IDEA Florida
Board Action Item
July 30, 2021

Subject: Anti-Bullying and Harassment Policy

Proposed Board Action: For Approval

Executive Summary: Section 1006.147, Florida Statutes, requires each school district and public charter school to adopt a policy prohibiting bullying and harassment of a student or employee. Florida law further requires the policy to be in substantial conformity with the model policy adopted by the Florida Department of Education. The proposed policy is aligned with the model policy adopted by the Department.

Supporting Documentation: Draft Anti-Bullying and Harassment Policy

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IDEA Florida
Policy Against Bullying and Harassment

****Please note: Any reference to "bullying" includes cyberbullying, whether or not specifically stated.**

A. Introduction

It is the policy of IDEA Florida (IDEA) that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. IDEA will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

B. Definitions

Bullying includes cyberbullying and 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 gesture, 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:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public or private humiliation
10. Destruction of property

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

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:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

Bullying and **harassment** also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
    a. Incitement or coercion
    b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system
    c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment

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

C. Expected Behavior

IDEA Florida expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high quality education in a uniform, safe, secure, efficient, and high quality system of education.

IDEA Florida believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, and community members. Since students

learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

IDEA Florida upholds that bullying or harassment of any student or school employee is prohibited:

a) During any education program or activity conducted by a public K-12 educational institution;
b) During any school-related or school-sponsored program or activity;
c) On a school bus of a public K-12 educational institution;
d) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution within the scope of the school district, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
e) Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.
f) The above section (e) does not require a school to staff or monitor any non-school-related activity, function, or program.

See IDEA Florida Student Handbook and Student Code of Conduct for additional details on behavioral expectations.

D. Consequences

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or recommendation for expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment may be disciplined in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.) Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the school

administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with district policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

E. Procedure for Reporting

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal of each school shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the district policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

F. Scope

A principal or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the school district.

The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the district.

- If it is within scope of IDEA, move to Procedures for Investigating
- If it is outside scope of IDEA, and determined a criminal act, refer to appropriate law enforcement.
- If it is outside scope of district, and determined not a criminal act, inform parents/legal guardians of all students involved.

G. Procedure for Investigating

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. The Procedures for Investigating Bullying and/or Harassment include:

- The principal or designee selects a designee(s), trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
- Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- The investigator shall collect and evaluate the facts including, but not limited to:
    - Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
    - How often the conduct occurred;
    - Whether there were past incidents or past continuing patterns of behavior;
    - The relationship between the parties involved;
    - The characteristics of parties involved (i.e., grade, age, etc.);
    - The identity and number of individuals who participated in bullying or harassing behavior;
    - Where the alleged incident(s) occurred;
    - Whether the conduct adversely affected the student's education or educational environment;
    - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
    - The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:
    - Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
    - A written final report to the principal.
- The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

H. Notification

Upon receipt of a report of an incident of bullying or harassment, the school shall provide a copy of the report to the parent and initiate the investigation. Within 24 hours after receipt of the report, the principal or designee shall provide a copy of the report to the parent of the alleged offender, to the Vice President of Schools, the Regional Executive Director and to the Superintendent of the School District. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

Upon conclusion of the investigation, or within 15 days, which ever occurs first, the school shall notify the parent of the Hope Scholarship Program by providing the parent the Hope Scholarship Notification form. The school must provide the parent the original form and keep a copy for school records.

Hope Scholarship Notification Form – English
Hope Scholarship Notification Form- Spanish

I. Counseling Referral

A district referral procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying or harassment incident is reported. The procedure shall include:

- A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
- A referral process to provide professional assistance or services that includes:

    - A process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)
    - If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
- A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
    - Counseling and support to address the needs of the victims of bullying or harassment;
    - Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management); and/or
    - Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

J. Data Reporting

IDEA Florida will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying** and **harassment** as incident codes as well as **bullying-related** as a related element code. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. The SESIR definition of harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

If a **bullying** or **harassment** incident occurs then it will be reported in SESIR with either the bullying or harassment code. If the bullying or harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related**. Those incidents are:

- Alcohol
- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Drug Sale/Distribution Excluding Alcohol
- Drug Use/Possession Excluding Alcohol

- Fighting
- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Trespassing
- Tobacco
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

IDEA Florida will provide bullying or harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3 and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race or disability) noted in their student record.

K. Training and Instruction

IDEA Florida ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying or harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the district's Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying or harassment in schools.

IDEA provides the following list of authorized programs including, but not limited to:

- Olweus Bullying Prevention Program (OBPP)
- PBS/PBIS (Positive Behavior Support)/Positive Behavioral Interventions & Supports
- Monique Burr Foundations for Children, Inc.'s Child Safety Matters
- Second Step
- Aggressors, Victims, and Bystanders (AVB)
- Project Wisdom
- i-Safe
- Common Sense K-12 Digital Citizenship
- Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)
- Creating a Safe and Respectful Environment on Our Nation's School Busses (for bus drivers)
- Character Counts
- Values Matter

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis and authorized by individual school principals.

L. Policy Publication

At the beginning of each school year, IDEA Florida will inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

IDEA Florida shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and through other reasonable means. All contractors contracting with the district shall be made aware of this policy.

Each school principal shall develop an annual process for discussing the school district policy

on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying or harassment prevention messages such as posters and signs will be displayed around each school and on school buses.