

SAFE SCHOOLS

FILE: ADD

TITLE: Bullying and Harassment

POLICY:

(1) Statement prohibiting bullying and harassment:

The school board of Orange County, Florida, is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The school board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, harassment, or discrimination 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.

The best practices to ensure school safety and violence prevention initiatives for the school community (students, parents, staff and community members) are essential components of this policy. This policy is designed to assure that awareness, intervention and follow-up training components are in place within each school community with the goal of establishing and maintaining a safe learning and working environment.

Conduct that constitutes bullying, harassment or discrimination, as defined herein is prohibited.

(2) Definition of bullying, harassment, cyber-stalking and cyberbullying:

(a) Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school district 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. Unwanted 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

(b) 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 district employee that:

1. Places a student or school district 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

(c) Bullying and harassment also encompasses:

1. Retaliation against a student or school district 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 district 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

(d) 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.

(e) Cyberbullying is defined as the act of using information and communication technologies such as, but not limited to, e-mail, cell phone, pager, text messaging, instant messaging (IM), defamatory personal web sites and defamatory personal pooling web sites to support deliberate, repeated, and hostile behavior by an individual or group that is intended to threaten or harm others or which substantially disrupts or interferes with the operation of a school or an individual's academic performance.

(f) "Bullying," "Cyberbullying", "Harassment," and "Discrimination" (hereinafter referred to as bullying, , 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 school district 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.

(3) Description of the type of behavior expected from each student and school employee of a public k-12 educational institution:

(a) The Orange 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 district employees, the goal of student success underlying all school activities, and the care of school facilities and equipment.

(b) The Orange County School District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, school district employees, and community members producing a school climate that encourages students to grow in self-discipline. The development of this positive school climate requires respect for self and others, as well as for district and community property on the part of students, school district employees, parents and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate modeling behavior; treat others with civility and respect, and refuse to accept bullying or harassment.

(c) The Orange County School District upholds that bullying or harassment of any student or school district employee is prohibited:

- 1) During any education program or activity conducted by an Orange County School District K-12 educational institution;
- 2) During any Orange County School District school-related or school-sponsored program or activity;
- 3) On a school bus of a public K-12 educational institution; or
- 4) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of an Orange County School District public K-12 education institution.

Each school community is required to implement appropriate recognition for positive reinforcement for good conduct, self discipline, good citizenship and academic success. These areas are addressed in each school improvement plan which is submitted to, reviewed and approved by the district.

Student rights shall be explained as outlined in this policy and in the Code of Student Conduct: Students Rights and Responsibilities.

Proper prevention and intervention steps shall be applied based on the level of severity of infraction as outlined in the Student Code of Conduct and this Policy.

- (4) Consequences for a student or school district employee of a public K-12 educational institution who commits an act of bullying or harassment:
- (a) 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 disciplinary sanctions appropriate to the offenders' position within the District.
 - (b) Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to an expulsion, as outlined in the Code of Student Conduct.
 - (c) 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 agreements. Additionally egregious acts of bullying or harassment by certified educators may result in a sanction against an educators state issued certificate (see State Board of Education Rule 6B-1.006,FAC.,The Principles of Professional Conduct of the Education Profession in Florida).
 - (d) 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, which may include reports to appropriate law enforcement officials.
 - (e) In addressing consequences of computer related bullying 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. Consequences will be taken as outlined in the section on, Abuse of Electronic and Internet/Communication Devices as outlined in Code of Student Conduct; Code of Civility (school board policy KFB).
- (5) Consequences for a student or school district 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:
- (a) 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.
 - (b) Consequences and appropriate remedial action for a school district employee found to have wrongfully and intentionally accused another as a means of bullying or harassment will be referred to Employee Relations

and may be disciplined in accordance with district policies, procedures, and agreements.

- (c) 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, which may include reports to appropriate law enforcement officials.
- (6) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act:
- (a) At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Code of Student Conduct.
 - (b) All school district employees are required and must report, in writing, any allegations of bullying or violations of this Policy to the principal/designee or appropriate area/district administrator.
 - (c) Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying at the school location, whether they are a victim or a witness.
 - (d) Any student who believes he/she is a victim of bullying, or has knowledge of any incidents involving bullying of students is strongly encouraged to report the incident(s) in writing to a school official. A parent/legal guardian may intervene on behalf of their child. Complaints should be filed as soon as possible after the alleged incident and noted on the specified district reporting form, but must be filed within ten (10) school days after the alleged incident. Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.
 - (e) The Principal shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and how this report will be acted upon. This notification will occur through school newsletters, pre-planning staff meetings, school announcements, Code of Student Conduct review meetings and school web sites. Forms will be available at each school to make a written report when student bullying is witnessed.
 - (f) A school district employee, school volunteer, contractor, 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. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

- (g) Administrators/principal/designee(s) shall document in writing and/or via the discipline data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
 - (h) Anonymous reports may be made utilizing The Speakout Hotline. The Speakout Hotline is promoted to schools at the district level and in return each school will publicize The Speakout Hotline through PSA's, and/or other promotional materials. Reports made to this anonymous hotline are immediately followed up on and written copies of this anonymous report will be sent to the principal/designee for follow-up. Formal disciplinary action may not be based solely on the basis of an anonymous report.
- (7) A 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:
- (a) The procedures for investigating school-based bullying (student-to-student bullying) may include the principal/designee and is deemed to be a school related activity. The principal or designee shall be trained by the District SAFE Office in investigative procedures and interventions as outlined in this Policy. For incidents of bullying which are the most serious acts of misconduct (Code of Student Conduct) the area/district level administrator will work cooperatively with the principal/designee as outlined in this policy.

Documented interviews of the victim, alleged offender, and witnesses are conducted privately, separately, and are confidential. The victim will be interviewed first. Each individual (victim, alleged offender, and witnesses) will be interviewed separately and at no time will the alleged offender and victim be interviewed together.

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

- Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;

- The characteristics of parties involved (i.e., grade, age, etc.);
- The identity and number of individuals who participated in bullying or harassing behavior;
- Where the alleged incident(s) occurred;
- Whether the conduct adversely affected the student's education or educational environment;
- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
- The date, time, and method in which the parents/legal guardians of all parties involved were contacted.

The investigator may not be the accused or the alleged victim or related to the alleged victim.

The principal/designee or appropriate area/district administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within 24 hours or no more than two (2) school days of receiving a notification of complaint. The principal/designee will provide immediate notification to the parents of both the victim and the alleged offender of an act of bullying or harassment.

During the investigation, the principal/designee or appropriate area/district administrator may take any action necessary to protect the complainant, other students or school district employees consistent with the requirements of applicable regulations and statutes.

In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail and/or state and federal laws.

When necessary to carry out the investigation or for other good reasons and consistent with federal and state privacy laws, the principal/designee or appropriate area/district administrator also may discuss the complaint with any school district employee, the parent of the complainant or accused, and/or child protective agencies responsible for investigating child abuse.

- (b) During the investigation where a school district employee is the accused, the principal/designee will make contact with the designee of Employee Relations who may recommend any action necessary to protect the complainant, or other students or school district employees, consistent with the requirements of applicable statutes, State Board of Education Rules, School Board Policies, and collective bargaining agreements.

Within ten (10) school days of the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate area/district administrator regarding the completion of the investigation. The

principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable.

The principal/designee or appropriate area/district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to the SESIR and the Statewide Report on School Safety and Discipline Data system.

If the accused is a school district employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying (Employee Disciplinary Guidelines). The supervisor/designee (e.g., principal/designee for school-based district employees) of the employee shall discuss the determination and any recommended corrective action with Employee Relations and/or the appropriate area/district supervisor.

No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

- (8) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction

Each school's principal/designee will receive training in bullying investigation. The principal/designee will determine whether the act of bullying or harassment is within the scope of the school district. The team decision making approach may be utilized in this process and consultation with Area Administrators may be used in this determination.

- If it is determined that it is in the scope of the school system the procedures outlined for investigating the bullying act or harassment act will be applied.
- If it is outside the scope of the district, and determined that it is a criminal act a referral to the appropriate law enforcement agency will be applied.
- If it is outside the scope of the district, and determined not to be a criminal act all parents/legal guardians of each student involved will be informed.

- (9) A procedure for providing immediate notification to the parents/legal guardians of a victim of bullying or harassment and the parents/legal guardians of the offender of an act of bullying or harassment, as well as, notification to all local agencies where criminal charges may be pursued against the offender

- (a) The principal/designee who will conduct the investigation will receive training on investigative procedures regarding bullying or harassment. The required training will include that 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).

- (b) The required training for the principal/designee will include, information if the bullying incident results in the offender 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."

The required training for the principal/designee will include information that once the investigation has been completed and it has been determined that criminal charges may be pursued against the offender, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

- (10) A procedure to refer victims and offenders of bullying or harassment for counseling.
 - (a) Each school will have a principal/designee who will attend a training which will include the protocol for intervening when bullying or harassment is suspected or reported. The principal/designee will disseminate to school district employee the protocol and procedure for intervening which includes the district referral process for suspected or reported bullying (victim and offender).
 - (b) Each school will have a Student Assistance Team (SAFE) or Child Study Team in place. The principal designee(s) who attended the district trainings will be a member of either the Student Assistance Team (SAFE) or Child Study Team. A parent/ legal guardian may request consultation from the school team. A referral form to the team will be available for parent/guardians and school staff.
 - (c) If a level III or IV (most severe) bullying or harassment discipline report is made, the principal or designee may refer the student(s) (victim or offender) to The Response Team for additional determination of counseling support and interventions. Parent or legal guardian involvement is required at this point. In utilizing the team approach, The Response Team identifies and accesses appropriate support services for students who have received most severe disciplinary referrals. The services recommended for the students are not to replace disciplinary

action but will offer family and individual support regarding appropriate therapeutic interventions.

- (11) A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents:
 - (a) All bullying and/or harassment offenses will be reported in SESIR with the bullying/harassment code.
 - (b) Discipline, referral data, investigations, interventions and actions of discipline will be recorded on the discipline data form(s) as is applied for other discipline infractions from the Code of Student Conduct.

- (12) A 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:
 - (a) The District SAFE Office will provide a training of trainer model. The trainings will be ongoing and the delivery model will allow participants to return to their school site and train students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing and responding to bullying or harassment.
 - (b) The best practices which include individual, classroom, community/parent and school wide efforts for bullying prevention will be included in the training of trainer model.

- (13) A procedure for regularly reporting to a victim's parent's/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 victimization as defined by this policy to the parent or legal guardian of the victim 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).

- (14) A procedure for publicizing the policy which must include its publication in the Code of Student Conduct required under s. 1006.07(2), F.S. and in all employee handbooks.

Orange County Public Schools shall provide notice to students and school district employees of this policy through Code of Student Conduct, Employee Handbook,

Superintendent Documents and/or through other reasonable means.

- (15) A plan to implement curriculum, discipline policies and violence prevention efforts which are ongoing and throughout the school year:

The goal to create a safe learning and working environment at schools will be accomplished through the selection of the following initiatives:

- Violence Prevention Efforts (curriculum, activities and programs)
- Nonviolent Crisis Intervention Training
- Threat Assessments
- Response Teams
- Student Assistance Teams
- Child Study Teams
- Elementary, Middle and High School Bullying Prevention Programs
- SAFE Ambassadors
- Internet Safety Curriculum
- Class Meetings/Discussions
- Preventing Disruptive Behaviors Training
- Parent Interaction Training
- Student Recognition Programs
- Bullying Prevention Trainings (principal/designee)
- School Climate Surveys (available for parents, staff and students)
- Discipline/Bullying Procedure Training (principal/designee)

The components listed above are a violence prevention plan developed by the District SAFE Office for the schools to assist in creating and maintaining a positive and welcoming school culture free of violence. The above ongoing plan promotes a comprehensive approach for curriculum implementation, discipline policy awareness and violence prevention initiatives.

LAW IMPLEMENTED: Section 1006.147, Florida Statutes

ADOPTED: 10/12/2010

SAFE SCHOOLS

FILE: ADD

TITLE: Student Hazing

POLICY:

Hazing activities of any kind are prohibited at any time in school facilities, on school property, and off school property if the misconduct is connected to participation or membership of a club or organization of a school. No administrator, faculty member, or other Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing activity.

Hazing is defined as performing any act or coercing another, including the victim, to perform any act that causes or creates a substantial risk of causing mental or physical harm. "Hazing" includes, but is not limited to pressuring or coercing the student into violating State or Federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student; and any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

All School Board employees shall be alert to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be ordered to end all hazing activities or planned activities immediately and shall be disciplined pursuant to the Student Code of Conduct. All hazing incidents shall be reported immediately to the Superintendent or his/her designee, and to appropriate the law enforcement agency. Any School Board employee that fails to report hazing incidents, pursuant to this policy may be subject to disciplinary action up to and including termination.

LAWS IMPLEMENTED:

Sections 1001.43, 1006.135, Florida Statutes

ADOPTED: 8/4/2011

Officer of the Board

Member of the Board