

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 229 Bullying and Harassment Policies in Schools

SPONSOR(S): K-12 Subcommittee, Geller

TIED BILLS: **IDEN./SIM. BILLS:** SB 268

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|-----------------|---------|--|
| 1) K-12 Subcommittee | 9 Y, 0 N, As CS | Cherry | Fudge |
| 2) Education Appropriations Subcommittee | 13 Y, 0 N | Dobson | Heflin |
| 3) Education Committee | 13 Y, 0 N | Cherry | Mizereck |

SUMMARY ANALYSIS

In 2008, the Florida Legislature enacted the Jeffrey Johnston Stand Up for All Students Act, which prohibits the bullying or harassment of any public K-12 student or employee during a public K-12 education program or activity; during a school-related or school-sponsored program or activity; on a public K-12 school bus; or through a public K-12 computer, computer system, or computer network. The law also requires each school district to adopt a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.

The bill revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Climate

Present Situation

Florida law requires school boards to adopt rules, policies, and procedures for addressing disciplinary issues and providing for a safe and orderly school environment.¹ Each school board must adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools.² At the beginning of each school year, the code of student conduct must be:

- Distributed to all teachers, school personnel, students, and parents;
- Made available in the school district's student handbook or similar publication; and
- Discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year.³

The code of student conduct must include policy and procedures relating to bullying and harassment prevention.⁴ Current law prohibits bullying or harassment:

- Of any public K-12 student or employee during a public K-12 education program or activity;
- During a school-related or school-sponsored program or activity;
- On a public K-12 school bus;
- Using a computer, computer system, or computer network that is within the scope of a public K-12 educational institution;⁵ or
- Using technology or electronic devices that are not owned or otherwise controlled by a school district or school, but only if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. The law does not require a school to staff or monitor any non-school related activity, function, or program in its efforts to prevent bullying and harassment.⁶

The terms "bullying" and "harassment" constitute the following behaviors:

- **Bullying:** Systematically and chronically inflicting physical hurt or psychological distress on one or more students, which may involve:
 - Teasing;
 - Social exclusion;
 - Threat;
 - Intimidation;
 - Stalking;
 - Physical violence;
 - Theft;
 - Sexual, religious, or racial harassment;
 - Public or private humiliation; or

¹ Sections 1006.07 and 1006.07(1)(a), F.S.

² Section 1006.07(2), F.S.

³ *Id.*

⁴ Section 1006.147(4)(n), F.S.

⁵ "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity. Section 1006.147(3)(d), F.S.

⁶ Section 1006.147(2), F.S.

- Destruction of property.⁷
- **Cyberbullying:** Bullying through the use of technology or electronic communication, e.g., email, postings on internet websites or social media, instant messages, text messages, or cell phone.⁸
- **Harassment:** Threatening, insulting, or dehumanizing gestures, use of computers, or written, verbal, or physical conduct directed against a student or school employee that causes reasonable fear of harm to person or property; substantially interferes with a student's educational performance, opportunities, or benefits; or substantially disrupts the orderly operation of a school.⁹

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;
- Reporting bullying or harassment, which is not made in good faith;
- Perpetuating bullying or harassment with the intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by incitement or coercion; use of (or providing access to) a school district's computer, computer system, or computer network; or conduct with an effect substantially similar to bullying or harassment.¹⁰

Each school district's bullying and harassment policy must:

- Prohibit, define, and describe the behaviors that constitute bullying and harassment;
- Establish procedures for reporting and investigating acts of bullying and harassment;
- Establish procedures for making referrals to law enforcement;
- Provide instruction to students, parents, teachers, and others on recognizing behavior that leads to bullying and harassment and taking preventative action;
- Establish procedures for including "incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6);"¹¹ and
- Procedures for referring victims and perpetrators to counseling.¹²

Current law does not expressly require school principals to review or implement the district school board policy.

Annually, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must also include data regarding incidents of bullying and harassment. Distribution of safe schools funds to a school district is contingent upon the school district's compliance with required procedures for reporting bullying and harassment and reporting regarding policy implementation and incidents.¹³

Effect of Proposed Changes

⁷ Section 1006.147(3)(a), F.S.

⁸ Section 1006.147(3)(b), F.S.

⁹ Section 1006.147(3)(c), F.S.

¹⁰ Section 1006.147(3)(f), F.S.

¹¹ Section 1006.147(4)(f), (h), (k), and (l), F.S. The School Environmental Safety Incident Reporting (SESIR) System is used by DOE to compile data on incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school-sponsored events. Florida Department of Education, *Statewide Report on School Safety and Discipline Data*, <http://www.fldoe.org/safeschools/sesir.asp> (last visited November, 20, 2015).

¹² Section 1006.147(4)(j), F.S.

¹³ Section 1006.147(7) and (9), F.S.

The bill revises current law related to district school board anti-bullying, anti-harassment policies by requiring each district school board to review its policy every three years with the involvement of students, parents, teachers, administrators and other community stakeholders.

Each district school board must also authorize a list of bullying and harassment prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. These programs must also include instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.

The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy and integrating the policy with the school's curriculum, prevention program, discipline policies, and other violence prevention efforts.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.147, F.S., requiring school districts to revise their bullying and harassment policy at specified intervals; requiring schools to implement the bullying and harassment policy in a certain manner and integrate it with the school's bullying prevention and intervention program; requiring the policy to include procedure for receiving reports of alleged acts of bullying and a list of authorized programs that provide bullying and harassment identification, prevention, and response instruction.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Any workload increase required by the bill would be absorbed within existing school district resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 2, 2015, the K-12 Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute revises current law by requiring each district school board to:

- Review its anti-bullying and harassment policy every three years with the involvement of students, parents, teachers, administrators and other community stakeholders;
- Authorize a list of bullying and harassment prevention programs; and
- Establish a procedure for receiving reports of alleged acts of bullying or harassment.

The committee substitute makes each school principal responsible for reviewing and implementing the district school board's bullying and harassment policy. The analysis is drafted to reflect the committee substitute.