



## POLICY 5.002

4-A I recommend that the Board approve adoption of the proposed revised Policy 5.002, entitled "Anti-Bullying and Harassment."

[Contact: Cheryl Alligood PX 46888]

### Adoption

### CONSENT ITEM

- This policy has been revised in accordance with amendments to the Jeffrey Johnston Stand Up for All Students Act, Section 1006.147, Fla. Stat., effective as July 1, 2013.
- The proposed policy has been drafted to be in substantial conformity with the model policy provided by the Florida Department of Education.
- The proposed policy provides:
  - A definition of cyber-bullying.
  - Computers without web-filtering software or computers with web-filtering software that is disabled be used when complaints of cyber-bullying are investigated.
  - Instruction to all stakeholders on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment.

POLICY 5.002

~~PROHIBITION OF BULLYING AND HARASSMENT~~  
**ANTI-BULLYING AND HARASSMENT**

**Purpose**

The School Board is committed to providing a safe, secure, civil, and respectful learning environment free from bullying and harassment. This policy is designed to provide a specific, focused, coordinated, integrated, and culturally sensitive system of support for all students, staff, and administrators. The School District will not tolerate bullying or harassment.

**Definitions**

- a. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gestures, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
  - i. Teasing
  - ii. Social exclusion
  - iii. Threat
  - iv. Intimidation
  - v. Stalking
  - vi. Physical violence
  - vii. Theft
  - viii. Sexual, religious, or racial/ethnic harassment
  - ix. Public humiliation
  - x. Damaging or Destruction of property
  - xi. Placing a student in reasonable fear of harm to his person or property
  - xii. Cyber-bullying, as defined herein
  - xiii. Cyber-stalking, as defined herein
- b. Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:



- 42 i. Places a student or school employee in reasonable fear of harm to
- 43 his or her person or damage to his or her property;
- 44 ii. Has the effect of substantially interfering with a student's
- 45 educational performance, opportunities, or benefits; or
- 46 iii. Has the effect of substantially disrupting the orderly operation of a
- 47 school.

48  
49 c. Bullying and harassment also encompass:

- 50
- 51 a. Retaliation against a student or school employee for asserting or alleging
- 52 an act of bullying or harassment. Reporting an act of bullying or
- 53 harassment that is not made in good faith is considered retaliation.
- 54 b. Perpetuation of conduct listed in the definition of bullying or harassment by
- 55 an individual or group with intent to demean, dehumanize, embarrass, or
- 56 cause emotional or physical harm to a student or school employee by:

- 57
- 58 i. Incitement or coercion
- 59 ii. Accessing or knowingly and willingly causing or providing access
- 60 to data or computer software through a computer, computer
- 61 system, or computer network within the scope of the district school
- 62 system
- 63 iii. Acting in a manner that has an effect substantially similar to the
- 64 effect of bullying or harassment

- 65
- 66 c. Unwanted harm towards a student in regard to his/her actual or perceived
- 67 traits or characteristics, including but not limited to race, color, religion,
- 68 sex, sexual orientation, gender identity or expression, national origin, age,
- 69 disability, marital status, citizenship or any other characteristic protected
- 70 by law.

- 71
- 72 d. Cyber-bullying means bullying through the use of technology or any electronic
- 73 communication, which includes, but is not limited to, any transfer of signs,
- 74 signals, writing, images, sounds, data or intelligence of any nature transmitted in
- 75 whole or in part by a wire, radio, electromagnetic system, photoelectronic
- 76 system, or photooptical system, including, but not limited to, electronic mail,
- 77 Internet communications, instant messages, or facsimile communications.
- 78 Cyber-bullying includes the creation of a webpage or weblog in which the creator
- 79 assumes the identify of another person, or the knowing impersonation of another
- 80 person as the author of posted content or messages, if the creation or
- 81 impersonation creates any of the conditions enumerated in the definition of
- 82 bullying. Cyber-bullying also includes the distribution by electronic means of a
- 83 communication to more than one person or the posting of material on an
- 84 electronic medium that may be accessed by one or more persons, if the
- 85 distribution or posting creates any of the conditions enumerated in the definition
- 86 of bullying.



- 87  
88 e. Cyber-stalking means to engage in a course of conduct to communicate, or  
89 cause to be communicated, words, images, images, or language by or through  
90 the use of electronic email to electronic communication, directed at a specific  
91 person, causing substantial emotional distress to that person and serving no  
92 legitimate purpose.  
93  
94 f. Parent means either or both parents of a student, any guardian of a student, any  
95 person in a parental relationship to a student, or any person exercising  
96 supervisory authority over a student in place of the parent.  
97

### 98 **Expectations**

99  
100 The School District of Palm Beach County expects students and employees to conduct  
101 themselves as appropriate for their levels of development, maturity, and demonstrated  
102 capabilities with a proper regard for the rights and welfare of other students and school  
103 staff, the educational purpose underlying all school activities, and the care of school  
104 facilities and equipment.  
105

106 Standards for student behavior must be set cooperatively through interaction among the  
107 students, parents/legal guardians, staff, and community members producing an  
108 atmosphere that encourages students to grow in self-discipline. The development of  
109 this atmosphere requires respect for self and others, as well as for district and  
110 community property on the part of students, staff, and community members. Since  
111 students learn by example, school administrators, faculty, staff, and volunteers will  
112 demonstrate appropriate behavior; treat others with civility and respect, and refuse to  
113 tolerate bullying or harassment. Students are required to conform to reasonable  
114 standards of socially acceptable behavior, respect the person, property and rights of  
115 others; obey constituted authority; and respond to the educational, support and  
116 administrative staff.  
117

118 In line with School Wide Positive Behavior Supports (SwPBS), the School District shall  
119 provide for appropriate recognition and positive reinforcement for good conduct, self-  
120 discipline, good citizenship, and academic success.  
121

122 The bullying of any student or school employee is strictly prohibited:  
123

- 124 a. During any educational program, function or activity conducted by the School  
125 District;  
126 b. During any school-related or school-sponsored program, function or activity;  
127 c. While on school district property;  
128 d. While on a school bus or other school district transportation;  
129 e. Through the use of any computer, technology or electronic device if the  
130 bullying substantially interferes with or limits the victim's ability to participate  
131 in or benefit from the services, activities, or opportunities offered by a school,



132 regardless of who owns the computer, technology or electronic device or  
133 where the computer, technology or electronic device is located.

- 134 f. Section (e) above does not require the School District to monitor any non-  
135 school-related activity, function, or program. Accordingly, the physical  
136 location or time of access of a computer or technology-related incident may  
137 not be raised as a defense in a disciplinary action.  
138

139 Standards of student behavior are set cooperatively through interaction among  
140 students, parents or legal guardians, staff and community members. Students are  
141 required to:

- 142  
143 a. conform to reasonable standards of socially acceptable behavior;  
144 b. respect the person, property, and rights of others;  
145 c. obey constituted authority; and  
146 d. respond to those who hold that authority.  
147

## 148 Consequences

149  
150 Where the facts and surrounding circumstances yield a conclusion that one has  
151 engaged in bullying and/or harassment, the following consequences are deemed  
152 appropriate:  
153

- 154 i. Consequences and appropriate remedial action for students who commit acts  
155 of bullying or harassment may range from positive behavior interventions  
156 up to and including suspension or expulsion, as outlined in the *Student*  
157 *Codes of Conduct*, as provided in School Board Policies 5.18 through  
158 5.1899.  
159 ii. Consequences and appropriate remedial action for school employees found to  
160 have committed an act of bullying or harassment shall be determined in  
161 accordance with School Board Policies and applicable collective  
162 bargaining agreements. Additionally, egregious acts of harassment by  
163 certified educators may result in a sanction against an educator's state  
164 issued certificate as provided in *The Principals of Professional Conduct of*  
165 *the Education Profession in Florida*, Rule 6B-1006, F.A.C.  
166 iii. Consequences and appropriate remedial action for a visitor or volunteer, found  
167 to have committed an act of bullying or harassment shall be determined by  
168 the School Principal, with input from the Area Superintendent, after  
169 consideration of the nature, severity and circumstances of the act,  
170 including reports to appropriate law enforcement officials.  
171

172 Consequences may also be imposed upon those who are found to have wrongfully and  
173 intentionally accused another of bullying or harassment in accordance with the policies  
174 and rules set forth above in i, ii, and iii. In addition, retaliation against any person who  
175 makes a good faith report of bullying or harassment is strictly prohibited. Likewise,



176 retaliation against any person who testifies, assists, or participates in a proceeding or  
177 hearing related to bullying or harassment shall not be tolerated.

178

### 179 **Procedures for Reporting Acts of Bullying or Harassment**

180

181 At each school, the School Principal or designee shall be responsible for receiving  
182 complaints of bullying or harassment. All school employees are required to report  
183 alleged violations of this policy to the principal or principal's designee. All other  
184 members of the school community, including students, parents, legal guardians,  
185 volunteers and visitors are encouraged to report any act of bullying or harassment.  
186 Such complaints may be made anonymously, in-person or in writing. However, formal  
187 disciplinary action may not be based solely on the basis of an anonymous report.

188

189 The principal at each school shall establish and prominently publicize what behavior  
190 constitutes bullying, how a report may be filed, and how the report will be acted upon.  
191 One who promptly reports in good faith an act of bullying or harassment to the  
192 appropriate school official shall be immune from a cause of action for damages arising  
193 out of the reporting itself or any failure to remedy the reported institute. Submission of a  
194 good faith complaint or report of bullying or harassment may not affect the complainant  
195 or reporter's future employment, grades, learning or working environment, or work  
196 assignments.

197

198 Any written or oral report of an act of bullying or harassment shall be considered an  
199 official means of reporting and shall be documented and processed in accordance with  
200 this policy.

201

### 202 **Investigation of Complaints**

203

204 The investigation of a reported act of bullying or harassment is deemed to be a school-  
205 related activity and begins with the report of such act. At each school, the principal must  
206 select designee(s) to be trained in investigative procedures to initiate the investigation.  
207 The designee may not be the accused harasser, bully or victim.

208

209 The designated investigator shall begin an investigation no later than the next school  
210 day and must complete the investigation within ten (10) school days.

211

212 The investigation must include documented interviews of the victim, alleged perpetrator,  
213 and witnesses. Each individual must be interviewed separately and at no time will the  
214 alleged perpetrator and victim be interviewed together. The investigator shall collect and  
215 evaluate the facts, including, but not limited to:

216

- 217 a. A description of the incident(s) including the nature of the behavior;
- 218 b. The context in which the alleged incident(s) occurred;
- 219 c. How often the conduct occurred;
- 220 d. Whether there were past incidents or past continuing patterns of behavior;



- 221 e. The relationship between the parties involved;
- 222 f. The characteristics of the parties involved, i.e. grade, age, etc.;
- 223 g. The identity and number of individuals who participated in bullying or
- 224 harassing behavior;
- 225 h. Where the alleged incident(s) occurred;
- 226 i. Whether the conduct adversely affected the student's education or educational
- 227 environment;
- 228 j. Whether the alleged victim felt or perceived an imbalance of power as a result
- 229 of the reported incident; and
- 230 k. The date, time and method in which parents or legal guardians of all parties
- 231 involved were contacted.
- 232

233 The investigator shall make a preliminary finding of whether there has been a violation  
234 of this policy based upon all facts and surrounding circumstances. The investigation  
235 must include recommended remedial steps necessary to stop the bullying or harassing  
236 behavior as well as a written final report to the school principal. Computers without web-  
237 filtering software or computers with web-filtering software that is disabled shall be used  
238 when complaints of cyber-bullying are investigated.

239  
240 Upon reviewing the report, the principal or designee shall make a determination on  
241 whether the reported act of bullying or harassment falls within the scope of the School  
242 District. Should the act be determined outside the scope of the School District and  
243 determined to be a criminal act, a referral may be made to law enforcement. Should the  
244 act be determined outside the scope of the School District, but not a criminal act, the  
245 school principal shall inform the parents or legal guardians of all students involved.

246  
247 In cases where the school principal or designee is directly and personally involved with  
248 the complaint or is closely related to a party to the complaint, the area superintendent  
249 shall conduct the investigation.

#### 251 **Notification to Parents**

252  
253 The principal or designee shall promptly report to the parents of a victim of bullying or  
254 harassment and the parents of the perpetrator of an act of bullying or harassment as  
255 well as notification to all local agencies where criminal charges may be pursued against  
256 the perpetrator.

257  
258 Notification to parents of all students involved shall take place on the same day an  
259 investigation has been initiated. Notification must be consistent with the student  
260 privacy rights under the applicable provisions of the Family Educational Rights and  
261 Privacy Act of 1974 (FERPA). Such notification may be via telephone, personal  
262 conference, and/or in writing.

263



264 If the bullying incident results in the perpetrator being charged with a crime, the school  
265 principal or designee shall inform the parents of the victim involved in the bullying  
266 incident about the Unsafe School Choice Option pursuant to No Child Left Behind, Title  
267 IX, Part E, Subpart 2, Section 9532, which permits "... a student who becomes a victim  
268 of a violent criminal offense, as determined by State law, while in or on the grounds of a  
269 public elementary school or secondary school that the student attends, be allowed to  
270 attend a safe public elementary school or secondary school within the local educational  
271 agency, including a public charter school."

272

### 273 **Referrals for Counseling Intervention**

274

275 A teacher or parent may request an informal consultation with the guidance counselor  
276 or school psychologist to determine the need for counseling to address the bullying or  
277 harassment that is alleged to have occurred.

278

279 Victims of bullying or harassment shall be referred to the School Based Team with a  
280 problem-solving focus to determine a need for counseling support and interventions to  
281 address the needs of the victim.

282

283 Perpetrators of bullying and/or harassment acts must also be referred to the School  
284 Based Team to determine the need for counseling and/or interventions to address the  
285 behavior of the students who bully or harass others. Examples include, but are not  
286 limited to anger management or empathy training.

287

288 Parents may also be referred to outside agencies or provided with assistance or support  
289 as deemed appropriate.

290

### 291 **Incident Reporting Requirements**

292

293 The procedure for including incidents of bullying in the school's report of safety and  
294 discipline data is required under Fla. Stat. 1006.09 (6). The report must include each  
295 incident of bullying or harassment and the resulting consequences, including discipline,  
296 interventions and referrals. In a separate section, the report must include each reported  
297 incident of bullying or harassment that does not meet the criteria of a prohibited act  
298 under this policy, with recommendations regarding said incident.

299

300 The School District will utilize Florida's School Safety Incident Reporting (SESIR)  
301 Statewide Report on School Safety and Discipline Data, which includes  
302 bullying/harassment in its codes.

303 The School District will provide bullying incident, discipline, and referral data to the  
304 Florida Department of Education at designated dates.

305

306

307

308



309 **Publication**

310

311 At the beginning of each school year, the principal or designee shall inform school staff,  
312 parents and students of the School District's policy prohibiting bullying or harassment,  
313 the effects of bullying, and initiatives to prevent such conduct.

314

315 This Policy shall be referenced in the Student Code of conduct, the School District's  
316 employee and in student handbooks.

317

318

319 **Instruction**

320

321 Instruction shall be provided to students, parents, teachers, school administrators,  
322 counseling staff, and school volunteers on identifying, preventing and responding to  
323 bullying or harassment, including instruction on recognizing behaviors that lead to  
324 bullying or harassment and taking appropriate preventative action based on those  
325 observations.

326

327

328 1. **Purpose.**— ~~The paramount goal of the Palm Beach County School Board~~  
329 ~~(School Board) is to ensure a safe, secure, civil and respectful learning~~  
330 ~~environment for all students and school employees. Bullying or harassment, like~~  
331 ~~other disruptive or violent behaviors, is conduct that disrupts both a student's ability~~  
332 ~~to learn and a school's ability to educate its students in a safe environment. It is~~  
333 ~~important to change the social climate of schools and the social norms with regard~~  
334 ~~to bullying and harassment. This requires the efforts of everyone in the school~~  
335 ~~environment — teachers, administrators, counselors, other non-teaching staff,~~  
336 ~~parents or legal guardians, and students. The purpose of this policy is to assist the~~  
337 ~~Palm Beach County School District (School Board) in its goal of preventing and~~  
338 ~~responding to acts of bullying or harassment and its compliance with the Jeffrey~~  
339 ~~Johnston Stand Up for All Students Acts, Section 1006.147, and Florida Statutes.~~

340 2. ~~**General Applicability of Policy.** This policy applies not only to students or school~~  
341 ~~employees who directly engage in an act of bullying or harassment, but also to~~  
342 ~~students or school employees who, by their indirect behavior, condone or support~~  
343 ~~another student's or employee's act of bullying and harassment. The misuse of~~  
344 ~~technology including, but not limited to, teasing, intimidating, defaming, threatening,~~  
345 ~~or terrorizing another student, teacher, administrator, volunteer or other employee~~  
346 ~~of the school district by sending or posting e-mail messages, instant messages,~~  
347 ~~text messages, digital pictures or images, or Web site postings, including blogs,~~  
348 ~~also may constitute an act of bullying or harassment regardless of whether such~~  
349 ~~acts are committed on or off school district property and/or with or without the use~~  
350 ~~of school district resources. This policy applies to any students or school~~  
351 ~~employees whose conduct at any time or in any place constitutes bullying or~~  
352 ~~harassment that interferes with or obstructs the mission or operations of the school~~



353 ~~district or the safety or welfare of the student, other students, or employees.~~

354 ~~3. **Statement of Policy.** The School District prohibits bullying and harassment of~~  
355 ~~any type of students or school employees, by either a student or a group of~~  
356 ~~students, a school volunteer or visitor, or a school employee. Bullying and~~  
357 ~~harassment are expressly prohibited on school district property or at school-related~~  
358 ~~functions.~~

359 ~~a. No teacher, administrator, volunteer or other school employee shall permit,~~  
360 ~~condone or tolerate bullying and harassment.~~

361 ~~b. The apparent permission or consent by a student being bullied or harassed~~  
362 ~~does not lessen the prohibitions contained in this policy.~~

363 ~~c. Reprisal or retaliation against a victim, good faith reporter, or a witness of~~  
364 ~~bullying or harassment is prohibited.~~

365 ~~d. False accusations or reports of bullying or harassment against another student~~  
366 ~~are prohibited.~~

367 ~~e. A person who engages in an act of bullying, reprisal, or false reporting of~~  
368 ~~bullying and harassment, or permits, condones or tolerates bullying and~~  
369 ~~harassment shall be subject to discipline for that act in accordance with school~~  
370 ~~board policies.~~

371 ~~f. The school district will act to investigate all complaints of bullying or~~  
372 ~~harassment and will discipline or take appropriate action against any student,~~  
373 ~~teacher, administrator, volunteer, or other employee of the school district who~~  
374 ~~is found to have violated this policy.~~

375 ~~g. The submission of good faith complaints or reports of bullying or harassment~~  
376 ~~will not affect the reporter's future employment, grades or work assignments,~~  
377 ~~or educational or work environment.~~

### 378 **Definitions**

379  
380 ~~a. Bullying means systematically and chronically inflicting physical hurt or~~  
381 ~~psychological distress on one or more students or employees. It is further~~  
382 ~~defined as unwanted and repeated written, verbal, or physical behavior,~~  
383 ~~including any threatening, insulting or dehumanizing gestures, by a student or~~  
384 ~~adult, that is severe or pervasive enough to create an intimidating, hostile, or~~  
385 ~~offensive educational environment; cause discomfort or humiliation; or~~  
386 ~~unreasonably interfere with the individual's school performance or~~  
387 ~~participation; and may involve but is not limited to:~~

388  
389 ~~xiv. Teasing~~



- 390 xv. Social exclusion
- 391 xvi. Threat
- 392 xvii. Intimidation
- 393 xviii. Stalking
- 394 xix. Physical violence
- 395 xx. Theft
- 396 xxi. Sexual, religious, or racial/ethnic harassment
- 397 xxii. Public humiliation
- 398 xxiii. Damaging or Destruction of property
- 399 xxiv. Public humiliation
- 400 xxv. Damaging or destruction of property
- 401 xxvi. Placing a student in reasonable fear of harm to his person or
- 402 property
- 403 xxvii. Cyber-bullying, as defined herein
- 404 xxviii. Cyber-stalking, as defined herein

405

406 ~~b. Cyberbullying means the use of electronic communication or technology~~  
407 ~~devices, to include but not be limited to, e-mail messages, instant messaging,~~  
408 ~~text messaging, cellular telephone communications, internet blogs, social~~  
409 ~~websites (e.g. MySpace, Facebook, etc.), internet chat rooms, internet~~  
410 ~~postings, digital pictures or images, and defamatory websites to engage in~~  
411 ~~acts of bullying or harassment regardless of whether such acts are committed~~  
412 ~~on or off school district property and /or with or without the use of school~~  
413 ~~district resources. For off-campus conduct, the School District shall be~~  
414 ~~responsive in cases where the off-campus conduct causes, or threatens to~~  
415 ~~cause, a substantial disruption at school or interference with the rights of~~  
416 ~~students to be safe and secure.~~

417 ~~The School Board recognizes that cyberbullying can be particularly~~  
418 ~~devastating to young people because:~~

419 ~~i. Cyber bullying is often engaged in off-campus, but the harmful impact is~~  
420 ~~felt at school.~~

421 ~~ii. Cyberbullying permits an individual to easily hide behind the anonymity~~  
422 ~~that the Internet and other technology devices provide;~~

423 ~~iii. Cyberbullying provides a means for perpetrators to spread their harmful~~  
424 ~~and hurtful messages to a wide audience with remarkable speed;~~

425 ~~iv. Cyberbullying does not require individuals to own their own action, as it is~~



426 usually very difficult to identify cyberbullies because of screen names, so  
427 they do not fear being punished for their actions; and

428 v. ~~The reflection time that once existed between the planning of a prank—or~~  
429 ~~a serious stunt—and its commission is all but erased when it comes to~~  
430 ~~cyberbullying activity.~~

431 c. ~~Cyberstalking means to engage in a course of conduct to communicate, or to~~  
432 ~~cause to be communicated, words, images, or language by or through the use~~  
433 ~~of electronic mail or electronic communication, directed at a specific person,~~  
434 ~~causing substantial emotional distress to that person and serving no legitimate~~  
435 ~~purpose, as defined in Sec. 784.048(1)(d), F.S., as now or hereafter amended.~~

436 d. ~~Harassment means any threatening, insulting or dehumanizing gesture, use of~~  
437 ~~data or computer software, or written or verbal or physical conduct directed~~  
438 ~~against a student or school employee that~~

439 i. ~~Places a student or school employee in reasonable fear of harm to his/her~~  
440 ~~person or damage to his/her property;~~

441 ii. ~~Has the effect of substantially interfering with a student's educational~~  
442 ~~performance, opportunities, or benefits;~~

443 iii. ~~Has the effect of substantially disrupting the orderly operation of the~~  
444 ~~school; or~~

445 iv. ~~Amounts to cyberbullying as defined herein.~~

446 e. ~~Bullying and Harassment also encompass~~

447 i. ~~Any act of retaliation by a student or school employee against another~~  
448 ~~student or school employee who alleges, asserts or reports a violation of~~  
449 ~~this policy or participates in the investigation of a bullying or harassment~~  
450 ~~complaint. Reporting an act of bullying or harassment that is not made in~~  
451 ~~good faith is considered retaliation.~~

452 ii. ~~Perpetuation of conduct listed in the definition of bullying or harassment~~  
453 ~~by an individual or group with intent to demean, dehumanize, embarrass,~~  
454 ~~or cause emotional or physical harm to a student or school employee by:~~

455 A. ~~Incitement or coercion;~~

456 B. ~~Accessing or knowingly and willingly causing or providing access to~~  
457 ~~data or computer software through a computer, computer system, or~~  
458 ~~computer network within the scope of the School District system;~~



459 C. ~~Acting in a manner that has an effect substantially similar to the~~  
460 ~~effect of bullying or harassment;~~

461 D. ~~Cyberstalking as defined herein; or~~

462 E. ~~Hazing as defined by Section 1006.135, Florida Statutes, as now or~~  
463 ~~hereafter amended.~~

464 iii. ~~Unwanted harm towards a student in regard to his/her actual or perceived~~  
465 ~~traits or characteristics, including but not limited to age, color, creed,~~  
466 ~~national origin, race, religion, marital status, sex, sexual orientation,~~  
467 ~~gender expression and/or identity, physical attributes, physical, mental or~~  
468 ~~educational ability or disability, ancestry, socio-economic background,~~  
469 ~~political beliefs, linguistic preferences, or familial status.~~

470 f. ~~Immediately means as soon as reasonably possible but within 24 hours or the~~  
471 ~~next school day.~~

472 g. ~~On school district property or at school-related functions means all school~~  
473 ~~district buildings, school grounds, and school property and property~~  
474 ~~immediately adjacent to school grounds, school bus stops, school buses,~~  
475 ~~school vehicles, school contracted vehicles, or any other vehicle approved for~~  
476 ~~school district purposes, the area of entrance or departure from school~~  
477 ~~grounds, premises or events, and all school related functions, school-~~  
478 ~~sponsored activities, events or trips. School district property also may mean a~~  
479 ~~student's walking route to or from school for purposes of attending school or~~  
480 ~~school-related functions, activities or events. While prohibiting bullying and~~  
481 ~~harassment at these locations and events, the school district does not~~  
482 ~~represent that it will provide supervision or assume liability for incidences at~~  
483 ~~these locations and events.~~

484

485 **~~5. Expected Behaviors On School Property or At School Related Functions.~~**

486 ~~The School Board expects students to conduct themselves in keeping with their~~  
487 ~~levels of development, maturity, and demonstrated capabilities with proper regard~~  
488 ~~for the rights and welfare of other students and school staff, the educational~~  
489 ~~purpose underlying all school activities, and the care of school facilities and~~  
490 ~~equipment. In addition to conducting themselves in a professional manner with~~  
491 ~~supervisors, colleagues, and students, school administrators, teachers, staff, and~~  
492 ~~volunteers will treat others with civility and respect, and will refuse to tolerate~~  
493 ~~bullying or harassment. The School District finds that bullying and harassment, in~~  
494 ~~an active or passive form, of any student or school employee is prohibited:~~

495 a. ~~During any school related education program, function or activity conducted by~~

496 the School District;

497 b. ~~During any school-related or school-sponsored program, function or activity;~~

498 c. ~~While on school district property as defined by this policy; or~~

499 d. ~~Through the use of any electronic device, computer, or computer software that~~  
500 ~~is accessed through a computer, computer system, or computer network of the~~  
501 ~~School District. The physical location or time of access of a computer-related~~  
502 ~~incident cannot be raised as a defense in any disciplinary actions.~~

503 ~~The Board believes that standards for student behavior must be set cooperatively~~  
504 ~~through interaction among the students, parent(s) or legal guardian(s), staff and~~  
505 ~~community members, producing an atmosphere that encourages pupils to grow in~~  
506 ~~self-discipline. The development of this atmosphere requires respect for self and~~  
507 ~~others, as well as for school district property on the part of students, school staff~~  
508 ~~and community members.~~

509 ~~All administrators, faculty, and staff, in collaboration with parents, students, and~~  
510 ~~community members, will incorporate systemic methods for student and staff~~  
511 ~~recognition through positive reinforcement for good conduct, conforming to~~  
512 ~~reasonable standards of socially acceptable behavior, respecting the person,~~  
513 ~~property, and rights of others, obeying constituted authority, responding to those~~  
514 ~~who hold that authority, self-discipline, good citizenship, and academic success, as~~  
515 ~~seen in the required school plan to address positive school culture and behavior.~~

516 ~~Students are encouraged to support other students who walk away from acts of~~  
517 ~~bullying and harassment when they see them, constructively attempt to stop them,~~  
518 ~~and report such acts to the School Principal or his/her designee.~~

519 ~~Students are required to conform to reasonable standards of socially acceptable~~  
520 ~~behavior; respect the person, property and rights of others; obey constituted~~  
521 ~~authority; and respond to the educational, support and administrative staff~~

522

523 ~~6. **Consequences for Prohibited Conduct, False Reporting and Reprisal or**~~  
524 ~~**Retaliation.**~~

525 a. ~~*Act of Bullying or Harassment.* Concluding whether a particular action or~~  
526 ~~incident constitutes a violation of this policy requires a determination based on~~  
527 ~~all of the facts and surrounding circumstances. The physical location or time~~  
528 ~~of access of a computer-related incident cannot be raised as a defense in any~~  
529 ~~disciplinary action. For the commission of an act of bullying or harassment,~~  
530 ~~the following consequences shall be applicable:~~



531  
532 i. ~~Consequences and appropriate remedial action for students who~~  
533 ~~commit acts of bullying or harassment may range from positive behavior~~  
534 ~~interventions up to an including suspension or expulsion, as outlined in the~~  
535 ~~*Student Codes of Conduct*, as provided in School Board Policies 5.18~~  
536 ~~through 5.1899.~~  
537 ii. ~~Consequences and appropriate remedial action for school~~  
538 ~~employees found to have committed an act of bullying or harassment shall~~  
539 ~~be determined in accordance with School Board Policies and applicable~~  
540 ~~collective bargaining agreements. Additionally, egregious acts of~~  
541 ~~harassment by certified educators may result in a sanction against an~~  
542 ~~educator's state issued certificate as provided in *The Principals of*~~  
543 ~~*Professional Conduct of the Education Profession in Florida*, Rule 6B-~~  
544 ~~1006, F.A.C.~~  
545 iii. ~~Consequences and appropriate remedial action for a visitor or~~  
546 ~~volunteer, found to have committed an act of bullying or harassment shall~~  
547 ~~be determined by the School Principal within input from the Area~~  
548 ~~Superintendent, after consideration of the nature, severity and~~  
549 ~~circumstances of the act, including reports to appropriate law enforcement~~  
550 ~~officials.~~

551 b. ~~*False Reporting.* The consequences for a student or employee found to~~  
552 ~~have wrongfully and intentionally accused another of an act of bullying or~~  
553 ~~harassment shall be as follows:~~

554 i. ~~Consequences and appropriate remedial action for a student found to~~  
555 ~~have wrongfully and intentionally accused another of bullying or~~  
556 ~~harassment range from positive behavioral interventions up to and~~  
557 ~~including suspension or expulsion, as outlined in the *Student Code of*~~  
558 ~~*Conduct*.~~

559 ii. ~~Consequences and appropriate remedial action for a school employee~~  
560 ~~found to have wrongfully and intentionally accused another of bullying or~~  
561 ~~harassment shall be determined in accordance with District policies,~~  
562 ~~procedures and agreements.~~

563 iii. ~~Consequences and appropriate remedial action for a visitor or volunteer~~  
564 ~~found to have wrongfully and intentionally accused another of bullying or~~  
565 ~~harassment shall be determined by the School Principal after~~  
566 ~~consideration of the nature, severity and circumstances of the act,~~  
567 ~~including reports to appropriate law enforcement officials.~~

568 c. ~~*Reprisal or Retaliation.* The School District will discipline and take appropriate~~

569 ~~action against any student, teacher, administrator, volunteer, or other~~  
570 ~~employee of the school district who retaliates against any person who makes a~~  
571 ~~good faith report of alleged bullying and harassment or against any person~~  
572 ~~who testifies, assists, or participates in a proceeding or hearing relating to~~  
573 ~~such bullying or harassment.~~

574 ~~i. The consequences and appropriate remedial action for a student,~~  
575 ~~teacher, school administrator or school volunteer who engages in reprisal~~  
576 ~~or retaliation shall be determined by the Principal or his or her designee~~  
577 ~~after consideration of the nature, severity and circumstances of the act, in~~  
578 ~~accordance with case law, Federal and State laws, School Board policies~~  
579 ~~and any applicable agreements.~~

580 ~~ii. Any student found to have engaged in reprisal or retaliation in~~  
581 ~~violation of this policy shall be subject to measures up to, and including,~~  
582 ~~suspension and expulsion.~~

583 ~~iii. Any school teacher or school administrator found to have engaged in~~  
584 ~~reprisal or retaliation in violation of this policy shall be subject to measures~~  
585 ~~up to, and including, termination of employment.~~

586 ~~iv. Any school volunteer found to have engaged in reprisal or retaliation~~  
587 ~~in violation of this policy shall be subject to measures up to, and including,~~  
588 ~~exclusion from school grounds.~~

589

590 ~~7. **Reporting of Prohibited Acts.** At each school, the School Principal or designee~~  
591 ~~shall be responsible for receiving complaints alleging violations of this policy.~~

592 ~~a. Any person who believes he or she has been the victim of bullying or~~  
593 ~~harassment, or any person with knowledge or belief of conduct that may~~  
594 ~~constitute bullying or harassment shall report the alleged acts immediately to~~  
595 ~~the School Principal or designee.~~

596 ~~b. All school employees who receive a report of, observe, or have other~~  
597 ~~knowledge or belief of conduct that may constitute bullying or harassment~~  
598 ~~shall inform the Principal or designee immediately.~~

599 ~~c. The Principal of each school in the District shall establish and prominently~~  
600 ~~publicize to students, staff, volunteers, visitors, and parents, how a report of~~  
601 ~~bullying may be filed and how this report will be acted upon.~~

602 ~~d. A student, parent or guardian, volunteers or visitors may report bullying or~~  
603 ~~harassment incidents anonymously, on a designated complaint form, or in-~~  
604 ~~person to the Principal or designee. However, the student may make a report~~



605 ~~of bullying or harassment to any school employee. The school employee will~~  
606 ~~assist the student in reporting to the Principal or designee.~~

607 ~~i. The School Principal or designee will devise anonymous methods of filing~~  
608 ~~a report of bullying or harassment by a student, parent, volunteer or~~  
609 ~~visitor. Such formats may include electronic, drop box, or telephone~~  
610 ~~techniques for reporting, but the chosen format must promote safety and~~  
611 ~~privacy. Although reports may be made anonymously by students,~~  
612 ~~parents, volunteers or visitors, formal disciplinary action may not be~~  
613 ~~based solely on the basis of an anonymous report. Independent~~  
614 ~~verification of the anonymous report shall be necessary in order for any~~  
615 ~~disciplinary action to be applied.~~

616 ~~e. Any written or oral reporting of an act of bullying or harassment shall be~~  
617 ~~considered an official means of reporting such acts.~~

618

619 ~~8. **Investigation of Complaints.**~~

620 ~~a. The investigation of a reported act of bullying or harassment is deemed to be a~~  
621 ~~school-related activity and begins with a report of such an act.~~

622 ~~b. The Principal or designee will begin a prompt investigation of the reported~~  
623 ~~incident, but such investigation shall be commenced no later than the next~~  
624 ~~school day. The person initiating the investigation may not be the accused~~  
625 ~~perpetrator or victim. The maximum of 10 school days shall be the limit for the~~  
626 ~~initial filing of incidents and completion of the investigative procedural steps.~~

627 ~~c. Documented interviews of the victim, alleged perpetrator, and witnesses shall~~  
628 ~~be conducted privately, separately and shall be confidential. Each individual~~  
629 ~~(victim, alleged perpetrator, and witnesses) will be interviewed separately and~~  
630 ~~at no time will the alleged perpetrator and victim be interviewed together.~~

631 ~~d. The investigating party shall collect and evaluate the following facts including~~  
632 ~~but not limited to:~~

633 ~~i. Description of incident(s) including the nature of the behavior;~~

634 ~~ii. Context in which the alleged incident(s) occurred;~~

635 ~~iii. How often the conduct occurred;~~

636 ~~iv. Whether there were past incidents or past continuing patterns of~~  
637 ~~behavior;~~

- 638 v. ~~The relationship between the parties involved;~~
- 639 vi. ~~The characteristics of parties involved, i.e. grade, age, etc.~~
- 640 vii. ~~The identity and number of individuals who participated in bullying or~~  
641 ~~harassing behavior;~~
- 642 viii. ~~Where the alleged incident(s) occurred;~~
- 643 ix. ~~Whether the conduct adversely affected the student's education or~~  
644 ~~educational environment;~~
- 645 x. ~~Whether the alleged victim felt or perceived an imbalance of power as a~~  
646 ~~result of the reported incident; and~~
- 647 xi. ~~The date, time and method in which parents or legal guardians of all~~  
648 ~~parties involved were contacted.~~
- 649 e. ~~Whether a particular action or incident constitutes a violation of this policy shall~~  
650 ~~require a determination based on all facts and surrounding circumstances and~~  
651 ~~shall include:~~
- 652 i. ~~Recommended remedial steps necessary to stop the bullying and/or~~  
653 ~~harassing behavior; and~~
- 654 ii. ~~A written final report to the School Principal.~~
- 655 f. ~~The principal or designee will make a determination whether or not the~~  
656 ~~reported act of bullying or harassment falls within the scope of the School~~  
657 ~~District. If the situation could possibly fall outside the domain of the School~~  
658 ~~District, the principal or designee will consult with School Police to determine if~~  
659 ~~the alleged act should be managed as a criminal act.~~
- 660 i. ~~If it falls within the jurisdiction of School Police, school discipline and~~  
661 ~~reporting procedures will be followed.~~
- 662 ii. ~~If the alleged act is outside the jurisdiction of the School District, the~~  
663 ~~School Police or School Principal will contact and refer the incident to the~~  
664 ~~appropriate local law enforcement agency.~~
- 665 iii. ~~If the incident is outside the scope of the District and determined not a~~  
666 ~~criminal act, the School Principal shall inform the parents or legal~~  
667 ~~guardians of all students involved.~~
- 668 g. ~~If the School Principal or designee is directly and personally involved with a~~  
669 ~~complaint or is closely related to a party to the complaint, then the area~~



670 superintendent shall be asked to conduct the investigation.

671

672 ~~9. **Notification to Parents or Guardians.**~~

673 a. ~~The Principal or designee shall promptly report to the parents or legal~~  
674 ~~guardians of a student who has been reported as a victim of bullying and/or~~  
675 ~~harassment, and the custodial parent(s) or legal guardians of the perpetrator~~  
676 ~~of the alleged acts of bullying and/or harassment. Such notification shall occur~~  
677 ~~on the same day an investigation has been initiated, and may be made by~~  
678 ~~telephone, writing, or personal conference. All notifications shall be consistent~~  
679 ~~with the student privacy rights under the applicable provisions of the Family~~  
680 ~~Educational Rights and Privacy Act of 1974 (FERPA).~~

681 b. ~~If the incident results in the perpetrator(s) being charged with a crime, the~~  
682 ~~School Principal or designee shall by telephone or writing, inform the parents~~  
683 ~~or legal guardians of the victims involved about the Unsafe School Choice~~  
684 ~~Option (No Child Left Behind, Title IX, Part E, Section 9532) that states "...a~~  
685 ~~student who becomes a victim of a violent criminal offense, as determined by~~  
686 ~~State law, while in or on the grounds of a public elementary school or~~  
687 ~~secondary school within the local educational agency, including a public~~  
688 ~~charter school."~~

689 c. ~~The frequency of notification will be dependent on the seriousness of the~~  
690 ~~bullying or harassment incident.~~

691

692 ~~10. **Referrals for Counseling Intervention.** When bullying or harassment is~~  
693 ~~suspected or when a bullying or harassment incident is reported, counseling~~  
694 ~~services will be made available to the victim(s), perpetrator(s) and~~  
695 ~~parents/guardians, as appropriate. In addition to disciplinary actions, the Principal~~  
696 ~~will offer assistance to students who bully or harass others, including, as~~  
697 ~~appropriate, behavior intervention plans or referrals to counseling services.~~

698 a. ~~The teacher or parent/legal guardian may request informal consultation with~~  
699 ~~school staff, e.g., school counselor or school psychologist, to determine the~~  
700 ~~severity of concern and appropriate steps to address the concern. The~~  
701 ~~teacher may request that the involved student's parents or legal guardians are~~  
702 ~~included.~~

703

704 ~~11. **Publication, Training and Education.**~~

- 705 a. ~~At the beginning of each school year, the Principal or designee shall inform~~  
706 ~~school staff, parents/guardians, and students of the School District's policy~~  
707 ~~prohibiting bullying or harassment, the effects of bullying and other applicable~~  
708 ~~initiatives to prevent such conduct.~~
- 709 b. ~~This policy shall be referenced in the Student Code of Conduct, in the School~~  
710 ~~District's employee and student handbooks, and other means as determined~~  
711 ~~by the Superintendent.~~
- 712 c. ~~The School District may implement programs and other initiatives to prevent~~  
713 ~~bullying or harassment, to respond to bullying and harassment in a manner~~  
714 ~~that does not stigmatize the victim, and to make resources or referrals to~~  
715 ~~resources available to victims of bullying and harassment.~~
- 716 d. ~~The Superintendent or designee shall make vendors or contractors aware of~~  
717 ~~this policy.~~
- 718 e. ~~The Department of Safe Schools shall devise posters or other signage to~~  
719 ~~provide reminders of this policy for display on school grounds and school~~  
720 ~~buses.~~
- 721 ~~12. **Immunity for Good Faith Reporting.**— Any school employee, school visitor,~~  
722 ~~volunteer, student, parent or legal guardian, or other persons who promptly reports~~  
723 ~~in good faith an act of bullying or harassment to the appropriate school official~~  
724 ~~designated in this policy and who makes this report in compliance with the~~  
725 ~~procedures set forth in the policy is immune from a cause of action for damages~~  
726 ~~arising out of the reporting itself or any failure to remedy the reported incident.~~
- 727 ~~13. **Reporting of Bullying and Harassment.**— Incidents of bullying or harassment~~  
728 ~~shall be reported in the school's report of data concerning school safety and~~  
729 ~~discipline required under Section 1006.09(6), Florida Statutes. The principal or~~  
730 ~~designee will report each incident of bullying and harassment, and the resulting~~  
731 ~~consequences, including discipline and referrals, in the Safety Environmental~~  
732 ~~Safety Incident Reporting (SESIR) Statewide Report on School Safety and~~  
733 ~~Discipline Data. The report shall also include *bullying/harassment* as an incident~~  
734 ~~code, as well as the "bullying-related" element code to situations that meet the~~  
735 ~~definition of bullying along with an accompanying behavior, i.e. "Battery, Bullying-~~  
736 ~~related.", as required by state laws.~~
- 737 ~~14. **On-going Reporting to Target's Parents/Guardians.**— Following an appropriate~~  
738 ~~investigation, Principals or designees will report to the target's parents what steps~~  
739 ~~have been taken to protect the student. Follow up reports will be designed based~~  
740 ~~on the success of the interventions and will continue in a fashion that is deemed~~  
741 ~~necessary by the Principal. Notification will be consistent with the student privacy~~  
742 ~~rights under the applicable provisions of the Family Educational Rights and Privacy~~  
743 ~~Act of 1974 (FERPA).~~



744 ~~15. **Privacy and Confidentiality.**~~

745 ~~a. To the greatest extent possible, all complaints will be treated as confidential~~  
746 ~~and in accordance with Fla. Stat. § 1002.22(3) (d); the Family Educational~~  
747 ~~Rights and Privacy Act ("FERPA"); and any other applicable laws.~~

748 ~~b. Limited disclosure may be necessary to complete a thorough investigation as~~  
749 ~~described above. The District's obligation to investigate and take corrective~~  
750 ~~action may supersede an individual's right to privacy.~~

751 ~~c. The complainant's identity shall be protected, but absolute confidentiality~~  
752 ~~cannot be guaranteed.~~

753 ~~16. **Constitutional Safeguard.** This policy shall not be interpreted to infringe upon the~~  
754 ~~First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange~~  
755 ~~of opinions, or debate, that is conducted at appropriate times and places during the~~  
756 ~~school day and is protected by federal and state laws.).~~

757

758 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42

759 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43, 1003.04, 1003.31, 1003.32, 1006.07,  
760 1006.08, 1006.09, 1006.10, 1006.147, F. S.; 20 USC 1232g

761 HISTORY: 12/10/2008;   /  /14

Legal Signoff:

The Legal Department has reviewed proposed revised Policy 5.002 and finds it legally sufficient for adoption by the Board.

Laura E. Pincus (mm)  
Attorney

April 9, 2014  
Date