BULLYING AND HARASSMENT 5.321*

(1) Statement Prohibiting Bullying and Harassment

a) It is the policy of the Washington County 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 of any type. Conduct that constitutes bullying and harassment, as defined herein, are prohibited.

b) The District upholds that bullying or harassment of any student or school employee is prohibited:

(i) During any education program or activity conducted by a public K-12 educational institution, adult general education training center and technical college;

(ii) During any school-related or school-sponsored program or activity;

(iii) On a school bus of a public K-12 and adult educational institution;

(iv) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 and adult education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or

(v) 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 the School District or a 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.

(2) Definitions

a) Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.

b) Bullying includes cyberbullying and 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:

(i) Teasing;

(ii) Social Exclusion;

(iii) Threat;

(iv) Intimidation;

(v) Stalking;

(vi) Physical violence;

(vii) Theft;

(viii) Sexual, religious, or racial harassment;

(ix) Public or private humiliation; or

(x) Destruction of property

The term *bullying* shall include cyberbullying whether or not specifically stated.

B. Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.

c) 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.

d) Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in course of conduct to communicate, or 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.

e) 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:

(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; or

(iii) Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or

(iv) Has the effect of substantially disrupting the orderly operation of a school.

f) Bullying and harassment also encompass:

(i) 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.

(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 District school system;

(c) Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

~~g) 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.~~

(3) Behavior Standards

a) The Washington County 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.

b) The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing 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. Because 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.

~~c) The District upholds that bullying or harassment of any student or school employee is prohibited:~~

~~(i) During any education program or activity conducted by a public K-12 educational institution, adult general education training center and technical college;~~

~~(ii) During any school-related or school-sponsored program or activity;~~

~~(iii) On a school bus of a public K-12 and adult educational institution;~~

~~(v) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 and adult education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or~~

~~(v) 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 the School~~

~~District or a 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.~~

~~(vi) School staff is not required to monitor any non-school-related activity, function, or program.~~ (Moved to page 1)

(c) Student responsibilities include the requirements for students to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others obey constituted authority; and respond to those who hold that authority.

(d) All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systematic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

(e) Student rights shall be explained as outlined in the *Student Code of Conduct.*

(f) Disciplinary sanctions and due process shall be followed as per the *Student Code of Conduct.*

(4) Consequences for students and/or employees.

a) Committing an act of bullying or harassment:

(i) 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.

(ii) 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.*

(iii) 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 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.*)~~

(iv) 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.

b) Wrongful and intentional accusation of an act of bullying or harassment:

(i) 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*.

(ii) 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.

(iii) 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.

(5) Receiving Reports of an Act of Bullying or Harassment

a) At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.

b) All school employees are required to report alleged violations of this policy to the principal or the principal's designee.

c) 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.

d) 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.

e) 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.

f) 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.

g) 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.

h) Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).

i) Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

(6) Investigation of a Report of Bullying or Harassment

a) The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en-route to school aboard a school bus or at a school bus stop.

b) 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.

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

(i) Description of incident(s) including 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;

(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 the parents/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 the 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 principal.

f) The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.

g) 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.

(7) Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District

a) The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.

b) The trained investigator(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.

(i) If it is within the scope of the District, a thorough investigation shall be conducted.

(ii) If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.

(iii) If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.

(iv) Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

(8) 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.

(i) 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).

(ii) 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 the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states ". . .a student 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."

b) 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).

c) Notification to local agencies where criminal charges may be pursued.

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.

(9) Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.

a) The teacher or parent/legal guardian may requèst informal consultation with school staff, specialty staff, *e.g.*, school counselor, 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.

b) School personnel or the 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 shall be required when the student is referred to the intervention team.

c) 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 shall be required.

d) A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend:

(i) Counseling and support to address the needs of the victims of bullying or harassment;

(ii) Research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management; and/or

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

(10) Reporting Incidents of Bullying and Harassment in School's 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. Cyberbullying incidents shall be included within the bullying incidents category. The report shall also include, in a separate section, 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.

b) The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying and harassment as incident codes as well as bullying-related as a related element code.

(i) SESIR Definitions

(a)Bullying – Systematically and chronically inflicting physical hurt of 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.

(b)Harassment – 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.

(ii) Bullying and/or harassment incidents shall be reported in SESIR with the bullying (BUL) or harassment (HAR) code. Unsubstantiated incidents of bullying or harassment shall be coded UBL or UHR.

(iii) If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. 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 Sale/Possession Excluding Alcohol

(h) 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

(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 Student Discipline/Referral Action Report and Automated Student Information System.

d) The District 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.

e) 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 shall include the incident basis. Victims of these offenses shall also have the incident basis (sex, race, or disability) noted in their student records.

(11) Instruction on Identifying, Preventing, and Responding to Bullying or Harassment

a) The District 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 nonteaching 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 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 or harassment in schools.

c) The District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, District offices, and on the District website. To provide continued support to students, parents, teachers, school administrators, counseling staff and school volunteers, this policy is reviewed annually, as well as guidance on the reporting process and the anonymous reporting process. The District/Schools display reminders of this policy in all schools and websites. The current list of programs include "Bucket Filling" and the Olweus Program. Additional approved resources, lesson plans, and videos are available online at https://www.stopbullying.gov/resources; http://www.pacer.org/bullying/resources/toolkits; https://safesupportivelearning.ed.gov/; http://www.nea.org/home/51629.htm

(12) Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect the Victim

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).

(13) 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 a student of the District's student safety and violence prevention policy.

b) 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 through other reasonable means.

c) The Superintendent shall also make all contractors contracting with the District aware of this policy.

d) Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students.

e) 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.

(14) Review of Policy

The superintendent and appropriate staff shall review this policy at a minimum every three (3) years. The review shall include input from parents, law enforcement, and other community members. The Superintendent shall present the policy and any recommended changes to the School Board for consideration.

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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