

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 Committee on Fiscal Policy

BILL: SB 268

INTRODUCER: Senator Ring

SUBJECT: Bullying and Harassment Policies in Schools

DATE: February 16, 2016

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|-----------------|------------|-----------------------------|
| 1. | <u>Scott</u> | <u>Klebacha</u> | <u>ED</u> | Favorable |
| 2. | <u>Sikes</u> | <u>Elwell</u> | <u>AED</u> | Recommend: Favorable |
| 3. | <u>Pace</u> | <u>Hrdlicka</u> | <u>FP</u> | Pre-meeting |

I. Summary:

SB 268 requires school districts to implement a policy prohibiting bullying and harassment and revise the policy at least every 3 years. The bill also requires the policy to include a procedure for the mandatory reporting of an act of bullying or harassment and a list of bullying prevention and intervention programs.

The bill has no fiscal impact.

II. Present Situation:

Bullying and Harassment in Schools

In 2008,¹ the Florida Legislature enacted s. 1006.147, F.S., which prohibits the bullying and harassment of any student or employee of a public K-12 educational institution.² Bullying is prohibited during a public K-12 education program or activity, school-sponsored event, or on a school bus.³ Bullying and harassment are also prohibited through the use of data or computer software accessed through a computer within the scope⁴ of a public K-12 educational institution or accessed at a non-school related event, 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.⁵

¹ Chapter 2008-123, L.O.F., also known as the "Jeffrey Johnston Stand Up for All Students" Act.

² Section 1006.147(2), F.S.

³ Section 1006.147(a) and (b), F.S.

⁴ Section 1006.147(3)(d), F.S., defines "within the scope of a public K-12 educational institution" to mean 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.

⁵ Section 1006.147(2)(c) and (d), F.S. 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. See s. 1006.147(2)(d), F.S.

Bullying is the systemic and chronic infliction of physical hurt or psychological distress on one or more students, including cyberbullying,⁶ and may involve:

- Teasing;
- Social exclusion;
- Threat;
- Intimidation;
- Stalking;
- Physical violence;
- Theft;
- Sexual, religious, or racial harassment;
- Public humiliation; or
- Destruction of property.⁷

Harassment is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

- Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
- Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- Has the effect of substantially disrupting the orderly operation of a school.⁸

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 in bad 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;
 - Accessing or providing access to a school district's computer, computer system, or computer network; or
 - Engaging in conduct substantially similar in effect to bullying or harassment.⁹

Policy and Reporting Requirements

Each school district is required to adopt a policy prohibiting the bullying and harassment of a student or employee of a public K-12 educational institution.¹⁰ The school district must involve students, parents, teachers, administrators, school volunteers, community representatives, and

⁶ "Cyberbullying" is a form of bullying through the use of technology or other means of electronic communication, including, but not limited to, creating webpages or blogs and distributing or posting materials that perpetuate the conduct. *See* s. 1006.147(3)(b), F.S.

⁷ Section 1006.147(3)(a), F.S.

⁸ Section 1006.147(3)(c), F.S.

⁹ Section 1006.147(3)(f), F.S.

¹⁰ Section 1006.147(4), F.S. The policy must be in substantial compliance with the Department of Education's model policy. *See* Florida Department of Education, *Bullying Prevention, Model Policy Against Bullying and Harassment* (Revised July 2013), available at: <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/bullying-prevention.stml> (last visited Feb. 12, 2016).

local law enforcement agencies in the process of adopting the policy.¹¹ The policy must, at a minimum:

- Prohibit and define bullying and harassment;
- Describe the type of behavior expected from each student and employee of a public K-12 educational institution;
- Identify the consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment;
- Establish procedures for:
 - Reporting and investigating acts of bullying and harassment;
 - Immediately notifying a victim's parents, the parents of the perpetrator, and all local agencies where criminal charges may be pursued;
 - Referring victims and perpetrators to counseling;
 - Including incidents of bullying or harassment in each school's safety and discipline report submitted to the Department of Education;¹²
 - Providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that leads to bullying and harassment and taking appropriate preventative action based on those observations;
 - Regularly reporting to a victim's parents the actions taken to protect the victim; and
 - Publicizing the policy, including publication in the code of student conduct and all employee handbooks.¹³

The policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.¹⁴

Distribution of safe schools funds to a school district is contingent upon the school district's compliance with implementing the reporting procedures required as part of its bullying and harassment policy.¹⁵ By January 1 of each year, the Commissioner of Education must submit a report on the statewide implementation of bullying and harassment policies, including data regarding incidents of bullying and harassment and resulting consequences, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁶

III. Effect of Proposed Changes:

The bill requires that each school district:

- Revise its anti-bullying and harassment policy at least every 3 years; and

¹¹ Section 1006.147(4), F.S.

¹² Section 1006.09(6), F.S. The School Environmental Safety Incident Reporting System is used by the Office for Safe Schools within the Department of Education 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. Such data is contained in the *Statewide Report on School Safety and Discipline Data*, available at: <http://www.fl DOE.org/safeschools/sesir.asp> (last visited Feb. 12, 2016).

¹³ *Supra* note 11.

¹⁴ *Id.*

¹⁵ Section 1006.147(7), F.S.

¹⁶ Section 1006.147(8), F.S.

- Require schools to implement the school district's anti-bullying and harassment policy.

The bill also requires that the school district's anti-bullying and harassment policy include:

- A procedure for the mandatory reporting of bullying or harassment; and
- A list of bullying prevention and intervention programs authorized by the school district to provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.

The bill is effective on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1006.147 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
