

6Gx53-1.016 JEFFREY JOHNSTON ANTI-BULLYING:

THE SCHOOL BOARD OF POLK COUNTY, FLORIDA, IS COMMITTED TO PROTECTING ITS STUDENTS, EMPLOYEES, AND APPLICANTS FOR ADMISSION FROM BULLYING, HARASSMENT, OR DISCRIMINATION FOR ANY REASON AND OF ANY TYPE. THE SCHOOL BOARD BELIEVES THAT ALL STUDENTS AND EMPLOYEES ARE ENTITLED TO A SAFE, EQUITABLE, AND HARASSMENT-FREE SCHOOL EXPERIENCE. BULLYING, HARASSMENT, OR DISCRIMINATION WILL NOT BE TOLERATED AND SHALL BE JUST CAUSE FOR DISCIPLINARY ACTION. THIS POLICY SHALL BE INTERPRETED AND APPLIED CONSISTENTLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND THE BOARD'S COLLECTIVE BARGAINING AGREEMENTS. CONDUCT THAT CONSTITUTES BULLYING, HARASSMENT OR DISCRIMINATION, AS DEFINED HEREIN, IS PROHIBITED. POLICY 1.011, PROHIBITION OF DISCRIMINATION POLICY, ADDRESSES REQUIREMENTS FOR DISCRIMINATION AGAINST DEFINED FEDERAL, STATE, AND LOCAL PROTECTED CATEGORIES OF PERSONS.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families, and community agencies that will improve relations within each school. It is designed to ensure that every school has staff that have been trained and are supported in their school's efforts to provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to each staff, parent, and student in the School Board and to direct follow up when incidents are reported and/or occur.

Specifically, the School Board values student and staff well-being and shall comply with the Jeffrey Johnston Stand Up for All Students Act as codified in Florida Statute 1006.147. The Superintendent shall adopt practices and procedures to ensure timely compliance with the Jeffrey Johnston Act and implement this policy.

I. 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 purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Threatening

3. Intimidating
4. Stalking
5. Cyberstalking
6. Cyberbullying
7. Physical violence
8. Theft
9. Sexual, religious, or racial harassment
10. Public humiliation
11. Destruction of school or personal property
12. Social exclusion, including incitement and/or coercion
13. Rumor or spreading of falsehoods

B. "Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, 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, or employee's work performance, or either's opportunities, or benefits;
3. Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
4. Has the effect of substantially disrupting the orderly operation of a school.

C. "Cyberstalking", as defined in Florida State Statute 784.048(d), 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

D. "Cyberbullying" is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms, and instant messaging.

E. "Bullying", "Cyberbullying", and/or "Harassment" also encompass:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
3. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination 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 School Board system; or
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

F. "Bullying," "Cyberbullying", "Harassment," and "Discrimination" (hereinafter referred to as bullying, as defined in Section A, for the purpose of this Policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, School Board employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the School Board.

G. "Accused" is defined as any School Board employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the School Board who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.

H. "Complainant" is defined as any School Board employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

I. "Chronic" is defined as of long duration or frequent recurrence, repeatedly.

II. Expectations:

The School Board expects students and employees to conduct themselves in keeping with 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.

A. The School Board prohibits the bullying of any student or school employee:

1. During any educational program or activity conducted by the School Board;
2. During any school-related or school-sponsored program or activity or on a School Board school bus; 4
3. Through the use of any electronic device or data while on school grounds or on a School Board school bus, computer software that is accessed through a computer, computer system, or computer network of the School Board. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
4. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a School Board school bus.
5. While the School Board does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may

include the use of the School Resource Officer. The principal/designee shall use all School Board Reporting Systems to log all reports and interventions.

B. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (a/k/a Discipline Plan).

C. Student rights shall be explained as outlined in this policy and in the Code of Student Conduct: Respect for Persons and Property.

D. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Code of Student Conduct and this Policy.

III. Training:

Training for students, parents, teachers, district staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted.

At the beginning of each school year, the school principal/designee and or appropriate district administrator shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Code of Student Conduct, Employee Handbooks, the school website, and/or through other reasonable means. 5

IV. Disciplinary Consequences:

A. 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, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the School Board.

1. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to expulsion, as outlined in the Code of Student Conduct and this Policy.

2. Consequences and appropriate interventions for a school board employee found to have committed an act of bullying will be instituted in accordance with School Board policies, procedures, and agreements.

Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).

3. Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

4. These same actions will apply to persons, whether they be students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

V. Reporting an act of bullying:

A. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Code of Student Conduct.

B. All School Board faculty and staff are required and must report, in writing, any allegations of bullying or violations of this Policy to the principal/designee or appropriate district administrator. Failure to report will result in action(s) or discipline, consistent with the collective bargaining agreement provisions.

C. Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether a victim or witness.

D. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official. Complaints should be filed as soon as possible after the alleged incident and noted on the specified data system, but must be filed within ninety (90) school days after the alleged incident (i.e., within 90 school days of the last act of alleged bullying). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.

E. The principal/designee of each school in the School Board shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and how this report will be acted upon.

F. A school district employee, school volunteer, contractor, student, parent/ or other persons who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this School Board 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 will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the School Board.

G. Principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.

H. Anonymous reports may be made utilizing the Polk County Public Schools' Bullying Report Form. This reporting form can be found on the School District's website www.polk-fl.net, at each school's front office, or at each district department site. Additionally, schools may choose to make this form available to parents/staff/students in other means as appropriate. Anonymous reports may be delivered to the school administration's front office, put in the school's reporting box, or through any district department site. Formal disciplinary action may not be based solely on the basis of an anonymous report.

VI. Investigation and determination of acts of bullying:

A. The investigation of a reported act of bullying of a student, school-based employee, or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act.

B. The principal/designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).

C. If the complaint is about the principal or a district's staff member's direct supervisor, then the appropriate district administrator shall be asked to address the complaint.

D. The principal/designee shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been

initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate law enforcement agencies will be notified by telephone and/or in writing.

E. All interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the district specified data system.

VII. Investigation requirements for reported acts of bullying under this policy:

A. The procedures for investigating school-based bullying must include the principal/assistant principal in the case of student-to-student bullying. The principal/assistant principal shall be trained in investigative procedures and interventions as outlined in this Policy.

B. The investigator may not be the accused or the alleged victim.

C. The principal/assistant principal or appropriate district administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a notification of complaint.

D. During the investigation, the principal/assistant principal or appropriate district administrator may take any action necessary to protect the complainant, other students or employees consistent with the requirements of applicable regulations and statutes.

1. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.

2. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/assistant principal or appropriate district administrator also may discuss the complaint with any school district employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.

3. During the investigation where an employee is the accused, the principal/assistant principal or the appropriate district administrator may recommend to the Assistant Superintendent of Human Resources, any

action necessary to protect the complainant, or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules, School Board Policies, and collective bargaining agreements.

E. Within ten (10) school days of the filing of the complaint, there shall be a written decision by the principal/assistant principal or appropriate district administrator regarding the completion of the investigation. The principal/assistant principal shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Code of Student Conduct.

F. The principal/assistant principal or appropriate district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to the SESIR and the Statewide Report on School Safety and Discipline Data system.

G. If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the Senior Director, for school-based actions, or the appropriate district supervisor, for district actions, and the Associate Superintendent of Human Resources.

H. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy, and subject to disciplinary action up to and including staff termination, student expulsion, and/or criminal prosecution.

VIII. Referral for Intervention:

A. Referral of a student to the collaborative problem-solving team (or equivalent school-based team with a problem solving focus) for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required.

B. Referral of school or area/district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.

C. School-based intervention and assistance will be determined by the collaborative problem-solving team and may include, but is not limited to:

1. Counseling and support to address the needs of the victims of bullying.
2. Counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
3. Intervention which includes assistance and support provided to parents.
4. Analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.

D. District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, EAP, etc.) in assistance to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included).

IX. Incident reporting requirements:

A. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying 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.

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

C. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.

X. Process for referral for external investigation:

A. If the act is outside the scope of the School Board, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.

B. While the School Board does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use

of the School Resource Officer and other personnel. The principal/designee shall use District Reporting Systems to log all reports and interventions.

XI. Appeals process:

A. Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct – “Appeal Procedures for Students.”

B. Appeal procedure for an accused/employee:

1. If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with School Board Policy or pursuant to the relevant collective bargaining agreement.

2. For those employees not in a bargaining unit, the appeal shall be filed in accordance with School Board Policy. In reaching a decision about the complaint, the following should be taken into account:

a. Employee Disciplinary Guidelines; and

b. Case law, state and federal laws and regulations, and the Board's Policies prohibiting bullying and discrimination, including Policy 1.011.

XII. Confidentiality:

A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with School Board policy 3.009, Florida Statute 1002.22(3)(d); the Family Educational Rights and Privacy Act ("FERPA"); the Health Insurance Portability and Accountability Act ("HIPAA") and any other applicable law, such as Florida Statutes 119.07(1), 1012.31(3)(a), or 1012.796(1)(c).

B. Limited disclosure may be necessary to complete a thorough investigation as described above. The School Board's obligation to investigate and take corrective action may supersede an individual's right to privacy.

C. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the extent possible.

XIII. Retaliation Prohibited:

A. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation

under this Policy. Acts of retaliation are subject to disciplinary action up to and including staff termination, student expulsion, and/or criminal prosecution.

B. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited and as detailed in this Policy shall be treated as another incidence of bullying.

XIV. Additional Referral:

In all cases, the School Board reserves the right to refer the results of its own investigation to the State Attorney for possible criminal charges, whether or not the School Board takes any other action.

XV. Constitutional Safeguard:

This policy does not imply to prohibit expressive activity protected by the First Amendment of the United States Constitution or Article I, Section 4 of the Florida Constitution.

XVI. Preclusion:

This policy should not be interpreted as to prevent a victim or accused from seeking redress under any other available law either civil or criminal.

XVII. Severability:

If a provision of this policy is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statute 1006.147

Adopted: November 18, 2008

Amended: