

By Senator Ring

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1 A bill to be entitled

2 An act relating to the prevention of harassment of
3 students enrolled in K-12 public schools; providing
4 legislative intent and definitions; requiring that school
5 districts adopt a policy prohibiting harassment,
6 intimidation, or bullying of students; providing minimum
7 criteria for the policy; requiring that the Commissioner
8 of Education adopt a model policy that a school district
9 may adopt to meet the minimum criteria; requiring that
10 school districts include notice of the policy in certain
11 publications; prohibiting retaliatory acts by an employee,
12 student, or volunteer of a school against a person who has
13 information concerning an incident of harassment,
14 intimidation, or bullying; requiring reporting by an
15 employee, student, or volunteer of a school who has
16 information concerning such an incident; encouraging
17 schools and school districts to establish initiatives to
18 prevent bullying; requiring school districts to undertake
19 training activities under specified conditions; providing
20 immunity from a civil action for damages under certain
21 conditions; specifying that the act does not otherwise
22 alter liability for any tort or prevent redress under law;
23 providing an effective date.

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

26
27 Section 1. Prohibition against and prevention of
28 harassment, intimidation, or bullying of students enrolled in
29 public schools.--

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30 (1) The Legislature finds that a safe and civil environment
31 in school is necessary for students to learn and achieve high
32 academic standards; harassment, intimidation, or bullying, like
33 other disruptive or violent behaviors, disrupts a student's
34 ability to learn and a school's ability to educate its students
35 in a safe environment; and since students learn by example,
36 school administrators, faculty, staff, and volunteers should be
37 commended for demonstrating appropriate behavior, treating others
38 with civility and respect, and refusing to tolerate harassment,
39 intimidation, or bullying.

40 (2) As used in this section, the term:

41 (a) "Harassment, intimidation, or bullying" means a gesture
42 or a written, verbal, or physical act that is reasonably
43 perceived as being motivated by any actual or perceived
44 characteristic, such as race, color, religion, ancestry, national
45 origin, gender, sexual orientation, gender identity and
46 expression, a mental, physical or sensory handicap, or another
47 distinguishing characteristic; that takes place at a school-
48 sponsored function, on school property or a school bus, or while
49 a student is waiting for a school bus at a bus stop or traveling
50 on foot or by nonmotorized vehicle between a student's residence
51 and school or a school bus stop; and that:

52 1. A reasonable person should know, under the
53 circumstances, will have the effect of harming a student,
54 damaging a student's property, or placing a student in reasonable
55 fear of harm to his or her person or damage to his or her
56 property; or

57 2. Has the effect of insulting or demeaning a student or
58 group of students in such a way that causes substantial

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59 disruption in, or substantial interference with, the orderly
60 operation of a school.

61 (b) "School" has the same meaning as in s. 1003.01, Florida
62 Statutes.

63 (3)(a) By August 1, 2008, each school district shall adopt
64 a policy prohibiting harassment, intimidation, or bullying. The
65 school district shall endeavor to adopt the policy through a
66 process that includes representation by parents or guardians,
67 school employees, volunteers, students, administrators, and
68 community representatives.

69 (b) The policy must contain, at a minimum:

70 1. A statement prohibiting harassment, intimidation, or
71 bullying of a student;

72 2. A definition of harassment, intimidation, or bullying
73 which is not less inclusive than the definition in subsection
74 (2);

75 3. A description of the type of behavior expected from each
76 student;

77 4. A statement of the remedial action that will be taken
78 against a person who commits an act of harassment, intimidation,
79 or bullying;

80 5. A procedure for reporting an act of harassment,
81 intimidation, or bullying, including a provision that allows a
82 person to report an act of harassment, intimidation, or bullying
83 anonymously; however, this subparagraph does not authorize formal
84 disciplinary action based solely on an anonymous report;

85 6. A procedure for prompt investigation of reports of
86 violations and complaints, identifying the principal or the
87 principal's designee as the person responsible for the

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88 investigation;

89 7. The range of ways in which the school will respond once
90 an incident of harassment, intimidation, or bullying is
91 identified;

92 8. A statement prohibiting reprisal or retaliation against
93 any person who reports an act of harassment, intimidation, or
94 bullying, and the remedial action that will be taken against a
95 person who engages in reprisal or retaliation;

96 9. A statement of the remedial action that will be taken
97 against a person who falsely accuses another as a means of
98 reprisal or retaliation or as a means of harassment,
99 intimidation, or bullying; and

100 10. A statement of how the policy will be publicized,
101 including notice that the policy applies to persons participating
102 in school-sponsored functions.

103 (4) By December 1, 2008, the Commissioner of Education
104 shall adopt a model policy that school districts may adopt in
105 order to meet the requirements of subsection (3).

106 (5) Each school district shall include notice of the school
107 district's policy prohibiting harassment, intimidation, or
108 bullying in each publication of the school district which sets
109 forth the comprehensive rules, procedures, and standards of
110 conduct for schools within the school district and in any student
111 handbook.

112 (6) (a) A school employee, student, or volunteer may not
113 engage in reprisal or retaliation, including, but not limited to,
114 a false accusation against a victim, witness, or other person who
115 has reliable information about an act of harassment,
116 intimidation, or bullying in an attempt to discourage the person

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117 from reporting such information.

118 (b) A school employee, student, or volunteer who has
119 witnessed, or who has reliable information that a student has
120 been subject to, harassment, intimidation, or bullying shall
121 report the incident to the appropriate school official designated
122 by the school district's policy.

123 (7) (a) Schools and school districts are encouraged to
124 establish bullying prevention programs and other initiatives
125 involving staff, students, administrators, volunteers, parents,
126 law enforcement officers, and community members.

127 (b) To the extent funds are appropriated for these
128 purposes, each school district shall:

129 1. Provide training on the school district's policies
130 concerning harassment, intimidation, or bullying to school
131 employees and volunteers who have significant contact with
132 students; and

133 2. Develop a process for discussing the district's policies
134 concerning harassment, intimidation, or bullying with students.

135 (c) Each school shall incorporate information regarding the
136 school district's policies concerning harassment, intimidation,
137 or bullying into its employee training program.

138 (8) A school employee who reports an incident of
139 harassment, intimidation, or bullying to the appropriate school
140 official designated by the policy adopted by the school district
141 pursuant to subsection (3), and who makes this report in
142 compliance with the procedures adopted by the district under
143 subsection (3), is immune from liability in a cause of action for
144 damages arising from any failure of the school or school district
145 to remedy the reported incident. Except for the immunity from

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146 civil liability granted by this subsection, this section does not
147 create or alter liability for any tort or prevent a victim from
148 seeking redress under any criminal or civil law.

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