

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 1728
 INTRODUCER: Senator Montford
 SUBJECT: Instruction in the Public Schools
 DATE: February 16, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Favorable
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes district school boards to promote awareness of cyberbullying through a designated “Cyberbullying Awareness Week” to be held uniformly the third week of September in all public K-12 schools in the district.

The term “cyberbullying” is defined, goals of instruction are identified, and suggestions are offered regarding incorporation into the school curriculum.

This bill creates section 1003.4206 of the Florida Statutes.

II. Present Situation:

Bullying

The 2008 Florida Legislature enacted legislation which prohibits bullying and harassment in the school environment.¹ Bullying and harassment are specifically prohibited:

- During education programs and activities;
- During school-related and school-sponsored activities, including on a school bus; and
- Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 institution.²

¹ ch. 2008-123, L.O.F., provides the Jeffrey Johnston Stand Up for All Students Act.

² s. 1006.147(2), F.S.

School districts are required to have in place a policy which prohibits bullying and harassment of students and employees of public K-12 educational institutions by December 1, 2008.³ The policy must be integrated with a school's curriculum, discipline policies and other violence prevention efforts.⁴

The policy must address:

- A prohibition on bullying and harassment;
- Definitions of bullying and harassment which are reflective of definitions provided in law;
- Consequences for violators;
- Reporting procedures and the investigation process;
- Immediate parental notification of victims and perpetrators;
- A procedure for reporting these incidents as part of a school's report on school safety; and
- A procedure for providing instruction on identifying, preventing and responding to bullying and harassment.⁵

Receipt of safe school funds to a school district is contingent upon the Department of Education's approval of a school policy on bullying and harassment.⁶

Although Florida does have this law prohibiting bullying, it only addresses cyberbullying in the context of the school environment.

Cyberbullying

Cyberbullying is generally defined as intentional and repeated harm inflicted through electronic transmission, such as by computers, cell phones, and other electronic devices.⁷ In a random sample of 4,400 11 through 18 year old students:

- Approximately 20 percent responded that they had been a victim of cyberbullying;
- Approximately 20 percent responded that they had committed cyberbullying; and
- About 10 percent indicated that they had been both victim and perpetrator.⁸

Detrimental consequences experienced by victims of cyberbullying include reduced self-esteem, family problems, academic problems, school violence and delinquent behavior, and possible physical self-harm, including several documented cases of suicide.⁹

³ s. 1006.147(4), F.S.

⁴ *Id.*

⁵ s. 1006.147(5), F.S.

⁶ s. 1006.147(8), F.S. The appropriation for 2011-2012 amounted to \$64,456,019 total, with each district to receive a specified allocation of \$62,660. ch. 2011-69, L.O.F. (GAA)

⁷ Sameer Hinduja, PhD and Justin W. Patchin, PhD, *Cyberbullying: Identification, Prevention, and Response*. See online at <http://www.cyberbullying.us/>. Last checked February 17, 2012.

⁸ *Id.*

⁹ *Id.*

In response to the prevalence of bullying in schools, 48 states have adopted anti-bullying legislation, all of which require adoption of a school policy.¹⁰ Of these, none have adopted legislation which specifically addresses cyberbullying, but eleven states, in addition to Florida, are currently considering such legislation.¹¹

III. Effect of Proposed Changes:

This bill authorizes, but does not require district school boards to adopt a “Cyberbullying Awareness Week” to be held every third week of September in all public K-12 schools districtwide.

If adopted, instruction would be provided to:

- Increase attention to identifying and preventing cyberbullying;
- Provide awareness of the consequences;
- Offer ways to respond appropriately, including reporting incidents to school officials; and
- Provide awareness that incidents of cyberbullying taking place at school often continue after school hours.

The term “cyberbullying” is defined as:

The transmission of any electronic textual, visual, written, or oral communication with malicious or willful intent to threaten, torment, abuse or intimidate.

The effective date of the bill is July 1, 2012. It appears this would provide adequate time for implementation of an awareness week, if the district school board chooses.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ Sameer Hinduja, PhD and Justin W. Patchin, PhD, *State Cyberbullying Laws: A Brief Review of State Cyberbullying Laws and Policies* (February 2012). States that do not have any legislation on bullying are Montana and South Dakota.

¹¹ *Id.* These are Alabama, Alaska, Georgia, Indiana, Kentucky, Maine, Minnesota, Nebraska, New Hampshire, New York and Ohio.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Families may benefit from the reduced negative behavior associated with cyberbullying.

C. Government Sector Impact:

The decision to establish a “Cyberbullying Awareness Week” is entirely at the discretion of the local school district. Little cost is expected from providing instruction on this topic, as it is anticipated that it could be incorporated in the existing school curriculum and use of current school resources.

Schools may realize a positive impact from reduced incidents of cyberbullying and associated delinquent behavior at schools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.