

4-43 PROHIBITION OF BULLYING AND HARASSMENT

The Okaloosa County School District is committed to encouraging and assisting each student in developing his/her individual talents. In order to accomplish these purposes, it is necessary that the school climate be free of disruptions that interfere with teaching and learning activities. All students and employees are entitled to a safe, secure, and equitable environment free from harassment and bullying of any kind.

Bullying or harassment will not be tolerated and shall be just cause for disciplinary action. This policy shall be interpreted and applied consistently with all applicable State and Federal laws and the Board's collective bargaining agreements. Conduct that constitutes bullying or harassment, as defined herein, is prohibited.

To achieve this goal, it is essential that a curriculum be in place at each school to provide a foundation of prevention to build a culture of health, wellness, respect, safety and excellence.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families, and community agencies that will improve relations within each school. It is designed to ensure that every school has staff that have been trained and are supported in their school's efforts to provide awareness, intervention training, and/or instructional strategies on prevention, including violence prevention, to each staff, parent, and student in the district and to direct follow up when incidents are reported and/or occur.

(A) Definitions.

- (1) Bullying means systemically 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:
 - (a) Unwanted Teasing
 - (b) Social Exclusion
 - (c) Threat
 - (d) Intimidation
 - (e) Stalking
 - (f) Physical violence
 - (g) Theft
 - (h) Sexual, religious, or racial harassment
 - (i) Public humiliation
 - (j) Destruction of property
 - (k) Cyberstalking
 - (l) Cyberbullying

- (2) Harassment means any threatening, insulting, or dehumanizing gesture, use of data, technology or computer software, or written, verbal or physical conduct directed against a student or school employee that:
- (a) Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - (b) Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - (c) Has the effect of substantially disrupting the orderly operation of a school.
- (3) Cyberstalking, as defined in Florida Statute 784.048(d), 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.
- (4) Cyberbullying is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, emails, blogs, social websites (e.g. MySpace, Facebook), chat rooms, instant messaging, texting (written, picture, video).
- (a) Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
 - (b) Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - (c) Has the effect of substantially disrupting the orderly operation of a school.
- (5) Bullying and harassment also encompasses:
- (a) 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.
 - (b) 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:
 - 1. Incitement or coercion;
 - 2. 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;
 - 3. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

(6) Bullying, Cyberbullying, Harassment, and Discrimination (hereinafter referred to as bullying, as defined in Section A, for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, 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.

(B) Expectations. The Okaloosa County School District 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.

The School District prohibits the bullying of any student or school employee:

- (1) During any educational program or activity conducted by Okaloosa County School District;
- (2) During any school-related or school-sponsored program or activity or on an Okaloosa County school bus;
- (3) Through the use of any electronic device or data while on school grounds or on an Okaloosa County school bus, computer software that is accessed through a computer, computer system, or computer network of the Okaloosa County School 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;
- (4) 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 an Okaloosa County school bus.

(C) Disciplinary sanctions (consequences) and due processes for a person who commits an act of bullying under this policy.

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, followed by the determination of the disciplinary sanctions appropriate to the perpetrator's position within the district.

- (1) Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student

Conduct, School Board Policy 4-32 and this policy.

- (2) Consequences and appropriate interventions for a school/district employee found to have committed an act of bullying will be instituted in accordance with district policies, procedures, and collective bargaining agreements. (School Board Policy Chapter 6-27 and Chapter 6-28). Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).
 - (3) Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying, shall be determined by the school administrator after consideration of the nature and circumstances of the act, and may include reports to appropriate law enforcement officials.
 - (4) These same actions will apply to persons, whether they are students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.
- (D) Consequences for a student or employee 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 collective bargaining agreements (School Board Policy Chapter 6-29).

- (E) Procedure for reporting an act of bullying or harassment.
- (1) 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.
 - (2) 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 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 procedure 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, grade, learning or working environment, or work assignments.

- (3) 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.
- (F) Procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the 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 an individual, employed by the school, trained in investigative procedures to initiate the investigation. This individual may not be the accused perpetrator (harasser or bully) or victim.
- (2) Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately and separately. 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.
- (6) The principal or designee will provide a report on results of investigation with recommendations to make a determination of whether an act of bullying or harassment is within the scope of the school district.
 - (a) If it is within the scope of the school district, move to procedures for investigating bullying and/or harassment.
 - (b) If it is outside the scope of the school district, and determined to be a criminal act, refer to appropriate law enforcement.
 - (c) If it is outside the scope of the school district, and determined not to be a criminal act, inform parents/legal guardians of all students involved.
- (G) Procedure for providing immediate notification to the parents/legal guardians.
 - (1) 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 policy to the parent or legal guardian of all students involved on the same day that this 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).
 - (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 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 ground 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."

- (3) 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.
- (H) Referral for victims, and perpetrators of bullying or harassment for counseling.
- (1) Each school will have a process in place by which the teacher or parent/legal guardian may request informal consultation with school 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) Each school will have a process in place to provide referrals, as needed, for victims and/or perpetrators to receive access to counseling services either through the school base or outside agencies.
- (I) Incident reporting requirements.
- (1) The procedure for including incidents of bullying in the school's report of safety and discipline data is required under Florida Statute 1006.09 (6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.
 - (2) The School district will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.
 - (3) Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.
- (J) Procedure for providing instruction to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.
- (1) The district ensures that schools sustain healthy, positive, and safe learning environments of 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.
 - (2) 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.

- (3) An educational component addressing bullying prevention has been added to the existing Safe and Drug Free Schools curricula.
- (K) Procedure for regularly 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 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 Acts of 1974 (FERPA).

- (L) Procedure for publicizing the policy which must include its publication in the Code of Student Conduct required under Florida Statute 1006.07(2) and in all employee handbooks.

At the beginning of each school year, the Superintendent or designee shall, in writing inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

The Okaloosa County School District 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 school 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.

Statutory Authority: Sections 1004.41 and 1006.147, Florida Statutes
Laws Implemented: Section 1006.147, Florida Statutes
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