

Synopsis: Passing by a unanimous vote in the Senate, and with a promised signature of the Governor, Florida's new law (April 30, 2008) has been graded an A++ law - in my opinion, the BEST Anti Bullying Law written to date. "The Perfect Law 2006" was revised to mirror this Florida statute.

FLORIDA

HB 669 - School Safety
"Jeffrey Johnston Stand Up for All Students Act"

A++

A bill to be entitled

An act relating to school safety; creating s. 1006.147, F.S.; providing a short title; prohibiting bullying and harassment of any student or employee of a public K-12 educational institution; providing definitions; requiring each school district to adopt a policy prohibiting such bullying and harassment; providing minimum requirements for the contents of the policy; requiring the Department of Education to develop a model policy; providing immunity; providing restrictions with respect to defense of an action and application of the section; requiring department approval of a school district's policy and school district compliance with reporting procedures as prerequisites to receipt of safe schools funds; requiring a report on implementation; providing for construction; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1006.147, Florida Statutes, is created to read: 1006.147 **Bullying and harassment prohibited.**

- (1) This section may be cited as the "Jeffrey Johnston Stand Up for All Students Act."
- (2) Bullying or harassment of any student or school employee of a public K-12 educational institution 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 or on a school bus of a public K-12 educational institution; or
 - (c) **Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution.**
- (3) For purposes of this section:
 - (a) "Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:
 1. Teasing;
 2. Social exclusion;
 3. Threat;
 4. Intimidation;
 5. Stalking;
 6. Physical violence;

7. Theft;
8. Sexual or racial harassment;
9. Public humiliation; or
10. Destruction of property.

(b) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

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.

(c) Definitions in s. 815.03 and the definition in s. 784.048(1) (d) relating to stalking are applicable to this section.

(d) The definitions of "bullying" and "harassment" include:

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 paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee, by:

a. Incitement or coercion;

b. Accessing or knowingly 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; or

c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

(4) By December 1, 2008, each school district shall adopt a policy prohibiting bullying and harassment of any student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy mandated in subsection (5). **The school district bullying and harassment policy shall afford all students the same protection regardless of their status under law.** The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:

(a) A statement prohibiting bullying and harassment.

(b) A definition of bullying and a definition of harassment that include the definitions listed in this section.

(c) A description of the type of behavior expected from each student and school employee of a public K-12 educational institution.

(d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.

3

(e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

(f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

(g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. 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. Incidents that require a prompt investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school or waiting for transportation to school at a designated school bus stop.

(h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.

(i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.

(j) **A procedure to refer victims and perpetrators of bullying or harassment for counseling.**

(k) A procedure for including incidents of bullying or harassment in the school's report of safety and discipline data required under s. 1006.09(6). The report must include each incident of bullying and harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.

(l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

(m) **A procedure for regularly reporting to a victim's parents** the actions taken to protect the victim.

(n) A procedure for publicizing the policy which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

(5) To assist school districts in developing policies prohibiting bullying and harassment, the Department of Education shall develop a model policy that shall be provided to school districts no later than October 1, 2008.

(6) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is **immune from a cause of action for damages arising out of the reporting itself** or any failure to remedy the reported incident.

(7)(a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action or prosecution initiated under this section.

MAJOR COMPONENTS
of the
Jeffery Johnston Stand Up for All Children Act

POLICY: (the law requires the following)

- Involve major stakeholders
- Develop an Implementation Plan that integrates with:
 - Curriculum
 - Discipline policies
 - Violence prevention
- Statement prohibiting Bullying and Harassment
- Definitions
- Statement of expected behavior
 - Of students
 - Of staff
- Recognition of good citizenship
- Consequences:
 - For Student
 - For Employee
 - For Visitors
 - For wrongful, intentional accusation

REPORTING:

- Procedure for reporting
- Procedure for anonymously reporting
- Examples:
 - Harassment or Bullying Reporting Form
 - Bully box at school
 - County website, school website

INVESTIGATION: (procedures)

- Principal or the Assistant Principal will conduct investigation
- Law requires prompt investigation

Investigation Steps for Polk County:

1. Complete the Bullying or Harassment Report form
2. May complete the Bullying/Harassment Preliminary Review form
3. If there is reason to think bullying might have occurred: complete the Bullying/Harassment Determination and Investigation form and Inform Parents of investigation:
4. Determinations:
 - Yes Bullying has occurred - Rises to level of SESIR report:
 - Code of Conduct
 - Action Plan for victim
 - Inform parents
 - Yes Bullying has occurred – Not to level of SESIR:
 - Local Code
 - Action Plan for Victim
 - Action Plan for Bully
 - Inform parents
 - No Bullying has not occurred, but Harassment has:
 - Report to Senior Coordinator of Equity and Compliance
 - Code of Conduct
 - Inform parents
 - No Bullying, No Harassment:
 - Local Code, (if necessary)
 - Inform parents

PLAN:

- Inform and involve parents
- Consider referrals to counseling
- Complete Action Plan for Victims (required if bullying has occurred)
- Consider action plan for Bullies

PARENT INVOLVEMENT:

- Right to be informed of investigation
- Right of victim's parents to have a plan
- Right of victim's parents to have progress reports

DATA COLLECTION:

- SESIR for "persistent and serious"
- Local coding for less threatening

TRAINING/INSTRUCTION:

- Law requires "A procedure for providing instruction on identifying, preventing, and responding to bullying or harassment" for:
"students, parents, teachers, school administrators, counseling staff, and school volunteers"

What we have in place:

- Faculty:
 - Blackboard – extensive training
 - Blackboard – compliance training
 - New Hires – compliance training
 - Building based training – teams
- Administrators:
 - General meetings
 - Bullying resource manual
- Students (in some schools):
 - School based awareness training conducted in classrooms
 - School based training provided through media services
- Parents (in some schools):
 - Newsletters
 - Web based information
 - County brochure

PUBLICATION IN CODE OF CONDUCT AND EMPLOYEE HANDBOOKS

Steps to Investigation:

Actions taken by the Principal or Assistant Principal

How to Report:

Initial reporting may come from many sources:

1. *Harassment or Bullying Reporting Form*
2. *School Website*
3. *Bully Box*
4. *County Website*
5. *Student request to teacher*

All Polk County Employees are required to report observed bullying

1. Complete the Harassment or Bullying Reporting Form:
(if it was not used initially)

2. May complete the Bullying/Harassment Preliminary Review Form

If Evidence

3. Complete the Bullying/Harassment Determination and Investigation Form

Inform parents of investigation

Follow the procedures for investigating

No Evidence?
Stop

4. DETERMINATIONS:

- ✓ **Inform parents**
- ✓ **Report to principal**
- ✓ **Action plan – if necessary**
- ✓ **SESIR code – if necessary**
- ✓ **Monitor and follow up**

**POLK COUNTY PUBLIC SCHOOLS
HARASSMENT OR BULLYING REPORTING FORM**

Directions: Harassment and bullying are serious and will not be tolerated. If you are a student, the parent/guardian of a student, a volunteer or visitor, and wish to report an incident of alleged harassment and/or bullying, complete this form and return it to the Principal at the student's school. All school employees are required to report alleged violations. Contact the school for additional information or assistance at any time. This form can be completed anonymously by omitting signature and name. **Every** reported act of bullying or harassment will be investigated, and parents will be informed.

Name of student victim: (Please print) _____ Student # _____ Age: ____ Grade: ____

School: _____

Today's date: _____ / _____ / _____
Month Day Year

Name(s) of alleged offender(s) (If known): (Please print) Age Grade School Is he/she a student?

 Yes No

 Yes No

On what date (s) did the incident happen?
_____/_____/_____ / ____/____/____ / ____/____/____
Month Day Year Month Day Year Month Day Year

Where did the incident happen (choose all that apply)?
 On school property At a school-sponsored activity or event off school property At bus stop
 On a school bus On the way to/from school On computer

Place an X next to the statement(s) that best describes what happened (choose all that apply):
 Teasing Threat Stalking Theft Cyber bullying
 Social exclusion Intimidation Physical violence Public humiliation

What did the alleged offender(s) say or do? _____

(Attach a separate sheet if necessary)

Did a physical injury result from this incident? Place an X next to one of the following:
 No Yes, but it did not require medical attention Yes, and it required medical attention

Was the student victim absent from school as a result of the incident? Yes No
If yes, how many days was the student victim absent from school as a result of the incident? _____

Is there any additional information you would like to provide? _____

(Attach a separate sheet if necessary)

NAME OF PERSON REPORTING INCIDENT _____

Telephone: _____ E-mail: (optional) _____

Place an X in the appropriate box: Student Parent/guardian Close adult relative

Signature: _____ Date: _____

BULLYING / HARASSMENT PRELIMINARY REVIEW

Date: _____ School: _____

Name of student victim: _____ Age: ____ Grade: ____

Student Complaint: _____

Name(s) of alleged bully(s): _____ Age: ____ Grade: ____

Student's perception: _____

Place an X next to the statement(s) that best describes what happened (choose all that apply):

- Teasing Threat Stalking Theft Cyber bullying
- Social exclusion Intimidation Physical violence Public humiliation Other _____

1. Does it appear that the behavior had the effect of placing the victim in reasonable fear or harm, or did it adversely affect their educational environment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

Where did the incident happen (choose all that apply)

- On school property At a school-sponsored activity or event off school property At bus stop
- On a school bus On the way to/from school On computer

2. Did the incident happen in any of these areas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

If you answered **YES** to both of the above questions, then complete the determination and investigation form.

Date	_____	If no , and was a criminal act, refer to law enforcement.
------	-------	--

Date	_____	If no , and not a criminal act, inform parents/legal guardians.
------	-------	--

Were there any additional actions taken?: _____

Signature: _____ Date: _____

Remember: If you suspect that bullying or harassment is occurring then be sure to complete the determination and investigation form

Do not file in cumulative record
Complete both pages

BULLYING/HARASSMENT DETERMINATION AND INVESTIGATION FORM

Person completing form / conducting investigation: _____

Signature: _____

Date submitted to principal: _____ / _____ / _____
Month Day Year

PROCEDURES FOR INVESTIGATING BULLYING AND/OR HARASSMENT

You must inform all parents that you are initiating the investigation. Notification must be consistent with the student privacy rights under applicable provision of the Family Educational Rights and Privacy Act of 1974 (FERPA)

Inform parents:

Targeted student: _____
Name Date Name of Parent
Method of contact: _____

Alleged perpetrator: _____
Name Date Name of Parent
Method of contact: _____

INTERVIEWS

Document interviews of the victim, alleged perpetrator, and witnesses. Conduct these interviews privately and separately. Do **not** interview the alleged perpetrator and victim together.

Target of bullying/harassment Date interviewed: _____ Name: _____

Description of what happened, nature of behavior and context, where occurred _____

How frequently, time(s) and place(s) _____

Identity and number of individuals _____

Does the target perceive an imbalance of power? _____

What is the relationship between the students? _____

Has the problem adversely affected the student's education or environment? _____

Alleged Perpetrator(s) Date interviewed: _____ Name: _____

Description _____

Frequency time(s) and place(s) _____

Explanation/rationale _____

Witnesses: Date Interviewed: _____ Name: _____

Description _____

Frequency time(s) and place(s) _____

What was their perceptions?:

- Was there an imbalance of power? _____
- Was there an intent to demean? _____

ADMINISTRATOR FINDINGS

Determining Bullying

- Yes No 1. Is there an imbalance of power in this incident?
- Yes No 2. Is the behavior repeated?
- Yes No 3. Is victim's perception that he/she was stressed/injured/threatened or educational environment adversely affected?

All three criteria must be present in order to be classified as bullying. If bullying is not substantiated, consider if harassment is occurring.

DETERMINING HARASSMENT

Harassment is "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." Sexual, religious, disability or racially based behavior may be both bullying and harassment. Refer to Student Code of Conduct and report to Senior Coordinator of Equity and Compliance.

- Yes No 1. Does the behavior place a student or school employee in reasonable fear of harm to his or her person or damage to his or her property?
- Yes No 2. Does the behavior have the effect of substantially interfering with a student's educational performance?
- Yes No 3. Does the behavior have the effect of substantially disrupting the orderly operation of a school?

If **any** of the above has occurred then refer to Student Code of Conduct and refer to Coordinator of Equity or Compliance.

Findings:

- Yes No Bullying or harassment substantiated – complete and attach Action Plan Form and submit report, investigation and action plan to principal
- Yes No Bullying/harassment not substantiated – other actions taken

Actions taken _____

SESIR Code: _____

Local Discipline Code: _____

ADDITIONAL INFORMATION

Witnesses: Date Interviewed: _____ Name: _____

Description _____

Frequency time(s) and place(s) _____

What was their perceptions?:

- Was there an imbalance of power? _____
- Was there an intent to demean? _____

Witnesses: Date Interviewed: _____ Name: _____

Description and context _____

Frequency _____

What was their perceptions?:

- Was there an imbalance of power? _____
- Was there an intent to demean? _____

Additional incidents: _____

Perpetrators explanation: _____

Attach student affidavits if needed

ACTION PLAN FOR VICTIMS

Name of Student: _____ Date: _____

Problem Description: _____

Places where problem occurs: _____

Frequency of problem: _____

Goal of intervention: _____

SCHOOL RESPONSE

Referral:

Referral to guidance counselor, school psychologist, social worker

Name: _____

Referral to problem-solving team

Teaching replacement behavior:

Specify behavior: _____

With guidance counselor

With school psychologist

Group counseling

Other

Restructure environment:

Increase supervision

Pair victim with friends

Pair victim with someone who does not support bullying

Change schedules or classes

Check in check out with:

PARENT ACTION

Seek outside assistance

Teach model and support appropriately assertive skills at home

Signature: _____ Date: _____

STUDENT ACTION

Attend counseling Other _____

Practice replacement behaviors

Signature: _____ Date: _____

Meeting with parents (date): _____ Follow-up: _____

Meeting with parents (date): _____ Follow-up: _____

Meeting with parents (date): _____ Follow-up: _____



Name:

DATE:

GRADE:

I am being bullied ____

I have observed someone being bullied ____

Describe the incident in as much detail as possible:

Bully Box Form...

Stambaugh Middle

Witnesses:

.....



Be Strong!



Name:

DATE:

GRADE:

I am being bullied ____

I have observed someone being bullied ____

Describe the incident in as much detail as possible:

Bully Box Form...

Stambaugh Middle

Witnesses:

.....



Be Strong!

Bullying Report Form

Bullying has been defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, 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.

I am being bullied and this is what I have tried to do:

- Talked to my parent about it
- Tried to ignore it
- Told them to stop
- Walked away
- Asked a friend for help
- Told a teacher or other adult at school

My name _____ Date of incident _____

The person or persons bullying me _____

Specific details including the time, location, names of people present or involved:

Return this form to the box located in the main office or to discipline office staff.

Bullying Report Form

Bullying has been defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, 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.

I am being bullied and this is what I have tried to do:

- Talked to my parent about it
- Tried to ignore it
- Told them to stop
- Walked away
- Asked a friend for help
- Told a teacher or other adult at school

My name _____ Date of incident _____

The person or persons bullying me _____

Specific details including the time, location, names of people present or involved:

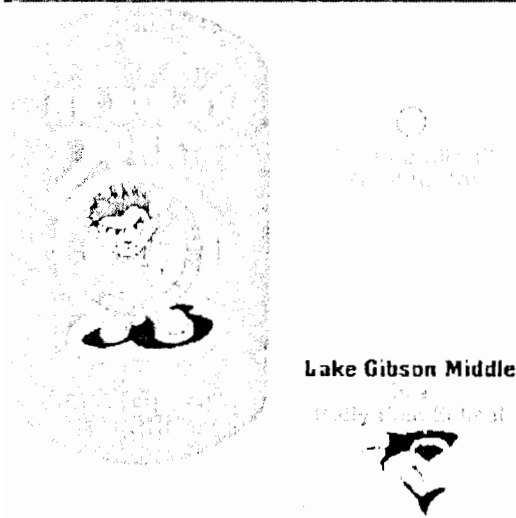
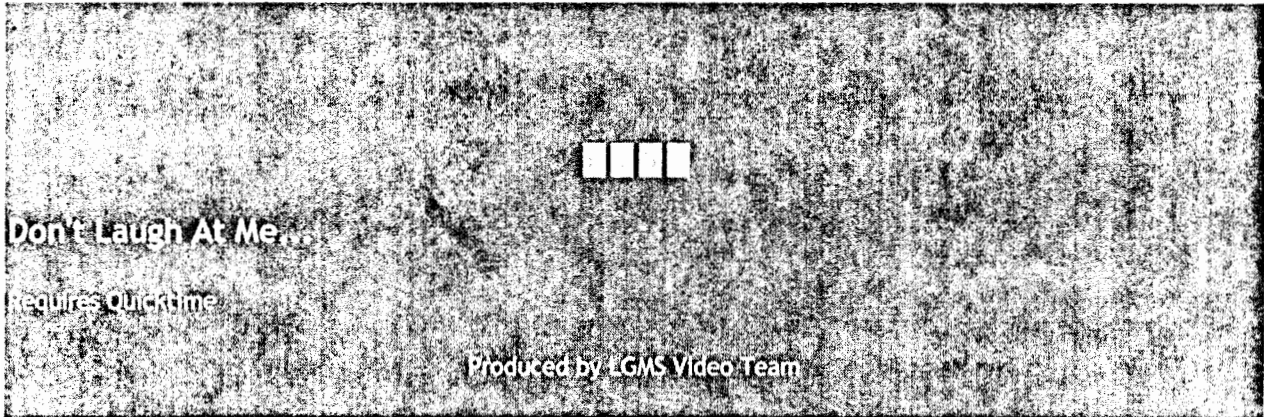
Return this form to the box located in the main office or to discipline office staff.

Report Bullying...

For more information on bullying - what is bullying and what isn't- and for an opportunity to report anonymously if you believe you are the victim of bullying, [click this link...](#)

We also have a drop-box in the main office that you may use.

Our School



Pictured here are dog tags that students may acquire by signing a 'no bullying' pledge. We have also ordered curriculum entitled 'Don't Laugh At Me' which will be introduced in the Critical Thinking classes. You can help us by having a serious conversation with your child about bullying. Please emphasize that it is never OK to be on either end! Students who are the target of bullies should always tell a trusted adult. Students who bully others need to be made to realize that it is not cool and bullying behavior is not acceptable and will not be tolerated.

"The Mission of Polk County Public Schools is to ensure rigorous, relevant learning experiences that result in high achievement for our students."

"Many Pieces...One Solution."

Lake Gibson Middle School

[Our School](#) | [Lunch Menus](#) | [Fundraisers](#) | [News and Links](#) | [Calendar](#) | [Block Schedule](#)

What is Bullying?

Bullying has been defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, 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.

Bullying may involve:

- Excessive teasing
- Threats
- Intimidation
- Stalking
- Cyberbullying
- Physical violence
- Sexual, religious, or racial harassment
- Public humiliation

Some of the signs that this is bullying and not an isolated instance of rudeness or insensitivity include:

- This is systematic, frequent behavior. Bullying involves repeated acts of aggression
- There is an unequal distribution of power between bully and victim
- The behavior is unfair and one-sided
- There is an intent by the bully to dominate, humiliate, or intimidate

Bullies use behaviors that they think will give them status or that gives them a feeling of control. They usually seek out victims they can successfully bully. Victims are not responsible for being bullied but there are some victims who are not socially successful, and may annoy others, perhaps in an attempt to gain attention from their peers. Bullies use these behaviors to justify their own actions. To many bullies, their victims were "asking for it." They believe that the other child antagonized them and therefore caused the problem. A part of educating students about bullying is to teach the lesson that we all have the right to be ourselves as long as we don't harm others. We may be different from each other but we both have the right to pursue our lives free from the bullying behavior from others.

Boys and girls are equally likely to be victims and, while the methods may vary, the frequency of bullying behavior is the same for boys and girls. Bullies are not generally

Email instructions...

Please read the information about bullying on this page. If, after reading this information, you believe you have been a victim of bullying, you may email us and let us know. We take this very seriously and so should you. You should be aware that false reports, pranks, or accusations made against someone just because you don't like them will be dealt with harshly. You will notice that you do not have to give your name or email address but we will not have a way to contact you if you decide not to do so. If you do give your name, tell us in your report whether we can talk to you in confidence. We will respect your privacy and will not reveal what you tell us to other students.

Make your report as complete as possible and try to give us enough information to identify the person doing the bullying. If we don't know who is doing what, we can't stop it. If you know the person's name, put that in your report. You have the right to be free from bullying.

Email a report.

Name (optional)

Your Email (optional)

loners. Many times they are less socially isolated than their victims and can usually maintain a peer group, often one that supports their aggressions.

While students can do some things to help prevent bullying behavior, most bullying will not change unless there is adult intervention. If you believe you are being bullied, speak to an adult, either a teacher, a dean, or someone in the main office. We will deal with it in such a way that things are not made worse for you as a result of you reporting it. If you are not comfortable with that, send an email or put a note in the drop-box located in the main office. Help us help you have a wonderful middle school experience.

"The Mission of Polk County Public Schools is to ensure rigorous, relevant learning experiences that result in high achievement for our students."

Subject:

Bullying Report

Message:

Send