

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

### Prohibiting Bullying and Harassment

3.21

1. Introduction. St. Johns County School District believes that all of its students and employees be afforded an educational setting that is safe, secure, and free from bullying and harassment of any kind. In St. Johns County, bullying and harassment are Level III Student Code of Conduct infractions and are major acts of misconduct. Bullying and harassment will not be tolerated and disciplinary action will be taken. In addition to school consequences, criminal charges may also be filed. This rule shall be interpreted and applied consistently with all applicable state and federal laws. Conduct that constitutes bullying or harassment, as defined below, is prohibited in all educational environments.
2. Definitions. The following definitions apply for purpose of this rule.
  - a. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying includes cyberbullying as defined in paragraph 2.b., and also may involve:
    - i. Teasing
    - ii. Social exclusion
    - iii. Threat
    - iv. Intimidation
    - v. Stalking
    - vi. Physical violence
    - vii. Theft
    - viii. Sexual, religious or racial/ethnic harassment
    - ix. Public or private humiliation
    - x. Destruction of property

“Bullying” is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive

educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. Bullying is often characterized by an imbalance of power.

- b. "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.
- c. "Cyberstalking," as defined by Florida Statute 784.048(1)(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 a specific person, causing substantial emotional distress to that person and serving no legitimate purpose, therefore affecting the learning environment.
- d. "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 places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; substantially interferes with the student's educational performance, opportunities or benefits; or substantially disrupts the orderly operation of a school.
- e. "Bullying" and "harassment" also encompass:
  - (i) Cyberbullying and cyberstalking as defined above.
  - (ii) Retaliation against a student or District employee by another student or District employee for asserting or alleging an act

of bullying or harassment. Reporting an act of bullying or harassment in bad faith is considered retaliation.

(iii) Perpetuation of conduct listed in the definitions of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or District employee by:

- Incitement or coercion;
- 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; or
- Acting in a manner that has an effect substantially similar to the effect of bullying and/or harassment.

3. Expected Behavior from Students and School Employees. The St. Johns County School District expects students to conduct themselves in keeping with their levels of development and maturity. It expects them to demonstrate capabilities with a proper regard for authority, the rights and welfare of other students, and school staff, respecting the educational purpose underlying all school activities while providing proper care of the school facilities, school buses, and equipment.

a. Students are required to abide by the Acceptable Use Procedures for the use of the digital network, as set forth in the Student Code of Conduct. Further, School District staff shall abide by School Board rules and internal procedures set forth in School Board Rule 6.83. The School Board has adopted Character Counts! and its Six Pillars of Character as a framework for meaningful communication for St. Johns County School District staff to follow in dealing with their fellow employees and members of the public as required by Civility School Board Rule 9.021.

b. The School Board is committed to setting standards for student behavior cooperatively, through interaction among the students, parents/legal guardians, staff, and community members, to produce an atmosphere that fosters students' self-discipline and personal responsibility. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members. Since 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.

4. Bullying and Harassment Prohibited. The bullying or harassment of any student or District employee is prohibited:
  - a. On School District property.
  - b. During any education program or activity conducted by St. Johns County School District.
  - c. During any school-related or school-sponsored program or activity or on a St. Johns County School District school bus and/or bus stop.
  - d. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of St. Johns County School District.
  - e. 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 if it substantially disrupts the education process or orderly operation of a school.
  - f. The above section (e) does not require the District or schools to staff or monitor any non-school related activity, function or program.
5. Positive Reinforcement. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, in accordance with the required school plan to address positive school culture and behavior.
6. Incident Reporting and Immunity. The following procedures should be followed for reporting of any alleged violation of this rule:
  - a. At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this rule. All school employees are required to report alleged violations of this rule to the principal or the principal's designee. All other District employees shall report alleged violations of this rule to the

Superintendent or the Superintendent'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 rule anonymously or in-person to the principal or the principal's designee.

- b. 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 and/or harassment, anyone who witnessed the bullying and/or harassment, and anyone who has credible information that an act of bullying and/or harassment has taken place are encouraged to file a report of bullying or harassment.
  - c. A school or District employee, school volunteer or visitor, student, parent/legal guardian or other person who promptly reports in good faith an act of bullying and/or harassment to the appropriate school or District official, and who makes this report in compliance with the procedures set forth in this District rule, shall be immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the School District.
  - d. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.
7. Determination of Whether a Reported Act is Within the Scope of the School District. When a report of bullying or harassment has been received, the principal or the principal's designee, or if applicable, the Superintendent or Superintendent's designee, will promptly initiate a preliminary investigation to determine whether there is probable cause to believe an act of bullying or harassment has occurred and falls within the scope of the School District's Student Code of Conduct, or is otherwise within the scope of the School District. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying or cyberstalking are investigated.

- a. If it is within scope of this rule or the Student Code of Conduct, Procedures for Prompt Investigation of an act of bullying or harassment, as set forth in paragraph 8, shall be followed.
  - b. Regardless of whether or not it is inside the scope of the District, if the reported bullying or harassment alleges or may involve criminal misconduct, the matter shall be referred to appropriate law enforcement immediately in accordance with School Board Rule 5.13(2), the parents or legal guardian shall be notified, and the referral documented.
  - c. If it is outside scope of District, and the reported bullying or harassment does not allege or appear to involve criminal misconduct, the parents/legal guardians of all students involved shall be informed.
  - d. While the District does not assume any liability for incidents that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal or the principal's designee deems appropriate, including the use of School Resource Officer and other personnel.
  - e. If a report alleges or may involve neglect or abuse of a student, the matter shall be immediately reported to the Department of Children and Families as required by law.
8. Procedures for Prompt Investigation. The investigation of a reported act of bullying or harassment of a student, school employee, or other persons providing service to the District shall be school-based. Incidents that require a reasonable investigation when reported to appropriate school authorities 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.
- a. The principal or the principal's designee shall document all complaints in writing to ensure that problems are addressed in a timely manner. If the complaint is about a principal or a District employee who is not school-based, then the complaint shall be forwarded to the Superintendent or designee, who shall address the complaint.
  - b. The Procedures for Investigating Bullying or Harassment to be followed by principals, or if applicable the Superintendent, or their designees, include:

- i. Documented interviews of the victim, alleged perpetrator(s), and witnesses are conducted privately, separately, and are confidential. At no time will the alleged perpetrator and victim be interviewed together. It is recommended that the victim be interviewed first.
- ii. The investigator shall collect and evaluate the facts including, but not limited to:
  - Description of incident(s) including nature of the behavior (physical hurt or psychological distress), 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.
- iii. The determination of whether a particular action or incident constitutes a violation of this rule shall be based on all the facts and surrounding circumstances in a written final report to the principal and Superintendent or designee. The report should include recommended remedial steps necessary to stop the bullying or harassing behavior.
- iv. The investigation shall be completed within 15 school days.

- v. The investigation shall be conducted as confidentially as possible, consistent with the necessity of interviewing witnesses.
- 9. Parent Notification. The principal, or the principal's designee, or if applicable, the Superintendent or the Superintendent's designee, shall promptly notify via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this rule to the parent or legal guardian of all students involved as soon as possible after an investigation of the incident 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).
  - a. Once the investigation has been completed and it has been determined that criminal misconduct may be involved, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
  - b. 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 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) which 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."
- 10. Consequences. The determination of whether a violation of this rule has occurred shall be based on all the facts and surrounding circumstances. Consequences and appropriate remedial actions will apply to persons, whether they be students, school employees, or visitors/volunteers, who are found to have wrongfully accused another of an act of bullying and/or harassment. The physical location or time of access of a computer-related incident shall not be a defense to any violation of this rule or the Student Code of Conduct provisions dealing with bullying, harassment, or cyberbullying.
  - a. Student consequences and appropriate remedial actions for a committed act of bullying or harassment are outlined in the Student Code of Conduct Level III infraction.

- b. District employee consequences and appropriate remedial action for bullying or harassment will be instituted in accordance with District policies, procedures, and agreements. Additionally, egregious acts of bullying or harassment by certified educators may result in the reporting to the State Board of Education, where a subsequent sanction against an educator's state issued certificate may occur under State Board of Education Rule 6-B-1.006, FAC., The Principles of Professional Conduct of the Education Profession in Florida.
  - c. Visitor or volunteer consequences and appropriate remedial action for a committed act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act including, if applicable, referral to appropriate law enforcement officials.
11. Referral for Counseling. District personnel or parents may request informal consultation with school staff (specialty staff, e.g. school counselor, school social worker, school psychologist, etc.) to determine the severity of concern resulting from bullying or harassment and appropriate steps to address the concern.
- a. There shall be a procedure in place for consideration of appropriate services for students involved. The parent or legal guardian shall be notified when referral for services is contemplated. Counseling may be provided by School District personnel or contract providers. A referral may be made to Student Services for determination of counseling, assistance, and interventions.
  - b. Referral of School District personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.
  - c. Intervention and assistance include:
    - i. Counseling and support to address the needs of the victims of bullying or harassment, or
    - ii. Counseling/interventions to address behavior of the students who bully and harass others, or
    - iii. Counseling/interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

12. Actions to Protect Victim. According to the level of infraction, parents/legal guardians will be notified by telephone 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. Notifications must be consistent with the student privacy rights under the applicable provisions of the Family Education Rights and Privacy Act of 1974 (FERPA).
  - a. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
  - b. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the reasonable extent possible.
  - c. Retaliation against the complainant or witnesses is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment in response to filing a complaint or assisting with an investigation under this rule. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited and as detailed in this rule, shall be treated as another incidence of bullying.
  
13. Data Collection/Reporting. The procedure for including incidents of bullying and/or harassment 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/or harassment 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 rule, with recommendations regarding said incident.
  - a. 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 as an incident code as well as bullying-related element code. The SESIR definition of bullying is systematically and chronically inflicting physical hurt or 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. The SESIR definition of harassment is 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.

b. If a bullying or harassment incident occurs, then it will be reported in SESIR with either the bullying or harassment code. 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 related element code entitled bullying-related code. Those incidents are:

- i. Alcohol
- ii. Arson
- iii. Battery
- iv. Breaking and entering
- v. Disruption on campus
- vi. Drug sale/distribution, excluding alcohol
- vii. Drug use/possession, excluding alcohol
- viii. Fighting
- ix. Major fighting
- x. Homicide
- xi. Kidnapping
- xii. Larceny/theft
- xiii. Robbery
- xiv. Sexual battery
- xv. Sexual harassment

- xvi. Sexual offenses
- xvii. Threat/intimidation
- xviii. Trespassing
- xix. Tobacco
- xx. Vandalism
- xxi. Weapons possession
- xxii. Other major (Other major incidents that do not fit within the other definitions)

- c. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
- d. The District will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the department. 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 should include the incident basis. Victims of these offenses should also have the incident basis (sex, race or disability) noted in their student record.

14. Providing Instruction. The District is committed to providing healthy, positive, and safe school learning environments in which the social norms and climate do not tolerate bullying and harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, all non-teaching staff, parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, bus drivers, non-teaching staff and school volunteers shall be given annual instruction at a minimum on the requirements of this rule against bullying and harassment. The instruction shall consist of methods of preventing bullying or harassment, as well as how to effectively identify and respond to bullying and harassment in schools - including instruction on recognizing behaviors that lead to bullying and

harassment and taking appropriate preventive action based on those observations.

15. Existing Instructional Programs. The Instruction and training programs offered by the St. Johns County School District include, but are not limited to:

- Second Step
- Character Counts
- Project Wisdom
- Common Sense K-12 Digital Citizenship
- Monique Burr Foundations for Children, Inc.'s Citizen Safety Matters
- Attorney General's Safe Florida CyberSafety Presentation
- Stop Bullying Now! at stopbullying.gov
- Bully-Free Living for Middle School Students – A Presentation Kit by Channing Bete
- Bullying-Free Living for Grades K-3 and 4-5 – A Presentation Kit by Channing Bete
- HealthTeacher.com
- Creating a Safe and Respectful Environment on Our Nation's School Busses (for bus drivers)
- District Developed Teacher and Bus Driver Presentations
- District Approved Classroom Lessons

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis following approval of the district office.

16. Publicizing the Rule. The St. Johns County School District shall provide notice to students, parents/legal guardians, and staff of this rule through appropriate references in the Student Code of Conduct and employee handbooks, and/or through other reasonable means. Each school principal shall develop and document an annual process for discussing the school District rule on bullying and harassment with students.

**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

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