

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

Title 6Gx50

Chapter 5. Pupil Personnel

Section 5.002

Policy 5.002 Prohibition of Bullying and Harassment

1. **Purpose.** The paramount goal of the School Board is to ensure a safe, secure, civil and respectful learning environment for all students and school employees. Bullying or harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. It is important to change the social climate of schools and the social norms with regard to bullying and harassment. This requires the efforts of everyone in the school environment - teachers, administrators, counselors, other non-teaching staff, parents or legal guardians, and students. The purpose of this policy is to assist the School District in its goal of preventing and responding to acts of bullying or harassment and its compliance with the Jeffrey Johnston Stand Up for All Students Acts, Section 1006.147, and Florida Statutes.

2. **General Applicability of Policy.** This policy applies not only to students or school employees who directly engage in an act of bullying or harassment, but also to students or school employees who, by their indirect behavior, condone or support another student's or employee's act of bullying and harassment. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying or harassment regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources. This policy applies to any students or school employees whose conduct at any time or in any place constitutes bullying or harassment that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

3. **Statement of Policy.** The School District prohibits bullying and harassment of any type of students or school employees, by either a student or a group of students, a school volunteer or visitor, or a school employee. Bullying and harassment are expressly prohibited on school district property or at school-related functions.
 - a. No teacher, administrator, volunteer or other school employee shall permit, condone or tolerate bullying and harassment.
 - b. The apparent permission or consent by a student being bullied or harassed does not lessen the prohibitions contained in this policy.
 - c. Reprisal or retaliation against a victim, good faith reporter, or a witness of bullying or harassment is prohibited.
 - d. False accusations or reports of bullying or harassment against another student are prohibited.
 - e. A person who engages in an act of bullying, reprisal, or false reporting of bullying and harassment, or permits, condones or tolerates bullying and harassment shall be subject to discipline for that act in accordance with school board policies.

- f. The school district will act to investigate all complaints of bullying or harassment and will discipline or take appropriate action against any student, teacher, administrator, volunteer, or other employee of the school district who is found to have violated this policy.
- g. The submission of good faith complaints or reports of bullying or harassment will not affect the reporter's future employment, grades or work assignments, or educational or work environment.

4. **Definitions.**

- a. *Bullying* means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- i. Teasing
- ii. Social exclusion
- iii. Threat
- iv. Intimidation
- v. Stalking
- vi. Physical violence
- vii. Theft
- viii. Sexual, religious, or racial/ethnic harassment
- ix. Public humiliation
- x. Damaging or Destruction of property
- xi. Placing a student in reasonable fear of harm to his or her person or property
- xii. Cyberbullying, as defined herein.
- xiii. Cyber-stalking as defined herein.

- b. *Cyberbullying* means the use of electronic communication or technology devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social websites (e. g. MySpace, Facebook, etc.), internet chat rooms, internet postings, digital pictures or images, and defamatory websites to engage in acts of bullying or harassment regardless of whether such acts are committed on or off school district property and /or with or without the use of school district resources. For off-campus conduct, the School District shall be responsive in cases where the off-campus conduct causes, or threatens to cause, a substantial disruption at school or interference with the rights of students to be safe and secure.

The School Board recognizes that cyberbullying can be particularly devastating to young people because:

- i. Cyber bullying is often engaged in off-campus, but the harmful impact is felt at school.

- ii. Cyberbullying permits an individual to easily hide behind the anonymity that the Internet and other technology devices provide;
 - iii. Cyberbullying provides a means for perpetrators to spread their harmful and hurtful messages to a wide audience with remarkable speed;
 - iv. Cyberbullying does not require individuals to own their own action, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
 - v. The reflection time that once existed between the planning of a prank - or a serious stunt - and its commission is all but erased when it comes to cyberbullying activity.
- c. *Cyberstalking* 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, as defined in Sec. 784.048(1)(d), F. S., as now or hereafter amended.
- d. *Harassment* means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written or verbal or physical conduct directed against a student or school employee that
- i. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 - ii. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - iii. Has the effect of substantially disrupting the orderly operation of the school; or
 - iv. Amounts to cyberbullying as defined herein.
- e. *Bullying and Harassment also encompass*
- i. Any act of retaliation by a student or school employee against another student or school employee who alleges, asserts or reports a violation of this policy or participates in the investigation of a bullying or harassment complaint. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
 - ii. Perpetuation of conduct listed in the definition of bullying or 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, or computer network within the scope of the School District system;
- C. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment;
- D. Cyberstalking as defined herein; or
- E. Hazing as defined by Section 1006.135, Florida Statutes, as now or hereafter amended.

iii. Unwanted harm towards a student in regard to his/her actual or perceived traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender expression and/or identity, physical attributes, physical, mental or educational ability or disability, ancestry, socio-economic background, political beliefs, linguistic preferences, or familial status.

f. *Immediately* means as soon as reasonably possible but within 24 hours or the next school day.

g. *On school district property or at school-related functions* means all school district buildings, school grounds, and school property and property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicle approved for school district purposes, the area of entrance or departure from school grounds, premises or events, and all school related functions, school-sponsored activities, events or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities or events. While prohibiting bullying and harassment at these locations and events, the school district does not represent that it will provide supervision or assume liability for incidences at these locations and events.

5. ***Expected Behaviors On School Property or At School Related Functions.*** The School Board expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with 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. In addition to conducting themselves in a professional manner with supervisors, colleagues, and students, school administrators, teachers, staff, and volunteers will treat others with civility and respect, and will refuse to tolerate bullying or harassment. The School District finds that bullying and harassment, in an active or passive form, of any student or school employee is prohibited:

- a. During any school related education program, function or activity conducted by the School District;
- b. During any school-related or school-sponsored program, function or activity;
- c. While on school district property as defined by this policy; or

- d. Through the use of any electronic device, computer, or computer software that is accessed through a computer, computer system, or computer network of the School District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary actions.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district property on the part of students, school staff and community members.

All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, conforming to reasonable standards of socially acceptable behavior, respecting the person, property, and rights of others, obeying constituted authority, responding to those who hold that authority, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior.

Students are encouraged to support other students who walk away from acts of bullying and harassment when they see them, constructively attempt to stop them, and report such acts to the School Principal or his/her designee.

Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to the educational, support and administrative staff.

6. Consequences for Prohibited Conduct, False Reporting and Reprisal or Retaliation.

- a. *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 can not be raised as a defense in any disciplinary action. For the commission of an act of bullying or harassment, the following consequences shall be applicable:

- i. 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 *Student Codes of Conduct*, as provided in School Board Policies 5.18 through 5.1899.
- ii. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment shall be determined in accordance with the District's policies and applicable collective bargaining agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate as provided in *The Principles of Professional Conduct of the Education Profession in Florida*, Rule 6B-1006, F. A.C.
- iii. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the School Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

- b. *False Reporting.* The consequences for a student or employee found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be as follows:
 - i. Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Student Code of Conduct*.
 - ii. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another of bullying or harassment shall be determined in accordance with District policies, procedures and agreements.
 - iii. Consequences and appropriate remedial action for a visitor or volunteer found to have wrongfully and intentionally accused another of bullying or harassment shall be determined by the School Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

 - c. *Reprisal or Retaliation.* The School District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee of the school district who retaliates against any person who makes a good faith report of alleged bullying and harassment or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying or harassment.
 - i. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer who engages in reprisal or retaliation shall be determined by the Principal or his or her designee after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State laws, School Board policies and any applicable agreements.
 - ii. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
 - iii. Any school teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, termination of employment.
 - iv. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.
7. **Reporting of Prohibited Acts.** At each school, the School Principal or designee shall be responsible for receiving complaints alleging violations of this policy.
- a. Any person who believes he or she has been the victim of bullying or harassment, or any person with knowledge or belief of conduct that may constitute bullying or harassment shall report the alleged acts immediately to the School Principal or designee.
 - b. All school employees who receive a report of, observe, or have other knowledge or belief of conduct that may constitute bullying or harassment shall inform the Principal or designee immediately.

- c. The Principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, visitors, and parents, how a report of bullying may be filed and how this report will be acted upon.
- d. A student, parent or guardian, volunteers or visitors may report bullying or harassment incidents anonymously, on a designated complaint form, or in-person to the Principal or designee. However, the student may make a report of bullying or harassment to any school employee. The school employee will assist the student in reporting to the Principal or designee.
 - i. The School Principal or designee will devise anonymous methods of filing a report of bullying or harassment by a student, parent, volunteer or visitor. Such formats may include electronic, drop-box, or telephone techniques for reporting, but the chosen format must promote safety and privacy. Although reports may be made anonymously by students, parents, volunteers or visitors, formal disciplinary action may not be based solely on the basis of an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
- e. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such acts.

8. Investigation of Complaints.

- a. 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.
- b. The Principal or designee will begin a prompt investigation of the reported incident, but such investigation shall be commenced no later than the next school day. The person initiating the investigation may not be the accused perpetrator or victim. The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- c. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- d. The investigating party shall collect and evaluate the following facts including but not limited to:
 - i. Description of incident(s) including the nature of the behavior;
 - ii. Context in which the alleged incident(s) occurred;
 - iii. How often the conduct occurred;
 - iv. Whether there were past incidents or past continuing patterns of behavior;
 - v. The relationship between the parties involved;
 - vi. The characteristics of parties involved, i. e. grade, age, etc.
 - vii. The identity and number of individuals who participated in bullying or harassing behavior;
 - viii. Where the alleged incident(s) occurred;

- ix. Whether the conduct adversely affected the student's education or educational environment;
 - x. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - xi. The date, time and method in which parents or legal guardians of all parties involved were contacted.
- e. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include:
- i. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - ii. A written final report to the School Principal.
- f. The principal or designee will make a determination whether or not the reported act of bullying or harassment falls within the scope of the School District. If the situation could possibly fall outside the domain of the School District, the principal or designee will consult with School Police to determine if the alleged act should be managed as a criminal act.
- i. If it falls within the jurisdiction of School Police, school discipline and reporting procedures will be followed.
 - ii. If the alleged act is outside the jurisdiction of the School District, the School Police or School Principal will contact and refer the incident to the appropriate local law enforcement agency.
 - iii. If the incident is outside the scope of the District and determined not a criminal act, the School Principal shall inform the parents or legal guardians of all students involved.
- g. If the School Principal or designee is directly and personally involved with a complaint or is closely related to a party to the complaint, then the area superintendent shall be asked to conduct the investigation.

9. Notification to Parents or Guardians.

- a. The Principal or designee shall promptly report to the parents or legal guardians of a student who has been reported as a victim of bullying and/or harassment, and the custodial parent(s) or legal guardians of the perpetrator of the alleged acts of bullying and/or harassment. Such notification shall occur on the same day an investigation has been initiated, and may be made by telephone, writing, or personal conference. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- b. If the incident results in the perpetrator(s) being charged with a crime, the School Principal or designee shall by telephone or writing, inform the parents or legal guardians of the victims involved about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Section 9532) that states ". . . a student who becomes a 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 within the local educational agency, including a public charter school."
- c. The frequency of notification will be dependent on the seriousness of the bullying or harassment incident.

10. **Referrals for Counseling Intervention.** When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services will be made available to the victim(s), perpetrator(s) and parents/guardians, as appropriate. In addition to disciplinary actions, the Principal will offer assistance to students who bully or harass others, including, as appropriate, behavior intervention plans or referrals to counseling services.

- a. The teacher or parent/legal guardian may request informal consultation with school staff, e. g., school counselor or school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardians are included.

11. **Publication, Training and Education.**

- a. At the beginning of each school year, the Principal or designee shall inform school staff, parents/guardians, and students of the School District's policy prohibiting bullying or harassment, the effects of bullying and other applicable initiatives to prevent such conduct.
- b. This policy shall be referenced in the Student Code of Conduct, in the School District's employee and student handbooks, and other means as determined by the Superintendent.
- c. The School District may implement programs and other initiatives to prevent bullying or harassment, to respond to bullying and harassment in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying and harassment.
- d. The Superintendent or designee shall make vendors or contractors aware of this policy.
- e. The Department of Safe Schools shall devise posters or other signage to provide reminders of this policy for display on school grounds and school buses.

12. **Immunity for Good Faith Reporting.** Any school employee, school visitor, volunteer, student, parent or legal guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

13. **Reporting of Bullying and Harassment.** Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline required under Section 1006.09(6), Florida Statutes. The principal or designee will report each incident of bullying and harassment, and the resulting consequences, including discipline and referrals, in the Safety Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data. The report shall also include bullying/harassment as an incident code, as well as the "bullying-related" element code to situations that meet the definition of bullying along with an accompanying behavior, i.e. "Battery, Bullying-related," as required by state laws.
14. **On-going Reporting to Target's Parents/Guardians.** Following an appropriate investigation, Principals or designees will report to the target's parents what steps have been taken to protect the student. Follow-up reports will be designed based on the success of the interventions and will continue in a fashion that is deemed necessary by the Principal. Notification will be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
15. **Privacy and Confidentiality.**
- a. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. § 1002.22(3) (d); the Family Educational Rights and Privacy Act ("FERPA"); and any other applicable laws.
 - b. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
 - c. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.
16. **Constitutional Safeguard.** This policy shall not be interpreted to infringe upon the First Amendment rights of students (i. e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by federal and state laws).

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42

LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43, 1003.04, 1003.31, 1003.32, 1006.07, 1006.08, 1006.09, 1006.10, 1006.147, F. S.; 20 USC 1232g

HISTORY: 12/10/2008