

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### BULLYING AND HARASSMENT

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#### I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Sarasota County School Board that all of its students and employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The School Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited and disciplinary action will be taken. Any reference to “bullying” includes cyberbullying, whether or not specifically stated.
- B. Bullying or harassment of any student or employee is prohibited. This policy applies:
- during any education program or activity conducted by a public K-12 educational institution;
  - during any school-related or school-sponsored program or activity;
  - on a school bus of a public K-12 educational institution;
  - through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution; or
  - 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 a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school or department.

This policy does not require a school to staff or monitor any non-school-related activity, function, or program.

#### II. Definitions

- A. Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It includes 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 (1) create an intimidating, hostile, or offensive educational environment; (2) cause discomfort or humiliation; or (3) unreasonably interfere with the individual’s school performance or

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participation, or workplace environment. Bullying and harassment may involve but is not limited to the following behavior:

- teasing;
  - social exclusion;
  - threats;
  - intimidation;
  - stalking;
  - physical violence;
  - theft;
  - harassment based protected classification
  - public or private humiliation; or
  - destruction of property.
- 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, photoelectronic 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 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.
- D. Bullying and harassment also encompasses perpetuation of conduct listed in the definition of bullying and harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student 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

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system; and/or acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

- E. For purposes of this policy, harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that
- places a student in reasonable fear of harm to his/her person or damage to his/her property;
  - has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
  - has the effect of substantially disrupting the orderly operation of a school.

Allegations of **sexual harassment**, including but not limited to unwelcome sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature that contributes to a hostile educational or workplace environment or that is made explicitly or implicitly a condition of a student's academic achievement, or which the rejection of or submission to such conduct in any way impacts a student's academic status or educational or workplace experience, are forms of prohibited discrimination covered by Policy 2.71.

### III. Behavior Standards

- A. The Sarasota County School District expects students and employees to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student and employee behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

### IV. Consequences

- A. Committing an act of bullying or harassment
1. Determining whether a particular action or incident constitutes a violation of this policy requires a consideration of all the facts and

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surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

2. Disciplinary consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
3. Disciplinary consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate.
4. Disciplinary consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

### V. Reporting an Act of Bullying or Harassment

- A. At each school, the principal or designee shall be responsible for receiving complaints alleging violations of this policy.
- B. All school district employees who become aware of a potential violation of this policy are required to report alleged violations of this policy to the principal or cost center head, or his/her designee.
- C. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
- D. The principal of each school, appropriate district level administrator or designee shall establish and prominently publicize to staff, 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.

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- E. The victim of bullying or harassment, anyone who witnessed or is aware of the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place shall report the act of bullying or harassment to the principal or designee of each school, a teacher, or school district employee.
- F. A school district employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
- G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant's or reporter's future employment, grades, learning or working environment, or work assignments.
- H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
- I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

### VI. No Retaliation

- A. Retaliation against any individual who has, in good faith, complained of any act of bullying or harassment in violation of this policy, assisted in the reporting of such a violation, served as a witness or advocate for the person aggrieved, or who has otherwise taken any reasonable action to stop an act of bullying or harassment is strictly prohibited. Any individual who believes he or she has been the victim of retaliation shall report the matter immediately to the principal of each school, or his/her designee, the assigned investigator, or any other school official.
- B. Anyone who receives information that an act of retaliation in violation of this policy has occurred shall immediately report such incident to the relevant Principal, Assistant Principal, and/or the District level administrator or assigned investigator.
- C. All reports of retaliation made in good faith shall be investigated in the same manner as the underlying acts of alleged bullying or harassment.

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### VII. Investigation of a Report of Bullying, Harassment, or Retaliation

- A. The investigation of a reported act of bullying, harassment, or retaliation is deemed to be a school-related activity and shall begin with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying, harassment, or retaliation allegedly committed against a child while the child is in route to or from school aboard a school bus or at a school bus stop. Principals or appropriate district level administrators have the right to take immediate, temporary corrective action until the investigation is complete if the corrective action necessary to ensure a potential victim is not subject to the alleged conduct.
- B. The principal or his/her designee shall select an individual(s), employed by the school district and trained in investigative procedures, to initiate the investigation. The person selected to conduct the investigation shall have no factual involvement in the alleged acts of bullying and harassment and no connection to the accused perpetrator (harasser or bully) or victim.
- C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall remain confidential to the extent permissible under applicable policies, adopted procedures, and state law. Everyone (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- D. The investigator shall collect and evaluate the facts including but not limited to:
- description of incident(s) including nature of the behavior;
  - context in which the alleged incident(s) occurred;
  - 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;
  - the identity and number of individuals who participated in bullying, harassing or retaliatory 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.

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- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
- recommended remedial steps necessary to stop the bullying and harassing or retaliatory behavior; and
  - a written final report to the principal.
- F. The investigation shall be completed within fifteen (15) school days from the filing of the complaint unless otherwise specifically extended by the principal or designee for good cause.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.

### **VIII. Determining Whether a Reported Act of Bullying or Harassment is Within the Jurisdiction of the District**

- A. Upon receipt of a report of bullying or harassment, the principal or his/her designee, with the assistance if needed of an individual(s) trained in investigative procedures, will determine whether an act of bullying or harassment falls within the jurisdiction of the School District.

If it is within the jurisdiction of the District, a thorough investigation shall be conducted.

1. If it is outside the jurisdiction of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
  2. If it is outside the jurisdiction of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.
- B. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

### **IX. Notification to Parents/Guardians of Incidents of Bullying or Harassment**

- A. Parents/legal guardians of victims and perpetrators shall be notified within on the same day a district employee is made aware of claims alleging a violation of the Bullying and Harassment Policy, except in limited circumstances when the

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principal, or designee, determines that such notification is not in the best interest or impairs the safety of the victim involved, in which case only the parents/legal guardians of the perpetrator will be notified. In applicable cases, notification to the parents/legal guardians may be made by telephone, writing, or personal conference. All parents/legal guardians of victims and perpetrators who have received notification may participate at each stage of the investigation and resolution procedures. The frequency of notification and follow-up reports to parents/legal guardians will be dependent on the seriousness of the complaint. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

- 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 the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “. . . a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- C. Notification to local agencies where criminal charges may be pursued.

Once 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.

### **X. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling**

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

- A. The teacher, parent/legal guardian, or employee may request informal consultation with school district staff (specialty staff, *e.g.*, school counselor, school psychologist) or Human Resources Department to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student’s parents or legal guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school intervention team or equivalent school-based team with a problem-solving focus for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.



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- C. If a formal discipline report or formal complaint is made regarding a student, the principal must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
- D. A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend
  - counseling and support to address the needs of the victims of bullying or harassment;
  - research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management; and/or
  - research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

### XI. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment involving students shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall also include, in a separate section, each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The report shall list the approved coding for bullying (BUL), harassment (HAR), unsubstantiated bullying (UBL), and unsubstantiated harassment (UHR).
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data for incidents involving students, which includes bullying/harassment as an incident code as well as bullying- related as a related element code.
  - 1. SESIR Definitions
    - a. Bullying –Systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. Bullying includes instances of cyberbullying, as defined in Section 1006.147(3)(b), F.S. Bullying may include, but is not limited to, repetitive instances of teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, harassment, public or private humiliation, or destruction of property.

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- b. Harassment –Any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits, or 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. Instances of Harassment that are chronic or repeated in nature shall be evaluated for Bullying or Bullying-related.
  2. Bullying and/or harassment incidents shall be reported in SESIR with the bullying or harassment code.
  3. If the bullying/harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are:
    - a. Alcohol
    - b. Arson
    - c. Battery
    - d. Breaking and Entering
    - e. Disruption on Campus
    - f. Drug Sale/Distribution Excluding Alcohol
    - g. Drug Sale/Possession Excluding Alcohol
    - h. Fighting
    - i. Homicide
    - j. Kidnapping
    - k. Larceny/Theft
    - l. Robbery
    - m. Sexual Battery
    - n. Sexual Harassment
    - o. Sexual Offenses
    - p. Threat/Intimidation
    - q. Trespassing
    - r. Tobacco
    - s. Vandalism
    - t. Weapons Possession
    - u. Other Major (Other major incidents that do not fit within the other definitions)
- C. Discipline and referral data shall be recorded in Event & Discipline Report and Automated Student Information System.

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- D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.
- E. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability shall include the incident basis. Victims of these offenses shall also have the incident basis (sex, race, or disability) noted in their student records. (See also Policy 2.71).

### **XII. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment**

- A. The District shall ensure that schools and departments sustain healthy, positive, and safe learning environments for all students and work environments for staff. It is committed to maintaining a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
- B. All district staff, students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying or harassment in schools.
- C. The District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, District offices, and on the District website.

### **XIII. Reporting to a Victim's Parents/Legal Guardians the Legal Actions Taken to Protect the Victim.**

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be

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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).

### XIV. Publicizing the Policy

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of this policy.
- B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and may use other reasonable means to do so including student assemblies, staff meetings, and displaying posters and signs.

### XV. The Hope Scholarship

- A. The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (B) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.
- B. Contingent upon available funds, and on a first-come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if the student reported an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school as defined by FS 1006.09(6).

### XVI. Review of Policy

- A. The District shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting and revising bullying and harassment policy.
- B. Bullying and harassment policy review shall be ongoing and integrated with each school's curriculum, discipline policies, and violence prevention efforts. The District shall meet all legal requirements for policy review.

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