

By Senator Baker

20-57A-07

1 A bill to be entitled

2 An act relating to school safety; creating s.

3 1006.147, F.S.; providing a short title;

4 prohibiting bullying or harassment during

5 education programs or activities, on school

6 buses, or through use of data or computer

7 software accessed through computer systems of

8 certain educational institutions; providing

9 definitions; requiring each school district to

10 adopt a policy prohibiting such bullying and

11 harassment; providing minimum requirements for

12 the contents of the policy; requiring the

13 Department of Education to develop model

14 policies; providing immunity for certain

15 actions; providing restrictions with respect to

16 defenses that may be raised and the application

17 of the act; requiring department approval of a

18 school district's policy and its compliance

19 with reporting procedures as prerequisites to

20 receipt of safe schools funds; requiring a

21 report on implementation; providing for

22 construction of the act; providing an effective

23 date.

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. Section 1006.147, Florida Statutes, is

28 created to read:

29 1006.147 Bullying and harassment prohibited.--

30 (1) This section may be cited as the "Jeffrey Johnston

31 Stand Up for All Students Act."

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)(a) As used in this section, the term:

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

15 a. Teasing;

16 b. Social exclusion;

17 c. Threat;

18 d. Intimidation;

19 e. Stalking;

20 f. Physical violence;

21 g. Theft;

22 h. Sexual, religious, or racial harassment;

23 i. Public humiliation; or

24 j. Destruction of property.

25 2. "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 which:

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

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

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

6 (b) The definitions in s. 815.03 relating to computer
7 crimes and s. 784.048 relating to stalking apply to this
8 section.

9 (c) 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) by
16 an individual or group with the intent to demean, dehumanize,
17 embarrass, or cause physical harm to a student or school
18 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 a 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, 2007, 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 a

1 district school system. Each school district's policy
2 prohibiting bullying and harassment shall afford all students
3 the same protection regardless of their status under the law.
4 A school district may establish separate discrimination
5 policies that include categories of students. Each school
6 district shall involve students, parents, teachers,
7 administrators, school staff, school volunteers, community
8 representatives, and local law enforcement agencies in the
9 process of adopting the policy. Each school district's policy
10 must be implemented in a manner that is ongoing throughout the
11 school year and integrated with a school's curriculum, a
12 school's discipline policies, and other violence-prevention
13 efforts. Each school district's policy must contain, at a
14 minimum:
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 authorize formal disciplinary action to be based solely on
29 an anonymous report.
30 (g) A procedure for promptly investigating a report of
31 bullying or harassment and designating 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 for investigating whether a reported act
5 of bullying or harassment is within the jurisdiction of the
6 district school system and, if not, a process for referring
7 such an act to the appropriate jurisdiction.

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

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

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

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

29 (m) A procedure for regularly reporting to a victim's
30 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 preventing bullying and harassment, the Department of
6 Education shall develop model policies, which must be provided
7 to school districts by October 1, 2007.

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 2008-2009 General Appropriations Act
28 is contingent upon approval by the Department of Education of
29 the school district's policy for preventing bullying and
30 harassment. Distribution of safe schools funds provided to a
31 school district in the 2009-2010 fiscal year and thereafter is

1 contingent upon the school district's compliance with all
2 reporting procedures 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 must include data collected pursuant to paragraph
8 (4)(k).

9 (10) This section does not abridge the rights of
10 students or school employees which are protected by the First
11 Amendment to the Constitution of the United States.

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

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15 SENATE SUMMARY

16 Prohibits bullying and harassment during education
17 programs and activities, on school buses, or through use
18 of data or computer software accessed through computer
19 systems of certain educational institutions. Provides
20 definitions. Requires each school district to adopt a
21 policy prohibiting such bullying and harassment. Provides
22 minimum requirements for the contents of the policy.
23 Requires the Department of Education to develop model
24 policies. Provides immunity. Provides restrictions with
25 respect to defense of an action and application of the
26 section. Requires department approval of a school
27 district's policy and school district compliance with
28 reporting procedures as prerequisites to receipt of safe
29 school funds. Requires a report on implementation.
30 Provides for construction of the act.
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