

By Senator Baker

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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 or
4 harassment during education programs or 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; providing immunity for certain
11 actions; providing restrictions with respect to defenses
12 that may be raised and the application of the act;
13 providing for construction of the act; providing an
14 effective date.

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

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18 Section 1. Section 1006.147, Florida Statutes, is created
19 to read:

20 1006.147 Bullying and harassment prohibited.--

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

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

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

27 (b) During any school-related or school-sponsored program
28 or activity or on a school bus of a public K-12 educational
29 institution; or

20-02401-08

2008790__

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

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

34 1. "Bullying" means systematically and chronically
35 inflicting physical hurt or psychological distress on one or more
36 students and may involve:

37 a. Teasing;

38 b. Social exclusion;

39 c. Threat;

40 d. Intimidation;

41 e. Stalking;

42 f. Physical violence;

43 g. Theft;

44 h. Sexual, religious, or racial harassment;

45 i. Public humiliation; or

46 j. Destruction of property.

47 2. "Harassment" means any threatening, insulting, or
48 dehumanizing gesture; use of data or computer software; or
49 written, verbal, or physical conduct directed against a student
50 or school employee which:

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

53 b. Has the effect of substantially interfering with the
54 student's educational performance, opportunities, or benefits; or

55 c. Has the effect of substantially disrupting the orderly
56 operation of a school.

57 (b) The definitions in s. 815.03 relating to computer
58 crimes and s. 784.048 relating to stalking apply to this section.

20-02401-08

2008790__

59 (c) The terms "bullying" and "harassment" include:

60 1. Retaliation against a student or school employee by
61 another student or school employee for asserting or alleging an
62 act of bullying or harassment. A report of an act of bullying or
63 harassment which is not made in good faith is retaliation.

64 2. Perpetuation of conduct listed in paragraph (a) by an
65 individual or group with the intent to demean, dehumanize,
66 embarrass, or cause physical harm to a student or school employee
67 by:

68 a. Incitement or coercion;

69 b. Accessing or knowingly causing or providing access to
70 data or computer software through a computer, computer system, or
71 computer network within the district school system; or

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

74 (4) By December 1, 2008, each school district shall adopt a
75 policy prohibiting bullying and harassment on school property, at
76 a school-related or school-sponsored program or activity, on a
77 school bus, or through the use of data or computer software that
78 is accessed through a computer, computer system, or computer
79 network within the district school system. Each school district's
80 policy prohibiting bullying and harassment shall afford all
81 students the same protection regardless of their status under the
82 law. A school district may establish separate discrimination
83 policies that include categories of students. Each school
84 district shall involve students, parents, teachers,
85 administrators, school staff members, school volunteers,
86 community representatives, and local law enforcement agencies in
87 the process of adopting the policy. Each school district's policy

20-02401-08

2008790__

88 must be implemented in a manner that is ongoing throughout the
89 school year and integrated with the school's curriculum, the
90 school's discipline policies, and other violence-prevention
91 efforts. Each school district's policy must contain, at a
92 minimum:

93 (a) A statement prohibiting bullying and harassment.

94 (b) A definition of bullying and a definition of
95 harassment.

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

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

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

103 (f) A procedure for reporting an act of bullying or
104 harassment, including provisions that permit a person to
105 anonymously report such an act. However, this paragraph does not
106 authorize formal disciplinary action solely on the basis of an
107 anonymous report.

108 (g) A procedure for promptly investigating a report of
109 bullying or harassment and designating the persons responsible
110 for the investigation. The investigation of a reported act of
111 bullying or harassment is deemed to be a school-related activity
112 and begins with a report of such an act.

113 (h) A process for investigating whether a reported act of
114 bullying or harassment is within the jurisdiction of the district
115 school system and, if not, a process for referring such an act to
116 the appropriate jurisdiction.

20-02401-08

2008790__

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

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

122 (k) A procedure for including incidents of bullying or
123 harassment in the school's report of data concerning safety and
124 discipline required under s. 1006.09. The report must include
125 each incident of bullying or harassment and the resulting
126 consequences, including discipline and referrals. The report must
127 include in a separate section each reported incident of bullying
128 or harassment which does not meet the criteria of a prohibited
129 act under this section, with recommendations regarding such
130 incidents.

131 (l) A procedure for providing instruction to students,
132 parents, teachers, school administrators, counseling staff, and
133 school volunteers on identifying, preventing, and responding to
134 bullying or harassment.

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

137 (n) A procedure for publicizing the policy, which must
138 include its publication in the code of student conduct required
139 under s. 1006.07 and in the employee handbook of each school.

140 (5) A school employee, school volunteer, student, or parent
141 who promptly reports in good faith an act of bullying or
142 harassment to the appropriate school official designated in the
143 school district's policy and who makes this report in compliance
144 with the procedures set forth in the policy is immune from a
145 cause of action for damages arising out of the reporting itself

20-02401-08

2008790__

146 or any failure to remedy the reported incident.

147 (6) (a) The physical location or time of access of a
148 computer-related incident may not be raised as a defense in any
149 disciplinary action or prosecution initiated under this section.

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

155 (7) This section does not abridge the rights of students or
156 school employees which are protected by the First Amendment to
157 the United States Constitution.

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