

Darnall Charter School
Board Policy
#5001
Discrimination, Harassment, Anti-Bullying, and Hate Crimes

This policy is adopted in compliance with Education Code sections 234.1-234.6, 231.5, 234.7, Penal Code section 422.55, and Education Code section 220, including requirements for protections based on immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, and other protected characteristics. This policy is subject to California Department of Education Categorical Program Monitoring for adherence to state requirements.

General Statement of Policy

Darnall Charter School prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, immigration status, citizenship status, race or ethnicity (including traits associated with race such as hair texture and protective hairstyles including braids, locs and twists), religion, sex, sexual orientation, parental, family, marital status, neurodiversity or perceived neurodiversity, or association with a person or a group with one or more of these actual or perceived characteristics as applies to all acts related to school activity or school attendance within a school under the jurisdiction of the Executive Director of Darnall Charter School.

Darnall Charter School recognizes the negative impact that discrimination, harassment, intimidation, hate crimes, or bullying can have on the health and safety of students and the learning environment. Such actions can create distress, and anxiety, lower levels of self-esteem, and increase feelings of isolation. Bullying materially and substantially disrupts the rights of others to an education and is unacceptable in the educational environment.

Darnall Charter School endeavors to maintain a learning and working environment free of bullying. Toward that end, bullying is prohibited on school grounds, and at any school-sponsored events and activities. Additionally, bullying that occurs off-campus may result in consequences at school if the behavior substantially disrupts the school environment, interferes with the rights of students to be secure, or poses a threat to student or staff safety. Darnall Charter School acknowledges that for this policy to be effective, school personnel must fulfill their responsibilities as assigned.

Immigration Status Protection

If the School possesses information that could indicate immigration status, citizenship status or national origin information, the School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. If parents or guardians choose not to provide information that could indicate their or their children's

immigration status, citizenship status or national origin information, the School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Retaliation Prohibition

Any form of retaliation against anyone who has complained or formally reported discrimination, harassment, intimidation or bullying or against anyone who has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

Comprehensive Bullying Prevention Program

Darnall Charter School recognizes that bullying prevention requires a comprehensive, community-wide approach. The school shall implement a research-based bullying prevention program that includes the following key elements:

- Awareness and Assessment
 - The school shall conduct regular activities to raise awareness of bullying, including annual prevalence surveys to assess the scope of bullying on campus, student assemblies, climate surveys to measure school safety and student well-being, and data collection on bullying incidents for state monitoring and program evaluation.
- Community Engagement
 - Recognizing that bullying prevention is a community responsibility, the school shall engage parents, guardians, community organizations, and local agencies in prevention efforts through community education programs, parent/guardian workshops on recognizing and responding to bullying, partnerships with local mental health providers and law enforcement, and collaboration with available community-based organizations.
- Program Effectiveness Review
 - The school shall conduct an annual review of the anti-bullying program's effectiveness, including an analysis of incident data and trends, evaluation of intervention success rates, assessment of school climate improvements, and recommendations for program modifications and enhancements.

Discrimination, Harassment, and Hate Crimes

All students are to be free from discrimination and harassment.

Discrimination occurs when a student is treated differently on the basis of a protected category in an educational program or activity, without a legitimate nondiscriminatory reason. It is discrimination when any identified treatment interferes with or limits the ability of the student to participate in or benefit from the educational services, activities, or privileges provided by the schools.

Harassment is any unwelcome conduct of either sexual nature or of a nature directed at a protected class, including, but not limited to, sexual orientation, gender identity, or gender expression. Anti-gay and sexist epithets are forms of sexual harassment. Harassment occurs when an individual is subjected to unwelcome conduct that is subjectively offensive to a reasonable person of the same age and characteristics under the same circumstances, and the harassment is both severe and pervasive, such that the conduct interferes with the individual's ability to participate in or benefit from an education program or activity.

Examples of harassment include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, name calling, degrading or ridiculing another person or group.
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols.
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands.
- Physical assault or stalking.
- Displays or electronic transmission of derogatory, demeaning or hostile materials.
- Graphic and written statements, which may include use of cell phones or the Internet.

Sexual Harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth or related medical conditions, gender identity, gender expression, and sexual orientation. It generally involves unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This includes:

- Unwanted sexual advances.
- Offering educational benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct such as leering, making sexual gestures, displaying suggestive objects or pictures, cartoons or posters.
- Verbal conduct such as making or using derogatory comments, epithets, slurs and jokes.
- Physical conduct such as touching, assault, impeding or blocking movements.

Intimidation includes adverse actions intended to fill another with fear, to overawe or cow, as through force of personality or by superior display of wealth, talent, etc., or to force another into or deter from some action by inducing fear.

A hate crime is a crime motivated by hatred, bias, or prejudice, or where the victim is targeted or selected for the crime at least in part because of his/her disability, gender or gender identity or gender expression, nationality, race, or ethnicity, religion, sexual orientation, association with a person or group with one or more of the aforementioned characteristics, or immigration status. A hate crime may involve a physical attack, the threat of bodily harm, physical intimidation, or damage to another's property.

Students have the right to report any instances of discrimination, harassment, or hate crimes, the right to be protected from retaliation, and the right to remain anonymous.

Bullying

"Bullying" means deliberate and unwanted, severe and pervasive behavior by an individual student, an individual student within a group of students, or a group of students intended to cause the victim(s) to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized or physically abused. Bullying implies an imbalance in power or strength in which the student being bullied has difficulty defending him or herself. Bullying can take many forms, including physical, verbal, social/relational, and/or cyberbullying. Bullying may occur on or off campus.

Bullying may occur in several forms, including but not limited to:

- Written, verbal or nonverbal threats.
- Intimidating or threatening gestures.
- Unwanted physical contact, violence, or assault.
- An intentional display of force that would give the victim reason to expect or fear physical contact or injury.
- Jeering, taunting, mocking, or teasing.
- Degrading, insulting, or derogatory comments.
- Extortion, and theft of money or possessions.
- Vandalism of a student's personal property or unauthorized exercise of control over a student's personal property.
- An electronic act of bullying, including the creation and transmission of any act defined above, with any electronic device, on or off the school site.
- Impersonating a person through electronic means to bully, as defined above.

Additional Types of Bullying

Sexual Bullying includes many of the actions typical of bullying behavior with the added actions of exhibitionism, voyeurism, sexual propositioning, sexual harassment and sexual abuse (touching, physical contact, sexual assault).

Bias or Hate-Motivated Bullying is a basic bias against or hate for a person or group. Examples include taunting one's race, religion, national origin, sexual orientation, or physical or mental disabilities. The bullying behavior may also be aggressive, antagonistic, and assaultive.

Hazing is a form of aggressive behavior that usually involves intimidation and humiliation during an initiation for a student organization or body, club, group or sports team. It may involve conduct that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. Hazing does not include athletic events or school-sanctioned events.

Cyberbullying is any electronic communication device to convey a message in any form (text, image, audio, or video) that intimidates, harasses, or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner. Staff and students will not use personal communication devices or school property to cyberbully one another.

Traditional Cyberbullying may include, but is not limited to:

- Spreading information or pictures to embarrass.
- Heated unequal arguments online, including making rude, insulting, or vulgar remarks.
- Isolating an individual from their peer group.
- Using someone else's screen name and pretending to be that person.
- Forwarding information or pictures meant to be private.

Cyber Sexual Bullying involves dissemination of or the solicitation or incitement to disseminate a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act. A photograph or other visual recording shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph or visual recording.

Social Media Bullying involves bullying through forums for social media, such as internet websites with free registration, internet websites offering peer-to-peer instant messaging (such as Snapchat, WhatsApp, Slack, Teams, Messenger), internet websites offering comment forums (such as Facebook, Twitter, Reddit) and internet websites offering image or video posting platforms (such as YouTube, Instagram, TikTok, Vimeo).

Digital Citizenship and Technology Provisions

The school recognizes that cyberbullying and digital harassment can occur through various platforms and may affect the school environment even when conducted off-campus. The school's authority extends to off-campus digital behavior when it:

- Substantially disrupts the school environment.
- Threatens the safety or well-being of students or staff.
- Interferes with students' educational rights.
- Creates a hostile environment on campus.

The school shall provide digital citizenship education and work with law enforcement and technology platforms as appropriate to address severe cyberbullying incidents.

Preventative Measures and Intervention Protocols

This policy will be reviewed each year with all staff and students. Staff members will discuss bullying with students and will provide age-appropriate examples to assist students in identifying bullying and understanding why it is inappropriate. All students will be informed that bullying

will not be tolerated in any form. Students will be encouraged to report incidents of bullying whether they are the victim or an observer.

Immediate Intervention Protocols: All school personnel are trained in appropriate responses to observed incidents of bullying and shall:

- Take immediate action to stop the bullying behavior when it is safe to do so.
- Separate the individuals involved.
- Ensure the immediate safety of the target.
- Document the incident promptly and thoroughly.
- Report the incident to the administration team within 24 hours.
- Provide initial support to the target and appropriate consequences for the perpetrator.

Ongoing Support Services: Preventive measures and support services may include:

- Referring the student to an appropriate staff member or to the school's psychologist.
- Encouraging the student to become involved in new activities.
- Connecting students and families with community mental health resources.
- Providing ongoing counseling for persistent bullies, targets, and their parents/guardians.
- Implementing safety plans to ensure ongoing protection of targets.
- Offering restorative justice opportunities where appropriate.
- Classroom and homebase teachers handle the ongoing "checking-in" with students.

Annual Training Requirements: Each year, the School shall educate students about the negative impact of bullying other students. The School shall also train teachers, staff and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training shall provide School personnel with the skills to:

- Discuss the varying immigration experiences among members of the student body and school community.
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims.
- Identify the signs of bullying or harassing behavior.
- Take immediate corrective action when bullying is observed.
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

Annual Parent Notification: Each year, the School shall notify parents and guardians of their children's right to a free public education, regardless of immigration status, religious beliefs, or abovementioned characteristics or perceived characteristics. This information shall include information related to the "Know Your Rights" immigration enforcement established by the California Attorney General. The School shall also inform students who are the victims of hate crimes of their right to report such crimes.

Reporting Procedures

Multiple Reporting Options: Darnall Charter School provides multiple avenues for reporting bullying, discrimination, harassment, intimidation, or retaliation to ensure accessibility for all students and community members. Reports may be made to any school staff member, and all staff are trained to receive and forward reports appropriately.

Victims/Targets: All students who believe they have been the victim/target of bullying will promptly report the bullying to any Darnall Charter School staff member, including teachers, campus supervision, counselors, administrators, or support staff. Students have the right to report, the right to be protected from retaliation, and the right to remain anonymous.

Student Witness: All students who witness or become aware of bullying will report the bullying to any Darnall Charter School staff member.

Anonymous Reporting System: The school provides anonymous reporting options including:

- Anonymous reporting forms available in the main office student support office.
- Anonymous online reporting system through the school website.
- An anonymous tip box located in a secure area of the campus.
- Third-party reporting through trusted adults who can relay information while protecting the reporter's identity.

Parents/Guardians: All parents/guardians who become aware of any bullying are encouraged to report the bullying to any school staff member or through the reporting methods listed.

School Personnel: Any staff member who witnesses bullying will immediately intervene and take appropriate action to stop the bullying when it is safe to do so. In addition, the staff member will ensure student safety, document the incident, and immediately report the incident to administration. Any school personnel that witness an act of discrimination, harassment, intimidation, bullying or retaliation shall take immediate steps to intervene when it is safe to do so.

Complaint Methods: A student may make a complaint, written or oral, to any of the following:

- Their teacher, school counselor, or any other school personnel.
- The principal of the School.
- The Executive Director.

Complaints may be submitted by any of the following methods:

- By phone at (619) 582-2822
- By email at lbooth@darnallcharter.org
- By mail at 6020 Hughes Street, San Diego CA 92115
- In person at the school office

- Online at www.darnallcharter.org

Investigation and Appeal Process

Darnall Charter School administration will immediately investigate any alleged act of bullying reported to the schools by a student, parent, staff member, or any other person. The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s) (who may be a School employee), will include an interview with the alleged student-victim and his/her parent(s)/guardian(s). It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident. All investigations will be completed as soon as possible, but in no situation will extend longer than thirty (30) days from the reporting date of the alleged incident(s).

Confidentiality: Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but the investigation will not be completely confidential. The School shall ensure confidentiality with respect to a student's or family's immigration status.

Documentation and Data Collection: Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation. Documentation will be maintained for a minimum of one California Department of Education Compliance Monitoring cycle.

The school shall maintain data on all bullying incidents for state monitoring purposes, including:

- Number and types of incidents reported.
- Demographics of students involved (without identifying information).
- Actions taken and outcomes.
- Follow-up measures and their effectiveness.
- Trends and patterns in bullying behavior.

Appeal Process: In any instance where the student or parent/guardian of the student believes the outcome of the investigation has been reached in error, an appeal of the outcome may be brought before the Executive Director or designee for review of the findings of the investigation. At no point will this appeal create a requirement to reinvestigate the alleged incident(s), rather it will be used to determine the reasonableness of the investigation and outcome determination. At the conclusion of the investigation, the Executive Director shall notify the complainant of the manner in which it has resolved the matter. If, within 30 days after notification of resolution, the complainant does not agree with the resolution, the complainant may appeal the matter to the Board of Directors of the School by filing a notice of appeal stating the reasons for the appeal and specific disagreement with the School's resolution of the complaint. The Board of Directors

will provide the student with a final decision of the School's resolution five days after the Board of Directors' next regularly scheduled board meeting.

State Appeal Process: If the student does not agree with the final determination of the Board of Directors, the student may appeal to the California Department of Education using the appeal process adopted in the School's Uniform Complaint Procedures.

Disciplinary and Other Action

Consistent and appropriate disciplinary action will be taken for bullying behavior. The primary purpose of such action is to protect the victim and to deter bullying behavior. The discipline imposed will match the offense, as determined by administration or their designees.

Off-Campus Conduct: Bullying that occurs off campus may result in consequences at school if the behavior substantially disrupts the school environment, interferes with the rights of students to be secure, poses a threat to student or staff safety, or otherwise affects the school climate.

Victim-Centered Approach: Regarding investigating reports of bullying, administrators or their designees will discuss bullying with the victim in a place where the victim feels secure. The initial discussion with the victim will not take place in the presence of the offending students. If more than one student is involved, the staff member will talk to each student separately. If an investigation substantiates that bullying has occurred, the administrator or designee will take appropriate action consistent with this and the school's discipline procedures.

Comprehensive Support Services: The school shall provide ongoing support to victims of bullying, including:

- Individual safety plans to prevent further incidents.
- Counseling and mental health support services.
- Academic accommodations as needed.
- Regular check-ins to monitor well-being.
- Referrals to community-based support services.
- Family support and resources.

Restorative Justice Options: Where appropriate and agreed upon by all parties, the school may implement restorative justice practices as an alternative or supplement to traditional disciplinary measures. These may include:

- Mediated conversations between affected parties.
- Community service projects.
- Peer mentoring programs.
- Skill-building activities for perpetrators.
- Circle processes to address harm and repair relationships.

Darnall Charter School recognizes that parents/guardians play an important role in educating their students and preventing bullying. The parents/guardians of each offending student will be informed of any bullying incidents involving their student. Parents of offending students may be encouraged to attend one or more conferences with the administrator, teacher, and/or school psychologist to review the bullying behavior and discuss strategies for correcting the behavior. The administrator/designee or psychologist will also inform the victim's parent/guardian as soon as reasonably possible. Parents/Guardians of students bullied may also be provided with resources to support their student and receive ongoing communication from the schools regarding the bullying situation.

Disciplinary action for bullying may include but is not limited to, loss of privileges, detention, alternate class placement, formal suspension, and possible recommendation for expulsion. Discipline for a violation of this policy is not necessarily progressive, so a first violation of this policy may warrant suspension or a recommendation for expulsion. If the administrator determines the conduct rises to the level of a crime, disciplinary action may also include notification of the police department.

Sexual Harassment Posting Requirements

The School shall post information that notifies pupils of the applicable written policy on sexual harassment. The posting shall display, at a minimum, all of the following:

1. The rules and procedures for reporting a charge of sexual harassment.
2. The name, phone number and email address of an appropriate school official to contact to report a charge of sexual harassment.
3. The rights of the reporting pupil, the complainant, and the respondent and the responsibilities of the School in accordance with the School's written policy on sexual harassment.

This poster will be prominently and conspicuously displayed at the school site. It may be prominently and conspicuously displayed in public areas at the school site that are accessible to, and commonly frequented by students, including, but not limited to classrooms, classroom hallways, gymnasiums, auditoriums and/or cafeterias.

Dissemination of Policy and Training

A copy of this policy will be provided to staff, students, and parents annually via the staff handbook, student and parent handbook, and/or the school's website. This policy shall be posted on the School's internet website in a manner that is easily accessible. The policy must be translated in accordance with Education Code section 48985 requirements.

Darnall Charter School will make available training for all staff and students each school year. The school will provide to its certificated staff who serve pupils in 7th to 12th grade information on existing school site and community resources related to the support of lesbian, gay, bisexual, transgender and questioning pupils, or related to the support of pupils who may face bias or

bullying on the basis of any of the actual or perceived characteristics set forth in this policy. The school must also provide the sexual harassment policy as part of any orientation program conducted for new and continuing students at the beginning of each quarter, trimester, or school session, as applicable.

This policy will be reviewed at least annually for compliance with state and federal laws and updated as necessary to reflect best practices in bullying prevention. This policy also applies to the governing board (Board of Directors) and Executive Director of Darnall Charter School.

Board Approval Date: August 28, 2025