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Office of Academics and Transformation

**SUBJECT:** **FINAL READING: PROPOSED AMENDMENT OF BOARD POLICY 5517.01, *BULLYING AND HARASSMENT* AND INCORPORATED DOCUMENT *POLICY AGAINST BULLYING AND HARASSMENT***

**COMMITTEE:** **ACADEMICS, INNOVATION, EVALUATION, AND TECHNOLOGY**

**LINK TO STRATEGIC**

**PLAN:** **SAFE, HEALTHY, & SUPPORTIVE LEARNING ENVIRONMENTS**

This item is submitted for consideration by the Board to amend School Board Policy 5517.01, *Bullying and Harassment*, and the document *Policy Against Bullying and Harassment*, incorporated by reference in the policy. Changes conform the policy to current District practices, Florida Department of Education School Environmental Safety Incident Reporting (SESIR), F.A.C. Rule 6A-1.0017 adopted (June 16, 2020) and updated (August 23, 2021), and the Miami-Dade County Public Schools *Code of Student Conduct*. If adopted, the revised Policy 5517.01 and incorporated document will be communicated to appropriate staff by Weekly Briefing and will be posted on the Division of Student Services website.

Highlights of the amendments include:

- Definitions in the policy are aligned with the *Code of Student Conduct* and SESIR rule;
- Related Board policies and procedures regarding discrimination/harassment, complaints, reporting misconduct, and student transfers are cross referenced;
- Reference to *Procedures for Promoting and Maintaining a Safe Learning Environment* is deleted;
- Reporting and investigative procedures are clarified, including that pursuant to best practice investigative procedures, the school counselor or other school mental health services provider shall not investigate allegations of bullying/harassment;
- Updated data reporting for bullying, harassment, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents, is outlined, to include whether the incident occurs physically or remotely, as well as to require that any bullying-related incidents that have as a basis, sex, race, disability, sexual orientation, or religion should include the incident basis, and the incident basis must also be noted in the student record of the victim;

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- District-authorized bullying/harassment prevention programs are updated;
- Reference is made to Florida Statutes s. 1002.40 and Policy 5131, *Student Transfers and Controlled Open Enrollment*, to include that bullying and harassment are incidents that qualify a student for Hope Scholarship eligibility and parental notification must be made.

Attached are the Notice of Intended Action and the proposed policy documents. Changes in the current policy are indicated by underscoring words to be added and striking through words to be deleted.

The Notice of Intended Action was published in the Miami Daily Business Review on November 22, 2021, and posted in various places for public information and mailed to various organizations representing persons affected by the amended Board policy and individuals requesting notification. The time to request a hearing or protest the amendment of this policy has elapsed.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, amend Policy 5517.01, *Bullying and Harassment*, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, to be effective January 12, 2021.

SJD/TKD/fz

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on November 17, 2021, its intention to amend Board Policy 5517.01, *Bullying and Harassment* and incorporated document *Policy Against Bullying and Harassment*, at its regular meeting on January 12, 2022.

**PURPOSE AND EFFECT:** The amendments are proposed to update the policy to conform the policy to current District practices, Florida Department of Education School Environmental Safety Incident Reporting (SESIR) Rule 6A-1.0017 adopted (June 16, 2020) and updated (August 23, 2021), and the Miami-Dade County Public Schools *Code of Student Conduct*.

**SUMMARY:** The proposed amendments to Policy 5517.01, *Bullying and Harassment*, and document *Policy Against Bullying and Harassment*, incorporated by reference in the policy, clarify as follows: Definitions in the policy are aligned with the Code of Student Conduct and SESIR rule; Related Board policies and procedures regarding discrimination/harassment, complaints, reporting misconduct, and student transfers are cross referenced; Reference to Procedures for Promoting and Maintaining a Safe Learning Environment is deleted; Reporting and investigative procedures are clarified, including that pursuant to best practice investigative procedures, the school counselor or other school mental health services provider shall not investigate allegations of bullying/harassment; Updated data reporting for bullying, harassment, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents, is outlined, to include whether the incident occurs physically or remotely, as well as to require that any bullying-related incidents that have as a basis, sex, race, disability, sexual orientation, or religion should include the incident basis, and the incident basis must also be noted in the student record of the victim; District-authorized bullying/harassment prevention programs are updated; Reference is made to Florida Statutes s. 1002.40 and Policy 5131, *Student Transfers and Controlled Open Enrollment*, to include that bullying and harassment are incidents that qualify a student for Hope Scholarship eligibility and parental notification must be made.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** Sections 1001.41 (1), (2), (5), Fla. Stat.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** Sections 1001.42(8), 1002.40, 1006.147, Fla. Stat.; Florida Admin. Code r. 6A-1.0017.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF January 12, 2022, 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 120.54(1), Fla. Stat., must do so in writing by December 15, 2021, to the Superintendent, 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 to be based. (Section 286.0105, Fla. Stat.)

COPIES OF THE PROPOSED NEW POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	November 17, 2021 - <u>Final</u> Reading
Title	BULLYING AND HARASSMENT po5517.01
Code	<u>Final</u> Reading
Status	May 11, 2011
Adopted	April 7, 2017
Last Revised	

### 5517.01 - BULLYING AND HARASSMENT

The School Board is committed to providing a safe learning environment for all students and shall strive to eradicate 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, Board employees, visitors, or volunteers.

The Board has adopted the *Policy Against Bullying and Harassment* for Miami-Dade County Public Schools, incorporated by reference. Included in this State mandated policy is a comprehensive bullying prevention curriculum for all students in grades Pre-K through 12. This document is on file in the Office of Board Recording Secretary and the Citizen Information Center and is available in each school and regional center.

This policy is also incorporated by reference into the *Code of Student Conduct* ~~and the Procedures for Promoting and Maintaining a Safe Learning Environment~~, and supersedes any existing policy, guideline, or Board policy regarding bullying and harassment that may be inconsistent with this policy. These policies apply to all students in the District.

This policy does not replace the District's current policy prohibiting harassment on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, and pregnancy. 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 these harassment policies.

Legal                    F.S. 110.1221  
                              F.S. 1002.20  
                              F.S. 1006.13  
                              F.S. 1006.135  
                              F.S. 1006.147  
                              Florida Department of Education Model Policy (June 2008)

Effective    7/1/11  
Revised     4/15/15  
Technical Change 4/7/17

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## Policy Against Bullying and Harassment MIAMI- DADE COUNTY PUBLIC SCHOOLS

Miami-Dade County Public Schools (M-DCPS or District) 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.

This M-DCPS policy is consistent with [F.S. Florida Statutes s. 1006.147](#), Bullying and Harassment Prohibited, its content, definitions and guidelines. This statute may also be cited as the “Jeffrey Johnston Stand Up for All Students Act.”

- 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. ~~Bullying-Conduct that constitutes bullying~~ and harassment, as defined ~~below-are~~herein is prohibited.
- b. Definitions:

**Bullying** includes cyberbullying, and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or 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 public or private humiliation;~~ or unreasonably interfere with the individual’s school performance or participation ~~that includes a noted power differential.~~ It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture by an adult or student. The Miami-Dade County Public Schools Code of Student Conduct, incorporated by reference in Policy 5500, Student Conduct and Discipline, contains a further description of conduct that may constitute bullying.

**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 or private humiliation
10. Destruction of Property
11. Cyberstalking
12. Cyberbullying

### 13. Hazing

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

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school, including any course of conduct that is directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

**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, including cyberbullying, 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 within the scope of the district school system, on or off school grounds to bully or harass that jeopardizes student or school employee safety or disrupts the learning environment.
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

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

or posting creates any of the conditions enumerated in the definition of bullying.

**Cyberstalking** ~~is as~~ defined in s. 784.048(1)(d) and 815.03, F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person, or to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person's permission, causing substantial emotional distress to that person and serving no legitimate purpose.

**Hazing** as defined in s. 1006.135, F.S., means any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12.

“Hazing” includes, but is not limited to:

- a. Pressuring, coercing, or forcing a student into:
  1. Violating state or federal law;
  2. Consuming any food, liquor, drug, or other substance; or
  3. Participating in physical activity that could adversely affect the health or safety of the student.
- b. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

**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.

**Bullying, and Harassment, Cyberbullying, and Discrimination Based on Protected Categories** encompasses, but is not limited to, unwanted harm towards a student or employee based on or with regard to actual or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. ~~This policy~~ Board policies prohibits bullying or harassment of any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside of the school, at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District. Board Policies 5517 and 5517.02 contain additional information about the prohibition against discrimination and harassment of students based on protected categories.

**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).

Within every school, the principal and staff have the responsibility and authority for maintaining an orderly educational process. Students have the responsibility to show respect to all School Board employees and respond in obedience to said authority. Appropriate methods for recognizing students for model behavior are outlined within the District's Code of Student Conduct manual.

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

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

A list of bullying/harassment corrective strategies/disciplinary sanctions are outlined in the *Code of Student Conduct* ~~manual~~.

All corrective strategies used by school-site administrators must be in compliance with School Board rules and policies. Inherent in these rules and policies is the philosophy of fairness and consideration for actions that are in the best interest of students. When confronted with an act that may require the imposition of corrective strategies by the school, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident.

Students shall not be subjected to any corrective strategies for using a language other than English or because of a disability. School administrators should communicate with parents/guardians when corrective strategies must be taken against a student. Parents/guardians and students who disagree with certain strategies and decisions made at the school-level have the right to the following formal complaint procedures:

- a school-level hearing;
- appeal of school-level decisions to the regional center office; and
- in some instances, a hearing before an impartial hearing officer.

Miami-Dade County School Board Policy 9130 contains additional information regarding complaints. School Board Policy 5517.02 provides procedures to be followed if a student is subjected to discrimination or harassment by an adult employee of Miami-Dade County Public Schools or by a fellow student based on a protected category. Policies 1362.01, 3362.01, and 4362.01 contain complaint procedures for any other member of the District community or third parties for discrimination and harassment based on protected categories.

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 Policy 5500). ~~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.~~ The physical location or time access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.

Miami-Dade County School Board Policy 5517.02 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 Policies 1210.01, 3210.01, and 4210.01, *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 Statute, The Principles of Professional Conduct of the Education Profession in Florida and School Board Policies 1129, 3129, and 4129).
  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 sanctions listed above apply to persons, whether they are students, school/district employees, or visitors/volunteers/independent contractors, who are found to have wrongfully and intentionally accused another of bullying or harassment.

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

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 promptly report incidents of discriminatory or harassing conduct to the administrator to whom the employee is responsible or the administrator's designee. (Board Policy 8141 provides additional information about reporting employee misconduct) All reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC) so that the Board may address the conduct before it becomes severe, pervasive, or persistent. ~~report alleged violations of this Policy to the principal or the principal's designee.~~ Other members of the school community who have credible information that 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, F.S. Florida Statutes, and ~~*The Code of Ethics*~~ and the *Principles of Professional Conduct of the Education Profession* in Florida and State Board of Education Rule ~~6B-1.0066A-10.081~~ also serve as guidelines.

If the alleged offense is against a school board employee, disciplinary actions 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 bullying or harassment has taken place may file a report. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly and in good faith report bullying or harassment to the appropriate school official and who makes this report in compliance with District procedures 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, participation, learning or working environment, or work assignments of the complainant or reporter.

Written and oral reports shall be considered official reports. Complaints must be ~~filled~~ 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 District~~ Student Information System (ISISDSIS), ~~within 30 school days of the last act of alleged bullying or harassment~~.

The Florida Board of Education Rules 6A-19.008, and 6B-1.006, and Miami-Dade County School Board Policies 5517.02 *Discrimination/Harassment Complaint Procedures for Students*, and 1362.02, 3362.02, and 4362.02 Anti-Discrimination/ and Harassment Complaint Procedures, ~~–for Employees, 1362.02, 3362.02, and 4362.02~~ includes procedures for reporting bullying or harassment.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. Anonymous reports must be investigated in the same manner and treated with the same seriousness as all other reports.

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-District Student Information System (ISIDISIS) 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 reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC). The District's CRC Office must be consulted by the principal for special procedures that apply to complaints of sexual 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, and/or
- speak privately with the possible victim of bullying or harassment.

If 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 must 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, and any actions taken.

### **Reporting and Documenting Procedures: Students**

1. In an expeditious manner, the principal or principal's designee shall 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 bullying or harassment. Acceptable means of notification to parents/guardians and/or legal custodians include: 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 or employee 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. 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 *Code of Student 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 must be followed. The investigation of all incidents at school or during school related activities begins with a report of bullying or harassment. Incidents that require a reasonable investigation when reported to school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is in route to school aboard a school bus or at a school bus stop.

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

The principal or principal's administrative designee(s), employed by the school, trained in investigative procedures will initiate a thorough investigation with the victim and alleged perpetrator within (2) school days of upon receiving a notification of complaint. The designee shall not be the accused perpetrator, victim, school counselor, or other school mental health service provider ~~(harasser, bully or victim)~~. All reports that might constitute harassment based on protected categories, including sexual harassment, must also be reported to the District's Civil Rights Compliance Office (CRC). The District's CRC Office must be consulted by the principal for special procedures that apply to complaints of sexual harassment.

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, and
- A written final report by the principal or designee

The highest level of confidentiality possible will be maintained 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 School Board's jurisdiction and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

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

- If it is within the School Board's jurisdiction, go to Procedures for Investigating Bullying and/or Harassment.
- If it is outside the School Board's jurisdiction, and could be a criminal act, refer to appropriate law enforcement.
- If it is outside the School Board's jurisdiction, and 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).

Special consideration regarding parental notification should be provided for students who are being bullied / harassed based on actual or perceived sexual orientation, or gender identity or expression in order to protect the child's well-being and avoid violating the student's privacy rights.

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 which states that a “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.” 20 U.S. Code Annotated, Section 7912.

Once the investigation has been completed and criminal charges against the perpetrator are a possibility, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

In accordance with Board Policy 5131, upon receipt of a report of an incident, the school principal or designee shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by Section 1006.09(6), Florida Statutes. Within 24 hours after the receipt of the report, the principal or designee shall also provide a copy of the report to the parent of the alleged offender and superintendent. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall notify the parent of the program and offer the parents an opportunity to enroll his or her student in another public school that has capacity to request or receive a scholarship to attend an eligible private school, subject to available funding. A parent who chooses to enroll his or her student in a public school located outside the district in which the student resides pursuant to s. 1002.31, F.S. shall be eligible for a scholarship to transport the student.

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

The District referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported, shall include:

## Referral for Intervention and Counseling: Students

Both victims and perpetrators of bullying or harassment will be referred to 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 will be used to address the behavior of the students who bully and harass others.

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

Referrals to at least two different community-based counseling agencies pursuant to Policy 1213.01, *Requests for Outside Providers*, will be made to the parent/guardian when additional family counseling services are recommended. Documentation of the services will be coded on a Student Case Management Form.

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. School's must report data concerning school safety and **discipline data** under F. S.1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including any 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 harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or

benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

Bullying and/or harassment incidents will be reported in SESIR with the **bullying/harassment** codes: **reports of bullying (BUL), harassment (HAR), unsubstantiated bullying (UBL), and unsubstantiated harassment (UHR)**. 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:

- ~~Alcohol Possession or Use~~
- ~~Arson~~
- ~~Battery~~
- ~~Breaking and Entering~~
- ~~Disruption on Campus~~
- ~~Drug Sale/Distribution Excluding Alcohol~~
- ~~Drug Use/Possession Excluding Alcohol~~
- ~~Major Fighting~~
- ~~Hazing~~
- ~~Homicide~~
- ~~Kidnapping~~
- ~~Larceny/Theft/Motor Vehicle Theft~~
- ~~Physical Attack~~
- ~~Robbery—Sexual~~
- ~~Assault—Sexual~~
- ~~Battery—Sexual~~
- ~~Harassment Sexual~~
- ~~Offenses~~
- ~~Threat/Intimidation~~
- ~~Trespassing~~
- ~~Tobacco~~
- ~~Stalking~~
- ~~Vandalism~~
- ~~Weapons Possession~~
- ~~Other Major (Other major incidents that do not fit within the other definitions)~~

- Alcohol
- Aggravated Battery
- Arson
- Burglary
- Bullying
- Disruption on Campus-Major
- Drug Sale or Distribution
- Drug Use or Possession
- Fighting
- Harassment
- Hazing
- Homicide

- Kidnapping
- Larceny/Theft (\$750 threshold)
- Physical Attack (Battery)
- Robbery
- Sexual Assault
- Sexual Battery (Rape)
- Sexual Harassment
- Sexual Offenses (Other)
- Threat/Intimidation
- Tobacco
- Trespassing
- Vandalism (\$1000 threshold)
- Weapons Possession
- Other Major Incidents (Any serious, harmful incident resulting in the need for law enforcement consultation not previously classified. This includes any drug or weapon found unattended and not linked to any individual).

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Integrated-District Student Information System (ISIDSIS).

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. For incidents of bullying, harassment, sexual harassment, threat/intimidation, and any other incident that is Bullying-Related, districts are required to report the Incident Basis and the Victim Basis, which identifies whether the incident is based upon the person's race, sex, disability, sexual orientation, or religion. Further, the terms Physical (the offense was committed in the presence of the targeted individual) or Remote (the offense was committed remotely) must be coded for incident types of bullying or harassment, substantiated (founded) or unsubstantiated (unfounded).

- I. A list of programs authorized by the school district that provide 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, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations:

### **Evidence-based Procedures for Responding to Bullying and Harassment: Students**

The District strives to ensure that schools maintain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms regarding 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.

The District provides the following list of authorized bullying/harassment prevention programs including, but not limited to:

**Anti-Defamation League- No Place for Hate:** This initiative provides educators and students with the resources to ensure that anti-bias and diversity education is included in the school curriculum. No Place for Hate helps to create and sustain inclusive school environments where all students feel valued and have the opportunity to succeed by promoting respect for individual differences while challenging bigotry and prejudice.

**Bullying and Harassment Prevention Curriculum:** The Division of Student Services developed a comprehensive Bullying Prevention curriculum for all students in grades Pre-K through ~~grade~~ 12. As a result of this curriculum, each student will receive five bullying prevention lessons per year throughout their educational career in M-DCPS.

~~Connect with Respect Cyberbullying Prevention and Netiquette Campaign: This campaign provides students with information regarding the appropriate use of social media.~~

~~GLSEN: At GLSEN, we want every student, in every school, to be valued and treated with respect, regardless of their sexual orientation, gender identity or gender expression. We believe that all students deserve a safe and affirming school environment where they can learn and grow. We accomplish our goals by working in hallways across the country—from Congress and the Department of Education to schools and district offices in your community—to improve school climate and champion LGBT issues in K-12 education. <http://www.glsen.org/learn/about-glsen>~~

**Mix It Up at Lunch Day:** A national campaign launched by Teaching Tolerance in 2002. Mix It Up at Lunch Day encourages students to identify, question and cross social boundaries. Schools are asked to participate on **the last Tuesday in October each school year!** <http://www.tolerance.org/mix-it-up/what-is-mix>

~~Rachel's Challenge: This program is dedicated to creating safe, connected school environments where learning and teaching is maximized. The program will focus on improving the climate and school culture at every school by empowering students and staff to make the school friendlier, kinder, and safer. This will be accomplished through staff and student training, curriculum, and activities.~~

**Sandy Hook Promise:** Programs within the initiative focus upon building student connectivity, and reporting of dangerous or threatening behavior.

~~**Sexting: Empowering Students to Engage in Positive Communication Curriculum:** This curriculum helps students develop and practice positive communication skills via the electronic/web medium and also helps them to avoid negative implications.~~

~~**Sexual Minority Network:** Designated counseling professionals from each secondary school will be responsible for the coordination of support services that promote a safe learning environment for all students. Professional development is offered throughout the school year to provide technical assistance in establishing effective programs.~~

**Student Voices (formally known as Heritage Panel):** This is a unique youth leadership and prejudice-reduction program that empowers high school and middle school students to explore cultural diversity and develop self-esteem, while fostering values that support the understanding of individual differences.

~~**Teen Dating Violence and Abuse Prevention Curriculum:** The Florida Coalition Against Domestic Violence (FCADV), in partnership with member-certified domestic violence centers and with support from the Florida Department of Education (FLDOE), has finalized FREE resource curricula for addressing teen dating violence in grades 7 through 12 to satisfy the statutory requirements in Florida law. Additional resources and web-based educator trainings are also available to support educators who choose to implement the curriculum. These may be found at [www.fcadv.org/educators](http://www.fcadv.org/educators)~~

~~**The SAFE Network:** Formally the Sexual Minority Network, is a program under Miami-Dade County Public Schools, Division of Student Services that educates and creates programs that support the healthy development of our LGBTQ youth. All our schools have a designated liaison who receives specialized professional development focused on building expertise in program development and delivery of these comprehensive services. Our program has been supporting students, parents and school staff for the last 20 years. The mission of the network is to provide school and district employees with the knowledge necessary to build comprehensive and inclusive programs that support all students, including students who are gay, lesbian, bisexual, transgender or questioning (LGBTQ).~~

**Values Matter Miami:** This initiative is focused upon creating and maintaining a safe learning environment. As part of this process, students will receive instruction on the school district's *Code of Student Conduct* and nine core values. Positive behavior will be emphasized stressing the point that students have the power to make good choices, demonstrate positive behaviors, and make values matter.

~~**You Are Not Alone Bullying Prevention School Campaign:** This campaign places an emphasis on connectivity between students, as well as positive relationships between students and staff.~~

~~**Youth Crime Watch:** The Youth Crime Watch program relies on the principle of good citizenship, where youth take an active role in addressing the problems around them. They are a part of their community and must be a part of the solution to their school's and community's needs. The program provides youth with the tools, guidance and self-confidence to prevent crime, violence and drug abuse.~~

- 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), F.S., 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 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 District school buses.

- o. **Appeals Process:** If the student/parent does not agree with the final determination made by the school site, he/she may appeal the determination by submitting a letter of appeal within 15 workdays to the Region Office or Division of Student Services

District Office.

- p. Constitutional Safeguard:** This policy does not prohibit and should not be interpreted or enforced to prohibit expressive activity or conduct protected by the First Amendment of the United States Constitution or Article I, Section 4 of the Florida Constitution.
- q. Preclusion:** This policy shall not be interpreted or applied to prevent a victim or accused from seeking redress under any other available law either civil or criminal.
- r. Severability:** If a provision of this policy is or becomes illegal, invalid, or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.