

TITLE: **Bullying and Harassment**

POLICY:

- (1) Statement prohibiting bullying and harassment
 - (a) The School Board of Orange County, Florida (“Board”) is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The Board believes that all students and employees are entitled to a safe, secure, equitable, harassment-free, and bullying-free school experience. Bullying, including cyberbullying, 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.
 - (b) The best practices to ensure school safety and violence prevention initiatives for the school community (students, parents/legal guardians, employees, 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.
 - (c) Conduct that constitutes bullying or harassment, as defined herein, is prohibited.
- (2) Definitions. For purposes of this policy, the following definitions shall apply:
 - (a) “Bullying” includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or Orange County Public Schools (“OCPS”) 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:
 - (i) Unwanted teasing;
 - (ii) Social exclusion;
 - (iii) Threat;
 - (iv) Intimidation;

- (v) Stalking;
 - (vi) Physical violence;
 - (vii) Theft;
 - (viii) Sexual, religious, or racial harassment;
 - (ix) Public or private humiliation; and/or
 - (x) 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 photooptical 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 of impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution of 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) “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 OCPS employee that:
- (i) Places a student or OCPS employee in reasonable fear of harm to his or her person or damage to his or her property;
 - (ii) Has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; and/or
 - (iii) Has the effect of substantially disrupting the orderly operation of a school.
- (d) “Sexual harassment” is defined in Board Policy JB – “Equal Educational Opportunities as outlined in Title IX of the Education Amendments Act of 1972. Sexual Harassment is further defined in the OCPS Code of Student Conduct.

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- (e) Bullying and harassment also encompass:
 - (i) Retaliation against a student or OCPS employee by another student or OCPS 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.
 - (ii) 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 OCPS 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 OCPS; and/or
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
 - (f) “Cyberstalking” as defined in Section 784.048, Florida Statutes, 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; or to access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission, causing substantial emotional distress to that person and serving no legitimate purpose. Additional definitions in Section 815.03, Florida Statutes, are also applicable.
 - (g) “Bullying,” “Cyberbullying,” “Harassment,” “Sexual Harassment” and “Cyberstalking” are hereinafter collectively referred to as “bullying” for the purpose of this policy. Bullying encompasses, but is 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 OCPS employee by any Board member, OCPS employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school

buses, at training facilities or training programs sponsored by OCPS, and/or on property owned or operated by the Board.

(3) Expected Behavior for Students and OCPS Employees

- (a) The Board 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 OCPS employees, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- (b) The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, OCPS 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, OCPS employees, parents/legal guardians, and community members. Since students learn by example, school and location administrators, faculty, staff, and volunteers will demonstrate appropriate modeling behavior; treat others with civility and respect, and refuse to accept bullying.
- (c) The Board upholds that bullying of any student or OCPS employee is prohibited:
 - (i) During any education program or activity conducted by an OCPS K-12 educational institution;
 - (ii) During any OCPS school-related or school-sponsored program or activity;
 - (iii) On an OCPS school bus;
 - a. This section includes bullying that occurs on any form of transportation provided by OCPS; while the student is en route to/from school or school activity/event; and/or while a student is at a school bus stop.
 - (iv) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of an OCPS public K-12 education institution within the scope of OCPS, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on Board property or at a OCPS school-related or school sponsored program or activity; or

- (v) 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 OCPS, if the bullying substantially interferes with or limited 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.
 - a. This section does not require a school or OCPS employee to monitor any non-school-related activity, function, or program.
- (d) 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 OCPS.
- (e) Students are responsible for conforming to reasonable standards of socially acceptable behavior; respecting the person, property, and rights of others; obeying constituted authority; and responding to those who hold that authority. Additional student rights and responsibilities shall be explained as outlined in this policy and in the OCPS Code of Student Conduct: Students Rights and Responsibilities.
- (f) Proper prevention and intervention steps shall be applied based on the level of severity of the offense as outlined in the OCPS Code of Student Conduct and this policy.
- (g) Information pertaining to due process rights for students are outlined in the OCPS Code of Student Conduct.
- (4) Consequences for a Student or OCPS Employee Who Commit an Act of Bullying
 - (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 OCPS.
 - (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 OCPS Code of Student Conduct.
 - (c) Consequences and appropriate interventions for an OCPS employee found to have committed an act of bullying will be instituted in accordance with OCPS policies, procedures, and agreements. Additionally, egregious acts of bullying by certified

educators may result in a sanction against an educator's state issued certificate (see Rule 6B-1.006, Florida Administrative Code, and The Code of Ethics and The Principles of Professional Conduct of The Education Profession in Florida).

- (d) Consequences and appropriate interventions for a visitor or volunteer found to have committed an act of bullying shall be determined by the school or location 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 Board policies, the OCPS Code of Student Conduct, OCPS Management Directives, and the OCPS Code of Civility.
- (5) Consequences for a Student or OCPS employee Who Wrongfully and Intentionally Accused Another of an Act of Bullying.
- (a) Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the OCPS Code of Student Conduct.
 - (b) Consequences and appropriate remedial action for an OCPS employee found to have wrongfully and intentionally accused another as a means of bullying will be referred to Professional Standards and may be disciplined in accordance with Board 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 shall be determined by the school or location administrator after consideration of the nature and circumstances of the act, which may include reports to appropriate law enforcement officials.
- (6) Reporting Bullying.
- (a) At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all offenses outlined in the OCPS Code of Student Conduct.
 - (b) All OCPS 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, including students,

parents/legal guardians, volunteers, and visitors, 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. The report may be made anonymously.

- (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 OCPS 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/designee shall establish, and prominently publicize to students, OCPS employees, volunteers, and parents/legal guardians, 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, OCPS Code of Student Conduct review meetings, and on the school's website. Forms will be available at each school to make a written report when student bullying is witnessed.
- (f) An OCPS employee, school volunteer, contractor, student, parent/legal guardian, or other person who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this 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/principals/designees shall document in writing and/or via the discipline data system all complaints regarding bullying, as with all offenses outlined in the OCPS Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner. The documented report shall be completed regardless of whether the report is made verbally or in writing. The administrator/principal/designee shall use the specified OCPS reporting form as a means to document this information.
- (h) Anonymous reports may also 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 PSAs 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) Scope of OCPS

- (a) The principal/designee will determine whether the act of bullying is within the scope of investigation for OCPS as outlined in this policy in conjunction with applicable Florida Statutes and Rules of the State Board of Education.
 - (i) The team decision making approach may be utilized in this process and consultation with the appropriate area administrator may be used in this determination.
 - (ii) Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
 - (ii) If it is determined that it is in the scope of investigation for OCPS, the procedures outlined for investigating the bullying act act contained herein will be applied.
 - (iii) If it is outside the scope of investigation for OCPS and if it is determined that it is a criminal act, a referral to the appropriate law enforcement agency will be applied.
 - (iv) If it is outside the scope of investigation for OCPS and if it is determined not to be a criminal act, all parents/legal guardians of each student involved will be informed.

(8) Investigation

- (a) The investigation of a reported act of bullying is deemed to be a school-related activity and begins with a report of such an act.
- (b) The principal/designee shall be trained by the Area Administrators and a representative from Academic and Guidance Services in investigative procedures and interventions as outlined in this policy. For incidents of bullying which are the most serious acts of misconduct, as outlined in the OCPS Code of Student Conduct, the area/district level administrator will work cooperatively with the principal/designee as outlined in this policy.
- (c) The principal/designee or appropriate area/district administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within twenty-four (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/legal guardians of both the victim and the alleged offender of an act of bullying.

- a. 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.
 - b. The investigator may not be the accused or the alleged victim or related to the alleged victim.
- (d) The investigator shall collect and evaluate the facts including, but not limited to:
- (i) Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
 - (ii) How often the conduct occurred;
 - (iii) Whether there were past incidents or past continuing patterns of behavior;
 - (iv) The relationship between the parties involved;
 - (v) The characteristics of parties involved (i.e., grade, age, etc.);
 - (vi) The identity and number of individuals who participated in bullying or harassing behavior;
 - (vii) Where the alleged incident(s) occurred;
 - (viii) Whether the conduct adversely affected the student's education or educational environment;
 - (ix) Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - (x) The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
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- (e) 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 may discuss the complaint with any OCPS employee, the parent/legal guardian of the complainant or accused, and/or child protective agencies responsible for investigating child abuse.

- a. Nothing in this section relieves the principal/designee from maintaining the highest level of confidentiality possible as outlined in the Family Educational Rights and Privacy Act of 1974 ("FERPA").
- (f) During the investigation where an OCPS employee is the accused, the principal/designee will make contact with the designee of OCPS Professional Standards who may recommend any action necessary to protect the complainant, or other students or OCPS employees, consistent with the requirements of applicable statutes, State Board of Education Rules, Board policies, and collective bargaining agreements.
- (g) 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.
- (h) 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.
- (i) 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.

(9) Notification

- (a) The principal/designee shall promptly report by telephone, personal conference, and/or in writing the occurrence of any incident of bullying as defined by this policy to the parent/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 FERPA.
- (b) If the bullying incident results in the offender being charged with a crime, the principal/designee shall promptly report by telephone, personal conference, and/or in writing by first class mail the occurrence of any incident of bullying as defined by this policy to

the parent/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 which provides "...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) 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) Counseling

- (a) Each school will have a principal/designee who will attend a training which will include the protocol for intervening when bullying is suspected or reported. The principal/designee will disseminate to OCPS employees at the school the protocol and procedure for intervening which includes the OCPS referral process for suspected or reported bullying (victim and offender).
- (b) Each school will have a Child Study Team in place. The principal/designee who attends the trainings will be a member of the Child Study Team. An OCPS employee or parent/legal guardian may request informal consultation from the school's Child Study Team to determine the severity of concern and appropriate steps to address the concern. A referral form to the team will be available for parents/legal guardians and OCPS employees.
- (c) If a level III or IV (most severe) bullying discipline report is made, as outlined in the Code of Student Conduct, the principal/designee shall refer the student(s) (victim(s) or offender(s)) to the Child Study Team for additional determination of counseling support and interventions. Parent/legal guardian involvement is required at this point.
- (d) In utilizing the team approach, the Child Study Team shall address the following:
 - (i). Counseling and support to address the needs of the victims of bullying;
 - (ii). Research-based counseling/interventions to address the behavior of the students who bully others; and/or
 - a. The services recommended for the students are not to replace disciplinary action, but will offer family and individual support regarding appropriate therapeutic

interventions.

- (iii). Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate by the Child Study Team.

(11) School Environmental Safety Incident Reporting (“SESIR”)

- (a) All reports of bullying will be in conformance with Florida Statutes and State Board of Education Rules which set forth the requirements under the SESIR.
- (b) The report must include each incident of bullying and the resulting consequences, including discipline and referrals.
 - (i). Substantiated bullying offenses will be reported in SESIR with the following codes: bullying (BUL), harassment (HAR), and sexual harassment (SXH).
 - (ii). Incidents that are coded under a different incident code as outlined in SESIR, but are related to bullying, shall have a related element code of “bullying-related.”
- (c) The report must include, in a separate section, each reported incident of bullying that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
 - (i). Unsubstantiated bullying offenses will be reported in SESIR with the following codes: unsubstantiated bullying (UBL), and unsubstantiated harassment (UHR).
- (d) Discipline, referral data, investigations, interventions, and actions of discipline will be recorded on the discipline data form(s) as is applied for other discipline offenses outlined in the OCPS Code of Student Conduct.
- (e) Bullying data shall be provided to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents, as well as any bullying-related incidents, that have a basis of sex, religion, race, disability, and/or sexual orientation, should be included the incident basis in the SESIR report. Victims of these offenses should also have the incident basis noted on his/her student record.

(12) Instruction

- (a) The Academic and Guidance Service Department 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, employees, school and location administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying.

- (b) The best practices, which include individual, classroom, community/parent/legal guardian, and school wide efforts for bullying prevention, will be included in the training of trainer model.

(13) Parents/Legal Guardian Notification of the Actions Taken to Protect the Victim

- (a) The principal/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/legal guardian of the victim on the same day an investigation of the incident has been initiated.
- (b) According to the level of offense, as outlined in the OCPS Code of Student Conduct, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the student; the frequency of notification will depend on the seriousness of the bullying incident.
- (c) Notification must be consistent with the student privacy rights under the applicable provisions FERPA.

(14) Publication of the Policy

- (a) This policy shall be referenced and/or published in the OCPS Code of Student Conduct and in all employee handbooks.
- (b) OCPS shall provide annual notice to students, OCPS employees, and contractors of this policy through the OCPS Code of Student Conduct, the Employee Handbook, Superintendent Documents, and/or through other reasonable means.
- (c) The principal/designee at each school shall develop an annual process for discussing Board Policy ADD with students in a student assembly or other reasonable format. Reminders of bullying prevention may also be displayed around each school and on school transportation.

(15) Plans to implement curriculum, discipline policies, and violence prevention efforts which are ongoing and throughout the school year.

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

- (i) Violence Prevention Efforts (curriculum, activities and programs);
 - (ii) Nonviolent Crisis Intervention Training;
 - (iii) Threat Assessments;
 - (iv) Response Teams;
 - (v) Student Assistance Teams;
 - (vi) Child Study Teams;
 - (vii) Elementary, Middle and High School Bullying Prevention Programs;
 - (viii) SAFE Coordinators;
 - (ix) Internet Safety Curriculum;
 - (x) Class Meetings/Discussions;
 - (xi) Preventing Disruptive Behaviors Training;
 - (xii) Parent/Legal Guardian Interaction Training;
 - (xiii) Student Recognition Programs;
 - (xiv) Bullying Prevention Trainings (principal/designee)
 - (xv) School Climate Surveys (available for parents/legal guardians, staff and students); and/or
 - (xvi) Discipline/Bullying Procedure Training (principal/designee).
- (b) The components listed above are a violence prevention plan developed by the Academic and Guidance Service Department 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.

SPECIFIC AUTHORITY:

Sections 784.048; 760.01; 815.03; 1000.05; 1001.41; 1001.43; 1001.51; 1002.22; 1002.221; 1003.31; 1003.32; 1006.07; 1006.08; 1006.09; 1006.147, Florida Statutes

Rules 6A-1.0017; 6A-1.0955; and 6B-1.006, Florida Administrative Code

20 U.S.C. Section 1232g;
42 U.S.C. Section 2000d (1964) as amended; and
42 U.S.C. Section 12132 (1990) as amended

34 C.F.R. 106 as amended

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