

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

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

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

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

At the meeting held on April 22, 2009, the School Board of Miami-Dade County, Florida, announced its intention to initiate rulemaking proceedings in accordance with §1006.147, Florida Statute (2008) for the promulgation of a new School Board Rule, 6Gx13-5D-1.101, District Policy Against Bullying and Harassment, and the document, Model Policy Against Bullying and Harassment, which is incorporated by reference and made part of this 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.

The Notice of Intended Action was published in the *Miami Daily Business Review* on April 27, 2009, posted in various places for public information, and mailed to various organizations representing persons affected by the new rule and to individuals requesting information.

The time to request a hearing or protest the adoption of this new rule has elapsed.

C-101

As provided by statute, district policies must be adopted on or before December 1, 2008. To facilitate district compliance with the statutory deadline, the FLDOE Office of Safe & Drug Free Schools 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 FLDOE Office of Safe & Drug Free Schools has also clarified that the initial submission by Miami-Dade County Public Schools (M-DCPS) of its draft policy and completed criteria checklist prior to November 1, 2008, were deemed adequate in the process of demonstrating compliance with the statutory deadline.

The M-DCPS Model Policy Against Bullying and Harassment builds upon the District's Bullying and Violence Prevention Initiative that was launched in 2006. In compliance with statutory requirements, the proposed M-DCPS policy is based upon the FLDOE 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. Additional input was provided by the United Teachers of Dade, local law enforcement agencies, faith based organizations, community mental health agencies, public and non-public schools' personnel, parents, and students. The proposed policy will be in alignment with school curriculum, existing discipline policies, and other violence prevention efforts currently in effect.

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 FLDOE Office of Equity and Access (OEA).

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.

Attached are the Notice of Intended Action, the proposed new rule, and the document, *District Policy Against Bullying and Harassment*, which is incorporated by reference and made part of this rule.

In accordance with provisions of the Administrative Procedure Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

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

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment, and the document, *District Policy Against Bullying and Harassment*, which is incorporated by reference and made part of this rule, to be effective June 17, 2009.

MRF:sb

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 22, 2009, its intention to promulgate new Board Rule 6Gx13- 5D-1.101, District Policy Against Bullying and Harassment, and the document, District Policy Against Bullying and Harassment, which is incorporated by reference and made part of this rule, at its meeting of June 17, 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 (25); 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 June 17, 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 May 18, 2009, 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. Milagros Fornell
Supervisor: Mr. Alberto Carvalho
Date: April 13, 2009

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 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.

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

- Inclusion and involvement of students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.
- Provision of a plan for the school district to implement the policy in a consistent and on-going manner. Integration of the policy with curriculum, discipline policies, and violence prevention efforts.
- Development of a District-wide policy prohibiting bullying and harassment that is in substantial conformity with the FLDOE model policy.
- Submission of a district policy prohibiting bullying and harassment to the Office of Safe Schools.
- Receipt of approval and certification of the District's policy from the Office of Safe Schools.
- Implementation and monitoring of the 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. Included in this state mandated policy is a comprehensive Bullying Prevention curriculum for all students in grades Pre-K through 12.

This policy shall also be incorporated by reference 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.

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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 Regional 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 (25); 1001.43 (10), F.S.
Law Implemented, Interpreted, or made specific: 1006.147, F.S.

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

DISTRICT POLICY AGAINST BULLYING AND HARRASSMENT

MIAMI-DADE COUNTY PUBLIC SCHOOLS

Office of Professional Development and Educational Services
Division of Student Services

C-101

**Final Reading:
JUNE 17, 2009
Board Rule 6Gx13- 5D-1.101**

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Associate Superintendent
Curriculum and Instruction

Ms. Ava G. Byrne
Assistant Superintendent
Professional Development and Educational Services, Curriculum and Instruction

Ms. Deborah A. Montilla
District Director
Division of Student Services

Table of Contents

	PAGE #
Introduction	1
a. Statement Prohibiting Bullying and Harassment	1
b. Definitions	1-2
c. Expected Behavior	3
d. Consequences for Bullying or Harassment	4
e. Consequences for False Reporting	4-5
f. Reporting Procedures	5-6
g. Investigation Procedures	7-10
h. Scope of the District	11
i. Notification	11
j. Referrals for Counseling	12-13
k. Data Collection/Reporting	13-14
l. Instruction	14-15
m. Action to Protect Victim	15
n. Publicizing Policy	15-16

Policy Against Bullying and Harassment MIAMI DADE COUNTY PUBLIC SCHOOLS

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.

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, 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 by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliations; 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. 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. Cyberstalking

12. Cyberbullying

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 encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying 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 electronic mail or electronic communication with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person.

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. (M-DCPS Code of Student Conduct)

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;
or
- c. On a M-DCPS school bus;
- d. Through the use of any electronic device or data while on school grounds or on a M-DCPS school bus, computer software that is accessed through a computer, computer network of M-DCPS.
- e. 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 M-DCPS school bus.

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.

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-1.081 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 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; Personnel Investigative Model – PIM) 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 Statue, 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 are 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, or outlined in the M-DCPS Personnel Investigative Model (PIM). 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 are required to report alleged 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 Personnel Investigate Model (PIM). The Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statue, and 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 serve as guidelines, as well.

If the alleged offense is against a school board employee, discipline may be taken consistent with any applicable bargaining agreement provisions, (Personnel Investigative Model – PIM), to resolve a complaint of bullying or harassment. The

principal or 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 victim 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 report's future employment, grades, learning or working environment, or work assignments.

Written and oral reports shall be considered official reports. Complaints must be filed as soon as possible after the alleged incident and documented on the Student Case Management Referral form. Subsequently, the information should be recorded in the Integrated Student Information System (ISIS), within 30 school days of the last act of alleged bullying or harassment.

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 and 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.

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.

Anonymous reports may be made by parents and students by utilizing the Miami-Dade County Public Schools Anonymous Bullying Report form. 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 for parents and students to utilize. Written, anonymous reports may be placed in the school's reporting box located in a discrete location determined by the principal.

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 and 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 to intervene before the bullying or harassment escalates.

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 victim of their peers. To confirm their concerns, the staff member may choose to:

- Intensify observations of student(s) in question
- Confer with colleagues about students potentially involved
- Engage in short personal interviews with some students
- Contact the parent to inquire as to how the student is perceiving school interactions
- Speak privately with the victim of bullying or harassment

If you such measures confirm the staff member's concern 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 either verbally or through written communication on a standard Student Case Management Referral form.

Students and/or their parents/guardians may file a Bullying and Harassment Report Form (available in the main office of each school) 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, victim, and bystanders roles in the current situation
- Number of times and places of the alleged conduct
- Names of any potential student or staff witnesses
- Any actions taken

Reporting and Documenting Procedures: Students

1. In an expeditious manner, the principal or principal's designee will confer with the student, parent or guardian who submitted the report in order to obtain a clear understanding of the alleged incident and obtain details regarding the current situation. 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 all 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 victim and the alleged perpetrator of an act of bullying or harassment. Acceptable means of notification to parents/guardians and/or legal custodians include: via telephone, personal conference, and/or in writing. 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 or for any other potential criminal offense.
- 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:

The principal or principal's designee(s), employed by the school, trained in investigative procedures will initiate the investigation. The designee may not be the accused perpetrator (harasser, bully or victim).

1. Documented interviews with the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential and at no time will the alleged perpetrator and victim be interviewed together. Employees will have the right to representation of their choice during an interview which includes representation from their respective bargaining unit, association, and/or legal counsel. The Personnel Investigative Model (PIM) shall be utilized to guide the process.

- The investigator shall collect and evaluate the facts including, but not limited to:

- Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The relationship between the parties involved;
 - The characteristics of parties involved (i.e., grade, age, etc.);
 - The identity and number of individuals who participated in bullying or harassing behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident;
 - The date and time, and method in which the parent(s)/legal guardian(s) were contacted; and
 - 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:
 - Recommendation of consequences or remedial steps necessary to stop the bullying and/or harassing behavior
 - A written final report by the principal or designee
 - 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).

- 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 victim 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 victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”

Once the investigation has been completed and 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** victims 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: Students

Both victims 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). Documentation of services will be coded on a Student Case management Form.

Counseling and support services may be provided to address the needs of the victim, 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-based counseling agencies will be provided to the parent/guardian when additional family counseling services are recommended. Documentation of the services will be coded on a Student Case Management Form.

- A process by which the teacher, staff member, or parent/legal guardian may request, informal consultation with specialty staff, e.g., school counselor, school social worker, or school psychologist, etc., to determine the severity of concern and appropriate steps to address the concern (the involved students’ parents or

legal guardian may be included). 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 consideration of appropriate services. (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.

If 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: Students

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.

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 Against 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.

- m. A procedure for **regularly reporting to a victim's parents/legal guardians** the actions taken to protect the victim of bullying and 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.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

Revised 5/9/03