

**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.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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**BILL:** CS/SB 530

**INTRODUCER:** Fiscal Policy Committee and Senator Ring

**SUBJECT:** Bullying and Harassment Policies in Schools

**DATE:** April 22, 2015      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	<b>Favorable</b>
2.	Sikes	Elwell	AED	<b>Recommend: Favorable</b>
3.	Pace	Hrdlicka	FP	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 530, makes several revisions to school district policy. Specifically, the bill:

- Requires each district school board to adopt a strategic plan;
- Requires administrative personnel to comply with ethical conduct standards;
- Requires a school to monitor and evaluate its instructional practices and intervention strategies related to the early warning system;
- Requires periodic review and revision of a school district's anti-bullying and harassment policy;
- Modifies the information that must be contained in a school district's bullying and harassment policy;
- Requires school principals to implement the policy;
- Requires each school district to establish an online portal for anonymous reporting of alleged bullying or harassment;
- Requires schools to investigate alleged incidents of bullying or harassment; and
- Requires school districts to notify parents of their ability to access homework assignments through a local instructional improvement system.

The bill has an indeterminate fiscal impact (see Section V.).

## II. Present Situation:

### Bullying and Harassment

In 2008,<sup>1</sup> 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. Bullying is prohibited during a public K-12 education program or activity, school-sponsored event, or on a public school bus.<sup>2</sup> Bullying and harassment are also prohibited through the use of data or computer software accessed through a computer within the scope 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.<sup>3</sup>

Bullying means systemically and chronically inflicting physical hurt or psychological distress on one or more students, including cyberbullying,<sup>4</sup> and may involve:

- Teasing;
- Social exclusion;
- Threat;
- Intimidation;
- Stalking;
- Physical violence;
- Theft;
- Sexual, religious, or racial harassment;
- Public humiliation; or
- Destruction of property.<sup>5</sup>

Harassment means 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.<sup>6</sup>

The law further specifies that bullying and harassment include:

- Retaliating against a student or school employee for reporting bullying or harassment;

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

<sup>2</sup> Section 1006.147(2), F.S.

<sup>3</sup> 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. s. 1006.147(2)(d), F.S.

<sup>4</sup> "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.

<sup>5</sup> Section 1006.147(3)(a), F.S.

<sup>6</sup> Section 1006.147(3)(c), F.S.

- 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.<sup>7</sup>

### ***Policy and Reporting Requirements***

Each school district is required to adopt a policy prohibiting the bullying and harassment of a student or employee.<sup>8</sup> The policy must be in substantial compliance with the Department of Education's model policy. The school district must involve students, parents, teachers, administrators, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy.<sup>9</sup> The policy must, at a minimum:<sup>10</sup>

- Prohibit and define bullying and harassment;
- Describe the type of behavior expected from each student and employee;
- Identify the consequences for a student or employee 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;<sup>11</sup>
  - 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 lead 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.

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.<sup>12</sup>

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<sup>7</sup> Section 1006.147(3)(f), F.S.

<sup>8</sup> Section 1006.147(4), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> 1006.147(4), F.S.

<sup>11</sup> Section 1006.09(6), F.S. The School Environmental Safety Incident Reporting (SESIR) 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.fldoe.org/safeschools/sesir.asp> (last visited March 12, 2015).

<sup>12</sup> Section 1006.147(4), F.S.

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.<sup>13</sup> 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.<sup>14</sup>

### **School Improvement Plans<sup>15</sup>**

District school boards must annually approve and require implementation of a school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide, standardized assessments by one or more student subgroups; has not significantly increased the percentage of students passing statewide, standardized assessments; has not significantly increased the percentage of students demonstrating Learning Gains, who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan must include strategies for improving these results.

A school that includes any of grades 6, 7, or 8 must include in its school improvement plan information and data on the school's early warning system, including:

- A list of the early warning indicators used in the system;
- The number of students identified by the system as exhibiting two or more early warning indicators;
- The number of students by grade level that exhibit each early warning indicator; and
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

In addition, the school improvement plan must describe the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system.

A school that includes any of grades 6, 7, or 8 must also implement an early warning system to identify students who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

- Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension;
- One or more suspensions, whether in school or out of school;
- Course failure in English Language Arts or mathematics; and
- A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics.

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<sup>13</sup> Section 1006.147(7), F.S.

<sup>14</sup> Section 1006.147(8), F.S.

<sup>15</sup> Section 1001.42(18), F.S.

When a student exhibits two or more early warning indicators, the school's child study team or a school-based team must convene to determine appropriate intervention strategies for the student. The school shall provide at least 10 days' written notice of the meeting to the student's parent, indicating the meeting's purpose, time, and location, and provide the parent the opportunity to participate.

### III. Effect of Proposed Changes:

#### **Bullying and Harassment**

##### *Policy and Reporting Requirements*

**Section 3** requires each school district to review and revise its anti-bullying and harassment policy at least every 3 years. School principals are specifically required to implement the school district's policy in a manner that is ongoing throughout the school year and integrated with the school's curriculum, bullying prevention and intervention program, discipline policies, and other violence prevention efforts. The policy must include the following components:

- A procedure for receiving mandatory reports of an alleged act of bullying or harassment;
- A list of programs authorized by the school district that provide instruction on identifying, preventing, and responding to bullying or harassment; and
- A procedure for investigating anonymous reports of bullying or harassment made by parents through the school district's online portal.

Each school district is required to establish an online portal for parents to anonymously report alleged incidents of bullying or harassment. School districts are required to investigate each reported incident. If a parent provides contact information, the school district is required to notify the parent regarding the process of the investigation.

The bill repeals the requirement that a school districts distribution of safe school funds is contingent upon compliance with bullying and harassment reporting procedures. The bill also repeals the requirement that the Commissioner of Education annually report incidents of bullying or harassment to the Governor and the Legislature.

#### **School Improvement Plans**

**Section 2** requires school improvement plans to include strategies used to *evaluate* the instructional practices for middle grades emphasized by the district's professional development system. Currently, school improvement plans must only include strategies used to *implement* the instructional practices for middle grades emphasized by the district's professional development system.<sup>16</sup>

The bill requires school-based teams responsible for implementing school improvement plans to monitor the data from the early warning system. The bill also requires the team to convene to determine appropriate intervention strategies for students that exhibit two or more early warning indicators, unless the student is already being served by an intervention program. Data and information relating to the indicators must be used to inform intervention strategies provided to a

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<sup>16</sup> Section 1001.42(18)(a)2., F.S.

student. The student's child-study team is no longer required to convene to determine appropriate intervention strategies.

### **Miscellaneous Provisions**

**Section 2** also revises provisions related to standards of ethical conduct to include school officers and administrative personnel. Currently, standards of ethical conduct are applicable to instructional personnel and school administrators.<sup>17</sup>

**Section 4** requires each school district to establish a process to notify parents of their ability to access their children's instructional materials and *homework assignments* through the district's local instructional improvement system. Currently, each school district is required to establish a process to notify parents of their ability to access their children's *instructional materials*.<sup>18</sup>

**Section 1** requires a district school board to adopt a strategic plan consistent with the school board's mission and long-term goals. Currently, district school boards are not required to adopt a strategic plan.<sup>19</sup>

**Section 5** provides an effective date of July 1, 2015.

## **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.

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<sup>17</sup> Section 1001.42(6), F.S.

<sup>18</sup> Section 1006.283(2)(b)11., F.S.

<sup>19</sup> Section 1001.41, F.S.

**C. Government Sector Impact:**

The impact of the bill on district school boards is indeterminate. The bill requires each school district to establish an online portal to report incidents of bullying and harassment. Additionally, each local instructional improvement system must be modified to also notify parents of children's homework assignments.

The DOE will no longer be required to compile an annual report on bullying and harassment.

A school's distribution of safe school funds will no longer be dependent upon compliance with statutory bullying and harassment reporting procedures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1001.41, 1001.42, 1006.147, and 1006.283 of the Florida Statutes.

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

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

**CS by Fiscal Policy on April 20, 2015:**

The committee substitute:

- Requires each district school board to adopt a strategic plan;
- Requires administrative personnel to comply with ethical conduct standards;
- Requires a school to monitor and evaluate its instructional practices and intervention strategies related to the early warning system;
- Requires periodic review and revision of a school district's anti-bullying and harassment policy;
- Modifies the information that must be contained in a school district's bullying and harassment policy;
- Requires school principals to implement the policy;
- Requires each school district to establish an online portal for anonymous reporting of alleged bullying or harassment;
- Requires school's to investigate alleged incidents of bullying or harassment; and
- Requires school districts to notify parents of their ability to access homework assignments through a local instructional improvement system.

B. Amendments:

None.

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

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