in case of emergency.
- For older students who have social media students, ask to "friend" or "follow" your kids on social media sites or ask another trusted adult to do so.
- Tell your children that you won't blame them if they are cyberbullied. Emphasize that you won't take away their computer privileges—this is one of the main reasons students don't tell adults when they are cyberbullied.

The following are links to websites that feature additional information and resources, which may be helpful to our families:

- National Crime Prevention Council: <http://www.ncpc.org/topics/cyberbullying/stop-cyberbullying>
- StopBullying.Gov: <https://www.stopbullying.gov/cyberbullying/index.html>
- Cyberbullying Research Center: <http://cyberbullying.org/resources>
- CyberBullyHelp: <http://cyberbullyhelp.com/>
- Safe Kids - <http://www.safekids.com/>
- AThinOnline.Org: <http://www.athinline.org/>

Reporting Cyberbullying

Students are expected to immediately report incidents of bullying—including cyberbullying—to a teacher, Executive Director, or other staff person. Empower staff should immediately report any instances of cyberbullying to the Executive Director. The Executive Director is responsible for investigating incidents of cyberbullying, notifying parents/legal guardians, and issuing discipline consistent with Empower’s policies. Parents and students can rely on Empower staff to promptly investigate each complaint in a thorough and confidential manner. Empower may discipline students who commit a prohibited act of cyberbullying following the procedures laid out in the charter and disciplinary policies.

If any student who believes he/she was cyberbullied by another student, or the parent of the complainant student, feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent should contact the Executive Director. Empower prohibits retaliatory behavior against any complainant or any participant in the complaint process.

If cyberbullying is of a very serious nature, such as threats of physical violence or sharing explicit photographs of another student, staff must immediately inform the Executive Director. The Executive Director or his/her designee is responsible for notifying law enforcement in response to these serious incidents.

POSITIVE DISCIPLINE MODEL

Empower Charter School staff and teachers will use positive discipline methods to create a caring school community and teach students effective behavior management skills. The positive discipline model is based on the work of Jane Nelsen, Ed.D and author of *Positive Discipline*. According to Dr. Nelsen, there are five criteria to ensure positive discipline is in place.

1. Helps children feel a sense of connection. (Belonging and significance)
2. Is mutually respectful and encouraging. (Kind and firm at the same time.)
3. Is effective long-term. (Considers what the child is thinking, feeling, learning, and deciding about himself and his world – and what to do in the future to survive or to thrive.)
4. Teaches important social and life skills . (Respect, concern for others, problem solving, and cooperation as well as the skills to contribute to the home, school or larger community.)
5. Invites children to discover how capable they are. (Encourages the constructive use of personal power and autonomy.)

Teachers at Empower will create safe, inclusive learning environments that foster a sense of belonging and significance. Weekly class meetings will also help children feel ownership of their classroom because their thoughts and feelings will be regularly heard and valued. Class meetings will also incorporate character building activities to teach children about showing respect, cooperation, concern for others and problem solving skills. All teachers will be warm, yet uphold school wide expectations for behavior at Empower. When dealing with a situation, teachers will prompt students to think about and reflect on their choices. When students evaluate their behavior and feel like they have a voice, they are empowered to make better decisions and learn from their mistakes.

Empower has developed a process for handling student misbehavior in general. Strategies may include, but are not limited to, the following:

- Individual conversation with the classroom teacher about behavior and consequences;
- Relocating the student's desk to a different part of the classroom;
- Assigning different or additional work appropriate to the infraction;
- Utilizing a peer mediation or student conflict resolution program;
- Restorative justice procedures;
- Utilizing a written referral framework;
- Designating selected classrooms and teachers as places for de-escalation
- Referring students to the Executive Director or a designee;
- Contacting parents/guardians; and/or
- Requiring the student to attend before/after school detention.

All Empower employees will report unmanageable or unusual behavior of students to the Executive Director as soon as possible. The Executive Director shall investigate the report and exercise his or her discretion for purposes of notification of parents, legal guardians, law enforcement, or local child protection services.

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

In accordance with AB 2657 (2018), Empower will only use behavioral restraints, which includes physical and mechanical restraints, or seclusion, only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive, and if other specified conditions set forth in the law are met. Empower shall not use behavioral restraint or seclusion in certain circumstances as prohibited by AB 2657 (2018), including, but not limited to, using seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation, and would prohibit the use of certain restraint and seclusion techniques.

SUSPENSION/EXPULSION

1. Grounds for Suspension and Expulsion of Students

Empower Charter School prefers to use research-based practices like participation in a Restorative Justice process and/or other logical consequences when the Executive Director or designee determines the situation allows for this approach.

While suspension and expulsion are to be regarded as a last resort, a student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at the school or at any other school or a school sponsored event at any time including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity. Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

2. Enumerated Offenses

The chart on the following page describes the offenses that may result in suspension and expulsion. This list will be reviewed annually by the school community (parents, staff, and the governance board) and updated according to the specific needs of the Empower Charter School community.

SUSPENSION GUIDELINES

<i>Offense/Supplementary Information</i>	Must Recommend Expulsion
1. <u>Assaults/Battery/Mutual Combat (<i>Discretionary Suspension</i>)</u> a. Attempt/threatened to cause physical injury; mutual combat <ul style="list-style-type: none"> ▪ injury or minor injury ▪ No malicious intent, honest misunderstanding ▪ Resolved after counseling with student and parent ▪ Includes verbal/written threats ▪ 1st offense for fighting 	

<ul style="list-style-type: none"> ▪ 2nd offense for fighting ▪ 3rd offense for fighting (mutual combat only) (<i>discretionary expulsion</i>) 	
<p>b. <u>Willfully caused minor injury, except in self defense</u> (<i>discretionary suspension</i>)</p> <ul style="list-style-type: none"> ▪ NOT mutual combat ▪ Minor injury, no cuts or bruises ▪ No or minor medical attention required ▪ Willful and unlawful force or violence upon another, clear aggressor. 	
<p>c. <u>Willfully caused serious injuries, except in self-defense</u> (<i>discretionary suspension and expulsion</i>)</p> <ul style="list-style-type: none"> ▪ Can include mutual combat ▪ Heavy bruises and/or cuts, broken bones ▪ Medical attention required ▪ Willful and unlawful force or violence upon another 	
<p>d. <u>Assault or battery on any school employee</u> (<i>discretionary suspension and expulsion</i>)</p> <ul style="list-style-type: none"> ▪ Must be a physical assault or battery 	
<p>e. <u>Sexual assault or sexual battery</u> (<i>mandatory suspension</i>)</p> <ul style="list-style-type: none"> ▪ Sexual battery is the unwanted touching of intimate parts for sexual gratification ▪ Sexual assault is rape or attempted rape 	<p>Must recommend expulsion</p>
<p>f. <u>Aids or abets</u> (<i>discretionary suspension</i>)</p> <ul style="list-style-type: none"> ▪ inflicting or attempting to inflict physical injury ▪ Not a basis for expulsion 	
<p>2. <u>Weapons, Explosives, Dangerous Objects, Imitation Firearms</u> (<i>mandatory suspension</i>)</p> <p>Possessed, sold, or otherwise furnished any firearm, knife, explosive, imitation firearm, or other dangerous object unless, in the case of possession of any such object, such students had obtained written permission from a certificated school employee with concurrence by the Executive Director or designee:</p> <p>a. Possessed, sold, and/or furnished a firearm</p> <ul style="list-style-type: none"> ▪ Firearm (real gun, pistol, rifle, etc.) 	<p>Must recommend expulsion for 2a, 2b, 2c, 2d, 2e, 2g</p>

<ul style="list-style-type: none"> b. Possessed, sold, and/or furnished a knife c. Possessed, sold, and/or furnished an explosive d. Possessed, sold, and/or furnished a dangerous object <ul style="list-style-type: none"> ▪ Possession of an imitation firearm, weapon, or other dangerous object. (M80, cherry bomb, or larger) e. Brandished a knife <ul style="list-style-type: none"> ▪ Weapon with blade longer than 3 1/2" or folding knife with locking blade, or unguarded razor blade or fixed blade ▪ Threatening another individual with a knife f. Possessed, sold, or furnished firecrackers or fireworks other than M80's or cherry bombs g. Possessed, sold or furnished imitation firearm 	
<p>3. <u>Controlled/Prohibited Substances (mandatory suspension)</u></p> <p>Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of any controlled/prohibited substance or substance in lieu of alcohol or intoxicant. Suspension may be waived by completing appropriate intervention contract.</p> <ul style="list-style-type: none"> a. Possessed and/or used controlled/prohibited substance, alcohol/intoxicant b. Furnished or sold controlled/prohibited Substance, alcohol/intoxicant c. Possession of an amount for more than personal use d. Offered, arranged to sell, or sold Soma 	<p>Must recommend expulsion for 3rd offense of 3a; Must recommend expulsion for 3b, 3c, 3d.</p>
<p>4. <u>Substance in Lieu of Controlled Substances (discretionary suspension)</u></p> <p>a. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in the Health and Safety Code, and then either sold, delivered or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or materials as a controlled substance.</p> <p><u>Example:</u> A student sells or furnishes another student a substance claiming it to be "LSD" or "marijuana". The other student takes the substance. The substance turns out to not be what the first student claimed it was. That student provided a substance "in lieu of" the claimed substance.</p> <ul style="list-style-type: none"> b. Delivered, furnished, and/or sold 	

<p>5. <u>Robbery/Extortion (includes attempts) (mandatory suspension, discretionary expulsion)</u></p> <p>a. Robbery or extortion</p> <ul style="list-style-type: none"> ▪ Robbery is felonious taking of personal property in the possession of another against his/her will as accomplished by force or fear ▪ Extortion is obtaining of property of another with his/her consent induced by wrongful use of force or fear 	
<p>6. <u>Property/Damage (discretionary suspension)</u></p> <p>a. Attempted to cause minor damage</p> <p>b. Caused minor damage</p> <p>c. Caused major damage</p>	
<p>7. <u>Property/Theft (discretionary suspension)</u></p> <p>a. Attempted to steal property</p> <p>b. Stole</p> <p>c. Receipt of stolen property</p>	
<p>8. <u>Tobacco or Nicotine Product (discretionary suspension)</u></p> <p>Possessed, used, sold, or otherwise furnished a product with tobacco or nicotine. Suspension may be waived by completing appropriate forms.</p> <p>a. Possessed and/or used tobacco/nicotine product</p>	<p>Must recommend expulsion for 4th offense.</p>
<p>9. <u>Obscenity (discretionary suspension)</u></p> <p>a. Committed an obscene act</p> <p>b. Engaged in habitual profanity/vulgarity</p>	
<p>10. <u>Drug Paraphernalia (discretionary suspension)</u></p> <p>Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any <u>drug paraphernalia</u>.</p> <p>a. Unlawful possession</p> <p>b. Unlawfully</p> <p style="padding-left: 40px;">i. Offered, arranged or negotiated to sell</p>	
<p>11. <u>Disruption/Defiance (no longer grounds for suspension)</u></p> <ul style="list-style-type: none"> ▪ In accordance with Education Code Section 48901.1, Empower shall not suspend nor expel a pupil on the basis of having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. 	
<p>12. <u>Sexual Harassment (Grades 4-6)</u></p> <p>a. <u>Verbal/visual (discretionary suspension)</u></p>	

<p>Making signs and gestures and/or verbal statement that causes a negative impact</p> <p>b. <u>Physical contact</u> (<i>discretionary suspension</i>) Involving a physical contact of non-intimate parts of another in the act of harassment</p> <p>c. Continual verbal, visual, or physical sexual harassment (<i>mandatory suspension</i>)</p>	
<p>13. <u>Hate Violence (Grades 4-6)</u> (<i>discretionary suspension</i>)</p> <p>Incident must be motivated in part or in whole by hostility toward a person's real or perceived disability, gender, nationality, race, religion, or sexual orientation. It must be intended to cause emotional suffering, physical injury, or property damage.</p> <p>a. <u>Mutual combat</u></p> <ul style="list-style-type: none"> ▪ Fight motivated by racial differences, real or perceived sexual orientation, or other hate related matters ▪ For non-hate-related mutual combat see offense number 1 <p>b. <u>Offensive comment, intent to harm</u></p> <ul style="list-style-type: none"> ▪ Example: racial slur, derogatory comment about nationality, etc. <p>c. <u>Use of physical force, minor injury</u></p> <ul style="list-style-type: none"> ▪ NOT mutual combat ▪ No or minor medical attention required; no cuts or bruises ▪ Willful and unlawful force or violence upon another; clear aggressor <p>d. <u>Use of physical force, serious injury</u> (<i>discretionary suspension, discretionary expulsion</i>)</p> <ul style="list-style-type: none"> ▪ Can include mutual combat with serious injury ▪ Heavy bruises and/or cuts, broken bones; medical attention required ▪ Willful and unlawful force or violence upon another; clear aggressor <p>e. <u>Threat of violence</u></p> <ul style="list-style-type: none"> ▪ Threat must be hate-motivated ▪ Vandalism or graffiti that is hate-motivated or conveys a racist or otherwise hateful message 	
<p>14. <u>Threats and Intimidation</u> (<i>discretionary suspension</i>)</p> <p>a. Witness intimidation using harassment and/or threat</p>	

<p>b. Threat of death or grave bodily injury against school official, or against school property damage of greater than \$1,000.</p> <p>c. Bullying (including electronic acts)</p>	
<p>15. <u>Harassment (Grades 4-6)</u> (<i>discretionary suspension</i>)</p> <p>a. Harassed, intimidated, or threatened a pupil or group of pupils or school personnel with actual or expected effect of:</p> <p>(1) disrupting class work; or (2) creating substantial disorder; or (3) creating an intimidating or hostile educational environment.</p>	
<p>16. <u>Hazing</u> (<i>mandatory suspension</i>)</p> <p>a. Engaged in, or attempted to engage in, hazing as defined in subdivision (b) of Section 245.6 of the Penal Code.</p>	
<p>The following mandated offenses that require expulsion recommendation:</p> <ul style="list-style-type: none"> ▪ Commit or attempt to commit sexual assault or sexual battery ▪ Possessed, sold, or furnished a <u>FIREARM</u> (real, not a replica), or explosives ▪ Brandishing a <u>KNIFE</u> ▪ Selling a controlled substance (does not include alcohol) 	

HOMEWORK ACCESS DURING SUSPENSION

In accordance with Education Code section 48913.5(a), upon the request of a parent/guardian, Empower shall provide the homework assigned to a pupil who is suspended for two or more school days that the student would have otherwise been assigned. If a homework assignment that is requested and turned into the teacher by the pupil either upon the pupil’s return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil’s overall grade in the class.

STUDENTS WITH DISABILITIES

A student identified as an individual with disabilities or for whom Empower has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities in Education Act ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to regular education students except when federal and state law mandates additional or different procedures. The School will follow Section 504, the IDEA, and all applicable federal and state laws including, but not limited to, the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom Empower has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

IN LIEU OF EXPULSION PROCESS FOR ELEMENTARY STUDENTS

Board members have expressed a desire to have consistency in suspensions and systemic procedures to ensure that elementary school students who commit serious offenses, but are not recommended for expulsion, receive appropriate interventions to address poor conduct.

Empower has chosen to follow the Education Code rules under which the school must recommend expulsion for students who commit the following mandatory offenses at school or at a school activity off grounds:

- Commit or attempt to commit sexual assault or sexual battery
- Possessed, sold or furnished a firearm (real, not a replica)
- Possession of an explosive
- Brandishing a knife
- Selling a controlled substance (does not include alcohol)

School staff, however, have discretion to determine whether to recommend a student for expulsion if he or she commits a non-mandatory serious offense. For this process “serious offense” is defined as:

- Willfully causing serious injury, except in self defense
- Assault or battery on any school employee
- Possession, selling or furnishing an imitation firearm, knife, or dangerous object
- Possession, using, or being under the influence of a controlled/prohibited substance except for:
 - the first offense for the possession of not more than one avoirdupois ounce of marijuana
 - over-the-counter medication for use but the student for medical purposes or medication prescribed for the student by a physician
- First offense for furnishing a controlled/prohibited substance
- Possessing an amount of controlled/prohibited substance for more than personal use
- Robbery or extortion

Suggested interventions include:

- Daily parent contact
- Referral to counselor or community agency
- Individual or small group counseling
- Parent community system
- Parent education classes
- Behavior contracts or individualized behavior plans
- Tutoring or other academic interventions
- Mentoring programs
- Review of IEP for special education students
- SST meeting
- Restorative Justice process