

1                                   A bill to be entitled  
 2           An act relating to school safety; creating s. 1006.147,  
 3           F.S.; providing a short title; prohibiting bullying and  
 4           harassment during education programs and activities, on  
 5           school buses, or through use of data or computer software  
 6           accessed through computer systems of certain educational  
 7           institutions; providing definitions; requiring each school  
 8           district to adopt a policy prohibiting such bullying and  
 9           harassment; providing minimum requirements for the  
 10          contents of the policy; requiring the Department of  
 11          Education to develop model policies; providing immunity;  
 12          providing restrictions with respect to defense of an  
 13          action and application of the section; requiring  
 14          department approval of a school district's policy and  
 15          school district compliance with reporting procedures as  
 16          prerequisites to receipt of safe schools funds; requiring  
 17          a report on implementation; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1.   Section 1006.147, Florida Statutes, is created  
 22   to read:

23           1006.147   Bullying and harassment prohibited.--

24           (1)   This section may be cited as the "Jeffrey Johnston  
 25   Stand Up for All Students Act."

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

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

30        (b) During any school-related or school-sponsored program  
31 or activity or on a school bus of a public K-12 educational  
32 institution; or

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

36        (3) For purposes of this section:

37        (a) "Bullying" means systematically and chronically  
38 inflicting physical hurt or psychological distress on one or  
39 more students and may involve:

40            1. Teasing;

41            2. Social exclusion;

42            3. Threat;

43            4. Intimidation;

44            5. Stalking;

45            6. Physical violence;

46            7. Theft;

47            8. Sexual, religious, or racial harassment;

48            9. Public humiliation; or

49            10. Destruction of property.

50        (b) "Harassment" means any threatening, insulting, or  
51 dehumanizing gesture, use of data or computer software, or  
52 written, verbal, or physical conduct directed against a student  
53 or school employee that:

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

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

59 3. Has the effect of substantially disrupting the orderly  
60 operation of a school.

61 (c) Definitions in s. 815.03 relating to computer crimes  
62 and s. 784.048 relating to stalking are applicable to this  
63 section.

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

65 1. Retaliation against a student or school employee by  
66 another student or school employee for asserting or alleging an  
67 act of bullying or harassment. Reporting an act of bullying or  
68 harassment that is not made in good faith is considered  
69 retaliation.

70 2. Perpetuation of conduct listed in paragraph (a) or  
71 paragraph (b) by an individual or group with intent to demean,  
72 dehumanize, embarrass, or cause physical harm to a student or  
73 school employee by:

74 a. Incitement or coercion;

75 b. Accessing or knowingly causing or providing access to  
76 data or computer software through a computer, computer system,  
77 or computer network within the scope of the district school  
78 system; or

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

81           (4) By December 1, 2006, each school district shall adopt  
82 a policy prohibiting bullying and harassment on school property,  
83 at a school-related or school-sponsored program or activity, on  
84 a school bus, or through the use of data or computer software  
85 that is accessed through a computer, computer system, or  
86 computer network within the scope of the district school system.  
87 The school district bullying and harassment policy shall afford  
88 all students the same protection regardless of their status  
89 under the law. The school district may establish separate  
90 discrimination policies that include categories of students. The  
91 school district shall involve students, parents, teachers,  
92 administrators, school staff, school volunteers, community  
93 representatives, and local law enforcement agencies in the  
94 process of adopting the policy. The school district policy must  
95 be implemented in a manner that is ongoing throughout the school  
96 year and integrated with a school's curriculum, a school's  
97 discipline policies, and other violence prevention efforts. The  
98 school district policy must contain, at a minimum, the following  
99 components:

100           (a) A statement prohibiting bullying and harassment.

101           (b) A definition of bullying and a definition of  
102 harassment.

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

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

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

110        (f) A procedure for reporting an act of bullying or  
111 harassment, including provisions that permit a person to  
112 anonymously report such an act. However, this paragraph does not  
113 permit formal disciplinary action to be based solely on an  
114 anonymous report.

115        (g) A procedure for the prompt investigation of a report  
116 of bullying or harassment and the persons responsible for the  
117 investigation. The investigation of a reported act of bullying  
118 or harassment is deemed to be a school-related activity and  
119 begins with a report of such an act.

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

124        (i) A procedure for providing immediate notification to  
125 the parents of a victim of bullying or harassment of all local  
126 agencies where criminal charges may be pursued against the  
127 perpetrator.

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

130        (k) A procedure for including incidents of bullying or  
131 harassment in the school's report of safety and discipline data  
132 required under s. 1006.09(6). The report must include each  
133 incident of bullying or harassment and the resulting

134 consequences, including discipline and referrals. The report  
135 must include in a separate section each reported incident of  
136 bullying or harassment that does not meet the criteria of a  
137 prohibited act under this section with recommendations regarding  
138 such incidents. The Department of Education shall aggregate  
139 information contained in the reports.

140 (l) A procedure for providing instruction to students,  
141 parents, teachers, school administrators, counseling staff, and  
142 school volunteers on identifying, preventing, and responding to  
143 bullying or harassment.

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

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

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

153 (6) A school employee, school volunteer, student, or  
154 parent who promptly reports in good faith an act of bullying or  
155 harassment to the appropriate school official designated in the  
156 school district's policy and who makes this report in compliance  
157 with the procedures set forth in the policy is immune from a  
158 cause of action for damages arising out of the reporting itself  
159 or any failure to remedy the reported incident.

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

163       (b) This section does not apply to any person who uses  
164 data or computer software that is accessed through a computer,  
165 computer system, or computer network when acting within the  
166 scope of his or her lawful employment or investigating a  
167 violation of this section in accordance with school district  
168 policy.

169       (8) Distribution of safe schools funds to a school  
170 district provided in the 2007-2008 General Appropriations Act is  
171 contingent upon Department of Education approval of the school  
172 district's bullying and harassment policy. Distribution of safe  
173 schools funds provided to a school district in fiscal year 2008-  
174 2009 and thereafter shall be contingent upon the school  
175 district's compliance with all reporting procedures contained in  
176 this section.

177       (9) On or before January 1 of each year, the Commissioner  
178 of Education shall report to the Governor, the President of the  
179 Senate, and the Speaker of the House of Representatives on the  
180 implementation of this section. The report shall include data  
181 collected pursuant to paragraph (4) (k).

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

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