

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to bullying of school children;
3 amending s. 1006.147, F.S.; prohibiting bullying or
4 harassment of a student or school employee by use of
5 any computer, computer system, or computer network
6 that is physically located on school property,
7 regardless of ownership; adding "emotional hurt" to
8 the list of behaviors that, when taken singularly or
9 in combination, may indicate that a child is being
10 bullied at school; defining the term "within the scope
11 of a public K-12 educational institution"; requiring
12 that each school district include in its districtwide
13 policy instruction to students, parents, teachers,
14 school administrators, counseling staff, and school
15 volunteers on how to recognize behaviors that lead to
16 bullying and harassment and how to take appropriate
17 preventative action based on each of those
18 individual's observations; requiring that any
19 complaint of a computer-related incident of bullying
20 be investigated by a school district official using a
21 computer on which web-filtering software is not
22 installed; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsections (2) and (3) and paragraph (1) of
27 subsection (4) of section 1006.147, Florida Statutes, are
28 amended, and paragraph (c) is added to subsection (7) of that
29 section, to read:

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30 1006.147 Bullying and harassment prohibited.—

31 (2) Bullying or harassment of any student or employee of a
32 public K-12 educational institution is prohibited:

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

35 (b) During any school-related or school-sponsored program
36 or activity or on a school bus of a public K-12 educational
37 institution; or

38 (c) Through the use of data or computer software that is
39 accessed through a computer, computer system, or computer
40 network within the scope of a public K-12 educational
41 institution.

42 (3) For purposes of this section:

43 (a) "Bullying" means systematically and chronically
44 inflicting physical hurt or psychological distress on one or
45 more students and may involve:

46 1. Teasing;

47 2. Social exclusion;

48 3. Threat;

49 4. Intimidation;

50 5. Stalking;

51 6. Physical violence;

52 7. Theft;

53 8. Sexual, religious, or racial harassment;

54 9. Public humiliation; ~~or~~

55 10. Destruction of property; or

56 11. Emotional hurt.

57 (b) "Harassment" means any threatening, insulting, or
58 dehumanizing gesture, use of data or computer software, or

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59 written, verbal, or physical conduct directed against a student
60 or school employee that:

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

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

66 3. Has the effect of substantially disrupting the orderly
67 operation of a school.

68 (c) "Within the scope of a public K-12 educational
69 institution" means, regardless of ownership, any computer,
70 computer system, or computer network that is physically located
71 on school property.

72 (d)-(e) Definitions in s. 815.03 and the definition in s.
73 784.048(1)(d) relating to stalking are applicable to this
74 section.

75 (e)-(d) The definitions of "bullying" and "harassment"
76 include:

77 1. Retaliation against a student or school employee by
78 another student or school employee for asserting or alleging an
79 act of bullying or harassment. Reporting an act of bullying or
80 harassment that is not made in good faith is considered
81 retaliation.

82 2. Perpetuation of conduct listed in paragraph (a) or
83 paragraph (b) by an individual or group with intent to demean,
84 dehumanize, embarrass, or cause physical harm to a student or
85 school employee by:

86 a. Incitement or coercion;

87 b. Accessing or knowingly causing or providing access to

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88 data or computer software through a computer, computer system,
89 or computer network within the scope of the district school
90 system; or

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

93 (4) By December 1, 2008, each school district shall adopt a
94 policy prohibiting bullying and harassment of any student or
95 employee of a public K-12 educational institution. Each school
96 district's policy shall be in substantial conformity with the
97 Department of Education's model policy mandated in subsection
98 (5). The school district bullying and harassment policy shall
99 afford all students the same protection regardless of their
100 status under the law. The school district may establish separate
101 discrimination policies that include categories of students. The
102 school district shall involve students, parents, teachers,
103 administrators, school staff, school volunteers, community
104 representatives, and local law enforcement agencies in the
105 process of adopting the policy. The school district policy must
106 be implemented in a manner that is ongoing throughout the school
107 year and integrated with a school's curriculum, a school's
108 discipline policies, and other violence prevention efforts. The
109 school district policy must contain, at a minimum, the following
110 components:

111 (1) A procedure for providing instruction to students,
112 parents, teachers, school administrators, counseling staff, and
113 school volunteers on identifying, preventing, and responding to
114 bullying or harassment, including instruction on how to
115 recognize behaviors that lead to bullying and harassment and how
116 to take appropriate preventative action based on each of those

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117 individual's observations.

118 (7)

119 (c) Any complaint of a computer-related incident must be
120 investigated by a school district official using a computer on
121 which web-filtering software is not installed.

122 Section 2. This act shall take effect July 1, 2011.