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# Discipline and Bullying: Laws and Practical Application of Positive School Discipline

California Safe and Supportive Schools  
Symposium  
November 20, 2013

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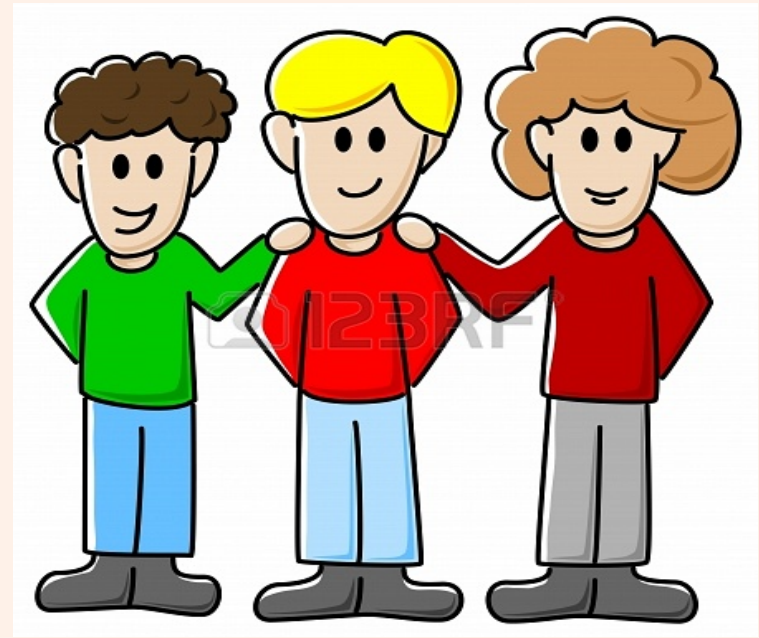
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# From this.....

# To this...





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# Learning Objectives

- Participants will attain a greater understanding of:
  - ✓ New laws related to bullying and cyberbullying;
  - ✓ When and how to intervene when incidents occur;
  - ✓ How creating a positive school climate can prevent incidents from occurring.



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“Bullying should not be considered a normative aspect of youth development, but a marker for more serious violent behaviors, including weapon carrying, frequent fighting, and fight-related injuries.”

Archives of Pediatric & Adolescent Medicine

**CALIFORNIA DEPARTMENT OF EDUCATION**

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# Recognize the Politics of the Issue

- Law suits
- Legislators – federal and state
- Grand Jury investigations
- Audits
- Media Attention – print and film
- Celebrity



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# Bullying is an Emotionally Charged Issue

School Administrators have an obligation to:

- address legitimate bullying concerns
- Recognize emotional reactions of parents
- Balance needs of all students



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# Bullying is a School Safety Issue

- It is an act of violence
- It creates a hostile school environment
- Unchecked, bullying can generate serious and costly consequences for a school
- It violates the rights of students
- Some acts of bullying are violations of law
- Schools continue to underestimate the prevalence and consequences of bullying



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# Impact on the School

- All students feel less safe
- Students feel less satisfied with school life
- By-stander effect
- Less empathy
- Less altruistic behavior
- Acceptance of aggression
- Greater future acts of aggression
- Increased absenteeism





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# Definition - Bullying

## Four Components

1. Specific Type of Aggression:
  1. Verbal
  2. Physical
  3. Psychological
2. Behavior is Intended to Harm or Disturb
3. Carried Out Repeatedly and Over Time
4. Imbalance of Power
  - Physical
  - Psychological

## Two Types of Bullying

1. Direct
  - Physical Acts
  - Threats
  - Intimidation
  - Verbal Abuse
  - Taunting
2. Indirect
  - Making Faces
  - Obscene Gestures
  - Exclusion
  - Rumors



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# Definition - Cyberbullying

- Use of Modern Communication and Technologies:
  - Email
  - Instant Messaging
  - Chat Rooms
  - Web Sites
  - Social Networking Sites
  - Cell Phones and Other Forms of Technology
- To Intentionally Embarrass, Humiliate, Threaten, or Intimidate and Individual or Group
- To Attempt to Gain Power and Control



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# Are Bullying and Teasing the Same?

- Bullying and its outcomes are always intended and typically repeated
- Teasing and its outcomes are often NOT intended;
- Teasing may be isolated or repeated;
- Teasing centers on a lack of awareness regarding potential outcomes



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# Are Bullying and Harassment the Same?

1. Bullying and harassment are actions taken to make you feel bad about yourself.
2. Bullying usually takes place by someone you know in an environment with which you are familiar; harassment can take place anywhere, anytime, and by anyone.
3. Bullying is not considered as severe as harassment because it is usually based on a perceived power imbalance; harassment is often discriminatory in nature since it is based on the characteristics of the target.



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# Prevalence

- 28% of students ages 12-18 report being bullied at school during the school year.
- Students who engage in bullying are at elevated risk for poor school adjustment and delinquency.



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# Risk Factors that Lead Students to Exhibit Bullying Behavior

- Family
  - Parenting Styles
  - Domestic Violence
  - Siblings
- Peers
  - Anti-social
  - Violent
- Individual
  - Mental Health
  - Temperament
  - Early Aggression and Peer Rejection
- Community
  - Accepts and Promotes Violence and Aggression
- School Climate and Culture



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# Characteristics of Students Who Exhibit Bullying Behavior

- Higher levels of conduct problems
- Dislike school/poor school adjustment
- Positive attitude toward violence and use of violence
- Impulsivity
- Strong need to dominate
- Little empathy toward victims
- Positive view of themselves
- Greater ease in making friends



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# Warning Signs of Students Who Bully

- Maliciously tease, threaten, or strike out
- Hot-tempered
- Impulsive
- Hard time following rules
- Aggressive toward adults
- Tough/mean spirited
- Lack of empathy
- Involved in other anti-social behaviors





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# Characteristics of Vulnerable Students

- More anxious and insecure
- Greater levels of depression
- More loneliness and unhappiness
- Lack social skills
- Poor social and emotional adjustment
- Difficulty making friends/lack of friends
- Cautious, sensitive, and quiet
- React by crying and withdrawal
- Low self-esteem
- Negative view of themselves



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# Warning Signs-Targets

- Depression
- Anxiety
- Drop in grades
- Drop in attendance
- Psycho-somatic symptoms
- Signs of physical confrontations
- Torn clothes, cuts, bruises, etc.
- Loss of personal possessions
- Few friends
- Loner/isolated
- Poor self-esteem
- Afraid to go out to play



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# A Secondary Problem: The Reluctance to Report





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# WHY Bullying is Not Reported

- Fear of retaliation
- Not wanting to be a snitch
- Not wanting to worry parents
- Shame
- Fear of losing friends
- Hard to prove
- Confidentiality
- Fear of what parents might say



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# Trends

- Cyberbullying
- Adult to Student bullying
- Mean Girls
- Bullying aimed at LGBTQ community
- Teen Dating Abuse
- Suicide



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# Laws – a Short History

- AB 86 (2008-09)
- AB 1156 (2011-12)
- AB 9 or Seth's Law (2011-12)
- AB 256 (2013)
- AB 514 (2013)



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# AB 86

- Added California Education Code section 48900 (r):

A principal or superintendent may suspend or expel for an act of bullying, including bullying by electronic means.



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# AB 1156

- Adds to definition of bullying
- Defines victim of bullying to include what a “reasonable pupil” is.....
- Defines “electronic act”
- Allows school personnel to grant priority to victims if the victim requests a transfer; school staff determine whether the student is a victim and whether priority is given
- Encourages districts to include bullying-related policies in their safe school plans





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# AB 9 or Seth's Law

- Adds bullying and intimidation to existing discrimination and harassment policies
- Expands scope (“applies to all acts related to school activity...”)
- Adds bullying to Uniform Complaint Procedure (UCP) process
- Obligation to Publicize UCP info
- Requires staff to intervene “when safe to do so”



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# AB 256 and AB 514

## AB 256:

- Defines “electronic act”
- Adds activity which occurs “on or off site”

## AB 514

- Requires CDE to post enhanced resources on bullying, intimidation, harassment discrimination
- Requires CDE to add resources on gun violence, gangs, and psychological trauma.



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# First Amendment and Student Speech

## Legal Basis for Student Free Speech Rights:

- First Amendment of the US Constitution
- California Constitution, article 1, section 2
- California Education Code section 48907 (a)
- California Education Code section 48950



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## Bullying Discipline: Jurisdiction Defined in CA

Education Code section 48900 (s)

A pupil shall not be suspended or expelled ... unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following: (1) While on school grounds. (2) While going to or coming from school. (3) During the lunch period whether on or off the campus. (4) During, or while going to or coming from, a school-sponsored activity.



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## Examples of Off Campus Conduct That Affects School Activity or Attendance

- Conduct that occurs on school grounds but outside the classroom
- Conduct while going to or from school
- Conduct occurring during the lunch period, whether on or off campus
- Conduct during or while going to or from a school sponsored activity



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# What to do?





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# What To Do?

For Parents:

Bullying is a discipline issue under local control:  
teacher, site administration, district, school board

For site and district:

- Policy adoption and implementation
- Training for students and staff

For Community:

Teach and model respect, compassion, and kindness



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# Response to Bullying: Prevention, Intervention, Suppression

- Whole School Prevention: 80–90 percent
- Early Intervention: 10–15 percent
- Intensive Intervention: 5–10 percent





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# Whole School Prevention

- Build a positive school/classroom climate
- Create Your Bullying Prevention Strategy
- Develop Social-emotional skills
- Improve the physical environment
- Link to School Safety Plan
- Proactive approaches
  - Curriculum
  - Youth involvement
  - Training for students and staff



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# Practical Application of Positive School Discipline

- Dawn Cuizon, Mt. Miguel High School
- Bobby Clark, San Juan High School



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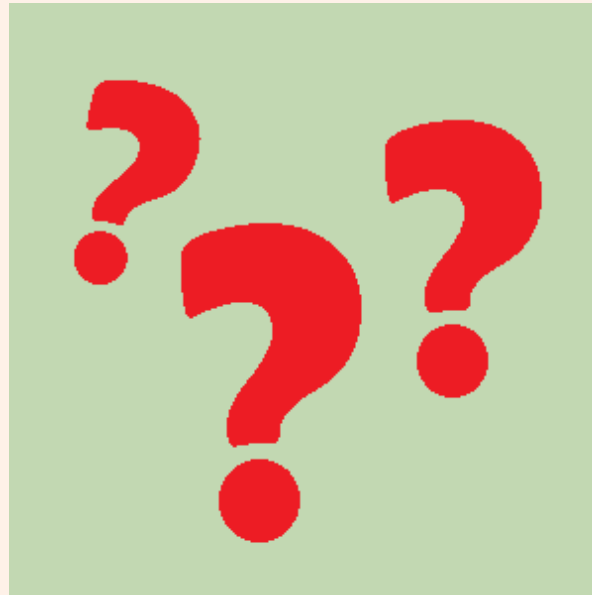
# Resources

- <http://www.cde.ca.gov/lr/ss/se/bullyingprev.asp>
- <http://www.stopbullying.gov/>
- <http://www.abilitypath.org/areas-of-development/learning--schools/bullying/articles/walk-a-mile-in-their-shoes.pdf>
- <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=4026417>
- [https://magic.piktochart.com/output/29c598b3-48a8-4366-8bc9-674906c0ac12#.Ue\\_wyf6OraE.facebook](https://magic.piktochart.com/output/29c598b3-48a8-4366-8bc9-674906c0ac12#.Ue_wyf6OraE.facebook)



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# Questions?



# *Positive Discipline and Empowering Relationships*

Dawn Cuizon  
Counselor and S3 Coordinator  
Mount Miguel High School  
Spring Valley, CA

# *Mount Miguel High School*

- Spring Valley, CA
- 1556 students
- Title I
- 56% Hispanic/Latino, 20% Black/African American, 11% White
- 25% English Learners
- 54% Socioeconomically Disadvantaged

# *Positive Behavior Intervention & Supports (PBIS/PBS)*

- Training in March 2011
  - 5 staff members
- Created an S3/PBS Board
  - Met twice a month/summer
- Implemented in 2012-2013 SY
  - Teacher taught lessons period 5
  - Once/twice a month lessons
  - PRIDE Tickets/Incentive drawings
  - PRIDE posters

# *Something was missing...*

- We were teaching the students how to “behave”, but what have we done for staff to build unity?
- We asked ourselves – what’s missing amongst staff to create a positive culture?
  - Do we know each other? Beyond departments...
  - Team building amongst ALL staff – classified and certificated
  - How do we behave peer to peer?
  - How can we expect the students to behave if we can’t as a staff?



# *Capturing Kids' Hearts*

- **“If you have a child’s heart, you have his head.”™  
- Flip Flippen**
- Develop safe, trusting, self-managing classrooms
- Improve classroom attendance by building students' motivation and helping them take responsibility for their actions and performance
- Decrease delinquent behaviors such as disruptive outbursts, violent acts, drug use and other risky behavior
- Utilize the EXCEL Model™ and reinforce the role of emotional intelligence in teaching
- Develop students' empathy for diverse cultures and backgrounds
- <http://www.flippengroup.com/education/ckh.html>

# *The Missing Link*

- Whittier High School
  - Consulting (embedded intervention bell schedule)
- Capturing Kids' Hearts
  - Core group sent to Riverside (6 staff)
  - Staff driven, staff buy-in
  - How do we bring this back for our entire staff?
- Professional Development
  - 3 days offsite before 2013-2014 SY
  - 100 staff, including classified and certificated

# *How has CKH impacted our school?*

- CKH has taken the role of disciplinarian/classroom manager away from the teacher and given it to the students as facilitators of their own classroom environment. It gives students the responsibility of their own actions and they seem to rise to the occasion. It creates a more fair, equitable and calm classroom. It provides more uniformity throughout the school of classroom behavior and a more positive attitude. ~ Special Education Teacher
- Connecting with each of my students in a positive manner each day truly lets them understand I care, even though I'm asking them to challenge themselves more than they may want to. ~ Art Teacher
- CKH has totally changed the atmosphere here. I can see it in the faces of the teachers as they walk in with a smile on their faces every morning - not like the past frowns and dragging their feet- We are actually excited to come to work! ~ Principal's Secretary
- "Students expecting a warm and positive atmosphere in every class has significantly increased student confidence. Students are more willing to participate in class and effectively work together."

# Discipline Incident Data

## School Year: 2010-2011

1678 enrolled	Sep-10	Oct-10
Totals:	152	327

## School Year: 2011-2012

1567 enrolled	Sep-11	Oct-11
Totals:	207	424

## School Year: 2012-2013

1487 enrolled	Sep-12	Oct-12
Totals:	157	394

## School Year: 2013-2014

1537 enrolled	Sep-13	Oct-13
Totals:	<b>64</b>	<b>268</b>

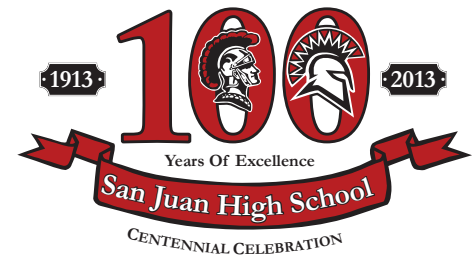


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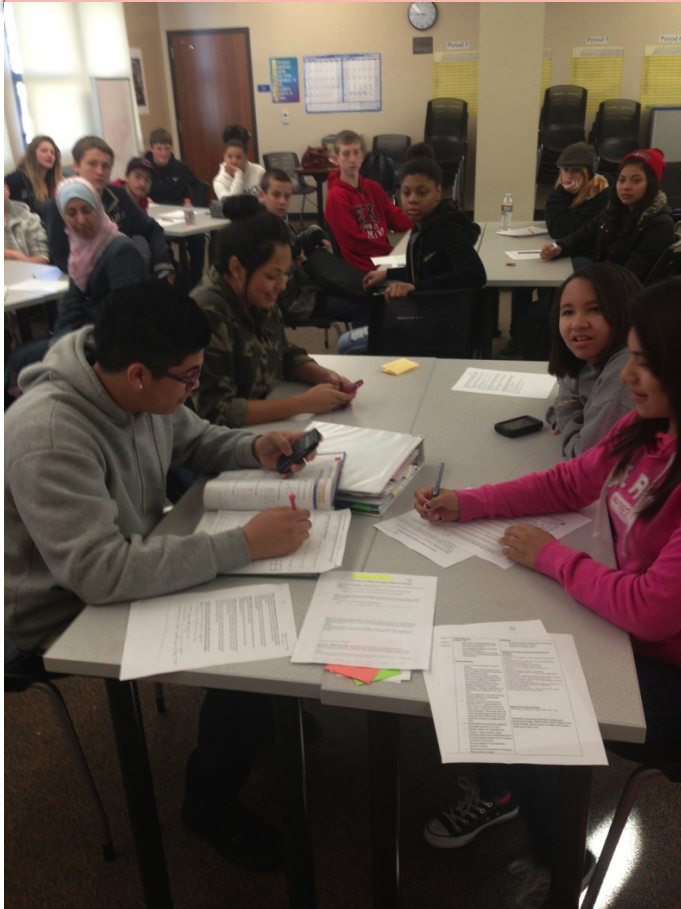
*Changing History Against Negativity & Gaining Empowerment*



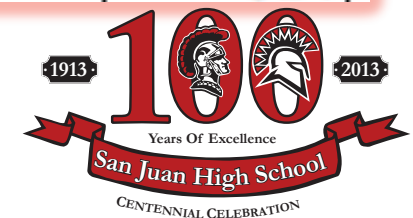
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# SPARTAN DIVERSE POPULATION



Ethnicity	Total
American Indian / Alaskan Native	5
Asian-Asian Indian	1
Asian-Laotian	2
Asian-Other Asian	10
Asian-Vietnamese	2
Black/African Am.	94
Declined to State	1
Filipino	4
Hispanic or Latino	202
Pacific Islander-Hawaiian	4
Pacific Islander-Other	5
White	284
<b>Grand Total</b>	<b>614</b>

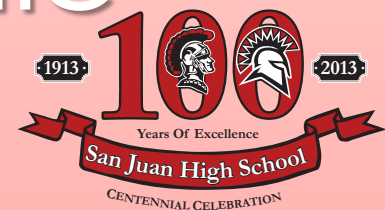


# WE PROUDLY RECOGNIZE ALL OUR STUDENTS

22% STUDENTS WITH  
DISABILITIES

34% ENGLISH LANGUAGE  
LEARNERS

74% SOCIOECONOMIC  
DISADVANTAGE



2010 – 2011

SUSPENSIONS: 291

EXPULSIONS: 4

2011 – 2012

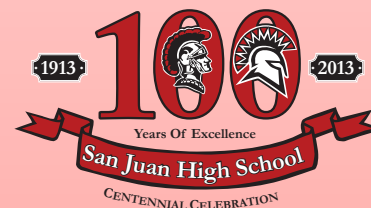
SUSPENSIONS: 389

EXPULSIONS: 0

2012 – 2013

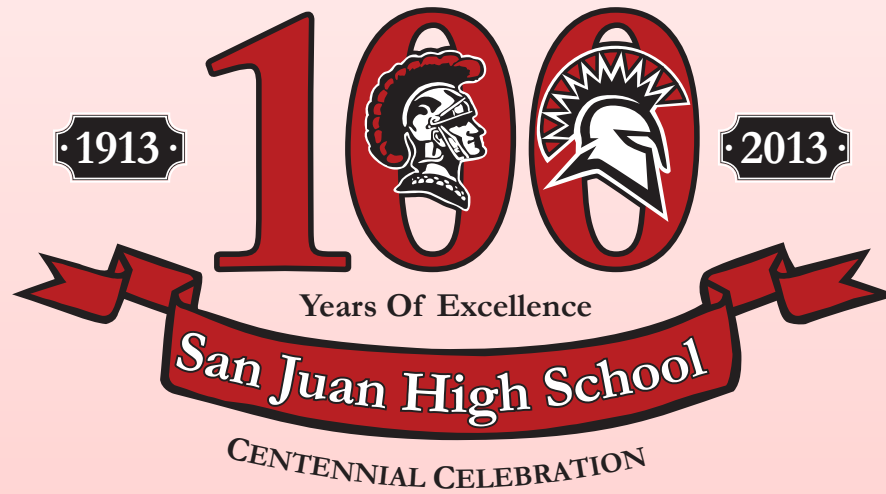
SUSPENSIONS: 133

EXPULSIONS: 1



# SUSPENSION DATA





PEER ACCOUNTABLE  
RESTORATIVE  
CULTURE

<http://vimeo.com/73966856>

# PJP

## PEER JUDICIAL PANEL:

A DIVERSE PANEL OF STUDENTS, SELECTED BY THEIR PEERS AND PROGRAM ADVISORS, ACT AS A COLLABORATIVE PANEL, WHO MAKE DECISIONS REGARDING VIOLATIONS OF SCHOOL'S 4X4 RULES.

THIS APPROACH EMPOWERS STUDENTS TO TAKE OWNERSHIP IN BUILDING A SCHOOL CULTURE THAT IS COMMITTED TO CREATING, MAINTAINING AND REPAIRING POSITIVE RELATIONSHIPS.



C.H.A.N.G.E.

## *Peer Judicial Panel*

A diverse panel of students, selected by their peers, will act as a collaborative compliance panel to make decisions based on the harm the student(s) has (has) done to others.

### Process:

1. A student violates a 4 X 4 rule
2. Teacher or staff completes a PJP referral.
3. A referral is sent to the Vice Principal Office.
4. The vice principal's secretary will record the incident. The vice principal's secretary schedules PJP.
5. The vice principal's secretary assembles panelists.
6. PJP reviews the case and prepares for hearing.
7. Campus Monitor escorts student/s offender to the PJP.
8. The Hearing is held.
9. At the conclusion Campus Monitor escorts the student/s to VP office.
10. Panelist debriefs and sends forth recommendation to Vice Principal office.
11. The vice principal signs off on the recommendation and presents to student/s.

*This approach is to empower students to take ownership in building a school culture that is committed to creating, maintaining and repairing positive relationships with all members in the school community.*

# 4X4 RULES

HALL PASSES

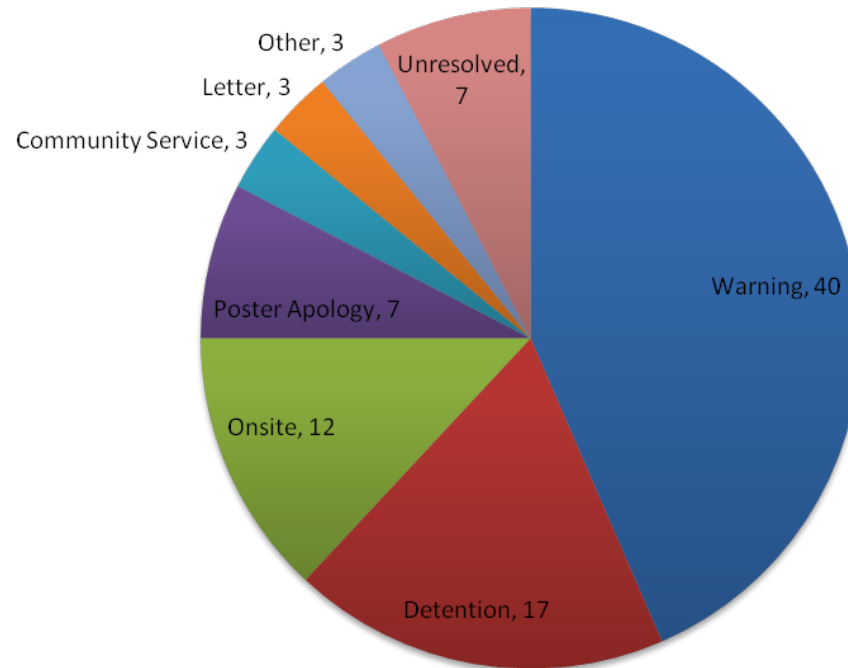
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SKATEBOARDS/SCOOTERS

ELECTRONIC DEVICES

# PJP DATA

## Types of Consequences



C.H.A.N.G.E.

2012-13:

PJP SAW 92 CASES REGARDING

4X4 REVISED RULES

## Current School Year

**THIS YEAR ALONE, PJP HAS HEARD 80 CASES.**

**ONLY 12% OF THOSE 80 CASES HAVE REPRESENTED REPEAT OFFENDERS.**

**THIS IS A PROMISING TREND**

# RJ A

## RESTORATIVE JUSTICE ADVOCACY:

TRAINED STUDENT LEADERS (RJ ADVOCATES) WORK COLLABORATIVELY WITH STUDENTS WHO HAVE BEEN HARMED AND STUDENTS WHO HAVE CAUSED HARM TO RESOLVE CONFLICTS.

THIS APPROACH EMPOWERS STUDENTS TO TAKE OWNERSHIP IN BUILDING A SCHOOL CULTURE THAT IS COMMITTED TO CREATING, MAINTAINING AND REPAIRING POSITIVE RELATIONSHIPS WITH ALL MEMBERS IN THE SCHOOL COMMUNITY.



C.H.A.N.G.E.

## *Restorative Justice Program*

Trained student leaders will be working collaboratively with students who have been harmed and students who have caused harm to one or more people, to resolve conflicts.

### Process:

1. Request is retrieved from any Office. (Administrators, Counseling, Library, or Campus Monitor)
2. Student or Staff member completes request.
3. Request is turned into any Office. (Administrators, Counseling, Library, or Campus Monitor) *for confidentiality staple request closed*
4. Request is sent to the Grant Coordinator for processing.
5. Grant Coordinator schedules “The Circle”.
6. Passes are made for all parties and mediators to convene in B-12.
7. After the resolution is accomplished, participants sign “The commitment to PEACE”.
8. If a referral is needed due to student ownership, the RJ Advocate will mark the appropriate box.
9. RJ Advocates and Participants completes log for attendance purposes.
10. If an escalation occurs after “The Circle” the incident is referred to vice principal office, and in some cases Peer Judicial Panel.

*This approach is to empower students to take ownership in building a school culture that is committed to creating, maintaining and repairing positive relationships with all members in the school community.*



# RJA REQUEST FROM

 **Restorative Justice Request**

*Trained student leaders will be working collaboratively with students who have been harmed and students who have caused harm to one or more people, to resolve conflicts.*

- Students will be trained in peer mediation
- Students will mediate non-egregious conflicts, which occur on campus or extend into the community, that affect relationships on the school campus.
- Students will work diligently to engage all active members in restoring relationships.
- Students will refer all students who are accountable for their actions to Peer Judicial Panel

Name: \_\_\_\_\_ ID # \_\_\_\_\_

Date: \_\_\_\_\_ Name of other student/s involved: \_\_\_\_\_

**Describe conflict to be resolved:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For Office use only:

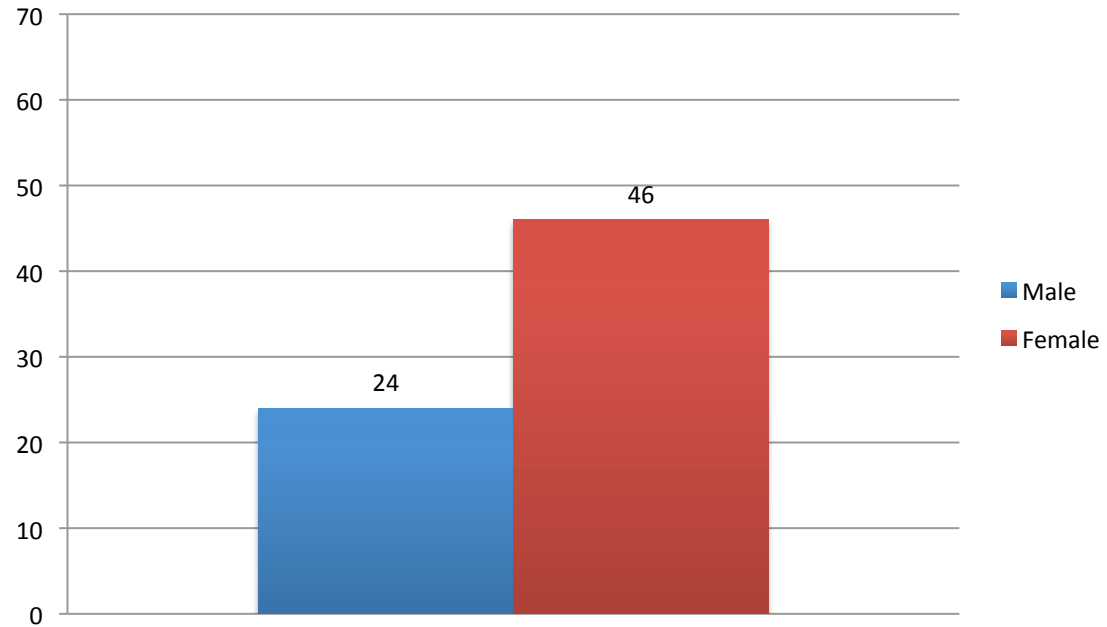
Date Received: \_\_\_\_\_ Scheduled for RJ on: \_\_\_\_\_

*All trained mediators have signed confidential agreements.*



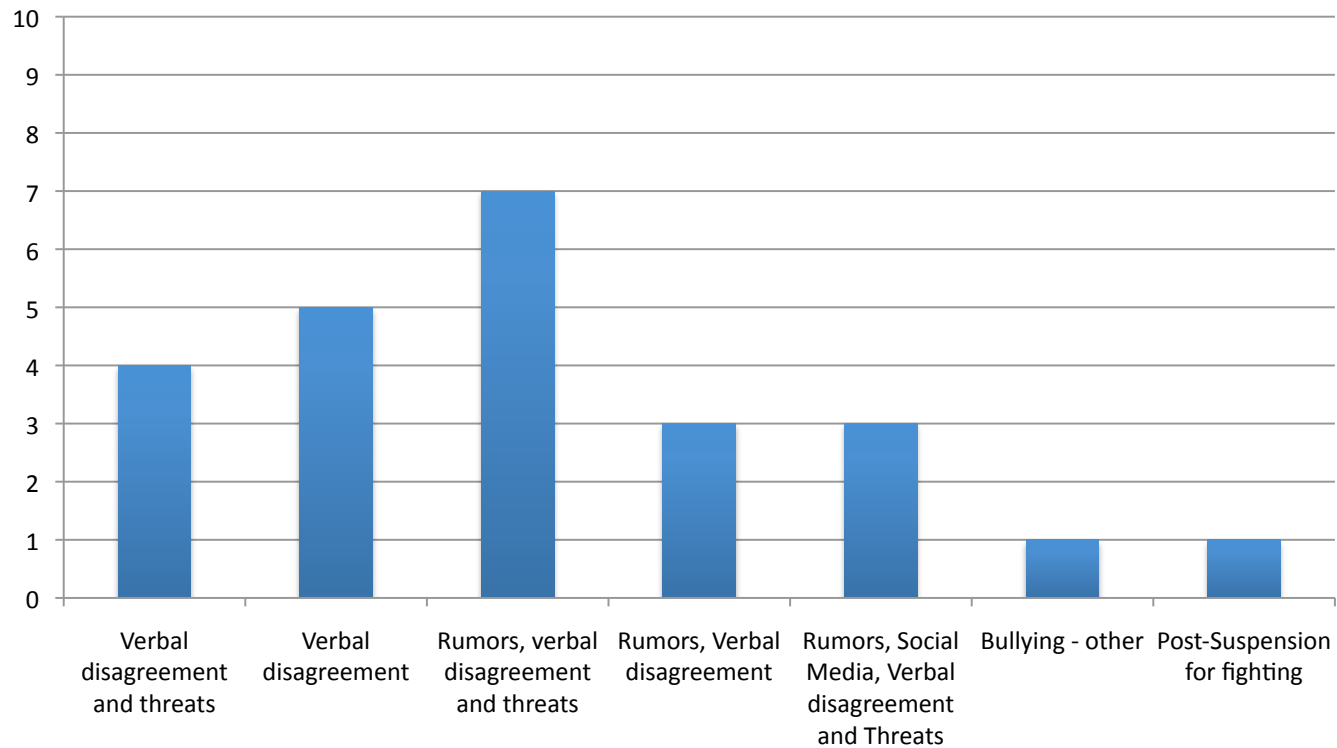
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# RESTORATIVE JUSTICE DATA



C.H.A.N.G.E.

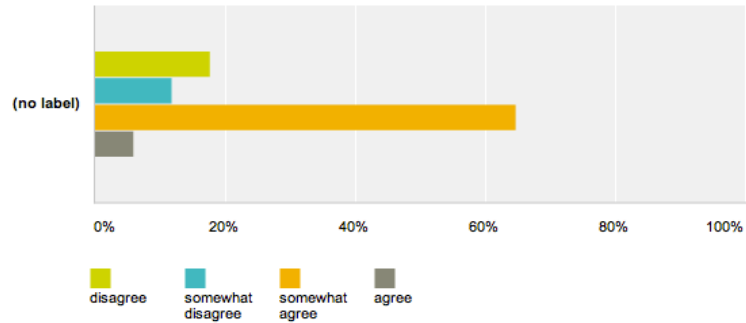
# Restorative Justice DATA



C.H.A.N.G.E.

**Your classroom dynamics have improved based on the implementation of restorative justice practices.**

Answered: 17 Skipped: 3



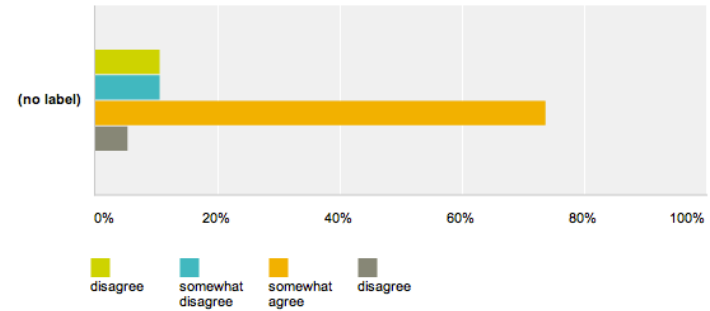
	disagree	somewhat disagree	somewhat agree	agree	Total	Average Rating
(no label)	17.65% 3	11.76% 2	64.71% 11	5.88% 1	17	2.59

Other (please specify) ( 4 ) [Expand](#)

# TEACHER DATA

**There is a noticeable difference in school culture through the implementation of mentoring, PJP and Restorative Justice.**

Answered: 19 Skipped: 1



	disagree	somewhat disagree	somewhat agree	disagree	Total	Average Rating
(no label)	10.53% 2	10.53% 2	73.68% 14	5.26% 1	19	2.74

Other (please specify) ( 3 ) [Expand](#)

# RECONCILIATION CIRCLE DATA

2012-13:

Nearly 90% of conflicts resolved after first  
Reconciliation Circle

2013-14:

Thus far, 49 Reconciliation Circles have been  
facilitated with a success rate of 92%

# **REALITY**

**INCIDENTS  
WILL  
OCCUR...**

## **PREVENTION AND ACCOUNTABILITY WITH STUDENT SUPPORT (PASS)**

- **BEHAVIOR INTERVENTION**
  - BOTVIN LIFE SKILLS LESSONS BASED ON OFFENCE
  - BEHAVIOR CONTRACTS
  - CONFERENCE STUDENT ON CURRENT BEHAVIOR
- **ACADEMIC SUPPORT**
  - ENSURE COMPLETION OF ASSIGNMENTS
  - MONITOR ASSIGNMENTS
  - PREVENT STUDENT FAILURE
- **GOAL SETTING**
  - NAVIANCE

Creating  
a system that breeds



Begins with valuing every member

BASED ON FUNDING  
STRUCTURES FOR  
SCHOOLS STUDENTS WILL  
ALWAYS BE THE LARGEST  
GROUP THAT MAKE UP  
THE “SCHOOL CULTURE”



THIS YEAR SAN JUAN  
CELEBRATES

88 POINT IMPROVEMENT  
IN SCI SCORE

31 POINT IMPROVEMENT  
IN API

(LARGEST GROWTH FOR ALL HIGH SCHOOLS IN  
SACRAMENTO COUNTY)



Thank You