

1 (2) Bullying or harassment of any student or school
2 employee is prohibited:

3 (a) During any education program or activity conducted
4 by a public K-12 educational institution;

5 (b) During any school-related or school-sponsored
6 program or activity or on a school bus of a public K-12
7 educational institution; or

8 (c) Through the use of data or computer software that
9 is accessed through a computer, computer system, or computer
10 network of a public K-12 educational institution.

11 (3) For purposes of this section:

12 (a) "Bullying" means systematically and chronically
13 inflicting physical hurt or psychological distress on one or
14 more students and may involve:

15 1. Teasing;

16 2. Social exclusion;

17 3. Threat;

18 4. Intimidation;

19 5. Stalking;

20 6. Physical violence;

21 7. Theft;

22 8. Sexual, religious, or racial harassment;

23 9. Public humiliation; or

24 10. Destruction of property.

25 (b) "Harassment" means any threatening, insulting, or
26 dehumanizing gesture, use of data or computer software, or
27 written, verbal, or physical conduct directed against a
28 student or school employee that:

29 1. Places a student or school employee in reasonable
30 fear of harm to his or her person or damage to his or her
31 property;

1 2. Has the effect of substantially interfering with a
2 student's educational performance, opportunities, or benefits;
3 or

4 3. Has the effect of substantially disrupting the
5 orderly operation of a school.

6 (c) Definitions in s. 815.03 relating to computer
7 crimes and s. 784.048 relating to stalking are applicable to
8 this section.

9 (d) The terms "bullying" and "harassment" include:

10 1. Retaliation against a student or school employee by
11 another student or school employee for asserting or alleging
12 an act of bullying or harassment. A report of an act of
13 bullying or harassment which is not made in good faith is
14 considered retaliation.

15 2. Perpetuation of conduct listed in paragraph (a) or
16 paragraph (b) by an individual or group with intent to demean,
17 dehumanize, embarrass, or cause physical harm to a student or
18 school employee by:

19 a. Incitement or coercion;

20 b. Accessing or knowingly causing or providing access
21 to data or computer software through a computer, computer
22 system, or computer network within the scope of the district
23 school system; or

24 c. Acting in a manner that has an effect substantially
25 similar to the effect of bullying or harassment.

26 (4) By December 1, 2006, each school district shall
27 adopt a policy prohibiting bullying and harassment on school
28 property, at a school-related or school-sponsored program or
29 activity, on a school bus, or through the use of data or
30 computer software that is accessed through a computer,
31 computer system, or computer network within the scope of the

1 district school system. The school district bullying and
2 harassment policy shall afford all students the same
3 protection regardless of their status under the law. The
4 school district may establish separate discrimination policies
5 that include categories of students. The school district shall
6 involve students, parents, teachers, administrators, school
7 staff, school volunteers, community representatives, and local
8 law enforcement agencies in the process of adopting the
9 policy. The school district policy must be implemented in a
10 manner that is ongoing throughout the school year and
11 integrated with a school's curriculum, a school's discipline
12 policies, and other violence prevention efforts. The school
13 district policy must contain, at a minimum, the following
14 components:

15 (a) A statement prohibiting bullying and harassment.

16 (b) A definition of bullying and a definition of
17 harassment.

18 (c) A description of the type of behavior expected
19 from each student and school employee.

20 (d) The consequences for a person who commits an act
21 of bullying or harassment.

22 (e) The consequences for a person who is found to have
23 wrongfully and intentionally accused another of an act of
24 bullying or harassment.

25 (f) A procedure for reporting an act of bullying or
26 harassment, including provisions that permit a person to
27 anonymously report such an act. However, this paragraph does
28 not permit formal disciplinary action to be based solely on an
29 anonymous report.

30 (g) A procedure for the prompt investigation of a
31 report of bullying or harassment and the persons responsible

1 for the investigation. The investigation of a reported act of
2 bullying or harassment is deemed to be a school-related
3 activity and begins with a report of such an act.

4 (h) A process to investigate whether a reported act of
5 bullying or harassment is within the scope of the district
6 school system and, if not, a process for referral of such an
7 act to the appropriate jurisdiction.

8 (i) A procedure for providing immediate notification
9 to the parents of a victim of bullying or harassment of all
10 local agencies where criminal charges may be pursued against
11 the perpetrator.

12 (j) A procedure to refer victims and perpetrators of
13 bullying or harassment for counseling.

14 (k) A procedure for including incidents of bullying or
15 harassment in the school's report of safety and discipline
16 data required under s. 1006.09(6). The report must include
17 each incident of bullying or harassment and the resulting
18 consequences, including discipline and referrals. The report
19 must include in a separate section each reported incident of
20 bullying or harassment that does not meet the criteria of a
21 prohibited act under this section with recommendations
22 regarding such incidents. The Department of Education shall
23 aggregate information contained in the reports.

24 (l) A procedure for providing instruction to students,
25 parents, teachers, school administrators, counseling staff,
26 and school volunteers on identifying, preventing, and
27 responding to bullying or harassment.

28 (m) A procedure for regularly reporting to a victim's
29 parents the actions taken to protect the victim.

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1 (n) A procedure for publicizing the policy, which must
2 include its publication in the code of student conduct
3 required under s. 1006.07(2) and in all employee handbooks.

4 (5) To assist school districts in developing policies
5 for the prevention of bullying and harassment, the Department
6 of Education shall develop model policies, which must be
7 provided to school districts no later than October 1, 2006.

8 (6) A school employee, school volunteer, student, or
9 parent who promptly reports in good faith an act of bullying
10 or harassment to the appropriate school official designated in
11 the school district's policy and who makes this report in
12 compliance with the procedures set forth in the policy is
13 immune from a cause of action for damages arising out of the
14 reporting itself or any failure to remedy the reported
15 incident.

16 (7)(a) The physical location or time of access of a
17 computer-related incident cannot be raised as a defense in any
18 disciplinary action or prosecution initiated under this
19 section.

20 (b) This section does not apply to any person who uses
21 data or computer software that is accessed through a computer,
22 computer system, or computer network when acting within the
23 scope of his or her lawful employment or investigating a
24 violation of this section in accordance with school district
25 policy.

26 (8) Distribution of safe schools funds to a school
27 district provided in the 2007-2008 General Appropriations Act
28 is contingent upon Department of Education approval of the
29 school district's bullying and harassment policy. Distribution
30 of safe schools funds provided to a school district in fiscal
31 year 2008-2009 and thereafter shall be contingent upon the

1 school district's compliance with all reporting procedures
2 contained in this section.

3 (9) On or before January 1 of each year, the
4 Commissioner of Education shall report to the Governor, the
5 President of the Senate, and the Speaker of the House of
6 Representatives on the implementation of this section. The
7 report shall include data collected pursuant to paragraph
8 (4)(k).

9 (10) Nothing in this section shall be construed to
10 abridge the rights of students or school employees that are
11 protected by the First Amendment to the Constitution of the
12 United States.

13 Section 2. This act shall take effect upon becoming a
14 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1384

- Provides the short title of "Jeffrey Johnston Stand Up for All Students Act."
- Deletes the bill's intent language.
- Includes in the definition of "bullying" the following: "systematically and chronically inflicting physical hurt or psychological distress on one or more students."
- Includes stalking in the definition of "bullying."
- Provides that a school district may establish separate discrimination policies that include categories of students.
- Requires the "anti-bullying" policy to include a procedure for regularly reporting to a victim's parents the actions taken to protect a victim.
- Requires a report to the Governor, as well as the Legislature.
- Changes the deadlines for the DOE to provide model policies to school districts from no later than July 1, 2006 to October 1, 2006, and the deadline for school districts to adopt their policies from September 1, 2006 to December 1, 2006.