



POLICY 5.002

5-A I recommend that the Board approve development of the proposed **revised** Policy 5.002, entitled “Anti-Bullying and Harassment.”

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Development

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 conducted 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

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

- 81
- 82 e. Cyber-stalking means to engage in a course of conduct to communicate, or
- 83 cause to be communicated, words, images, images, or language by or through
- 84 the use of electronic email to electronic communication, directed at a specific
- 85 person, causing substantial emotional distress to that person and serving no
- 86 legitimate purpose.

- 87
88 f. Parent means either or both parents of a student, any guardian of a student, any
89 person in a parental relationship to a student, or any person exercising
90 supervisory authority over a student in place of the parent.

91
92 **Expectations**

93
94 The School District of Palm Beach County expects students and employees to conduct
95 themselves as appropriate for their levels of development, maturity, and demonstrated
96 capabilities with a proper regard for the rights and welfare of other students and school
97 staff, the educational purpose underlying all school activities, and the care of school
98 facilities and equipment.

99
100 Standards for student behavior must be set cooperatively through interaction among the
101 students, parents/legal guardians, staff, and community members producing an
102 atmosphere that encourages students to grow in self-discipline. The development of
103 this atmosphere requires respect for self and others, as well as for district and
104 community property on the part of students, staff, and community members. Since
105 students learn by example, school administrators, faculty, staff, and volunteers will
106 demonstrate appropriate behavior; treat others with civility and respect, and refuse to
107 tolerate bullying or harassment. Students are required to conform to reasonable
108 standards of socially acceptable behavior, respect the person, property and rights of
109 others; obey constituted authority; and respond to the educational, support and
110 administrative staff.

111
112 In line with School Wide Positive Behavior Supports (SwPBS), the School District shall
113 provide for appropriate recognition and positive reinforcement for good conduct, self-
114 discipline, good citizenship, and academic success.

115
116 The bullying of any student or school employee is strictly prohibited:

- 117
118 a. During any educational program, function or activity conducted by the School
119 District;
120 b. During any school-related or school-sponsored program, function or activity;
121 c. While on school district property;
122 d. While on a school bus or other school district transportation;
123 e. Through the use of any computer, technology or electronic device if the
124 bullying substantially interferes with or limits the victim's ability to participate
125 in or benefit from the services, activities, or opportunities offered by a school,
126 regardless of who owns the computer, technology or electronic device or
127 where the computer, technology or electronic device is located.
128 f. Section (e) above does not require the School District to monitor any non-
129 school-related activity, function, or program. Accordingly, the physical
130 location or time of access of a computer or technology-related incident may
131 not be raised as a defense in a disciplinary action.

132
133 Standards of student behavior are set cooperatively through interaction among
134 students, parents or legal guardians, staff and community members. Students are
135 required to:

- 136
137 a. conform to reasonable standards of socially acceptable behavior;
138 b. respect the person, property, and rights of others;
139 c. obey constituted authority; and
140 d. respond to those who hold that authority.

141
142 **Consequences**

143
144 Where the facts and surrounding circumstances yield a conclusion that one has
145 engaged in bullying and/or harassment, the following consequences are deemed
146 appropriate:

- 147
148 i. Consequences and appropriate remedial action for students who commit acts
149 of bullying or harassment may range from positive behavior interventions
150 up to and including suspension or expulsion, as outlined in the *Student*
151 *Codes of Conduct*, as provided in School Board Policies 5.18 through
152 5.1899.
153 ii. Consequences and appropriate remedial action for school employees found to
154 have committed an act of bullying or harassment shall be determined in
155 accordance with School Board Policies and applicable collective
156 bargaining agreements. Additionally, egregious acts of harassment by
157 certified educators may result in a sanction against an educator's state
158 issued certificate as provided in *The Principals of Professional Conduct of*
159 *the Education Profession in Florida*, Rule 6B-1006, F.A.C.
160 iii. Consequences and appropriate remedial action for a visitor or volunteer, found
161 to have committed an act of bullying or harassment shall be determined by
162 the School Principal, with input from the Area Superintendent, after
163 consideration of the nature, severity and circumstances of the act,
164 including reports to appropriate law enforcement officials.

165
166 Consequences may also be imposed upon those who are found to have wrongfully and
167 intentionally accused another of bullying or harassment in accordance with the policies
168 and rules set forth above in i, ii, and iii. In addition, retaliation against any person who
169 makes a good faith report of bullying or harassment is strictly prohibited. Likewise,
170 retaliation against any person who testifies, assists, or participates in a proceeding or
171 hearing related to bullying or harassment shall not be tolerated.

172
173 **Procedures for Reporting Acts of Bullying or Harassment**

174
175 At each school, the School Principal or designee shall be responsible for receiving
176 complaints of bullying or harassment. All school employees are required to report

177 alleged violations of this policy to the principal or principal's designee. All other
178 members of the school community, including students, parents, legal guardians,
179 volunteers and visitors are encouraged to report any act of bullying or harassment.
180 Such complaints may be made anonymously, in-person or in writing. However, formal
181 disciplinary action may not be based solely on the basis of an anonymous report.

182
183 The principal at each school shall establish and prominently publicize what behavior
184 constitutes bullying, how a report may be filed, and how the report will be acted upon.
185 One who promptly reports in good faith an act of bullying or harassment to the
186 appropriate school official shall be immune from a cause of action for damages arising
187 out of the reporting itself or any failure to remedy the reported institute. Submission of a
188 good faith complaint or report of bullying or harassment may not affect the complainant
189 or reporter's future employment, grades, learning or working environment, or work
190 assignments.

191
192 Any written or oral report of an act of bullying or harassment shall be considered an
193 official means of reporting and shall be documented and processed in accordance with
194 this policy.

195
196 **Investigation of Complaints**

197
198 The investigation of a reported act of bullying or harassment is deemed to be a school-
199 related activity and begins with the report of such act. At each school, the principal must
200 select designee(s) to be trained in investigative procedures to initiate the investigation.
201 The designee may not be the accused harasser, bully or victim.

202
203 The designated investigator shall begin an investigation no later than the next school
204 day and must complete the investigation within ten (10) school days.

205
206 The investigation must include documented interviews of the victim, alleged perpetrator,
207 and witnesses. Each individual must be interviewed separately and at no time will the
208 alleged perpetrator and victim be interviewed together. The investigator shall collect and
209 evaluate the facts, including, but not limited to:

- 210
211 a. A description of the incident(s) including the nature of the behavior;
212 b. The context in which the alleged incident(s) occurred;
213 c. How often the conduct occurred;
214 d. Whether there were past incidents or past continuing patterns of behavior;
215 e. The relationship between the parties involved;
216 f. The characteristics of the parties involved, i.e. grade, age, etc.;
217 g. The identity and number of individuals who participated in bullying or
218 harassing behavior;
219 h. Where the alleged incident(s) occurred;
220 i. Whether the conduct adversely affected the student's education or educational
221 environment;

- 222 j. Whether the alleged victim felt or perceived an imbalance of power as a result
- 223 of the reported incident; and
- 224 k. The date, time and method in which parents or legal guardians of all parties
- 225 involved were contacted.

226
227 The investigator shall make a preliminary finding of whether there has been a violation
228 of this policy based upon all facts and surrounding circumstances. The investigation
229 must include recommended remedial steps necessary to stop the bullying or harassing
230 behavior as well as a written final report to the school principal. Computers without web-
231 filtering software or computers with web-filtering software that is disabled shall be used
232 when complaints of cyber-bullying are investigated.

233
234 Upon reviewing the report, the principal or designee shall make a determination on
235 whether the reported act of bullying or harassment falls within the scope of the School
236 District. Should the act be determined outside the scope of the School District and
237 determined to be a criminal act, a referral may be made to law enforcement. Should the
238 act be determined outside the scope of the School District, but not a criminal act, the
239 school principal shall inform the parents or legal guardians of all students involved.

240
241 In cases where the school principal or designee is directly and personally involved with
242 the complaint or is closely related to a party to the complaint, the area superintendent
243 shall conduct the investigation.

244 245 **Notification to Parents**

246
247 The principal or designee shall promptly report to the parents of a victim of bullying or
248 harassment and the parents of the perpetrator of an act of bullying or harassment as
249 well as notification to all local agencies where criminal charges may be pursued against
250 the perpetrator.

251
252 Notification to parents of all students involved shall take place on the same day an
253 investigation has been initiated. Notification must be consistent with the student
254 privacy rights under the applicable provisions of the Family Educational Rights and
255 Privacy Act of 1974 (FERPA). Such notification may be via telephone, personal
256 conference, and/or in writing.

257
258 If the bullying incident results in the perpetrator being charged with a crime, the school
259 principal or designee shall inform the parents of the victim involved in the bullying
260 incident about the Unsafe School Choice Option pursuant to No Child Left Behind, Title
261 IX, Part E, Subpart 2, Section 9532, which permits "... a student who becomes a victim
262 of a violent criminal offense, as determined by State law, while in or on the grounds of a
263 public elementary school or secondary school that the student attends, be allowed to
264 attend a safe public elementary school or secondary school within the local educational
265 agency, including a public charter school."

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Referrals for Counseling Intervention

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

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

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

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

Incident Reporting Requirements

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

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

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

Publication

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

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

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Instruction

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

1. ~~**Purpose.**—The paramount goal of the Palm Beach County School Board (School Board) is to ensure a safe, secure, civil and respectful learning environment for all students and school employees. Bullying or harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe environment. It is important to change the social climate of schools and the social norms with regard to bullying and harassment. This requires the efforts of everyone in the school environment—teachers, administrators, counselors, other non-teaching staff, parents or legal guardians, and students. The purpose of this policy is to assist the Palm Beach County School District (School Board) in its goal of preventing and responding to acts of bullying or harassment and its compliance with the Jeffrey Johnston Stand Up for All Students Acts, Section 1006.147, and Florida Statutes.~~
2. ~~**General Applicability of Policy.**This policy applies not only to students or school employees who directly engage in an act of bullying or harassment, but also to students or school employees who, by their indirect behavior, condone or support another student’s or employee’s act of bullying and harassment. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying or harassment regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources. This policy applies to any students or school employees whose conduct at any time or in any place constitutes bullying or harassment that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.~~
3. ~~**Statement of Policy.**—The School District prohibits bullying and harassment of any type of students or school employees, by either a student or a group of students, a school volunteer or visitor, or a school employee. Bullying and harassment are expressly prohibited on school district property or at school-related functions.~~

- 353 a. ~~No teacher, administrator, volunteer or other school employee shall permit,~~
354 ~~condone or tolerate bullying and harassment.~~
- 355 b. ~~The apparent permission or consent by a student being bullied or harassed~~
356 ~~does not lessen the prohibitions contained in this policy.~~
- 357 c. ~~Reprisal or retaliation against a victim, good faith reporter, or a witness of~~
358 ~~bullying or harassment is prohibited.~~
- 359 d. ~~False accusations or reports of bullying or harassment against another student~~
360 ~~are prohibited.~~
- 361 e. ~~A person who engages in an act of bullying, reprisal, or false reporting of~~
362 ~~bullying and harassment, or permits, condones or tolerates bullying and~~
363 ~~harassment shall be subject to discipline for that act in accordance with school~~
364 ~~board policies.~~
- 365 f. ~~The school district will act to investigate all complaints of bullying or~~
366 ~~harassment and will discipline or take appropriate action against any student,~~
367 ~~teacher, administrator, volunteer, or other employee of the school district who~~
368 ~~is found to have violated this policy.~~
- 369 g. ~~The submission of good faith complaints or reports of bullying or harassment~~
370 ~~will not affect the reporter's future employment, grades or work assignments,~~
371 ~~or educational or work environment.~~

372 **Definitions**

- 373
- 374 a. ~~Bullying means systematically and chronically inflicting physical hurt or~~
375 ~~psychological distress on one or more students or employees. It is further~~
376 ~~defined as unwanted and repeated written, verbal, or physical behavior,~~
377 ~~including any threatening, insulting or dehumanizing gestures, by a student or~~
378 ~~adult, that is severe or pervasive enough to create an intimidating, hostile, or~~
379 ~~offensive educational environment; cause discomfort or humiliation; or~~
380 ~~unreasonably interfere with the individual's school performance or~~
381 ~~participation; and may involve but is not limited to:~~

- 382
- 383 xiv. ~~Teasing~~
- 384 xv. ~~Social exclusion~~
- 385 xvi. ~~Threat~~
- 386 xvii. ~~Intimidation~~
- 387 xviii. ~~Stalking~~
- 388 xix. ~~Physical violence~~
- 389 xx. ~~Theft~~

- 390 ~~xxi. Sexual, religious, or racial/ethnic harassment~~
- 391 ~~xxii. Public humiliation~~
- 392 ~~xxiii. Damaging or Destruction of property~~
- 393 ~~xxiv. Public humiliation~~
- 394 ~~xxv. Damaging or destruction of property~~
- 395 ~~xxvi. Placing a student in reasonable fear of harm to his person or~~
- 396 ~~property~~
- 397 ~~xxvii. Cyber-bullying, as defined herein~~
- 398 ~~xxviii. Cyber-stalking, as defined herein~~

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

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

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

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

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

419 ~~iv. Cyberbullying does not require individuals to own their own action, as it is~~
420 ~~usually very difficult to identify cyberbullies because of screen names, so~~
421 ~~they do not fear being punished for their actions; and~~

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

425 ~~e. *Cyberstalking* means to engage in a course of conduct to communicate, or to~~

426 ~~cause to be communicated, words, images, or language by or through the use~~
427 ~~of electronic mail or electronic communication, directed at a specific person,~~
428 ~~causing substantial emotional distress to that person and serving no legitimate~~
429 ~~purpose, as defined in Sec. 784.048(1)(d), F.S., as now or hereafter amended.~~

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

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

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

437 ~~iii.—Has the effect of substantially disrupting the orderly operation of the~~
438 ~~school; or~~

439 ~~iv.—Amounts to cyberbullying as defined herein.~~

440 ~~e.—Bullying and Harassment also encompass~~

441 ~~i.—Any act of retaliation by a student or school employee against another~~
442 ~~student or school employee who alleges, asserts or reports a violation of~~
443 ~~this policy or participates in the investigation of a bullying or harassment~~
444 ~~complaint. Reporting an act of bullying or harassment that is not made in~~
445 ~~good faith is considered retaliation.~~

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

449 ~~A.—Incitement or coercion;~~

450 ~~B.—Accessing or knowingly and willingly causing or providing access to~~
451 ~~data or computer software through a computer, computer system, or~~
452 ~~computer network within the scope of the School District system;~~

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

455 ~~D.—Cyberstalking as defined herein; or~~

456 ~~E.—Hazing as defined by Section 1006.135, Florida Statutes, as now or~~
457 ~~hereafter amended.~~

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

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

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

478

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

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

489 a. ~~During any school related education program, function or activity conducted by~~
490 ~~the School District;~~

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

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

493 d. ~~Through the use of any electronic device, computer, or computer software that~~
494 ~~is accessed through a computer, computer system, or computer network of the~~

495 ~~School District. The physical location or time of access of a computer-related~~
496 ~~incident cannot be raised as a defense in any disciplinary actions.~~

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

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

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

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

516

517 ~~6. **Consequences for Prohibited Conduct, False Reporting and Reprisal or**~~
518 ~~**Retaliation.**~~

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

525

526 ~~i. Consequences and appropriate remedial action for students who~~
527 ~~commit acts of bullying or harassment may range from positive behavior~~
528 ~~interventions up to an including suspension or expulsion, as outlined in the~~
529 ~~*Student Codes of Conduct*, as provided in School Board Policies 5.18~~
530 ~~through 5.1899.~~

531 ~~ii. Consequences and appropriate remedial action for school~~
532 ~~employees found to have committed an act of bullying or harassment shall~~
533 ~~be determined in accordance with School Board Policies and applicable~~
534 ~~collective bargaining agreements. Additionally, egregious acts of~~
535 ~~harassment by certified educators may result in a sanction against an~~
536 ~~educator's state issued certificate as provided in *The Principals of*~~
537 ~~*Professional Conduct of the Education Profession in Florida*, Rule 6B-~~
538 ~~1006, F.A.C.~~

539 ~~iii. Consequences and appropriate remedial action for a visitor or~~
540 ~~volunteer, found to have committed an act of bullying or harassment shall~~
541 ~~be determined by the School Principal within input from the Area~~
542 ~~Superintendent, after consideration of the nature, severity and~~
543 ~~circumstances of the act, including reports to appropriate law enforcement~~
544 ~~officials.~~

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

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

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

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

562 ~~c. *Reprisal or Retaliation.* The School District will discipline and take appropriate~~
563 ~~action against any student, teacher, administrator, volunteer, or other~~
564 ~~employee of the school district who retaliates against any person who makes a~~
565 ~~good faith report of alleged bullying and harassment or against any person~~
566 ~~who testifies, assists, or participates in a proceeding or hearing relating to~~
567 ~~such bullying or harassment.~~

568 ~~i. The consequences and appropriate remedial action for a student,~~

569 ~~teacher, school administrator or school volunteer who engages in reprisal~~
570 ~~or retaliation shall be determined by the Principal or his or her designee~~
571 ~~after consideration of the nature, severity and circumstances of the act, in~~
572 ~~accordance with case law, Federal and State laws, School Board policies~~
573 ~~and any applicable agreements.~~

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

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

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

583

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

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

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

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

596 ~~d. A student, parent or guardian, volunteers or visitors may report bullying or~~
597 ~~harassment incidents anonymously, on a designated complaint form, or in-~~
598 ~~person to the Principal or designee. However, the student may make a report~~
599 ~~of bullying or harassment to any school employee. The school employee will~~
600 ~~assist the student in reporting to the Principal or designee.~~

601 ~~i. The School Principal or designee will devise anonymous methods of filing~~
602 ~~a report of bullying or harassment by a student, parent, volunteer or~~
603 ~~visitor. Such formats may include electronic, drop-box, or telephone~~
604 ~~techniques for reporting, but the chosen format must promote safety and~~

605 ~~privacy. Although reports may be made anonymously by students,~~
606 ~~parents, volunteers or visitors, formal disciplinary action may not be~~
607 ~~based solely on the basis of an anonymous report. Independent~~
608 ~~verification of the anonymous report shall be necessary in order for any~~
609 ~~disciplinary action to be applied.~~

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

612

613 ~~8. ***Investigation of Complaints.***~~

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

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

621 ~~c. Documented interviews of the victim, alleged perpetrator, and witnesses shall~~
622 ~~be conducted privately, separately and shall be confidential. Each individual~~
623 ~~(victim, alleged perpetrator, and witnesses) will be interviewed separately and~~
624 ~~at no time will the alleged perpetrator and victim be interviewed together.~~

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

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

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

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

630 ~~iv. Whether there were past incidents or past continuing patterns of~~
631 ~~behavior;~~

632 ~~v. The relationship between the parties involved;~~

633 ~~vi. The characteristics of parties involved, i.e. grade, age, etc.~~

634 ~~vii. The identity and number of individuals who participated in bullying or~~
635 ~~harassing behavior;~~

636 ~~viii. Where the alleged incident(s) occurred;~~

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

665

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

- 667 a. ~~The Principal or designee shall promptly report to the parents or legal~~
668 ~~guardians of a student who has been reported as a victim of bullying and/or~~
669 ~~harassment, and the custodial parent(s) or legal guardians of the perpetrator~~

670 of the alleged acts of bullying and/or harassment. Such notification shall occur
671 on the same day an investigation has been initiated, and may be made by
672 telephone, writing, or personal conference. All notifications shall be consistent
673 with the student privacy rights under the applicable provisions of the Family
674 Educational Rights and Privacy Act of 1974 (FERPA).

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

683 e. The frequency of notification will be dependent on the seriousness of the
684 bullying or harassment incident.

685

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

692 a. The teacher or parent/legal guardian may request informal consultation with
693 school staff, e.g., school counselor or school psychologist, to determine the
694 severity of concern and appropriate steps to address the concern. The
695 teacher may request that the involved student's parents or legal guardians are
696 included.

697

698 11. ***Publication, Training and Education.***

699 a. At the beginning of each school year, the Principal or designee shall inform
700 school staff, parents/guardians, and students of the School District's policy
701 prohibiting bullying or harassment, the effects of bullying and other applicable
702 initiatives to prevent such conduct.

703 b. This policy shall be referenced in the Student Code of Conduct, in the School
704 District's employee and student handbooks, and other means as determined
705 by the Superintendent.

706 ~~e. The School District may implement programs and other initiatives to prevent~~
707 ~~bullying or harassment, to respond to bullying and harassment in a manner~~
708 ~~that does not stigmatize the victim, and to make resources or referrals to~~
709 ~~resources available to victims of bullying and harassment.~~

710 ~~d. The Superintendent or designee shall make vendors or contractors aware of~~
711 ~~this policy.~~

712 ~~e. The Department of Safe Schools shall devise posters or other signage to~~
713 ~~provide reminders of this policy for display on school grounds and school~~
714 ~~buses.~~

715 ~~12. **Immunity for Good Faith Reporting.** Any school employee, school visitor,~~
716 ~~volunteer, student, parent or legal guardian, or other persons who promptly reports~~
717 ~~in good faith an act of bullying or harassment to the appropriate school official~~
718 ~~designated in this policy and who makes this report in compliance with the~~
719 ~~procedures set forth in the policy is immune from a cause of action for damages~~
720 ~~arising out of the reporting itself or any failure to remedy the reported incident.~~

721 ~~13. **Reporting of Bullying and Harassment.** Incidents of bullying or harassment~~
722 ~~shall be reported in the school's report of data concerning school safety and~~
723 ~~discipline required under Section 1006.09(6), Florida Statutes. The principal or~~
724 ~~designee will report each incident of bullying and harassment, and the resulting~~
725 ~~consequences, including discipline and referrals, in the Safety Environmental~~
726 ~~Safety Incident Reporting (SESIR) Statewide Report on School Safety and~~
727 ~~Discipline Data. The report shall also include *bullying/harassment* as an incident~~
728 ~~code, as well as the "bullying-related" element code to situations that meet the~~
729 ~~definition of bullying along with an accompanying behavior, i.e. "Battery, Bullying-~~
730 ~~related.", as required by state laws.~~

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

738 ~~15. **Privacy and Confidentiality.**~~

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

742 ~~b. Limited disclosure may be necessary to complete a thorough investigation as~~
743 ~~described above. The District's obligation to investigate and take corrective~~

744 ~~action may supersede an individual's right to privacy.~~

745 ~~e. The complainant's identity shall be protected, but absolute confidentiality~~
746 ~~cannot be guaranteed.~~

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

751
752 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42
753 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43, 1003.04, 1003.31, 1003.32, 1006.07,
754 1006.08, 1006.09, 1006.10, 1006.147, F. S.; 20 USC 1232g
755 HISTORY: 12/10/2008; __/__/14

Legal Signoff:

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

Laura E. Pincus

Attorney

1/14/14

Date