

FLORIDA DEPARTMENT OF EDUCATION



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Education*



Technical Assistance Paper

Guidance Related to the Development of a District Policy Against Bullying and Harassment

Summary:

The purpose of this Technical Assistance Paper (TAP) is to provide guidance to Florida school districts for compliance with Section 1006.147, Florida Statutes (F.S.), with special focus on developing a district policy against bullying and harassment that is in substantial conformity to state statutory requirements.

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Background

Introduction

The legislature recently passed House Bill 669, the “Jeffrey Johnston Stand Up for All Students Act,” and Governor Charlie Crist signed it into law on June 10, 2008. This Act creates Section 1006.147, Florida Statutes that requires districts to adopt a policy by December 1, 2008, prohibiting bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks.

The statute also requires the Florida Department of Education (FDOE) to develop and disseminate a model policy against bullying and harassment by October 1, 2008. The Department’s Office of Safe Schools, developed and drafted a policy in 2007 with input provided by district staff working in the field of violence prevention/intervention. The policy was further revised to ensure statutory requirements are addressed and a final document was distributed to districts in August 2008.

The Office of Safe Schools has also developed criteria by which district policies will be approved. The criteria have been constructed in a checklist format to ensure all legislative requirements will be met.

The law indicates that Safe Schools Appropriation funding will be withheld if policies are not in substantial conformity with the FDOE model policy.

The Office of Safe Schools has posted to its web site district policies that have been developed by the district and certified approved by the FDOE. The information can be found at http://www.fldoe.org/safeschools/bullying_prevention.asp. In addition, Safe Schools staff are also available to assist districts with their policy development to ensure statutory requirements will be met.

District Responsibilities

Compliance with the requirements of Section 1006.147, Florida Statutes, can be accomplished as follows:

- 1) **Include and involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.** To document participation of any of these stakeholders, records of their involvement must be maintained. Such records may include rosters and minutes from meetings, promotional flyers, press releases, electronic notifications, email communications, and other documents reflecting participation and involvement. Documentation along with the district policy must be submitted to FDOE.
- 2) **Provide a plan for the school district to implement the policy in a consistent and ongoing manner. Integrate the policy with curriculum, discipline policies, and violence prevention efforts.** A plan in reducing bullying and harassment requires a school-wide approach that utilizes multiple strategies. Effective bullying prevention

programs address not only the bully and victim, but also the bystander and the adults in the school who provide support. The key principles of an effective plan should include the following:

- Increase awareness of bullying/victimization occurring within a school through questionnaires or climate surveys.
- Actively involve teachers and parents in developing curriculum, creating discipline policies, and promoting violence prevention efforts.
- Develop and display clear rules against bullying. Provide positive reinforcement when rules are followed and consequences for noncompliance. Ensure that rules are consistently enforced.
- Provide a system of support that includes counseling, intervention and protection for the victim(s) as well as counseling and intervention for the perpetrator(s) of bullying and harassment.

3) **Develop a district-wide policy prohibiting bullying and harassment that is in substantial conformity with the Department's model policy.** By December 1, 2008, school districts must have developed and adopted a policy prohibiting bullying and harassment of students and staff on school grounds or school transportation, at school-sponsored events, and through the use of data or computer software that is accessed through school computer systems or networks. Each school district's policy shall be in substantial conformity with the model policy developed by the Office of Safe Schools.

4) **Submit a district policy prohibiting bullying and harassment to the Office of Safe Schools.** District policies can be submitted via e-mail to Olivia James, Program Specialist, Office of Safe Schools at Olivia.James@fldoe.org. To submit by regular mail, please send an electronic copy (Microsoft Word file) on a CD to:

Florida Department of Education
Office of Safe Schools
325 West Gaines Street, Room 544
Tallahassee, FL 32399-0400

For questions and technical assistance, please contact Olivia James at (850) 245-0416.

5) **Obtain approval and certification of district's policy from the Office of Safe Schools.** The Office of Safe Schools will notify districts when policies are approved. Because adoption of the policy must be complete by December 1, 2008, school districts should submit their policies to the Office of Safe Schools by **November 1, 2008**. Meeting the submission timeline will allow adequate time for review and consultation. After the FDOE has determined that a district policy is in substantial conformity with the law, a letter of certification along with a verification form for the superintendent to sign and return will be forwarded to the district.

6) **Implement district's required policy.** The district must develop an action plan to implement its bullying and harassment initiative. It is highly recommended that the LEA consult with the Office of Safe Schools for technical assistance regarding implementation of its policy. The FDOE staff will assist, as needed, with training,

implementation, determining appropriate consequences, reporting, notification, referrals, data collection, and promotion of the policy.

Frequently Asked Questions (FAQs)

- 1) **Are there penalties for non-compliance?** Yes, districts that are not meeting the statutory requirements could result in having Safe Schools Appropriations funding being withheld beginning with the 2009-2010 school year.
- 2) **Has the FDOE’s model policy been finalized and approved?** Yes. After requesting and receiving input from a variety of stakeholders, the final version of the state model policy was approved by Florida’s Commissioner of Education, Dr. Eric J. Smith, on August 6, 2008.
- 3) **What is the purpose of the criteria checklist developed by the Office of Safe Schools?** The criteria have been developed in the form of a checklist. They provide uniform and consistent feedback to districts when drafting their own policy. The criteria ensure that policies meet the intent of the law and its requirements.
- 4) **What purpose will the criteria checklist serve at the district level?** Districts will be able to determine if their district policy contains all the essential components to be considered “in substantial conformity” with the model policy. In the criteria checklist, highlighted items are taken directly from the law and must be included in the district policy. The items that are not highlighted are considered optional; however the Office of Safe Schools strongly recommends these options be included.
- 5) **May a district policy be incorporated by reference into different sections of other documents or must it be a stand-alone policy?** Although the law requires that the policy be incorporated in the code of student conduct and employee handbooks, it also requires that a new stand-alone policy be adopted.
- 6) **Can bullying and harassment be combined into one definition in the district policy?** No. Section 1006.147 of the Florida Statutes indicates that bullying and harassment are defined as separate behaviors. As such, district policies should reflect the language stipulated in the legislation and define them separately.
- 7) **If a child teases or insults another child, would it be considered bullying as defined by this law?** In order to make this determination, refer to the definition of bullying cited in the law and clarified in the model policy. Criteria to consider when making such determination may include: (1) behaviors that are unwanted and repeated; (2) behaviors that create an intimidating or hostile environment; or (3) behaviors that unreasonably interfere with an individual’s school performance or participation.
- 8) **May a district identify specific categories of students to which bullying and harassment is prohibited?** Districts do have the flexibility to identify specific categories of students to which bullying and harassment is prohibited. Examples of approved district policies with additional categories can be found at http://www.fldoe.org/safeschools/bullying_prevention.asp.

- 9) **How is bullying different than other acts of malicious behavior and conflict?** Researchers Dan Olweus and Barbara Coloroso describe bullying as a unique and specific social dynamic. Dan Olweus defines school bullying as “repeated negative, ill-intentioned behavior by one or more students directed against a student who has difficulty defending himself or herself. Most bullying occurs without any apparent provocation on the part of the student who is exposed” (Olweus, 1993).
- Barbara Coloroso defines bullying as “a conscious, willful, and deliberate hostile activity intended to harm, induce fear through the threat of further aggression, and create terror. Bullying is not about anger. It’s not even about conflict. It’s about contempt—a powerful feeling of dislike toward somebody considered to be worthless, inferior, or undeserving of respect. Contempt comes packaged with three apparent psychological advantages that allow students to harm another human being without feeling empathy, compassion or shame. They include a sense of entitlement, an intolerance toward differences, and a liberty to exclude a person deemed not worthy of respect or care” (Coloroso, 2003).
- 10) **Does the model policy provide districts with a description of the type of behavior expected from students and employees?** Both the state model policy and the criteria checklist include a description of the type of behavior expected from each student and school employee. A district can either adopt this language or develop its own.
- 11) **Must district policies include a description of expected behaviors from school volunteers and visitors?** While no specific references are addressed in the statute, expected behaviors of school volunteers and visitors have been included in the model policy. The district may include such description in the policy.
- 12) **Have any districts in Florida created frameworks and procedures for implementing their policy against bullying and harassment?** Yes. Several districts have developed bullying- and harassment-related forms and action plans. Therefore, the Office of Safe Schools will ensure the information be shared among districts in preparation for implementing the policies.
- 13) **Will the Office of Safe Schools provide policies developed by districts in Florida that can be used as examples?** Yes. The Office of Safe Schools will collect and post on its web site at least three certified and approved policies developed by Florida school districts. These policies may be used to help structure and develop another district’s policy. However, each district must design a policy specific to its needs.
- 14) **How can a school determine the extent to which bullying and harassment is a problem?** In order to recognize the scope of the problem, a school must determine how safe the students and staff feel. A variety of methods may be used to assess this component of school climate including: (1) classroom observations; (2) reviews of discipline records; (3) school climate surveys; (4) interviews with staff, parents and students; and (5) observations of the less supervised areas in a school, such as bathrooms, hallways, and isolated locations.

- 15) Who should be responsible for conducting investigations related to bullying and harassment?** It is strongly recommended that persons conducting any investigation be knowledgeable of the law, the district’s bullying and harassment policy, and be trained in the school district’s investigative procedures.
- 16) Why is confidentiality included in the model policy?** The Department included the confidentiality component to protect students and adults associated with an investigation. Please consult your school district’s legal counsel concerning this matter if you have additional questions.
- 17) How does a district identify a reliable procedure for immediate notification to the parents/legal guardians of students involved in a bullying/harassment incident?** The statute requires immediate notification of parents/legal guardians, yet it does not provide procedures for such notification. The model policy defines immediate as “the same day an investigation of the incident(s) has been initiated.” Although procedures for notification are not specified in the law, it is recommended that notification be made as early as possible and that all attempts to contact and inform parents/legal guardians are carefully documented.
- 18) Does one incident of bullying make a school persistently dangerous, as defined in the No Child Left Behind Act?** No. The specific criteria by which a school would be designated persistently dangerous can be found at www.fldoe.org/safeschools/usco.asp. In the case of a bullying or harassment incident whereby the perpetrator is charged with a crime, the principal shall inform the parents/legal guardians of the victim about the Unsafe School Choice Option. The student upon whom the crime was committed shall be permitted by the relevant school board, upon written request from the student’s parent, or the student (if such student is an emancipated minor), to transfer to another comparable school determined by the school board, if available. In order to be considered a violent criminal offense for the purposes of transferring to another school, it is necessary that the incident be reported to the appropriate law enforcement agency. The parent of the victim or the victim (if an emancipated minor) of any such felony crime may invoke the transfer option once the state attorney files charges against the offender. If there are any questions, please consult your school district legal counsel regarding such cases.
- 19) What is meant by “the physical location or time of access of a computer related incident cannot be raised as defense in any disciplinary action” [(Section 1006.147(7)(a), F.S.)]?** If the bullying or harassment occurred as described in Section 1006.147(2)(c), F.S., the physical location or time of access does not factor in to the defense of a disciplinary action.

For example, if a student bullies using a district-issued laptop computer at home after school hours, he/she is still subject to the same disciplinary actions as if he/she had bullied using a computer in the school computer lab during second period. Instances of using personal electronic devices to bully or harass outside of what is described in Section 1006.147(2)(a)-(b), F.S., must be considered on a case-by-case basis determined by the facts as a result of the investigation.

Resources for Developing District Policies Prohibiting Bullying and Harassment

Below are several resources to assist districts in policy development:

Technical Assistance Supporting Documents

- *Section 1006.147, F.S.*
http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1006.147&URL=CH1006/Sec147.HTM
- Department of Education's Model policy
http://www.fldoe.org/safeschools/bullying_prevention.asp
- Approval Checklist
http://www.fldoe.org/safeschools/bullying_prevention.asp
- Sample(s) of Approved District Policies
http://www.fldoe.org/safeschools/bullying_prevention.asp