

Comparing Bullying Policies

	December 2013 Proposal for “Non-Protected” Bullying Complaints	Current Proposal for “Non-Protected” Bullying Complaints	Newly Adopted Policies for “Protected” Bullying and Harassment Complaints (BP/AR 1312.3; BP 5145.3; and BP 5145.7 – adopted 2/11/14)
Complaint Handled at School Site or by District Office?	School Site	School Site	District Office (using Uniform Complaint Procedure) (If complainant consents, informal school-level resolution may be tried, within 10-day time limit, monitored by district; if not resolved within 10 days, district required to initiate district-level investigative process)
Timeline to Complete Investigation?	15 school days to complete investigation and resolution of complaint	No timeline	60 calendar days from receipt of complaint to conclude investigation and prepare written report sent to complainant
Written Decision Required?	Principal required to write decision about the issues raised, the findings and the rationale for the decision, the corrective action, if any, and notice of the right to appeal	No written decision	The decision must include: findings based on evidence; district’s conclusion whether unlawful discrimination occurred; rationale for conclusions reached; corrective actions, if any; and notice of right to appeal
Appeal Process?	Appeal within 15 calendar days to the district Student Services office	No appeals process	Appeal within 15 days to state Dept. of Education

“Protected” status refers to complaints involving a characteristic that triggers protections under federal and state anti-discrimination laws, including gender, sexual orientation, race, religion, national origin, disability, etc. “Non-Protected” status refers to all other complaints, where students may suffer similar bullying or harassment but to whom the law does not extend procedural rights with regard to the handling of their complaints.

Note: The California School Boards Association (CSBA) recommends that districts use their district-level UCP for investigation of **all** bullying complaints “to ensure consistent implementation by district staff.” CSBA’s model policy language suggested for BP 5131.2 reads: “Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district’s UCP, specified in AR 1312.3 – Uniform Complaint Procedures.” CSBA does not recommend adoption of a school-level bullying complaint procedure.

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