



POLICY 5.002

5-E I recommend that the Board approve development of the proposed new Policy 5.002, entitled “Prohibition of Bullying and Harassment.”

[Contact: Allison Adler and Kim Mazauskas, PX 50900.]

Development

CONSENT ITEM

- This policy has been mandated by the 2008 Florida Legislature upon its passage of the “Jeffrey Johnston Stand Up for All Students Acts”, Section 1006.147, Florida Statutes.
- The proposed policy has been drafted to be in substantial conformity with the model policy provided by Florida Department of Education, as required in the above legislation. The proposed policy provides:
 - A statement which prohibits bullying or harassment of students or school employees, by either a student or group of students, a school volunteer or visitor, or a school employee. See Paragraph 3.
 - Definitions for the terms of bullying, harassment and cyberstalking are provided consistent with the above state legislation, and for other terms as cyberbullying, immediately (for investigations) and “on school district property or at school related functions. See Paragraph 4.
 - Statements as to behavior expected of students and school employees of the District. See Paragraph 5.
 - Consequences for students, school employees, visitors or volunteers who engage in acts of bullying or harassment, who falsely reports such acts, or who retaliates against any person who makes a good faith report of such acts or testifies assists or participates in a proceeding or hearing related to such acts. See paragraph 6.
 - A procedures for the reporting of acts of bullying, which permits students, parents, volunteers or visitors to be able to report such acts anonymously. However, the policy prohibits formal disciplinary action based solely on an anonymous report. See Paragraph 7.
 - A procedure for the prompt investigation of bullying or harassment complaints by the school principal or designee, including procedures for the investigating party, stating the investigation of such acts is a school-related activity and begins with the reporting of such act. See Paragraph 8.

- For the immediate notification of the parents/guardians of victims and perpetrators, and notification of local law enforcement agencies, if necessary. See Paragraph 9.
- A procedure to refer victims and perpetrators to counseling for intervention purposes. See Paragraph 10.
- A procedure for the publicizing, training and education of school employees, students, parents, etc. regarding bullying and harassment. See Paragraph 11.
- Immunity to school employees, visitors, volunteers, students and parents who promptly reports in good faith an act of bullying or harassment in compliance with this policy. See Paragraph 12.

POLICY 5.002

PROHIBITION OF BULLYING AND HARASSMENT

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3 1. **Purpose.** The paramount goal of the School Board is to ensure a safe, secure,
4 civil and respectful learning environment for all students and school employees.
5 Bullying or harassment, like other disruptive or violent behaviors, is conduct that
6 disrupts both a student's ability to learn and a school's ability to educate its
7 students in a safe environment. It is important to change the social climate of
8 schools and the social norms with regard to bullying and harassment. This
9 requires the efforts of everyone in the school environment – teachers,
10 administrators, counselors, other non-teaching staff, parents or legal guardians,
11 and students. The purpose of this policy is to assist the School District in its goal of
12 preventing and responding to acts of bullying or harassment and its compliance
13 with the Jeffrey Johnston Stand Up for All Students Acts, Section 1006.147, and
14 Florida Statutes.

- 15 2. **General Applicability of Policy.** This policy applies not only to students or school
16 employees who directly engage in an act of bullying or harassment, but also to students or
17 school employees who, by their indirect behavior, condone or support another student's or
18 employee's act of bullying and harassment. This policy also applies to any students or
19 school employees whose conduct at any time or in any place constitutes bullying or
20 harassment that interferes with or obstructs the mission or operations of the school district
21 or the safety or welfare of the student, other students, or employees. The misuse of
22 technology including, but not limited to, teasing, intimidating, defaming, threatening, or
23 terrorizing another student, teacher, administrator, volunteer or other employee of the
24 school district by sending or posting e-mail messages, instant messages, text messages,
25 digital pictures or images, or Web site postings, including blogs, also may constitute an act
26 of bullying or harassment regardless of whether such acts are committed on or off school
27 district property and/or with or without the use of school district resources.

- 28 3. **Statement of Policy.** The School District prohibits bullying and harassment of
29 any type of students or school employees, by either a student or a group of
30 students, a school volunteer or visitor, or a school employee. Bullying and
31 harassment are expressly prohibited on school district property or at school-related
32 functions.
 - 33 a. No teacher, administrator, volunteer or other school employee shall permit,
34 condone or tolerate bullying and harassment.

 - 35 b. The apparent permission or consent by a student being bullied or harassed
36 does not lessen the prohibitions contained in this policy.

 - 37 c. Reprisal or retaliation against a victim, good faith reporter, or a witness of
38 bullying or harassment is prohibited.

- 39 d. False accusations or reports of bullying or harassment against another student
40 are prohibited.
- 41 e. A person who engages in an act of bullying, reprisal, or false reporting of
42 bullying and harassment, or permits, condones or tolerates bullying and
43 harassment shall be subject to discipline for that act in accordance with school
44 board policies.
- 45 f. The school district will act to investigate all complaints of bullying or
46 harassment and will discipline or take appropriate action against any student,
47 teacher, administrator, volunteer, or other employee of the school district who
48 is found to have violated this policy.
- 49 g. The submission of good faith complaints or reports of bullying or harassment
50 will not affect the reporter's future employment, grades or work assignments,
51 or educational or work environment.

52 4. **Definitions.**

- 53 a. Bullying means systematically and chronically inflicting physical hurt or
54 psychological distress on one or more students or school employees. It is
55 further defined as unwanted and repeated written, verbal, or physical behavior,
56 including any threatening, insulting, or dehumanizing gesture, by an adult or
57 student, that is severe or pervasive enough to create an intimidating, hostile,
58 or offensive educational environment; cause discomfort or humiliation; or
59 unreasonably interfere with the individual's school performance or
60 participation; and may involve but is not limited to:
- 61 i. Teasing
- 62 ii. Social exclusion
- 63 iii. Threat
- 64 iv. Intimidation
- 65 v. Stalking
- 66 vi. Physical violence
- 67 vii. Theft
- 68 viii. Sexual, religious, or racial/ethnic harassment
- 69 ix. Public humiliation
- 70 x. Damaging or Destruction of property

- 71 xi. Placing a student in reasonable fear of harm to his or her person or
72 property
- 73 xii. Cyberbullying, as defined herein.
- 74 xiii. Cyber-stalking as defined herein.

75 b. Cyberbullying means the use of electronic communication or technology
76 devices, to include but not be limited to, e-mail messages, instant messaging,
77 text messaging, cellular telephone communications, internet blogs, social
78 websites (e.g. MySpace, Facebook, etc.), internet chat rooms, internet
79 postings, digital pictures or images, and defamatory websites to engage in
80 acts of bullying or harassment regardless of whether such acts are committed
81 on or off school district property and /or with or without the use of school
82 district resources. For off-campus conduct, the School District shall be
83 responsive in cases where the off-campus conduct causes, or threatens to
84 cause, a substantial disruption at school or interference with the rights of
85 students to be safe and secure.

86 The School Board recognizes that cyberbullying can be particularly
87 devastating to young people because:

- 88 i. Cyber bullying is often engaged in off-campus, but the harmful impact is
89 felt at school.
- 90 ii. Cyberbullying permits an individual to easily hide behind the anonymity
91 that the Internet and other technology devices provide;
- 92 iii. Cyberbullying provides a means for perpetrators to spread their harmful
93 and hurtful messages to a wide audience with remarkable speed;
- 94 iv. Cyberbullying does not require individuals to own their own action, as it is
95 usually very difficult to identify cyberbullies because of screen names, so
96 they do not fear being punished for their actions; and
- 97 v. The reflection time that once existed between the planning of a prank – or
98 a serious stunt – and its commission is all but erased when it comes to
99 cyberbullying activity.

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

105 d. Harassment means any threatening, insulting or dehumanizing gesture, use of

- 106 data or computer software, or written or verbal or physical conduct directed
107 against a student or school employee that
- 108 i. Places a student or school employee in reasonable fear of harm to his/her
109 person or damage to his/her property;
- 110 ii. Has the effect of substantially interfering with a student's educational
111 performance, opportunities, or benefits;
- 112 iii. Has the effect of substantially disrupting the orderly operation of the
113 school; or
- 114 iv. Amounts to cyberbullying as defined herein.
- 115 e. Bullying and Harassment also encompass
- 116 i. Any act of retaliation by a student or school employee against another
117 student or school employee who alleges, asserts or reports a violation of
118 this policy or participates in the investigation of a bullying or harassment
119 complaint. Reporting an act of bullying or harassment that is not made in
120 good faith is considered retaliation.
- 121 ii. Perpetuation of conduct listed in the definition of bullying or harassment
122 by an individual or group with intent to demean, dehumanize, embarrass,
123 or cause emotional or physical harm to a student or school employee by:
- 124 A. Incitement or coercion;
- 125 B. Accessing or knowingly and willingly causing or providing access to
126 data or computer software through a computer, computer system, or
127 computer network within the scope of the School District system;
- 128 C. Acting in a manner that has an effect substantially similar to the
129 effect of bullying or harassment;
- 130 D. Cyberstalking as defined herein; or
- 131 E. Hazing as defined by Section 1006.135, Florida Statutes, as now or
132 hereafter amended.
- 133 iii. Unwanted harm towards a student in regard to his/her actual or perceived
134 traits or characteristics, including but not limited to age, color, creed,
135 national origin, race, religion, marital status, sex, sexual orientation,
136 gender expression and/or identity, physical attributes, physical, mental or
137 educational ability or disability, ancestry, socio-economic background,
138 political beliefs, linguistic preferences, or familial status.

- 139 f. Immediately means as soon as reasonably possible but within 24 hours or the
140 next school day.
- 141 g. On school district property or at school-related functions means all school
142 district buildings, school grounds, and school property and property
143 immediately adjacent to school grounds, school bus stops, school buses,
144 school vehicles, school contracted vehicles, or any other vehicle approved for
145 school district purposes, the area of entrance or departure from school
146 grounds, premises or events, and all school related functions, school-
147 sponsored activities, events or trips. School district property also may mean a
148 student's walking route to or from school for purposes of attending school or
149 school-related functions, activities or events. While prohibiting bullying and
150 harassment at these locations and events, the school district does not
151 represent that it will provide supervision or assume liability for incidences at
152 these locations and events.

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

154 The School Board expects students to conduct themselves in keeping with their
155 levels of development, maturity, and demonstrated capabilities with proper regard
156 for the rights and welfare of other students and school staff, the educational
157 purpose underlying all school activities, and the care of school facilities and
158 equipment. In addition to conducting themselves in a professional manner with
159 supervisors, colleagues, and students, school administrators, teachers, staff, and
160 volunteers will treat others with civility and respect, and will refuse to tolerate
161 bullying or harassment. The School District finds that bullying and harassment, in
162 an active or passive form, of any student or school employee is prohibited:

- 163 a. During any school related education program, function or activity conducted by
164 the School District;
- 165 b. During any school-related or school-sponsored program, function or activity;
- 166 c. While on school district property as defined by this policy; or
- 167 d. Through the use of any electronic device, computer, or computer software that
168 is accessed through a computer, computer system, or computer network of the
169 School District. The physical location or time of access of a computer-related
170 incident cannot be raised as a defense in any disciplinary actions.

171 The Board believes that standards for student behavior must be set cooperatively
172 through interaction among the students, parent(s) or legal guardian(s), staff and
173 community members, producing an atmosphere that encourages pupils to grow in
174 self-discipline. The development of this atmosphere requires respect for self and

175 others, as well as for school district property on the part of students, school staff
176 and community members.

177
178 All administrators, faculty, and staff, in collaboration with parents, students, and
179 community members, will incorporate systemic methods for student and staff
180 recognition through positive reinforcement for good conduct, conforming to
181 reasonable standards of socially acceptable behavior, respecting the person,
182 property, and rights of others, obeying constituted authority, responding to those
183 who hold that authority, self-discipline, good citizenship, and academic success, as
184 seen in the required school plan to address positive school culture and behavior.

185
186 Students are encouraged to support other students who walk away from acts of
187 bullying and harassment when they see them, constructively attempt to stop them,
188 and report such acts to the School Principal or his/her designee.

189
190 Students are required to conform to reasonable standards of socially acceptable
191 behavior; respect the person, property and rights of others; obey constituted
192 authority; and respond to the educational, support and administrative staff

193 6. **Consequences for Prohibited Conduct, False Reporting and Reprisal or**
194 **Retaliation.**

195 a. Act of Bullying or Harassment. Concluding whether a particular action or
196 incident constitutes a violation of this policy requires a determination based on
197 all of the facts and surrounding circumstances. The physical location or time
198 of access of a computer-related incident can not be raised as a defense in any
199 disciplinary action. For the commission of an act of bullying or harassment,
200 the following consequences shall be applicable:

201 i. Consequences and appropriate remedial action for students who commit
202 acts of bullying or harassment may range from positive behavioral
203 interventions up to and including suspension or expulsion, as outlined in
204 the *Student Codes of Conduct*, as provided in School Board Policies 5.18
205 through 5.1899.

206 ii. Consequences and appropriate remedial action for a school employee
207 found to have committed an act of bullying or harassment shall be
208 determined in accordance with the District's policies and applicable
209 collective bargaining agreements. Additionally, egregious acts of

210 harassment by certified educators may result in a sanction against an
211 educator's state issued certificate as provided in *The Principles of*
212 *Professional Conduct of the Education Profession in Florida*, Rule 6B-
213 1006, F.A.C.

214 iii. Consequences and appropriate remedial action for a visitor or volunteer,
215 found to have committed an act of bullying or harassment shall be
216 determined by the School Principal after consideration of the nature,
217 severity and circumstances of the act, including reports to appropriate law
218 enforcement officials.

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

222 i. Consequences and appropriate remedial action for a student found to
223 have wrongfully and intentionally accused another of bullying or
224 harassment range from positive behavioral interventions up to and
225 including suspension or expulsion, as outlined in the *Student Code of*
226 *Conduct*

227 ii. Consequences and appropriate remedial action for a school employee
228 found to have wrongfully and intentionally accused another of bullying or
229 harassment shall be determined in accordance with District policies,
230 procedures and agreements.

231 iii. Consequences and appropriate remedial action for a visitor or volunteer
232 found to have wrongfully and intentionally accused another of bullying or
233 harassment shall be determined by the School Principal after
234 consideration of the nature, severity and circumstances of the act,
235 including reports to appropriate law enforcement officials.

236 c. *Reprisal or Retaliation.* The School District will discipline and take appropriate
237 action against any student, teacher, administrator, volunteer, or other
238 employee of the school district who retaliates against any person who makes a
239 good faith report of alleged bullying and harassment or against any person
240 who testifies, assists, or participates in a proceeding or hearing relating to
241 such bullying or harassment.

242 i. The consequences and appropriate remedial action for a student,
243 teacher, school administrator or school volunteer who engages in reprisal
244 or retaliation shall be determined by the Principal or his or her designee
245 after consideration of the nature, severity and circumstances of the act, in
246 accordance with case law, Federal and State laws, School Board policies
247 and any applicable agreements.

248 ii. Any student found to have engaged in reprisal or retaliation in violation of
249 this policy shall be subject to measures up to, and including, suspension
250 and expulsion.

- 251 iii. Any school teacher or school administrator found to have engaged in
252 reprisal or retaliation in violation of this policy shall be subject to
253 measures up to, and including, termination of employment.
- 254 iv. Any school volunteer found to have engaged in reprisal or retaliation in
255 violation of this policy shall be subject to measures up to, and including,
256 exclusion from school grounds.
- 257 7. **Reporting of Prohibited Acts.** At each school, the School Principal or designee
258 shall be responsible for receiving complaints alleging violations of this policy.
- 259 a. Any person who believes he or she has been the victim of bullying or
260 harassment, or any person with knowledge or belief of conduct that may
261 constitute bullying or harassment shall report the alleged acts immediately to
262 the School Principal or designee.
- 263 b. All school employees who receive a report of, observe, or have other
264 knowledge or belief of conduct that may constitute bullying or harassment
265 shall inform the Principal or designee immediately.
- 266 c. The Principal of each school in the District shall establish and prominently
267 publicize to students, staff, volunteers, visitors, and parents, how a report of
268 bullying may be filed and how this report will be acted upon.
- 269 d. A student, parent or guardian, volunteers or visitors may report bullying or
270 harassment incidents anonymously, on a designated complaint form, or in-
271 person to the Principal or designee. However, the student may make a report
272 of bullying or harassment to any school employee. The school employee will
273 assist the student in reporting to the Principal or designee.
- 274 i. The School Principal or designee will devise anonymous methods of filing
275 a report of bullying or harassment by a student, parent, volunteer or
276 visitor. Such formats may include electronic, drop-box, or telephone
277 techniques for reporting, but the chosen format must promote safety and
278 privacy. Although reports may be made anonymously by students,
279 parents, volunteers or visitors, formal disciplinary action may not be
280 based solely on the basis of an anonymous report. Independent
281 verification of the anonymous report shall be necessary in order for any
282 disciplinary action to be applied.
- 283 e. Any written or oral reporting of an act of bullying or harassment shall be
284 considered an official means of reporting such acts.
- 285 8. **Investigation of Complaints.**
- 286 a. The investigation of a reported act of bullying or harassment is deemed to be a
287 school-related activity and begins with a report of such an act.

- 288 b. The Principal or designee will begin a prompt investigation of the reported
289 incident, but such investigation shall be commenced no later than the next
290 school day. The person initiating the investigation may not be the accused
291 perpetrator or victim. The maximum of 10 school days shall be the limit for the
292 initial filing of incidents and completion of the investigative procedural steps.
- 293 c. Documented interviews of the victim, alleged perpetrator, and witnesses shall
294 be conducted privately, separately and shall be confidential. Each individual
295 (victim, alleged perpetrator, and witnesses) will be interviewed separately and
296 at no time will be the alleged perpetrator and victim be interviewed together.
- 297 d. The investigating party shall collect and evaluate the following facts including
298 but not limited to:
- 299 i. Description of incident(s) including the nature of the behavior;
- 300 ii. Context in which the alleged incident(s) occurred;
- 301 iii. How often the conduct occurred;
- 302 iv. Whether there were past incidents or past continuing patterns of
303 behavior;
- 304 v. The relationship between the parties involved;
- 305 vi. The characteristics of parties involved, i.e. grade, age, etc.
- 306 vii. The identity and number of individuals who participated in bullying or
307 harassing behavior;
- 308 viii. Where the alleged incident(s) occurred;
- 309 ix. Whether the conduct adversely affected the student's education or
310 educational environment;
- 311 x. Whether the alleged victim felt or perceived an imbalance or power as a
312 result of the reported incident; and
- 313 xi. The date, time and method in which parents or legal guardians of all
314 parties involved were contacted.
- 315 e. Whether a particular action of incident constitutes a violation of this policy shall
316 require a determination based on all facts and surrounding circumstances and
317 shall include:
- 318 i. Recommended remedial steps necessary to stop the bullying and/or
319 harassing behavior; and

- 320 ii. A written final report to the School Principal.
- 321 f. The principal or designee will make a determination whether or not the
322 reported act of bullying or harassment falls within the scope of the School
323 District. If the situation could possibly fall outside the domain of the School
324 District, the principal or designee will consult with School Police to determine if
325 the alleged act should be managed as a criminal act.
- 326 i. If it falls within the jurisdiction of School Police, school discipline and
327 reporting procedures will be followed.
- 328 ii. If the alleged act is outside the jurisdiction of the School District, the
329 School Police or School Principal will contact and refer the incident to the
330 appropriate local law enforcement agency.
- 331 iii. If the incident is outside the scope of the District and determined not a
332 criminal act, the School Principal shall inform the parents or legal
333 guardians of all students involved.
- 334 g. If the School Principal or designee is directly and personally involved with a
335 complaint or is closely related to a party to the complaint, then the area
336 superintendent shall be asked to conduct the investigation.
- 337 9. **Notification to Parents or Guardians.**
- 338 a. The Principal or designee shall promptly report to the parents or legal
339 guardians of a student who has been reported as a victim of bullying and/or
340 harassment, and the custodial parent(s) or legal guardians of the perpetrator
341 of the alleged acts of bullying and/or harassment. Such notification shall occur
342 on the same day an investigation has been initiated, and may be made by
343 telephone, writing, or personal conference. All notifications shall be consistent
344 with the student privacy rights under the applicable provisions of the Family
345 Educational Rights and Privacy Act of 1974 (FERPA).
- 346 b. If the incident results in the perpetrator(s) being charged with a crime, the
347 School Principal or designee shall by telephone or writing, inform the parents
348 or legal guardians of the victims involved about the Unsafe School Choice
349 Option (No Child Left Behind, Title IX, Part E, Section 9532) that states "...a
350 student who becomes a victim of a violent criminal offense, as determined by
351 State law, while in or on the grounds of a public elementary school or public
352 elementary school or secondary school within the local educational agency,
353 including a public charter school."
- 354 c. The frequency of notification will be dependent on the seriousness of the
355 bullying or harassment incident.

- 356 10. **Referrals for Counseling Intervention.** When bullying or harassment is
357 suspected or when a bullying or harassment incident is reported, counseling
358 services will be made available to the victim(s), perpetrator(s) and
359 parents/guardians, as appropriate. In addition to disciplinary actions, the Principal
360 will offer assistance to students who bully or harass others, including, as
361 appropriate, behavior intervention plans or referrals to counseling services.
- 362 a. The teacher or parent/legal guardian may request informal consultation with
363 school staff, e.g., school counselor or school psychologist, to determine the
364 severity of concern and appropriate steps to address the concern. The
365 teacher may request that the involved student's parents or legal guardians are
366 included.
- 367 11. **Publication, Training and Education.**
- 368 a. At the beginning of each school year, the Principal or designee shall inform
369 school staff, parents/guardians, and students of the School District's policy
370 prohibiting bullying or harassment, the effects of bullying and other applicable
371 initiatives to prevent such conduct.
- 372 b. This policy shall be referenced in the Student Code of Conduct, in the School
373 District's employee and student handbooks, and other means as determined
374 by the Superintendent.
- 375 c. The School District may implement programs and other initiatives to prevent
376 bullying or harassment, to respond to bullying and harassment in a manner
377 that does not stigmatize the victim, and to make resources or referrals to
378 resources available to victims of bullying and harassment.
- 379 d. The Superintendent or designee shall make vendors or contractors aware of
380 this policy.
- 381 e. The Department of Safe Schools shall devise posters or other signage to
382 provide reminders of this policy for display on school grounds and school
383 buses.
- 384 12. **Immunity for Good Faith Reporting.** Any school employee, school visitor,
385 volunteer, student, parent or legal guardian, or other persons who promptly reports
386 in good faith an act of bullying or harassment to the appropriate school official
387 designated in this policy and who makes this report in compliance with the
388 procedures set forth in the policy is immune from a cause of action for damages
389 arising out of the reporting itself or any failure to remedy the reported incident.
- 390 13. **Reporting of Bullying and Harassment.** Incidents of bullying or harassment
391 shall be reported in the school's report of data concerning school safety and
392 discipline required under Section 1006.09(6), Florida Statutes. The principal or

393 designee will report each incident of bullying and harassment, and the resulting
394 consequences, including discipline and referrals, in the Safety Environmental
395 Safety Incident Reporting (SESIR) Statewide Report on School Safety and
396 Discipline Data. The report shall also include *bullying/harassment* as an incident
397 code, as well as the “bullying-related” element code to situations that meet the
398 definition of bullying along with an accompanying behavior, i.e. “Battery, Bullying-
399 related.”, as required by state laws.

400 14. ***On-going Reporting to Target’s Parents/Guardians.*** Following an appropriate
401 investigation, Principals or designees will report to the target’s parents what steps
402 have been taken to protect the student. Follow-up reports will be designed based
403 on the success of the interventions and will continue in a fashion that is deemed
404 necessary by the Principal. Notification will be consistent with the student privacy
405 rights under the applicable provisions of the Family Educational Rights and Privacy
406 Act of 1974 (FERPA).

407 15. ***Privacy and Confidentiality.***

408 a. To the greatest extent possible, all complaints will be treated as confidential
409 and in accordance with Fla. Stat. § 1002.22(3) (d); the Family Educational
410 Rights and Privacy Act (“FERPA”); and any other applicable laws.

411 b. Limited disclosure may be necessary to complete a thorough investigation as
412 described above. The District’s obligation to investigate and take corrective
413 action may supersede an individual’s right to privacy.

414 c. The complainant’s identity shall be protected, but absolute confidentiality
415 cannot be guaranteed.

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

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

421 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43, 1003.04, 1003.31, 1003.32, 1006.07,
422 1006.08, 1006.09, 1006.10, 1006.147, F.S.; 20 USC 1232g

423 HISTORY: ___/___2008

Legal Signoff:

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

Attorney

Date