

Bay District Schools

Division of Teaching and Learning
Student Services

BULLYING PREVENTION POLICY AND PROCEDURES

Panama City, Florida
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TABLE OF CONTENTS

Introduction: Law, Policy Intent and School Climate.....	3
Education of Students and School Employees	4
Reporting Procedures	5
Investigation Procedures	5
Outcomes	6
Counseling Referrals	6
Notification and Reporting	7
Employee Bullying Complaints.....	7
Student Services Assistance	7
School Board Policy 7.207	8

Introduction

Law

In 2008 the Florida Legislature enacted FL Statute 1006.47: The Jeffrey Johnston Stand Up for All Students Act. The act was named for Jeffrey Johnston, a student from Coral Gables, FL who committed suicide after suffering bullying and harassment at school. The law states that bullying or harassment of any student or employee of a public K-12 educational institution is prohibited.

Intent of policy and expectation of the Board of Education

In December, 2008, the Bay District School Board passed policy 7.207, which states that the district will not tolerate bullying and harassment of any kind. It is the intent of the Bay District School Board that all students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The district will not tolerate bullying and harassment of any type, and any conduct that constitutes bullying and harassment is prohibited.

The intent of this manual is to outline the procedures that will be followed in Bay District Schools to address any bullying or harassment incidents.

School Climate

The district ensures that schools sustain healthy, positive and safe learning environments for all students and employees. It is important to change the social climate of the school and the social norms with regard to bullying. This change will require the effort of all school personnel: teachers, administrators, counselors, school nurses, volunteers and other non-instructional staff; parents and students.

Schools shall provide instruction to students and school personnel that will include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

Schools designated as Positive Behavior Support schools will use the PBS methods to enhance positive social climate. Other schools will determine what methods to use. The student services department is available to provide assistance if needed.

Education of students and school employees

At the beginning of each school year, the superintendent or designee shall, in writing, inform school staff, parents, and others responsible for the welfare of a student of the District's bullying prevention policy. This will be done through the district's code of student conduct, employee handbooks and/or other reasonable means.

All school employees are mandated reporters of any known bullying or harassment incidents.

Each school year, principals will:

- Provide all employees and volunteers instruction in methods of reporting and investigating claims of bullying and harassment, and on the district bullying prevention policy and procedures
- Develop an annual process discussing the District policy on bullying and harassment with students in an assembly or other reasonable format
- Display reminders of the policy and bullying prevention messages such as posters and signs in each school.

Bullying prevention messages will also be displayed on District school buses.

All school employees are required to report alleged violations of this policy to the principal or designee. All other school community members are strongly encouraged to report alleged violations.

An in-person or anonymous report may be filed with the principal or designee by the victim of bullying or harassment, anyone who witnesses the incident, and anyone who has credible information about the incident.

Any written or oral report shall be considered an official means of reporting. Anonymous reports may be filed and must be investigated by the designated official, but formal disciplinary action will not be based solely on the basis of an anonymous report. Anyone who reports in good faith, an alleged violation of this policy, to the appropriate school official, 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 report will not affect the complainant's or reporter's future employment, grades learning or working environment or work assignments.

School procedures for reporting bullying and harassment incidents

- Each school principal shall name a designee to receive bullying or harassment allegations
- The school must prominently publicize how to report a bullying or harassment incident, either in person or anonymously, and how the report will be acted upon
- The name of the designee and the reporting process will be provided to the director of student services
- The principal or designee will report the occurrence of any incident of bullying or harassment as defined by the policy to the parent or legal guardian of all students involved **on the same day as the investigation is initiated**. Notification shall be via telephone, personal conference, and/or in writing. Notification will be documented.
- The principal or designee will select an employee of the school trained in investigative procedures to initiate the investigation of all reported acts of bullying or harassment. The investigator may not be the victim or the accused perpetrator.

School Procedures for Investigating Reports

1. At no time will the alleged victim and perpetrator be interviewed together
2. Interviews of the alleged victim, perpetrator and any witnesses will be conducted privately and separately. Interviews are documented and are to be kept confidential
3. The investigator shall collect and evaluate facts, including but not limited to:
 - i. description of the incidents: nature of the behavior and context in which the alleged incident took place
 - ii. how often the conduct occurred
 - iii. any past incidents or continuing patterns of behavior
 - iv. the relationship between the parties involved
 - v. characteristics of the parties involved (age, grade, etc)
 - vi. identity of all individuals involved in incident
 - vii. whether the conduct adversely affected the student's education
 - viii. whether the alleged victim perceived an imbalance of power as a result of the reported behavior
 - ix. the date, time and method in which the parents/legal guardians of all parties involved were contacted
4. A determination of policy violation is made based on all the facts and surrounding circumstances
5. Remedial steps to stop the bullying and/or harassment behavior are recommended

6. A written report of the investigation and outcome is submitted to the principal. If the principal is the investigator, he/she will maintain a written report.
7. The school will report violations of the policy through the AS400 discipline reporting system, and as appropriate, the SESIR reporting process.

A maximum of 10 school days shall be the time limit from initial filing of incidents to completion of the investigative procedural steps.

Confidentiality

The highest level of confidentiality possible is to be upheld regarding the submission of a complaint or report of bullying and/or harassment, and the investigation that follows. Parent notification is to be consistent with student privacy rights under FERPA regulations.

OUTCOMES

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 and or expulsion, as outlined in the code of student conduct
- For school employees found to have committed acts of bullying or harassment may be discipline in accordance with district policies, procedures and agreements. Egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate
- For visitors and volunteers found to have committed acts of bullying and harassment shall be determined by the school administrator, and may include reports to appropriate law enforcement officials
- For any **parties who wrongfully and intentionally accuse another** of an act of bullying or harassment are the same as those listed as consequences and appropriate remedial action for those found to have committed any acts of bullying and harassment

Counseling referrals

When bullying or harassment is suspected, or a bullying incident has been reported, a teacher or parent/guardian may request an informal consultation with school personnel – teachers, counselors, administrators - to determine the severity of concern and appropriate steps to address the concern. A referral may also be made directly to the school's Child Study Team (CST).

If a formal discipline report or a formal complaint is made, the principal or designee **must** refer the student to the CST for determination of interventions and counseling

support. Parent/legal guardian involvement is required at this point. As a result of the referral, the CST:

- must address any counseling and support needed to address the needs of the victim of bullying or harassment.
- must determine if research-based counseling /interventions need to be implemented to address the behavior of students who bully or harass others.
- must provide research-based counseling/interventions to parents/guardians if needed or appropriate.

NOTIFICATION AND REPORTING

Notification to parents must take place the same day as the initiation of the investigation. (See procedure #2 above.)

If the bullying incident results in the perpetrator being charged with a crime, the principal or designee shall inform the parent of the victim, by telephone or first class mail, of the Unsafe School Choice Option, (NCLB Title IX., Part E, Subpart 2, Section 9532), which provides that a student who is a victim of a crime is allowed to attend a safe public school within the local educational agency, including a public charter school. Bay District School Board policy 7.201 also provides for the victim of a crime to request that the offender attend another school than that of the victim or the victim's siblings.

EMPLOYEE BULLYING COMPLAINTS

The principal shall report the following bullying complaints to the Human Resources Department:

- A student files a complaint against an employee
- An employee makes a complaint against a supervisor
- An employee makes a complaint against another employee

The Executive Director of Human Resources will conduct the investigation of these complaints.

Student Services Assistance

The Students Services Department of Bay District Schools is available to provide guidance on bullying prevention law and policy, faculty training, and consultation.

BULLYING, HARASSMENT, OR CYBERSTALKING 7.207

It is the policy of the School Board of Bay County, Florida (the “District” or “School Board”) that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

Definitions

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, 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
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of property

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

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
2. Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and harassment also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying 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 District
- c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment

Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Expectations

The School Board expects students and employees to conduct themselves in keeping with 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.

1. The School Board prohibits the bullying of any student or school employee:
 - a. during any educational program or activity conducted by the District;
 - b. during any school-related or school sponsored program or activity or on a District school bus;
 - c. through the use of any electronic device or data while on school grounds or on a computer system, or computer network of the District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section;
 - d. through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school sponsored program or activity, or on a District school bus; or
 - e. while the District does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer.
2. 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, self discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior.
3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.
4. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in this policy and in the Student Code of Conduct.

Consequences

For any student or employee of a public K-12 educational institution who commits an act of bullying or harassment:

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. 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.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.)

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 administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

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: 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 positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements.

Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another 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.

Procedures for Reporting

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, 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.

The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, 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, 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 of bullying or harassment.

A school employee, school volunteer, student, parent/legal guardian or other person(s) who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Procedures for Prompt Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. At each school in the District, the Procedures for Investigating Bullying and/or Harassment include:

1. The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
2. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are 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.
3. The investigator shall collect and evaluate the facts including, but not limited to:
 - a. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc;
 - b. How often the conduct occurred;
 - c. Whether there were past incidents or past continuing patterns of behavior;
 - d. The relationship between the parties involved;
 - e. The characteristics of parties involved (i.e., grade, age, etc.);
 - f. The identity and number of individuals who participated in bullying or harassing behavior;
 - g. Where the alleged incident(s) occurred;
 - h. Whether the conduct adversely affected the student's education or educational environment;
 - i. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - j. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.

4. 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:
 - a. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - b. A written final report to the principal.
5. The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

Scope of District

A principal or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the District. The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.

1. If it is within scope of the District, move to Procedures for Investigating Bullying and/or Harassment.
2. If it is outside scope of district, and determined a criminal act, refer to appropriate law enforcement.
3. If it is outside scope of the District, and determined not a criminal act, inform parents/legal guardians of all students involved.

Notification

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).

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

Referral for Counseling

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

1. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, 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).
2. A referral process to provide professional assistance or services that includes:
 - a. A process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)
 - b. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
3. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - a. Counseling and support to address the needs of the victims of bullying or harassment
 - b. Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management)
 - c. Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate

School Safety Reports

The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying/harassment** as an incident code as well as **bullying-related** as a related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation. If a bullying and/or harassment incident occurs then it will be reported in SESIR with the **bullying / harassment** code. If the bullying/harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying-related** code. Those incidents are:

- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Major Fighting
- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses

- Threat/Intimidation
 - Vandalism
 - Weapons Possession
 - Other Major (Other major incidents that do not fit within the other definitions)
- Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. The District will provide bullying 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.

Procedures for Providing Instructions

The District ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. 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 on an annual basis on the District's Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

Procedures for Regularly Reporting Protection for Victims

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying 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).

Procedures for Publicizing Policy

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 the District school buses.

First Amendment Rights

Nothing in this Policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

Authority: 1001.41, 1006.147, F.S.

History: New; December 10, 2008