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BULLYING AND HARASSMENT

5.421*

I. Bullying and Harassment Prohibited

- A. It is the policy of the Seminole County School Board that all of its students, volunteers, and school district level employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The School Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
- B. Bullying or harassment of any student, school district employee, or school/school district volunteer, including but not limited to Dividend volunteers is prohibited:
1. During any education program or activity conducted or sponsored by the School Board or any school;
 2. On a school bus or any commercial or private vehicle providing transportation for a School Board or school sponsored program or activity;
 3. When in route to school aboard a school bus or at a school bus stop. Notwithstanding the duty to investigate complaints of bullying or harassment while a student is at a school bus stop, the School Board is not liable for such incidents but is only responsible to investigate and refer to the appropriate agency.
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network maintained by the School Board or any district school within the scope of the 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
 5. Through the use of data or computer software that is accessed through a computer, computer system, or computer network at a

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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.

6. The above section (5) does not require a school to staff or monitor any non-school related activity, function, or program.

II. Definitions

A. *Bullying and cyberbullying*, means systematically and chronically inflicting physical hurt or psychological distress on one or more students, a district employee or a district volunteer, including: unwanted and repeated written, verbal, or physical behavior. This includes any threatening, insulting, or dehumanizing gesture; 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

1. Teasing (unwanted/taunting);
2. Social exclusion;
3. Threat;
4. Intimidation;
5. Stalking;
6. Physical violence;
7. Theft;
8. Sexual, religious, or racial harassment;
9. Public or private humiliation; or

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10. Destruction of property.
- B. *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, photoelectronic system, or photooptical 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 one or more persons 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.
- C. *Harassment* means any threatening, insulting or dehumanizing gesture, use of data or computer software, written, verbal or physical conduct directed against a student, school district employee or volunteer by a student, school district employee or volunteer that:
1. Places a student, school district employee, or volunteer in reasonable fear of harm to his/her person or damage to his/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 or any school or school district activity.
- D. Bullying, cyberbullying and harassment include cyberstalking which 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 by § 784.048(1) (d) F.S.

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E. Other Applicable Definitions

1. *Access* means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, computer system, or computer network.
2. *Computer* means an internally programmed, automatic device that performs data processing including all electronic devices.
3. *Computer network* means any system that provides communications between one or more computer systems and its input or output devices, including, but not limited to, display terminals and printers that are connected by telecommunication facilities.
4. *Computer program or computer software* means a set of instructions or statements and related data which, when executed in actual or modified form, cause a computer, computer system, or computer network to perform specified functions.
5. *Computer services* include, but are not limited to, computer time; data processing or storage functions; or other uses of a computer, computer system, or computer network.
6. *Computer system* means a device or collection of devices, including support devices, one or more of which contain computer programs, electronic instructions, or input data and output data, and which perform functions, including, but not limited to, logic, arithmetic, data storage, retrieval, communication, or control. The term does not include calculators that are not programmable and that are not capable of being used in conjunction with external files.
7. *Data* means a representation of information, knowledge, facts, concepts, computer software, computer programs, or instructions. Data may be in any form, in storage media or stored in the memory of the computer or in transit or presented on a display device.

- F. *Within the jurisdiction of the district school system* means the use of computer technology as defined in section E of this policy that is owned, operated, or maintained by the School Board of any District School or

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engaging in conduct that constitutes bullying or harassment as defined by this policy at a time or place that is subject to the jurisdiction of the School Board.

- G. Bullying and harassment also include
1. Retaliation against a student, school district school employee, or district volunteer by another student, school district employee, or district volunteer for asserting, reporting, or alleging an act of bullying or harassment, including a false act of bullying or harassment;
 2. 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, school employee, or school volunteer 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 District school system;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment. Cyberstalking as defined in § 784.048(1)(d) Fla. Stat., 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.
- H. *An accused* is defined as any student, district employee, consultant, contractor, agent, visitor, volunteer, or other person in the school or outside the school at school-sponsored events, on school buses or other vehicles used for the transportation of students in conjunction with participation in a school or school board sponsored activity, and at training facility or training program sponsored by the District who is reported to have committed an

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act of bullying, whether formally or informally, verbally or in writing, including cyberbullying.

- I. *Complainant* is defined as any student, district employee, consultant, contractor, agent, visitor, volunteer, or other person who formally or informally makes a report of bullying, orally or in writing, including but not limited to the victim.
- J. *Principal* also means an assistant principal, dean or other staff which may be identified as the principal's designee.

III. Behavior Standards

The Seminole County School Board requires that students, employees, and volunteers conduct themselves as appropriate for their respective level of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, employees, and volunteers and as otherwise set forth in School Board policies.

IV. Consequences

- A. Committing an act of bullying or harassment:
 - 1. Consequences and appropriate remedial action for a student who commits acts of bullying or harassment may range from behavioral interventions up to and including suspension or expulsion, as set forth in the *Student Conduct and Discipline Code*.
 - 2. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall include a letter of concern, reprimand, and/or a suspension without pay or termination as determined in accordance with School Board policies, procedures, and agreements.
 - 3. Consequences and appropriate remedial action for a visitor found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

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4. Consequences and appropriate remedial action for a volunteer found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to the Executive Director of Human Resources and appropriate law enforcement officials.
- B. False accusation of an act of bullying or harassment
1. Consequences and appropriate remedial action for a student, found to have wrongfully and intentionally accused another as a means of bullying or harassment, range from behavioral interventions up to and including suspension or expulsion, as outlined in the *Student Conduct and Discipline Code*.
 2. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined in accordance with District policies, procedures, and agreements and reported to the Executive Director of Human Resources and Professional Standards.
 3. Consequences and appropriate remedial action for a visitor found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
 4. Consequences and appropriate remedial action for a volunteer found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to the Executive Director of Human Resources and Professional Standards, and appropriate law enforcement officials.
- V. Reporting an Act of Bullying or Harassment

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- A. All complaints of bullying or harassment by a student or students shall be reported to the student's principal or principal's designee, whether reported by a student, employee, parent, volunteer or other source. Anyone who is a victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report.
- B. All complaints of bullying or harassment by a school volunteer, or an employee(s) shall be reported to the Executive Director for Human Resources, whether reported by a student, employee, and parent, volunteer or other source. Anyone who is a victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report. Such reports shall be investigated as directed by the Executive Director for Human Recourses and Professional Standards.
- C. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. Reports may be made anonymously or in person.

The principal of each school in the District shall establish and prominently publicize the district procedure to students, staff, volunteers, and parents/legal guardians, the process to be followed to report suspected or known bullying or harassment anonymously and the process that will be followed in the investigation of a report.

- D. 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. (§ 1006.147(6), F.S.)

Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning, work environment, or work assignments.

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- E. Any written or oral reporting of an act of bullying or harassment shall be considered an official report of such act(s) and shall be investigated as herein required.
 - F. Reports may be made anonymously for the investigation process to begin. Formal disciplinary action will be based on the results of the investigation.
- VI. Investigation of a Report of Bullying or Harassment
- A. The investigation of a reported act of bullying or harassment shall begin with a report of such an act.
 - B. An initial determination shall be made as to whether or not the incident and the alleged are within the jurisdiction of the School Board. If it is within the jurisdiction of the District, the investigation shall be conducted as provided herein. If it is determined that the reported bullying or harassment falls outside of the jurisdiction of the school board, the principal shall notify and refer the incident(s) to the appropriate law enforcement agency for investigation. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
 - C. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
 - D. 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.
 - E. The investigator shall collect and evaluate the facts including but not limited to
 - 1. Description of incident(s) including nature of the behavior;
 - 2. Context in which the alleged incident(s) occurred;
 - 3. How often the conduct occurred;

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4. Whether there were past incidents or past continuing patterns of behavior;
 5. The relationship between the parties involved;
 6. The characteristics of parties involved, *i.e.*, grade, age;
 7. The identity and number of individuals who participated in bullying or harassing behavior;
 8. Where the alleged incident(s) occurred;
 9. Whether the conduct adversely affected the student's education or educational environment;
 10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident;
 11. Whether the incident or communication reasonably lead school authorities to forecast substantial disruption of or material interference with school activities or that collides with the rights of other students to be secure and to be let alone; and
 12. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- F. The determination of whether a particular action or incident constitutes a violation of this policy shall be based on all the facts and surrounding circumstances and shall include:
1. Recommended disciplinary action
 2. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 3. A written final report to the principal.
- G. The investigation shall be completed within 10 school days from the filing of the complaint unless otherwise specifically extended by the principal for good cause.

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- H. 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.
 - I. The physical location or time access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.
- VII. Investigation of complaints of bullying or harassment by employees, volunteers, or other persons shall be conducted by the Executive Director of Human Resources and Professional Standards or as directed by that administrator.
- VIII. Notification to Parents/Guardians of Incidents of Bullying or Harassment
- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment.
 - 1. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
 - 2. If the bullying 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 the parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, 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 that the student attends, be allowed to attend a safe public elementary school or

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secondary school within the local educational agency, including a public charter school.”

3. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

IX. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

When bullying or harassment is suspected or when a bullying incident is reported, outside counseling services referrals may be made available to the victim(s), perpetrator(s), and parents/guardians as deemed appropriate by the intervention team. The members of the Intervention team are to be determined by the principal of the school.

- A. The teacher or parent/legal guardian may request informal consultation with school or district staff 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 guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school principal or designee and assigned to an appropriate intervention team for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
- C. The intervention team may recommend:
 1. Counseling and support to address the needs of the victims of bullying or harassment;
 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management;

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

X. Collecting Bullying and Harassment Data

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. Examples of recommendations include but are not limited to: change in seating, change in schedule, no contact contract, change in assigned lunch schedule, enhanced supervision, etc.
- B. The School Board will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes incident codes for bullying (BUL) and/or harassment (HAR) as an incident code as well as bullying-related as a related element code. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. 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.
 1. Bullying and/or harassment incidents shall be reported in SESIR with the bullying/harassment code.

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2. If the bullying and/or harassment incident occurs, then it will be reported in SESIR with either the bullying or 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. Such incidents are
 - a. Alcohol
 - b. Arson
 - c. Battery
 - d. Breaking and Entering
 - e. Disruption on Campus
 - f. Drug Sale/Distribution Excluding Alcohol
 - g. Drug Use/Possession Excluding Alcohol
 - h. Major Fighting
 - i. Homicide
 - j. Kidnapping
 - k. Larceny/Theft
 - l. Robbery
 - m. Sexual Battery
 - n. Sexual Harassment
 - o. Sexual Offenses
 - p. Threat/Intimidation
 - q. Trespassing
 - r. Tobacco

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- s. Vandalism
 - t. Weapons Possession
 - u. Other Major (Other major incidents that do not fit within the other definitions)
- C. Discipline and referral data shall be recorded in the Student Discipline/Referral Action Report and the Automated Student Information System.
- D. The School Board shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3 and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. The SESIR codes used for reporting this data are as follows: bullying (BUL), harassment (UHR), unsubstantiated bullying (UBL), unsubstantiated harassment (UHR), sexual harassment (SXH), and threat/intimidation (TRE). Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race or disability) noted in their student record.
- XI. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment
- A. The School Board shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit 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; school librarians; parents/legal guardians; and students.
 - B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the School Board’s policy and regulations against bullying and harassment. The instruction shall include evidence-

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based methods of preventing bullying and harassment as well as instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

XII. Stakeholder Responsibilities

- A. The Office of Safe Schools in collaboration with other District departments will collaborate with school based staff members, families, and community stakeholders to utilize this policy and associated procedures to promote academic success and promote protective factors within each school by ensuring that each and every staff member and student is trained on violence prevention. These trainings will work to create a climate within each school and within the District that fosters the safety and respect of children and the belief that adults are there to protect and help them. Additionally, students and staff (including but not limited to school based employees, administrators, district personnel, counseling staff, and bus drivers) will be given the skills, training, and tools needed to create the foundation for preventing, identifying, investigating, and intervening when issues of bullying arise.
- B. Schools - Each school principal shall designate a district contact, who shall work with the Office of Safe Schools to address acts of violence, bullying, harassment and school safety, The selected contact will be trained by the Office of Safe Schools and the contact will in turn train appropriate staff.
- C. Evidence-based Interventions and Strategies - The Office of Safe Schools will serve as the lead trainer of prevention for all designated school staff. Those trained will then collaborate with district liaisons to implement the evidence-based interventions and proven programs within each of their schools. Training will focus on prevention and evidence-based strategies.
- D. Evaluation of Service Effectiveness - The District Discipline Committee will analyze SESIR data annually.

XIII. Additional Referral

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

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XIV. Constitutional Safeguard

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

XV. Publicizing the Policy

- A. 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 students of the School Board's Student Safety and Violence Prevention policy.
- B. All Seminole County Public Schools shall provide notice to students and staff of this policy through appropriate references in the *Student Conduct and Discipline Code* and employee handbooks and through other reasonable means.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.04, 1003.31, 1003.32,
1006.07, 1006.08, 1006.09,
1006.10, 1006.147, F.S.
20 USC 1232g

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