

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 229	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	K-12 Subcommittee; Geller and others	107 Y's	3 N's
<b>COMPANION BILLS:</b>	CS/SB 268	<b>GOVERNOR'S ACTION:</b>	Approved

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**SUMMARY ANALYSIS**

CS/HB 229 passed the House on March 7, 2016 and subsequently passed the Senate on March 7, 2016.

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 also specifies that Chapter 2010-217, L.O.F., may be cited as "Tayler's Law for Teen Dating Violence Awareness and Prevention," after Tayler Mack, who survived horrific injuries stemming from an attack by her boyfriend in 2009.

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

The bill was approved by the Governor on March 25, 2016, ch. 2016-119, L.O.F., and will become effective on July 1, 2016. The chapter law reflects the proper spelling of Ms. Mack's name.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Bullying**

##### *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.<sup>1</sup> Each school board must adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools.<sup>2</sup> 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
- Discussed in student classes, school advisory council meetings, and parent and teacher association or organization meetings at the beginning of the school year<sup>3</sup>

The code of student conduct must include policy and procedures relating to bullying and harassment prevention.<sup>4</sup> 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<sup>5</sup>
- 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<sup>6</sup>

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
  - Destruction of property<sup>7</sup>

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<sup>1</sup> Sections 1006.07 and 1006.07(1)(a), F.S.

<sup>2</sup> Section 1006.07(2), F.S.

<sup>3</sup> *Id.*

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

<sup>5</sup> "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.

<sup>6</sup> Section 1006.147(2), F.S.

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

- **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<sup>8</sup>
- **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<sup>9</sup>

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<sup>10</sup>

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);"<sup>11</sup> and
- procedures for referring victims and perpetrators to counseling.<sup>12</sup>

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.<sup>13</sup>

## Dating Violence

Chapter 2010-217, L.O.F., required a teen dating violence and abuse component to be added to the current comprehensive health education curriculum provided to students in grades 7 through 12.<sup>14</sup> The dating violence and abuse component includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources

<sup>8</sup> Section 1006.147(3)(b), F.S.

<sup>9</sup> Section 1006.147(3)(c), F.S.

<sup>10</sup> Section 1006.147(3)(f), F.S.

<sup>11</sup> 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).

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

<sup>13</sup> Section 1006.147(7) and (9), F.S.

<sup>14</sup> Section 1003.42(2)(n), F.S.

available to victims of dating violence and abuse.<sup>15</sup>

Each district school board is also required to adopt and implement a dating violence and abuse policy which is to be integrated into each school district's discipline policies.<sup>16</sup> Each district's policy must:

- prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation;
- provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and
- define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, with emphasis on prevention education.<sup>17</sup>

Each school district must also provide training for teachers, staff, and school administrators to implement the dating violence and abuse policies.<sup>18</sup>

### *Effect of the Bill*

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.

The bill also specifies that Chapter 2010-217, L.O.F., may be cited as "Tayler's Law for Teen Dating Violence Awareness and Prevention," after Tayler Mack, who survived horrific injuries stemming from an attack by her boyfriend in 2009."<sup>19</sup>

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

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<sup>15</sup> *Id.*

<sup>16</sup> Section 1006.148(1), (1)(d), F.S.

<sup>17</sup> Section 1006.148(1)(a), (b), (c), and (d), F.S.

<sup>18</sup> Section 1006.148(3), F.S.

<sup>19</sup> wftv.com, *911 Call Released of Girl Who Was Stabbed, Burned*, <http://www.wftv.com/news/news/911-call-released-of-girl-who-was-stabbed-burned/nFDyC/> (last visited Jan. 27, 2016).

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.