

November 12, 2008

Ava Byrne, Associate Superintendent
Office of Professional Development and Educational Services

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE:
INITIAL READING 6Gx13- 5D-1.101 DISTRICT POLICY
AGAINST BULLYING AND HARRASSMENT**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE SAFETY AND THE SCHOOL ENVIRONMENT**

Pursuant to §1006.147, Florida Statute (2008), this item is submitted for consideration by the Board and authorization is requested for the Superintendent to initiate rulemaking proceedings for the promulgation of a new School Board Rule adopting a district-wide policy prohibiting bullying and harassment of students and staff members. The proposed rule will adhere to requirements specified in 1006.147, requiring school districts to adopt a policy prohibiting bullying and harassment on school facilities, at school-sponsored events or while using district sponsored transportation or district owned computer systems or networks. The statute further provides that district policies must be in substantial conformity with a model policy promulgated by the Florida Department of Education (FDOE) that was distributed to school districts during late August, 2008. FDOE must review and approve district policies in order to insure the allocation of safe schools funding from the 2009-2010 General Appropriations Act.

} ADDE

As provided by the statute, district policies must be adopted on or before December 1, 2008. To facilitate district compliance with the statutory deadline, the FDOE Office of Safe Schools has issued criteria outlining specific components and procedures that must be reflected in the development and implementation of comprehensive district policies that bar bullying and harassment. The FDOE Office of Safe Schools has also clarified that the initial submission by M-DCPS of its draft policy and completed criteria checklist prior to November 1, 2008, was deemed adequate in the process of demonstrating compliance with the statutory deadline. However, FDOE has also indicated that once their review process is completed, additional modifications to the policy may be recommended by FDOE.

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**REVISED
C-101**

The M-DCPS Model Policy Against Bullying and Harassment builds upon the district's Bullying and Violence Prevention Initiative that was launched during 2006. In compliance with statutory requirements, the proposed M-DCPS policy is based upon the FDOE model policy and was developed with input elicited from various stakeholders through the joint Miami Coalition - Education/Prevention Task Force and the Safe Schools/Healthy Students Advisory Board that reflects representation from local law enforcement agencies, faith based organizations, community mental health agencies, public and non-public schools, parents and students. The proposed policy will be in alignment with school curriculum, existing discipline policies and other violence prevention efforts currently in effect.

Attached are the Notice of Intended Action and the proposed new rule.

The proposed policy against bullying and harassment does not replace current M-DCPS policies or rules prohibiting harassment on the basis of race, sex, national origin or disability. Specific federal guidelines addressing discriminatory harassment have been established by the U.S. Department of Education's Office of Civil Rights (OCR) and are set forth under Title IX, Florida Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age Discrimination Act. Implementation of these policies is reviewed and monitored separately by the FDOE Office of Equity and Access (OEA).

There is no additional cost to the district associated with this item.

This policy shall also be incorporated into the Code of Student Conduct and the Procedures for Promoting and Maintaining a Safe Learning Environment in accordance with established rulemaking proceedings. } ADDED

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment.

AB/DAM:sb

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on November 18, 2008, its intention to promulgate new Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment, at its meeting of January 14, 2009.

PURPOSE AND EFFECT: The proposed new rule on the prevention of bullying and harassment is the result of actions to approve the Policy Against Bullying and Harassment generated by the "Jeffrey Johnston Stand Up for All Students Act" (House Bill 669). In addition, Section 1006.147 F.S., mandates that all school districts adopt a policy prohibiting bullying and harassment of students and staff.

SUMMARY: The rule establishes policy prohibiting the bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42 (23); 1001/43 (10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1006.147, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF January 14, 2009, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by December 13, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ava Byrne
Supervisor: Mr. Alberto Carvalho
Date: November 10, 2008

Welfare**DISTRICT POLICY AGAINST BULLYING AND HARASSMENT**

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students. To this end, M-DCPS is dedicated to eradicating bullying and harassment in its schools by providing awareness, prevention and education in promoting a school atmosphere in which bullying, harassment, and intimidation will not be tolerated by students, school board employees, visitors, or volunteers.

In April 2008, the Florida Legislature passed the "Jeffrey Johnston Stand Up for All Students Act" (House Bill 669). This Act created the Florida Statute (1006.147) that requires all school districts to adopt a policy prohibiting bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks by December 1, 2008.

The School Board of Miami-Dade County, Florida has affirmed its support for this Act, and the protection of all students and staff, by establishing a District Policy Against Bullying and Harassment. }

DELETED

Compliance with the requirements of Section 1006.147, Florida Statute, will be accomplished as follows: }

REVISED

- Includes and involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.
- Provides a plan for the school district to implement the policy in a consistent and on-going manner. Integrates the policy with curriculum, discipline policies, and violence prevention efforts.
- Develops a district-wide policy prohibiting bullying and harassment that is in substantial conformity with the FDOE model policy.
- Submits a district policy prohibiting bullying and harassment to the Office of Safe Schools.
- Obtains approval and certification of the district's policy from the Office of Safe Schools.
- Implements and monitors district's required policy.

Miami-Dade County Public Schools, through the Division of Student Services' Safe Schools Programs, has developed the Policy Against Bullying and Harassment for Miami Dade County Public Schools, attached hereto and incorporated herein by reference. Inclusive of this state mandated policy is a comprehensive Bullying Prevention curriculum for all students in grades Pre-K thru 12. }

ADDED

This policy shall also be incorporated into the Code of Student Conduct and the Procedures for Promoting and Maintaining a Safe Learning Environment. This Policy will supersede any existing policy, guideline or Board Rule regarding bullying and harassment that may be determined to be inconsistent with this policy.

} ADDED

School Board rules are applicable to all students under the jurisdiction of Miami-Dade County Public Schools. Copies of this document are on file in the Office of Board Recording Secretary, and the Citizen Information Center, and will be available in each school and Region Center.

This policy does not replace the district's current policy prohibiting harassment on the basis of race, sex, national origin and disability. Specific federal policy guidelines on harassment have been established by the U.S. Department of Education's Office of Civil Rights (OCR) for Title IX, Florida Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age Discrimination Act. The Florida Department of Education's Office of Equity and Access (OEA) reviews and monitors the implementation of such harassment policies.

Specific Authority: 1001.41 (1), (2); 1001.42 (23); 1001.43 (10), F.S.

Law Implemented, Interpreted, or made specific: 1006.147, F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Model Policy Against Bullying and Harassment MIAMI DADE COUNTY PUBLIC SCHOOLS

According to the National Youth Violence Prevention Resource Center, nearly 30% of youth in the United States (or over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying, or both. In a recent national survey of students in grades 6-10, 13% reported bullying others, 11% reported being the target of bullies, and another 6% said that they bullied others and were bullied themselves. Bullying negatively affects the physical, social and emotional well being of its victims.

Miami Dade County Public Schools (M-DCPS) is committed to providing a safe learning environment for all students. To this end, M-DCPS is dedicated to eradicating bullying and harassment in its schools by providing awareness, prevention and education in promoting a school atmosphere in which bullying, harassment, and intimidation will not be tolerated by students, school board employees, visitors, or volunteers.

In 2006, the Division of Student Services launched its first District-wide Bullying and Violence Prevention initiative to mandate that all schools and Region Centers develop Bullying Prevention Plans. Simultaneously, professional development for school staff regarding the dynamics, prevention, intervention, and consequences of bullying was offered throughout the District to enhance the school plans. The Code of Student Conduct was also revised to reflect clearly delineated consequences for bullying.

In 2007, the Division of Student Services developed a comprehensive Bullying & Violence Prevention curriculum for all students in grades Pre-K through 12. Five lessons per grade level were developed by a team of Student Services professionals with expertise in the area of bullying and violence prevention / intervention.

In April 2008, the Florida Legislature passed the "Jeffrey Johnston Stand Up for All Students Act" (House Bill 669). This Act created the Florida Statute (1006.147) that requires all school districts to adopt a policy prohibiting bullying and harassment of students and staff on school grounds, at school-sponsored events, and through school computer networks by December 1, 2008.

The Florida Department of Education has developed and distributed a Model Policy Against Bullying and Harassment utilizing feedback from all 67 School Districts throughout Florida, including that garnered from Miami-Dade County. This State Model Policy was used as a guide in the final development of Miami Dade County Public Schools' Model Policy Against Bullying and Harassment.

A District Task Force of stakeholders comprised of representation from District Student Services Professionals, Community Based Organizations, School Site Staff, Parents, and Students worked together collaboratively to develop a Draft Policy. The Miami Coalition, Education / Prevention Task Force, and Safe Schools / Healthy Students Advisory Board provided feedback and approval on the final policy. These entities are comprised of stakeholders from local law enforcement, faith based organizations, community mental health agencies, public and non-public schools, parents and students.

The M-DCPS Policy Against Bullying and Harassment prohibits bullying or harassment of any type.

**Model Policy Against Bullying and Harassment
Miami-Dade County Public Schools**

a. It is the policy of the Miami-Dade County Public school District 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. The district will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

b. Definitions:

Bullying means systematically and chronically, inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture, that occurs off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate or bully), 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 that includes a noted power differential.

Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Social exclusion
3. Threats
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of property
11. Spreading false rumors
12. Electronically transmitted acts (i.e., Internet, email, cellular telephone, or wireless hand-held devices)
13. Harassment shown to be motivated by a student's actual or perceived race, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, age, political party preference, political belief, socioeconomic status, pregnancy, marital or parental status, or other distinguishing personal characteristic

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
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and 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 or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
 - a) Consequences and remedial action for a visitor or volunteer found to have falsely accused a student or school staff member as a means of bullying or harassment, shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.
2. Perpetuation of conduct listed in the definition of bullying and 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, computer network, electronic or wireless devices on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment 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 is 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.

Cyberbullying is defined as the willful and repeated harassment and intimidation of an individual through the use of digital technologies, including, but not limited to, the internet at large, email, blogs, social websites, gaming sites, chat rooms, images sent to a cellular phone, and instant messaging with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.

Discrimination: No student, school board employee, visitor, or volunteer shall be excluded from any educational program, activity, or facility, or subjected to discrimination in any educational institution, public or private, which receives or benefits from state or federal financial assistance, because of that student's, school board employee's, visitor's, or volunteer's actual or perceived:

- (a) race;
- (b) religion;
- (c) national origin;

- (d) ancestry or ethnicity;
- (e) sexual orientation;
- (f) physical, mental, emotional, or learning disability;
- (g) political beliefs
- (h) gender;
- (i) gender identity and expression
- (j) pregnancy;
- (k) linguistic preference; or
- (l) marital or parental status.

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

c. Description of the type of behavior expected from each student and school employee of a public K-12 educational institution:

The Miami-Dade County Public School District 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.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members creating 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.

The school district upholds that bullying or harassment of any student or school employee is prohibited:

- a. During any education program or activity conducted by M-DCPS;
- b. During any school-related or school-sponsored program or activity; that occurs on or off school grounds, relating to the safety, security and well-being of other students, staff;
- c. On a M-DCPS school bus; or
- d. Through the use of data or computer software that is accessed through a M-DCPS computer, computer system, or computer network, electronic or wireless devices on or off school grounds, when a student or school employee's physical or emotional safety, security and well-being is compromised or threatened by such actions.
- e. Through the use of off campus computers, electronic devices, or wireless devices when a student or school employee's physical or emotional safety, security and well-being is compromised or

threatened by such actions and/or causes significant disruption to the school environment



A primary objective of Miami-Dade County Public Schools (M-DCPS) is to enhance each student's potential for learning and to foster positive interpersonal relationships. MDCPS supports the concept that students who possess personal, academic, civic and occupational adequacies will become effective and productive citizens. The District is committed to helping all students in developing the values necessary to participate as caring, responsible citizens in our nation's democracy. Students must develop and accept the responsibilities and obligations of citizenship.

The Code of Student Conduct is the District's policy that is implemented to create a safe learning environment for every student to achieve academic success. If this objective is to be accomplished, it is necessary that the school environment be a safe and supportive community. The "reculturing" of the school to a positive school climate not only supports academic achievement and promotes fairness, civility, acceptance of diversity, and mutual respect. To enhance its effectiveness, this document addresses not only the role of the parents, the students, and school, but also core values and model student behavior, rights and responsibilities of students, procedures for using corrective strategies, including suspension and expulsion.

The Code of Student Conduct clearly delineates expected student behavior, due process procedures, student rights, and behavioral consequences. Additionally, appropriate recognition for good conduct, self-discipline, good citizenship and academic success are provided in the Code of Student Conduct. Our school district is proud to have initiated **SPOTsuccess**, a program that supports civic, moral and ethical values, encourages a positive and supportive school climate, and empowers our school community to pursue excellence in all areas. **SPOTsuccess** allows all school staff members to recognize and reward exemplary student behavior.

Draft Pending Approval by the Florida Department of Education

Ways to Recognize Students for Model Behavior

Elementary Students	Secondary Students
<div style="text-align: right; margin-bottom: 10px;">  </div> <ul style="list-style-type: none"> ▪ <i>SPOT</i> success recognition ▪ Extra music and reading time ▪ Certificate/trophy/ribbon/plaque/medals ▪ Time for music and dancing ▪ Music while doing school work ▪ Extra computer time/game ▪ Free time at the end of class ▪ Group activity ▪ Class Field Trip ▪ A reward (gift certificate, free admission to a school function) ▪ Outdoor class ▪ Recognition from a local newspaper, media or politician ▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department ▪ Outdoor reading ▪ Fun walk with the principal or teacher ▪ Note home to parents ▪ Appointed the class messenger ▪ Taking care of the class pet ▪ Eating with the teacher ▪ Selecting prizes from a treasure box ▪ Pencil toppers ▪ Stars, smiley faces or stickers ▪ Paperback books ▪ Extra recess ▪ Sports equipment ▪ Leading of class line to lunch or recess ▪ Recognition during morning announcements or on closed circuit television ▪ Selection as a model student of the month and display photograph in an appropriate location 	<div style="text-align: right; margin-bottom: 10px;">  </div> <ul style="list-style-type: none"> ▪ <i>SPOT</i> success recognition ▪ Certificate/trophy/ribbon/plaque/medals ▪ Gift certificate to local merchants ▪ Free pass to sporting event or play ▪ Walk break for entire class ▪ Guest presenters in class ▪ Class field trip ▪ Praise for good behavior and work ▪ Note home to parents ▪ A call to parents ▪ Recognition by the “Do the Right Thing” program sponsored by the Miami-Dade Police Department ▪ Coupon for prizes and privileges or surprise gift bag with school supplies ▪ Outdoor Class ▪ Recognition from a local newspaper, media or politician ▪ Photo recognition bulletin board ▪ Outdoor reading ▪ Music while doing school work ▪ Extra computer time/game ▪ Sitting with friends ▪ Music concert at school ▪ Pep rally ▪ Paperback book ▪ Magazine subscription ▪ T-shirt/hat/sun glasses ▪ Sports equipment ▪ Prime parking spot ▪ Recognition during morning announcements or on closed circuit television ▪ Recognition in school newspaper ▪ Selection as a model student of the month and display photograph in an appropriate location

Draft

The District promotes the following beliefs:

- All students are valuable and can make worthy contributions to society.
- All students are responsible and accountable for their choices and decisions.
- In order to grow and thrive, individuals need caring relationships and a nurturing environment.
- Supportive family relationships are the foundation of the community.
- High expectations lead to higher performance that empower individuals and strengthen society.
- Continuous learning is a lifelong process that is essential to a productive and enriched life.

Students, parents, and employees are encouraged to read the Code of Student Conduct and become familiar with its content. The related School Board Rule: Welfare – Standards for Student Conduct, 6Gx13-5D-1.08 references both the District Code of Student Conduct, as well as the District manual entitled *Procedures for Promoting and Maintaining a Safe Learning Environment*.

d. Consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment:

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 following an incident of bullying or harassment on campus or school-related activity when a student or school / district employee's physical or emotional safety, security and well-being is compromised or threatened by such actions.

1. 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 expulsion, as outlined in the Code of Student Conduct. (School Board Rule 6Gx13-5D-1.08, Standards for Student Conduct) The M-DCPS *Procedures for Promoting and Maintaining a Safe Learning Environment* manual Guideline #33: Bullying and Harassment, specifically provides procedures, appropriate remedial actions and consequences for such acts.

Miami Dade County School Board Rule 6Gx13-5D-1.10 provides procedures to be followed if a student is being harassed or bullied by an adult employee of Miami-Dade County Public Schools, or by a fellow student.

2. Consequences and appropriate remedial action for a school / district employee found to have committed an act of bullying or harassment are provided in accordance with district policies, procedures, and agreements. (School Board Rule 6Gx13-4A-1.213 Code of Ethics;) Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (The

Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statute, The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida and School Board Rule 6Gx13-4A-1.212)

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

e. 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:

The same aforementioned sanctions apply to persons, whether they be students, school / district employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as an act of bullying or harassment.

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as an act 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 of an act of bullying or harassment is provided 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 of an act of bullying or harassment is determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

f. A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act.

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees and staff are required, and must report, in writing any allegations of bullying or harassment or violations of this Policy to the principal or the principal's designee. All other members of the school community who have credible information that an act of bullying or harassment has taken place, 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.

If the alleged offense is against the principal, the report should be filed with the Regional Center Superintendent. Complaints against the Superintendent

should be filed with the School Board Chairperson. Failure to report will result in action(s) or discipline, consistent with the collective bargaining agreement provisions, up to and including termination of employment. (The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statute, The Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida and State Board of Education Rule 6B-1.006).

If the alleged offense is against a school board employee, discipline may be taken consistent with any applicable bargaining agreement provisions, to resolve a complaint of bullying or harassment. The principal of an employee accused of bullying or harassment will discuss the determination and any recommended corrective action with the Regional Center Superintendent prior to its implementation.

The principal of each school in the district will prominently publicize to students, staff, volunteers, visitors 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 target of bullying or harassment, any witnesses, and anyone who has credible information that an act of bullying or harassment has taken place may file a report. 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.

Written and oral reports shall be considered official reports and must be addressed within 24 hours. Complaints must be filed as soon as possible after the alleged incident and noted on the specified data system, Integrated Student Information System (ISIS), within 30 school days of the last act of alleged bullying or harassment. 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.

The M-DCPS Procedures for Promoting and Maintaining a Safe Learning Environment manual Guideline #33: Bullying and Harassment (Federal Law, Florida Board of Education Rules 6A-19.008, and 6B-1.006, and Miami-Dade County School Board Rules 6Gx13-5D-1.10 Harassment: Complaint Procedures for Students and Harassment: Complaint Procedures for Employees 6Gx13-4A-1.32) includes procedures for reporting an act of bullying or harassment.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. When a student making a complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such

limitation of the investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

If a student or other individual believes there has been bullying or harassment, regardless of whether it fits a particular definition, s/he should report it and allow the principal or principal's designee to determine the appropriate course of action.

If after an appropriate investigation, it is determined that an incident of bullying or harassment has occurred, prompt and appropriate disciplinary action must be taken. This may include up to the expulsion for students, up to the discharge for employees, exclusion for parents, guests, volunteers, and contractors on school board property, and removal from any official position including Superintendent, and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

Anonymous reports may be made utilizing the Miami-Dade County Public Schools Anonymous Bullying Report form. This reporting form can be found on the School District's Internet website www.dadeschools.net (click on Report Anonymous Bullying And Harassment link) or at each school's front office or Regional Center office site. Additionally, the Anonymous Bullying Report form can be found on the M-DCPS Student Services website under Safe Schools Programs <http://studentservices.dadeschools.net/safe/index.asp>. Anonymous online reports can be filled out on-line and will be received directly by the principal of the school where the alleged incident took place via electronic mail. Such forms can also be printed from the on-line site and filled out in writing.

Each school is required to have a Bullying / Harassment Anonymous Reporting Box. Written, anonymous reports may be placed in the school's reporting box located in a discrete location determined by the principal.

Anonymous reports can also be made by calling the Step Up For School Safety: Good Samaritan Communities' Caring Program tipline at 305 995-COPS or 1-888-432-2424. This hotline is available 24-hours a day, and is confidential. More information about this resource is available at http://studentservices.dadeschools.net/crisis/tip_hotline.asp. These anonymous reports will be immediately communicated to the school principal in writing, via electronic mail, where the alleged incident took place.

The Principal or principal's designee will document all reports and interventions on the appropriate Student Case Management Referral Form or Student Case Management Discipline Form and further use the Integrated Student Information System (ISIS) for system wide documentation.

Administrative Review and Procedures: Receipt of Complaints

The building principal or principal's designee shall promptly investigate all reports of bullying and harassment. All matters involving such complaints will remain

confidential to the extent permitted by law. Staff members are encouraged to watch for early signs of bullying and harassment and stop them before they worsen.

Even when there has been no report of bullying, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom other students are making inappropriate comments, or who show signs of being a target of their peers. To confirm their concerns, the staff member may choose to:

- Intensify observations of student in question
- Confer with colleagues about that student
- Engage in short personal interviews with some students
- Contact the parent to see how student likes school
- Speak privately with the target of bullying or harassment

If such measures confirm the staff member's concerns that a student is being bullied or harassed or the staff member observes or receives a report of a bullying or harassment about that student, they must inform the principal or principal's designee immediately and complete a Bullying and Harassment Report Form within 24 hours.

Students and/or their parents/guardians may file a Bullying and Harassment Report Form regarding suspected bullying or harassment. Such reports will be promptly forwarded to the principal or principal's designee for review, investigation, and action.

The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and will include:

- Persons involved, designating bully, target, and bystanders roles
- Number of times and places of the alleged conduct
- Names of any potential student or staff witnesses
- Any actions taken

Reporting and Documenting Procedures

1. Within 24 hours of an alleged bullying and harassment incident, the principal or principal's designee will confer with the student, parent or guardian making the report in order to obtain a clear understanding of the alleged incident and the facts. If not already completed, the principal or principal's designee will complete the Bullying Report Form. Documentation of this conference will be coded on a Student Case Management Form.
2. The principal or principal's designee will meet with the student(s) accused of the alleged bullying or harassment, to obtain a response to the complaint both orally and in writing. Documentation of this conference will be coded on a Student Case Management Form.
3. The principal or principal's designee will meet with all witnesses, individually

and confidentially, identified by the person(s) making the report of bullying or harassment. Witnesses will be asked to make a statement both orally and in writing regarding the alleged facts that form the basis of the complaint. Documentation of this meeting will be coded on a Student Case Management Form.

4. Following the completion of the investigation, any student(s) found to have violated this policy will be subject to any of the disciplinary actions described in the Code of Student Conduct and coded on a Student Case Management Referral Form. The principal or principal's designee will notify parents, guardians or legal custodians of any student(s) involved in an incident of bullying or harassment under this Policy. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the target and the alleged perpetrator via telephone, personal conference, and/or in writing of an act of bullying or harassment. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Such persons shall have access to any written reports pertaining to the prohibited incident to the extent permitted by State and Federal privacy/confidentiality laws.
5. Retaliation against any student who makes a complaint of bullying or harassment, or any student who becomes involved in the investigation of any such complaint, is strictly prohibited, and may result in discipline irrespective of the merits of the initial complaint. In addition, making intentionally false reports about intimidation, harassment or bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above and will be subject to any of the disciplinary actions described in the Student Code of Conduct and coded on a Student Case Management Referral Form.
6. The principal or principal's designee shall have the authority to involve local law enforcement if an individual believes danger is imminent due to the alleged bullying or harassment.
- 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:

At each school in the district, the Procedures for Investigating Bullying and/or Harassment include:

1. The principal or principal's designee employed by the school, trained in investigative procedures, initiates and determines whether an alleged act constitutes a violation of this Policy. In doing so, the principal and/or principal's designee will conduct a prompt, thorough and complete

investigation of each alleged incident within 24 hours of receiving notification of a complaint. The designee(s) may not be the accused perpetrator (harasser or bully) or target.

2. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents/legal guardians of both the target and the alleged perpetrator via telephone, personal conference and/or in writing of an act of bullying or harassment. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
3. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee, or appropriate District administrator, also may discuss the complaint with any school district employee, 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 consent due to disability), and/or child protective agencies responsible for investigating abuse.
4. Documented interviews with the target, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential and at no time will the alleged perpetrator and target be interviewed together.
 - The investigator shall collect and evaluate the facts including, but not limited to:
 - o Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
 - o How often the conduct occurred;
 - o Whether there were past incidents or past continuing patterns of behavior;
 - o The relationship between the parties involved;
 - o The characteristics of parties involved (i.e., grade, age, etc.);
 - o The identity and number of individuals who participated in bullying or harassing behavior;
 - o Where the alleged incident(s) occurred;
 - o Whether the conduct adversely affected the student's education or educational environment;
 - o Whether the alleged target felt or perceived an imbalance of power as a result of the reported incident;
 - o The date and time, and method in which the parent(s)/legal guardian(s) were contacted; and
 - o Description of follow-up action
 - 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:

- o Recommendation of consequences or remedial steps necessary to stop the bullying and/or harassing behavior
 - o A written final report to the principal
- A 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.
- 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). All incident of bullying or harassment will be reported by the Principal or designee to the State of Florida School Environmental Safety Incident Reporting (SESIR) System.

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.

A principal or designee will initiate an investigation to determine whether an alleged act is within the scope of the school district, and whether it constitutes a violation of this policy by conducting a prompt, thorough and complete investigation of each alleged incident.

The trained designee(s) will provide a report on results of the 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 the scope of the district, move to Procedures for Investigating Bullying and/or Harassment.
- If it is outside the scope of the district, and determined a criminal act, refer to appropriate law enforcement.

If it is outside the scope of the district, and determined not a criminal act, inform parents/legal guardians of all students involved.

i. A procedure for providing **immediate notification to the parents/legal guardians** of a target of bullying or harassment and the parents/legal guardians 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:

The principal, or designee, will promptly report by 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).

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 attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or a student who becomes the target 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 criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

- j. A procedure to refer targets and perpetrators of bullying or harassment for counseling:

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

Referral For Intervention and Counseling

Both targets and perpetrators of bullying or harassment will be referred to the members of the school's Student Services Team for counseling support and interventions. (Parent or legal guardian must be notified). The school-site Student Services Team members to whom the bullying or harassment referrals should be made to include: TRUST Specialists, Guidance Counselors, OR Social Workers. Documentation of services will be coded on a Student Case Management Form.

Counseling and support services will be provided to address the needs of the target, the bystanders, as well as the perpetrator(s) of bullying or harassment. (e.g., individual counseling, empathy training, anger management, etc.) Research-based counseling/interventions to address the behavior of the students who bully and harass others will be specifically utilized.

Research-based counseling / interventions which include assistance and support will be provided to parents, legal guardians, if deemed necessary or appropriate.

Referrals to at least two different community-counseling services will be provided to the parent/guardian when additional counseling services are

recommended. Documentation of the services will be coded on a Student Case Management Form.

- A teacher, staff member, or parent/legal guardian may request, verbally or in writing, to the principal or designee for an informal consultation with specialty staff, e.g., school counselor, school social worker, or school psychologist, etc., to determine the severity of concern and appropriate interventions to address the concern (the involved students' parents or legal guardian may be included). Documentation of the conference will be coded on a Student Case Management Form.
 - If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school's Student Services Team for counseling support and interventions. (Parent or legal guardian involvement is required at this point).
- k. A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and **discipline data** required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including disciplinary actions 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 for responding to such incidents:

The school district will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which include **bullying/harassment** as an incident code as well as **bullying-related** as a related element code. The SESIR definition of bullying/harassment is 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.

When a bullying and/or harassment incident occurs then it will be reported in SESIR with the **bullying/harassment** code. If the bullying/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** code. Those incidents are:

- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Major Fighting

- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Stalking
- 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 Integrated Student Information System (ISIS).

The district will provide bullying and harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

- I. A procedure for **providing instruction** to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on preventing, identifying, and responding to bullying or harassment:

Evidence-based Procedures For Responding to Bullying and Harassment

The district 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 and 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.

Parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum of once per year on the District's Policy and Procedures regarding bullying and harassment by the District Safe Schools Programs' staff. The instruction shall include evidence-based methods of preventing bullying and harassment, how to effectively identify and respond to bullying and harassment in schools, as well as the requirements and procedures for compliance with the district Policy Against Bullying and Harassment.

The Division of Student Services has developed a comprehensive Bullying & Violence Prevention curriculum for all students in grades Pre-K through 12. Five

lessons per grade level were developed by a team of Student Services professionals with expertise in the area of bullying and violence prevention / intervention. A professional that is identified by the principal at each school will implement these lessons in each grade level. Such professionals whom could implement the lessons include: Teachers, Guidance Counselors, TRUST Specialists, and Social Workers.

- m. A procedure for **regularly reporting to a target's parents/legal guardians** the actions taken to protect the target of bullying or harassment:

The principal or designee shall by telephone and/or in writing report 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 has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- 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:

At the beginning of each school year, the Superintendent or designee shall, in writing, 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.

Each district school shall provide notice to students and staff of this policy through appropriate references in the Code of Student Conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the district 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 prevention messages such as posters and signs will be displayed around each school and on the district school buses.

Other suggestions for increasing awareness regarding the District Policy Against Bullying and Harassment include:

- **Staff meetings** are opportunities to regularly assess school climate. Professional development and on-going discussions regarding bullying / harassment prevention occur at these meetings that encourage open communication and feedback from staff.
- **PA announcements** offer an ideal venue for student-generated campaigns that promote a norm for a bully-free school. PA announcements can also

encourage and teach students how to report bullying or get appropriate help.

- **School web sites** can offer accurate and appropriate information regarding bullying for students, staff and parents. They can be used to set forth expectations for how bullying will be addressed at school.
- **School mascots and mottos** can be used to promote messages and expectations for the respect, value and safety of all students.
- **Student newspapers** can be used to deliver a series of anti-bullying articles that can help educate students and help keep the anti-bullying message alive.
- **Student handbooks, planners or calendars** can be designed to promote an anti-bullying message and offer tips for asking for help for self or others.
- **Plays and productions** that explore and personalize the issues and consequences of school bullying can be presented.
- **Marques or message boards** can be used to promote anti-bullying messages and a call to action.
- **Award students** as "Bullying Preventer of the Week" with an incentive program

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Frequently Asked Questions (FAQs)

- 1) **Are there penalties for non-compliance?** Yes, districts that are not meeting the statutory requirements could result in having Safe Schools Appropriations funding being withheld beginning with the 2009-2010 school year.
- 2) **Has the FDOE's model policy been finalized and approved?** Yes. After requesting and receiving input from a variety of stakeholders, the final version of the state model policy was approved by Florida's Commissioner of Education, Dr. Eric J. Smith, on August 6, 2008.
- 3) **What is the purpose of the criteria checklist developed by the Office of Safe Schools?** The criteria have been developed in the form of a checklist. They provide uniform and consistent feedback to districts when drafting their own policy. The criteria ensure that policies meet the intent of the law and its requirements.
- 4) **What purpose will the criteria checklist serve at the district level?** Districts will be able to determine if their district policy contains all the essential components to be considered "in substantial conformity" with the model policy. In the criteria checklist, highlighted items are taken directly from the law and must be included in the district policy. The items that are not highlighted are considered optional; however the Office of Safe Schools strongly recommends these options be included.
- 5) **May a district policy be incorporated by reference into different sections of other documents or must it be a stand-alone policy?** Although the law requires that the policy be incorporated in the code of student conduct and employee handbooks, it also requires that a new stand-alone policy be adopted.
- 6) **Can bullying and harassment be combined into one definition in the district policy?** No. Section 1006.147 of the Florida Statutes indicates that bullying and harassment are defined as separate behaviors. As such, district policies should reflect the language stipulated in the legislation and define them separately.
- 7) **If a child teases or insults another child, would it be considered bullying as defined by this law?** In order to make this determination, refer to the definition of bullying cited in the law and clarified in the model policy. Criteria to consider when making such determination may include: (1) behaviors that are unwanted and repeated; (2) behaviors that create an intimidating or hostile environment; or (3) behaviors that unreasonably interfere with an individual's school performance or participation.
- 8) **May a district identify specific categories of students to which bullying and harassment is prohibited?** Districts do have the flexibility to identify specific categories of students to which bullying and harassment is prohibited. Examples of approved district policies with additional categories can be found at http://www.fldoe.org/safeschools/bullying_prevention.asp.

9) **How is bullying different than other acts of malicious behavior and conflict?**

Researchers Dan Olweus and Barbara Coloroso describe bullying as a unique and specific social dynamic. Dan Olweus defines school bullying as “repeated negative, ill-intentioned behavior by one or more students directed against a student who has difficulty defending himself or herself. Most bullying occurs without any apparent provocation on the part of the student who is exposed” (Olweus, 1993).

Barbara Coloroso defines bullying as “a conscious, willful, and deliberate hostile activity intended to harm, induce fear through the threat of further aggression, and create terror. Bullying is not about anger. It’s not even about conflict. It’s about contempt—a powerful feeling of dislike toward somebody considered to be worthless, inferior, or undeserving of respect. Contempt comes packaged with three apparent psychological advantages that allow students to harm another human being without feeling empathy, compassion or shame. They include a sense of entitlement, an intolerance toward differences, and a liberty to exclude a person deemed not worthy of respect or care” (Coloroso, 2003).

10) **Does the model policy provide districts with a description of the type of behavior expected from students and employees?**

Both the state model policy and the criteria checklist include a description of the type of behavior expected from each student and school employee. A district can either adopt this language or develop its own.

11) **Must district policies include a description of expected behaviors from school volunteers and visitors?**

While no specific references are addressed in the statute, expected behaviors of school volunteers and visitors have been included in the model policy. The district may include such description in the policy.

12) **Have any districts in Florida created frameworks and procedures for implementing their policy against bullying and harassment?**

Yes. Several districts have developed bullying- and harassment-related forms and action plans. Therefore, the Office of Safe Schools will ensure the information be shared among districts in preparation for implementing the policies.

13) **Will the Office of Safe Schools provide policies developed by districts in Florida that can be used as examples?**

Yes. The Office of Safe Schools will collect and post on its web site at least three certified and approved policies developed by Florida school districts. These policies may be used to help structure and develop another district’s policy. However, each district must design a policy specific to its needs.

14) **How can a school determine the extent to which bullying and harassment is a problem?**

In order to recognize the scope of the problem, a school must determine how safe the students and staff feel. A variety of methods may be used to assess this component of school climate including: (1) classroom observations; (2) reviews of discipline records; (3) school climate surveys; (4) interviews with staff, parents and students; and (5) observations of the less supervised areas in a school, such as bathrooms, hallways, and isolated locations.

- 15) **Who should be responsible for conducting investigations related to bullying and harassment?** It is strongly recommended that persons conducting any investigation be knowledgeable of the law, the district's bullying and harassment policy, and be trained in the school district's investigative procedures.
- 16) **Why is confidentiality included in the model policy?** The Department included the confidentiality component to protect students and adults associated with an investigation. Please consult your school district's legal counsel concerning this matter if you have additional questions.
- 17) **How does a district identify a reliable procedure for immediate notification to the parents/legal guardians of students involved in a bullying/harassment incident?** The statute requires immediate notification of parents/legal guardians, yet it does not provide procedures for such notification. The model policy defines immediate as "the same day an investigation of the incident(s) has been initiated." Although procedures for notification are not specified in the law, it is recommended that notification be made as early as possible and that all attempts to contact and inform parents/legal guardians are carefully documented.
- 18) **Does one incident of bullying make a school persistently dangerous, as defined in the No Child Left Behind Act?** No. The specific criteria by which a school would be designated persistently dangerous can be found at www.fldoe.org/safeschools/usco.asp. In the case of a bullying or harassment incident whereby the perpetrator is charged with a crime, the principal shall inform the parents/legal guardians of the victim about the Unsafe School Choice Option. The student upon whom the crime was committed shall be permitted by the relevant school board, upon written request from the student's parent, or the student (if such student is an emancipated minor), to transfer to another comparable school determined by the school board, if available. In order to be considered a violent criminal offense for the purposes of transferring to another school, it is necessary that the incident be reported to the appropriate law enforcement agency. The parent of the victim or the victim (if an emancipated minor) of any such felony crime may invoke the transfer option once the state attorney files charges against the offender. If there are any questions, please consult your school district legal counsel regarding such cases.
- 19) **What is meant by "the physical location or time of access of a computer related incident cannot be raised as defense in any disciplinary action" [(Section 1006.147(7)(a), F.S.)]?** If the bullying or harassment occurred as described in Section 1006.147(2)(c), F. S., the physical location or time of access does not factor in to the defense of a disciplinary action.

For example, if a student bullies using a district-issued laptop computer at home after school hours, he/she is still subject to the same disciplinary actions as if he/she had bullied using a computer in the school computer lab during second period. Instances of using personal electronic devices to bully or harass outside of what is described in Section 1006.147(2)(a)-(b), F.S., must be considered on a case-by-case basis determined by the facts as a result of the investigatio

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and confidentially, identified by the person(s) making the report of bullying or harassment. Witnesses will be asked to make a statement both orally and in writing regarding the alleged facts that form the basis of the complaint. Documentation of this meeting will be coded on a Student Case Management Form.

4. Following the completion of the investigation, any student(s) found to have violated this policy will be subject to any of the disciplinary actions described in the Code of Student Conduct and coded on a Student Case Management Referral Form. The principal or principal's designee will notify parents, guardians or legal custodians of any student(s) involved in an incident of bullying or harassment under this Policy. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the target and the alleged perpetrator via telephone, personal conference, and/or in writing of an act of bullying or harassment. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Such persons shall have access to any written reports pertaining to the prohibited incident to the extent permitted by State and Federal privacy/confidentiality laws.
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2. The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents/legal guardians of both the target and the alleged perpetrator via telephone, personal conference and/or in writing of an act of bullying or harassment. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

3. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee, or appropriate District administrator, also may discuss the complaint with any school district employee, 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 consent due to disability), and/or child protective agencies responsible for investigating abuse.

4. Documented interviews with the target, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential and at no time will the alleged perpetrator and target be interviewed together.

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- o Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
- o How often the conduct occurred;
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- o The relationship between the parties involved;
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- o Where the alleged incident(s) occurred;
- o Whether the conduct adversely affected the student's education or educational environment;
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- o The date and time, and method in which the parent(s)/legal guardian(s) were contacted; and
- o Description of follow-up action

- 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:

- o Recommendation of consequences or remedial steps necessary to stop the bullying and/or harassing behavior
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- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Stalking
- 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 Integrated Student Information System (ISIS).

The district will provide bullying and harassment incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

- I. A procedure for **providing instruction** to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on preventing, identifying, and responding to bullying or harassment;

Evidence-based Procedures For Responding to Bullying and Harassment

The district 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 and 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.

Parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum of once per year on the District's Policy and Procedures regarding bullying and harassment by the District Safe Schools Programs' staff. The instruction shall include evidence-based methods of preventing bullying and harassment, how to effectively identify and respond to bullying and harassment in schools, as well as the requirements and procedures for compliance with the district Policy Against Bullying and Harassment.

The Division of Student Services has developed a comprehensive Bullying & Violence Prevention curriculum for all students in grades Pre-K through 12. Five

lessons per grade level were developed by a team of Student Services professionals with expertise in the area of bullying and violence prevention / intervention. A professional that is identified by the principal at each school will implement these lessons in each grade level. Such professionals whom could implement the lessons include: Teachers, Guidance Counselors, TRUST Specialists, and Social Workers.

- m. A procedure for **regularly reporting to a target's parents/legal guardians** the actions taken to protect the target of bullying or harassment:

The principal or designee shall by telephone and/or in writing report 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 has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- 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:

At the beginning of each school year, the Superintendent or designee shall, in writing, 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.

Each district school shall provide notice to students and staff of this policy through appropriate references in the Code of Student Conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the district 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 prevention messages such as posters and signs will be displayed around each school and on the district school buses.

Other suggestions for increasing awareness regarding the District Policy Against Bullying and Harassment include:

- **Staff meetings** are opportunities to regularly assess school climate. Professional development and on-going discussions regarding bullying / harassment prevention occur at these meetings that encourage open communication and feedback from staff.
- **PA announcements** offer an ideal venue for student-generated campaigns that promote a norm for a bully-free school. PA announcements can also

encourage and teach students how to report bullying or get appropriate help.

- **School web sites** can offer accurate and appropriate information regarding bullying for students, staff and parents. They can be used to set forth expectations for how bullying will be addressed at school.
- **School mascots and mottos** can be used to promote messages and expectations for the respect, value and safety of all students.
- **Student newspapers** can be used to deliver a series of anti-bullying articles that can help educate students and help keep the anti-bullying message alive.
- **Student handbooks, planners or calendars** can be designed to promote an anti-bullying message and offer tips for asking for help for self or others.
- **Plays and productions** that explore and personalize the issues and consequences of school bullying can be presented.
- **Marques or message boards** can be used to promote anti-bullying messages and a call to action.
- **Award students** as "Bullying Preventer of the Week" with an incentive program

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Frequently Asked Questions (FAQs)

- 1) **Are there penalties for non-compliance?** Yes, districts that are not meeting the statutory requirements could result in having Safe Schools Appropriations funding being withheld beginning with the 2009-2010 school year.
- 2) **Has the FDOE's model policy been finalized and approved?** Yes. After requesting and receiving input from a variety of stakeholders, the final version of the state model policy was approved by Florida's Commissioner of Education, Dr. Eric J. Smith on August 6, 2008.
- 3) **What is the purpose of the criteria checklist developed by the Office of Safe Schools?** The criteria have been developed in the form of a checklist. They provide uniform and consistent feedback to districts when drafting their own policy. The criteria ensure that policies meet the intent of the law and its requirements.
- 4) **What purpose will the criteria checklist serve at the district level?** Districts will be able to determine if their district policy contains all the essential components to be considered "in substantial conformity" with the model policy. In the criteria checklist, highlighted items are taken directly from the law and must be included in the district policy. The items that are not highlighted are considered optional; however the Office of Safe Schools strongly recommends these options be included.
- 5) **May a district policy be incorporated by reference into different sections of other documents or must it be a stand-alone policy?** Although the law requires that the policy be incorporated in the code of student conduct and employee handbooks, it also requires that a new stand-alone policy be adopted.
- 6) **Can bullying and harassment be combined into one definition in the district policy?** No. Section 1006.147 of the Florida Statutes indicates that bullying and harassment are defined as separate behaviors. As such, district policies should reflect the language stipulated in the legislation and define them separately.
- 7) **If a child teases or insults another child, would it be considered bullying as defined by this law?** In order to make this determination, refer to the definition of bullying cited in the law and clarified in the model policy. Criteria to consider when making such determination may include: (1) behaviors that are unwanted and repeated; (2) behaviors that create an intimidating or hostile environment; or (3) behaviors that unreasonably interfere with an individual's school performance or participation.
- 8) **May a district identify specific categories of students to which bullying and harassment is prohibited?** Districts do have the flexibility to identify specific categories of students to which bullying and harassment is prohibited. Examples of approved district policies with additional categories can be found at http://www.fldoe.org/safeschools/bullying_prevention.asp.

- 9) **How is bullying different than other acts of malicious behavior and conflict?** Researchers Dan Olweus and Barbara Coloroso describe bullying as a unique and specific social dynamic. Dan Olweus defines school bullying as “repeated negative, ill-intentioned behavior by one or more students directed against a student who has difficulty defending himself or herself. Most bullying occurs without any apparent provocation on the part of the student who is exposed” (Olweus, 1993).

Barbara Coloroso defines bullying as “a conscious, willful, and deliberate hostile activity intended to harm, induce fear through the threat of further aggression, and create terror. Bullying is not about anger. It’s not even about conflict. It’s about contempt—a powerful feeling of dislike toward somebody considered to be worthless, inferior, or undeserving of respect. Contempt comes packaged with three apparent psychological advantages that allow students to harm another human being without feeling empathy, compassion or shame. They include a sense of entitlement, an intolerance toward differences, and a liberty to exclude a person deemed not worthy of respect or care” (Coloroso, 2003).

- 10) **Does the model policy provide districts with a description of the type of behavior expected from students and employees?** Both the state model policy and the criteria checklist include a description of the type of behavior expected from each student and school employee. A district can either adopt this language or develop its own.
- 11) **Must district policies include a description of expected behaviors from school volunteers and visitors?** While no specific references are addressed in the statute, expected behaviors of school volunteers and visitors have been included in the model policy. The district may include such description in the policy.
- 12) **Have any districts in Florida created frameworks and procedures for implementing their policy against bullying and harassment?** Yes. Several districts have developed bullying- and harassment-related forms and action plans. Therefore, the Office of Safe Schools will ensure the information be shared among districts in preparation for implementing the policies.
- 13) **Will the Office of Safe Schools provide policies developed by districts in Florida that can be used as examples?** Yes. The Office of Safe Schools will collect and post on its web site at least three certified and approved policies developed by Florida school districts. These policies may be used to help structure and develop another district’s policy. However, each district must design a policy specific to its needs.
- 14) **How can a school determine the extent to which bullying and harassment is a problem?** In order to recognize the scope of the problem, a school must determine how safe the students and staff feel. A variety of methods may be used to assess this component of school climate including: (1) classroom observations; (2) reviews of discipline records; (3) school climate surveys; (4) interviews with staff, parents and students; and (5) observations of the less supervised areas in a school, such as bathrooms, hallways, and isolated locations.

- 15) **Who should be responsible for conducting investigations related to bullying and harassment?** It is strongly recommended that persons conducting any investigation be knowledgeable of the law, the district's bullying and harassment policy, and be trained in the school district's investigative procedures.
- 16) **Why is confidentiality included in the model policy?** The Department included the confidentiality component to protect students and adults associated with an investigation. Please consult your school district's legal counsel concerning this matter if you have additional questions.
- 17) **How does a district identify a reliable procedure for immediate notification to the parents/legal guardians of students involved in a bullying/harassment incident?** The statute requires immediate notification of parents/legal guardians, yet it does not provide procedures for such notification. The model policy defines immediate as "the same day an investigation of the incident(s) has been initiated." Although procedures for notification are not specified in the law, it is recommended that notification be made as early as possible and that all attempts to contact and inform parents/legal guardians are carefully documented.
- 18) **Does one incident of bullying make a school persistently dangerous, as defined in the No Child Left Behind Act?** No. The specific criteria by which a school would be designated persistently dangerous can be found at www.fldoe.org/safeschools/usco.asp. In the case of a bullying or harassment incident whereby the perpetrator is charged with a crime, the principal shall inform the parents/legal guardians of the victim about the Unsafe School Choice Option. The student upon whom the crime was committed shall be permitted by the relevant school board, upon written request from the student's parent, or the student (if such student is an emancipated minor), to transfer to another comparable school determined by the school board, if available. In order to be considered a violent criminal offense for the purposes of transferring to another school, it is necessary that the incident be reported to the appropriate law enforcement agency. The parent of the victim or the victim (if an emancipated minor) of any such felony crime may invoke the transfer option once the state attorney files charges against the offender. If there are any questions, please consult your school district legal counsel regarding such cases.
- 19) **What is meant by "the physical location or time of access of a computer related incident cannot be raised as defense in any disciplinary action" [(Section 1006.147(7)(a), F.S.)]?** If the bullying or harassment occurred as described in Section 1006.147(2)(c), F. S., the physical location or time of access does not factor in to the defense of a disciplinary action.

For example, if a student bullies using a district-issued laptop computer at home after school hours, he/she is still subject to the same disciplinary actions as if he/she had bullied using a computer in the school computer lab during second period. Instances of using personal electronic devices to bully or harass outside of what is described in Section 1006.147(2)(a)-(b), F.S., must be considered on a case-by-case basis determined by the facts as a result of the investigation.

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