



Policies Related to Civility at Bargaining Meetings

This document contains the following sections as applicable to the directive you have received:

- *Florida Statutes*
 - *Section 286.011 – Public meetings and records; public inspection; criminal and civil penalties*
 - *Section 447.605 – Public meetings and records law; exemptions and compliance*
 - *Section 877.03 – Breach of the peace; disorderly conduct*
 - *Section 877.13 – Educational institutions or school boards; penalty for disruption*
- *State Board of Education Rule 6A-10.081 Principles of Professional Conduct for the Education Profession in Florida;*
- *Osceola County School Board Rules:*
 - *2.70 – Prohibiting Discrimination, Including Sexual and Other Forms of Harassment*
 - *5.321 – Prohibiting Bullying and Harassment*
 - *6.391 – Zero Tolerance for Workplace Violence*
 - *6.392 – Employee Relations - Civility*
 - *9.63 – Civility and Orderly Conduct Among School District Employees, Parents, and the Public*

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Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

Select Year:

The 2020 Florida Statutes

[Title XXXI](#)
LABOR

[Chapter 447](#)
LABOR ORGANIZATIONS

[View Entire Chapter](#)

447.605 Public meetings and records law; exemptions and compliance.—

(1) All discussions between the chief executive officer of the public employer, or his or her representative, and the legislative body or the public employer relative to collective bargaining shall be closed and exempt from the provisions of s. [286.011](#).

(2) The collective bargaining negotiations between a chief executive officer, or his or her representative, and a bargaining agent shall be in compliance with the provisions of s. [286.011](#).

(3) All work products developed by the public employer in preparation for negotiations, and during negotiations, shall be confidential and exempt from the provisions of s. [119.07\(1\)](#).

History.—s. 3, ch. 74-100; s. 23, ch. 77-343; s. 18, ch. 91-269; s. 302, ch. 96-406; s. 1075, ch. 97-103.

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The 2020 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 877](#)
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

877.03 Breach of the peace; disorderly conduct.—Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.—s. 1, ch. 59-325; s. 1147, ch. 71-136; s. 2, ch. 86-174.

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[Title XLVI](#)
CRIMES

[Chapter 877](#)
MISCELLANEOUS CRIMES

[View Entire Chapter](#)

877.13 Educational institutions or school boards; penalty for disruption.—

(1) It is unlawful for any person:

(a) Knowingly to disrupt or interfere with the lawful administration or functions of any educational institution, school board, or activity on school board property in this state.

(b) Knowingly to advise, counsel, or instruct any school pupil or school employee to disrupt any school or school board function, activity on school board property, or classroom.

(c) Knowingly to interfere with the attendance of any other school pupil or school employee in a school or classroom.

(d) To conspire to riot or to engage in any school campus or school function disruption or disturbance which interferes with the educational processes or with the orderly conduct of a school campus, school, or school board function or activity on school board property.

(2) This section shall apply to all educational institutions, school boards, and functions or activities on school board property; however, nothing herein shall deny public employees the opportunity to exercise their rights pursuant to part II of chapter 447.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

History.—s. 1, ch. 69-274; s. 1158, ch. 71-136; s. 1, ch. 73-177; s. 1, ch. 87-277.

6A-10.081 Principles of Professional Conduct for the Education Profession in Florida.

(1) Florida educators shall be guided by the following ethical principles:

(a) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

(b) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

(c) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

(2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(a) Obligation to the student requires that the individual:

1. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

2. Shall not unreasonably restrain a student from independent action in pursuit of learning.

3. Shall not unreasonably deny a student access to diverse points of view.

4. Shall not intentionally suppress or distort subject matter relevant to a student's academic program.

5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

6. Shall not intentionally violate or deny a student's legal rights.

7. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

8. Shall not exploit a relationship with a student for personal gain or advantage.

9. Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

(b) Obligation to the public requires that the individual:

1. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

2. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

3. Shall not use institutional privileges for personal gain or advantage.

4. Shall accept no gratuity, gift, or favor that might influence professional judgment.

5. Shall offer no gratuity, gift, or favor to obtain special advantages.

(c) Obligation to the profession of education requires that the individual:

1. Shall maintain honesty in all professional dealings.

2. Shall not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

3. Shall not interfere with a colleague's exercise of political or civil rights and responsibilities.

4. Shall not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable effort to assure that each individual is protected from such harassment or discrimination.

5. Shall not make malicious or intentionally false statements about a colleague.

6. Shall not use coercive means or promise special treatment to influence professional judgments of colleagues.

7. Shall not misrepresent one's own professional qualifications.

8. Shall not submit fraudulent information on any document in connection with professional activities.

9. Shall not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

10. Shall not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

11. Shall provide upon the request of the certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

12. Shall not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules.

13. Shall self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of sections 943.0585(4)(c) and 943.059(4)(c), F.S.

14. Shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules as defined in section 1012.795(1), F.S.

15. Shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education Rules as defined in section 1012.795(1), F.S.

16. Shall comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

17. Shall, as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

Rulemaking Authority 1001.02, 1012.795(1)(j) FS. Law Implemented 1012.795 FS. History--New 7-6-82, Amended 12-20-83, Formerly 6B-1.06, Amended 8-10-92, 12-29-98, Formerly 6B-1.006, Amended 3-23-16.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

2.70*+

I. General Provisions

- A. To the extent the definitions included in this rule, such as the definitions for discrimination and harassment, are more broad than prevailing federal and state law, the application of this rule is not intended to create a private right of action against the School Board if the then prevailing federal and state law do not extend liability to the School Board.
- B. The application of this rule to vendors and volunteers is not intended to create a private right of action against the School Board to the extent the then prevailing federal and state law do not extend liability for actions by non-employees.
- C. If a legally sufficient complaint for harassment or discrimination is filed per this rule, the School District will take prompt remedial action against a party, including a volunteer or vendor. This rule is an operating guideline and the School Board reserves all legal defenses available to it in the event an action is filed.
- D. No person has a private action for damages against the School Board for discrimination/ harassment allegedly committed by an employee(s) (including managers) of the School District without first exhausting the complaint procedure in this rule thereby giving the School District an opportunity to first investigate and take appropriate remedial action. See *Faragher v. City of Boca Raton*, 118 S.Ct. 2275 (1998) and *Burlington Indus., Inc. v. Ellerth*, 118 S.Ct. 2257 (1998).

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II. Policy Against Discrimination

- A. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
- B. The School Board shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, students, or other persons or organizations protected by applicable law.
- C. The School Board shall admit students to District schools, programs, and classes without regard to race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy.

III. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law

- A. The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the School Board's commitment to equal opportunities and the prohibition of discriminatory practices. The School Board's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer, or visitor. The School Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
- B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.

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IV. Definition of Sexual Harassment

- A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
 2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
 4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.
- B. Types of conduct which are prohibited in the School District and which may constitute sexual harassment include, but are not limited to:
1. Graphic verbal comments about an individual's body or appearance.
 2. Sexual jokes, notes, stories, drawings, pictures, or gestures.
 3. Sexual slurs, leering, threats, abusive words, derogatory comments, or sexually degrading descriptions.
 4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
 5. Spreading sexual rumors.
 6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.

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7. Cornering or blocking normal movements.
8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

V. Definition of Other Forms of Prohibited Harassment

- A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, pregnancy, or any other characteristic protected by law and that:
 1. Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
 2. Has the purpose or effect of interfering with an individual's work or academic performance; or
 3. Otherwise, adversely affects an individual's employment or academic performance.
- B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:
 1. Epithets, slurs or negative stereotyping;
 2. Threatening, intimidating or hostile acts, such as stalking; or
 3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or School District office premises or circulated in the workplace or academic environment.

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- VI. Retaliation Prohibited
 - A. Any act of retaliation against an individual who files a complaint alleging a violation of the School District's antidiscrimination policy and/ or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.
 - B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of, or filing a complaint of, discrimination.

- VII. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment
 - A. Procedures for Filing Complaints
 - 1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy by an employee, volunteer, agent or student of the School District should within sixty (60) days of an alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
 - 2. The complaint should be filed with the School Principal, Site Administrator, or supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the School District's Equal Employment Opportunity (EEO) Officer within five (5) days of the filing of the complaint. If the complaint is against the principal or site administrator, the complaint may be filed directly with the EEO Officer.
 - 3. If the complaint is against the School District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.

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B. Procedures for Processing Complaints

1. Complaints filed against persons other than the Superintendent or member of the School Board:
 - a. Upon receipt of the written complaint by the School District EEO Officer, the School District EEO Officer shall appoint an investigator to conduct an investigation of the allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the School District EEO Officer as to whether there is reasonable cause to believe a violation of the School District's antidiscrimination policy has occurred. Copies of documents, evidence and witnesses' statements which were considered in the investigation must be sent to the EEO Officer along with the summary and recommendation.
 - b. If the complaint is against the EEO Officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in section VI.B.1.a.
 - c. The investigation, summary, relevant documents, witnesses' statements, and recommendation should be completed and forwarded to the EEO Officer within thirty (30) days, or to the School Board Attorney within thirty (30) days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.

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- d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.
- e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused.
- f. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of the no reasonable cause notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/ School Board Attorney to present his or her position. The Superintendent and EEO Officer/ School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of the conference make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
- g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- h. The accused may request a reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of the reasonable cause notice. The accused shall provide a written statement detailing facts in support of his or her disagreement with the determination. The accused will also be given an opportunity to meet with the Superintendent and EEO Officer/ School Board Attorney to present his or her position. The Superintendent and EEO Officer/ School Board Attorney shall

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prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of the conference make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.

- i. After providing the opportunity for an informal hearing as referenced in section VI.B.1.f. or VI.B.1.h., the Superintendent shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall within twenty (20) days of the informal hearing be forwarded to the accused and the complainant, and a copy of the notice will be filed with and maintained in the office of the School District EEO Officer and the Director of Human Resources and Employee Relations.

2. Complaints against School Board Members or against the Superintendent

- a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
- b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation

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to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.

- c. If reasonable cause is recommended by the investigator against a School Board Member or the Superintendent, if the Superintendent is an elected official, the recommendation shall within twenty (20) days be forwarded to the Governor's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor's office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official.
- d. If reasonable cause is recommended by the investigator against the Superintendent, and the Superintendent is assigned by the School Board, the School Board shall receive and make the final determination.
- e. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board Attorney, shall be final. In compliance with Florida Statutes, the investigation file shall become public record and the Superintendent or School Board Member shall answer to their constituency.

C. Penalties for Confirmed Discrimination or Harassment

1. Student - A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the *Code of Student Conduct*.
2. Employee or Volunteer - A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.

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- D. Limited Exemption from Public Records Act and Notification of Parents of Minors
1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The School District's obligation to investigate and take corrective action may supersede an individual's right to privacy
 2. The parents of a person under the age of 18 who have filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

STATUTORY AUTHORITY: 120.54, 1001.41, 1001.43, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.51, 119.07, 760.01 *et seq.*,
1000.05, 1000.21, 1001.43, 1012.22, F.S.
34 CFR 99, 34 CFR 108, 34 CFR 200.43(c), P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 *et seq.*

HISTORY: REVISION(S): 12/06/05, 02/06/07, 02/05/08, 10/21/08,
06/05/12, 04/21/15, 12/15/15
FORMERLY: 1.14, 1.22

CHAPTER 5.00: STUDENTS

PROHIBITING BULLYING AND HARASSMENT

5.321*

I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Osceola County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind, including but not limited to cyberbullying. The District shall not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

The District may involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing this policy through the District's Code of Student Conduct committee where appropriate and feasible.

The District shall implement this policy in a manner that is ongoing throughout the school year and integrated within each school's curriculum, discipline procedures, and violence prevention efforts.

- B. The District prohibits the bullying or harassment of any student or school employee.
1. During any education program or activity conducted by a public K-12 educational institution;
 2. During any school-related or school-sponsored program or activity;
 3. On a school bus of a public K-12 educational institution;
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
 5. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the victim's ability to participate

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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. School staff is not required to monitor any non-school-related activity, function, or program.

II. Definitions

- A. Accused shall be defined as any District employee, consultant, contractor, agent, visitor, volunteer, parent, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing.
- B. Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
 - 1. Teasing;
 - 2. Social Exclusion;
 - 3. Threat;
 - 4. Intimidation;
 - 5. Stalking;
 - 6. Cyberstalking;
 - 7. Physical violence;
 - 8. Theft;
 - 9. Sexual, religious, or racial harassment;
 - 10. Public or private humiliation; or

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11. Destruction of property.

The term bullying shall include cyberbullying whether or not specifically stated.

- C. Complainant shall be defined as any School District employee, consultant, contractor, agent, visitor, volunteer, parent, student, or other person who formally or informally makes a report of bullying, orally or in writing.
- D. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- E. 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:
 - 1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 - 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - 3. Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
 - 4. Has the effect of substantially disrupting the orderly operation of a school.

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- F. Bullying, cyberbullying, cyberstalking, and harassment also encompass:
1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
 2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion;
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
- G. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

III. Behavior Standards

- A. The Osceola County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators,

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faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

- C. The District upholds that bullying and harassment of any student or school employee is prohibited:
 - 1. During any education program or activity conducted by a public K-12 educational institution;
 - 2. During any school-related or school-sponsored program or activity;
 - 3. On a school bus of a public K-12 educational institution;
 - 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution within the scope of the school district, meaning 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; or
 - 5. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, 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.
 - 6. This section does not require a school to staff or monitor any non-school-related activity, function, or program.

- IV. Consequences
 - A. Committing an act of bullying or harassment
 - 1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

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2. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
 3. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule6A-10.081, FAC, *The Principles of Professional Conduct of the Education Profession in Florida*.)
 4. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment, shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- B. Wrongful and intentional accusation of an act of bullying or harassment
1. Consequences and appropriate remedial action for a student, found to have accused wrongfully and intentionally another as a means of bullying or harassment, range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.
 2. Consequences and appropriate remedial action for a school employee, found to have accused wrongfully and intentionally another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
 3. Consequences and appropriate remedial action for a visitor or volunteer, found to have accused wrongfully and intentionally another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

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- V. Reporting an Act of Bullying or Harassment
- A. At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
 - B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
 - C. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in person to the principal or principal's designee.
 - D. The principal or designee of each school in the District shall enforce this policy and prominently publicize to students, staff, volunteers, and parents/legal guardians, the District's procedures for how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
 - E. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.
 - F. A school employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
 - G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
 - H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
 - I. Reports may be made anonymously, but formal disciplinary action may not be based solely upon an anonymous report.

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- VI. Investigation of a Report of Bullying or Harassment
- A. The investigation of a reported act of bullying or harassment is deemed a school-related activity and shall begin with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment committed against a student while the student is en route to school aboard a school bus or at a school bus stop.
 - B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
 - C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
 - D. The investigator shall collect and evaluate the facts including but not limited to:
 - 1. Description of incident(s) including nature of the behavior;
 - 2. Context in which the alleged incident(s) occurred;
 - 3. How often the conduct occurred;
 - 4. Whether there were past incidents or past continuing patterns of behavior;
 - 5. The relationship between the parties involved;
 - 6. The characteristics of parties involved, *i.e.*, grade, age;
 - 7. The identity and number of individuals who participated in bullying or harassing behavior;
 - 8. Where the alleged incident(s) occurred;
 - 9. Whether the conduct adversely affected the student's education or educational environment;

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10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 11. The date, time, and method in which the parents/ legal guardians of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include:
1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 2. A written final report to the principal.
- F. A maximum of ten (10) school days shall be the limit from the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.
- VII. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District
- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
 - B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
 1. If it is within the scope of the District, a thorough investigation shall be conducted.
 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.

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- C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

VIII. Notification to Parents/Guardians of Incidents of Bullying or Harassment

- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment
 - 1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
 - 2. If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (Every Student Succeeds Act, Title VIII, Part F, Subpart 2, Section 8532) that states “. . .a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

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C. Notification to local agencies where criminal charges may be pursued

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

IX. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.

- A. The teacher or parent/legal guardian may request informal consultation with a school counselor and/ or trained School District mental health staff, such as a school social worker or school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
- C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
- D. A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend:
 - 1. Counseling and support to address the needs of the victims of bullying or harassment;
 - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, e.g., empathy training, anger management; and/or
 - 3. Research-based counseling or interventions, which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

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X. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include:
1. Each incident of bullying or harassment and the resulting consequences, including discipline and referrals [reported using the appropriate School Environmental Safety Incident Reporting (SESIR) codes as "BUL" for "bullying" or "HAR" for harassment];
 2. In a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section (reported using the appropriate SESIR codes as "UBL" for "unsubstantiated bullying" or "UHR" for "unsubstantiated harassment") with recommendations regarding such incidents; and
 3. Cyberbullying incidents are to be included within the bullying incidents category.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/ harassment as an incident code as well as bullying-related as a related element code.

The SESIR definition of *bullying* is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.

The SESIR definition of *harassment* is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

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1. Bullying / harassment incidents shall be reported in SESIR with the bullying or harassment code.
2. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are:
 - a. Alcohol
 - b. Arson
 - c. Battery
 - d. Breaking and Entering
 - e. Disruption on Campus
 - f. Drug Sale/ Distribution Excluding Alcohol
 - g. Drug Use/ Possession Excluding Alcohol
 - h. Fighting
 - i. Homicide
 - j. Kidnapping
 - k. Larceny/Theft
 - l. Robbery
 - m. Sexual Battery
 - n. Sexual Harassment
 - o. Sexual Offenses
 - p. Threat/ Intimidation
 - q. Tobacco
 - r. Trespassing
 - s. Vandalism

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- t. Weapons Possession
 - u. Other Major (Other major incidents that do not fit within the other definitions)
 - C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
 - D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment and threat/ intimidation incidents as well as any bullying-related incidents that have as a basis sex, race or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.
- XI. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment
- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
 - B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying or harassment in schools.
 - C. The School District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, School District offices, and on the School District website.

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This list may include, but not be limited to, the following programs:

- *Creating Character in Osceola County;*
- *Positive Behavior Interventions & Support (PBIS);*
- *Second Step;*
- *Too Good For Drugs & Violence; and*
- *Why Try*

XII. Reporting to a Victim's Parents/Legal Guardians the Legal Actions Taken to Protect the Victim

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved in accordance with the procedures manual. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the student; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

XIII. Publicizing the Policy

- A. At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.
- B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and through other reasonable means.
- C. The Superintendent shall also make all contractors contracting with the District aware of this policy.
- D. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students in a student assembly or other reasonable format.
- E. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

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XIV. Review of Policy

The Superintendent and appropriate staff shall review this policy at a minimum every three (3) years. The review shall include input from parents, law enforcement, and other community members. The Superintendent shall present the policy and any recommended changes to the School Board for consideration.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.04, 1003.31, 1003.32,
1006.07, 1006.08, 1006.09,
1006.10, 1006.147, F.S.

EVERY STUDENT SUCCEEDS ACT (ESSA) OF 2015,
Title VIII, Part F, Subpart 2, Section 8532
20 USC 1232g

STATE BOARD OF EDUCATION RULE(S):

6A-10.081

HISTORY:

ADOPTED: 10/21/08

REVISION(S): 09/17/13, 03/04/14, 08/19/14,
12/13/16, 08/15/17, 06/16/20

FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

ZERO TOLERANCE FOR WORKPLACE VIOLENCE

6.391+

- I. Employees shall not engage in speech, conduct, behavior, verbal or nonverbal, or commit any act of any type which is reasonably interpreted as abusive, profane, intolerant, menacing, intimidating, threatening, or harassing against any person in the workplace.
 - A. *Person* means any natural person, including an employee, student, parent, or guardian.
 - B. *Workplace* means any place where job performance is implicated, including but not limited to, any facility owned and operated by the School Board, during travel to and from any educational facility, attendance at any school related or school sponsored function, and any environment where the reputation and credibility of the School District may be impaired by inappropriate conduct.
- II. Each employee must report to his/her immediate supervisor any violation of this policy. If, for any reason, an employee believes that he/she cannot report a violation of this rule to the immediate supervisor, the complaint must be filed with the Superintendent.
- III. Violation of this policy by an employee will subject that employee to disciplinary action up to and including termination from employment.
- IV. The Superintendent shall establish procedures for the implementation of this policy.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

6B-1.001, 6B-1.006

HISTORY:

**REVISED: 08/25/09
FORMERLY: 1.22**

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYEE RELATIONS -- CIVILITY

6.392*

I. Purpose

The purpose of this policy is to provide rules of conduct for employees that permit and encourage communication between employees, but which also identify behaviors that are unacceptable, inappropriate, and/or disruptive to the operation of the School District.

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among District employees. It is not the intent of the School Board to deprive any employee of his or her right to freedom of expression. The intent of this policy is to encourage positive communication by and among employees and to prohibit rude, impolite, disruptive, volatile, hostile, pejorative, derisive, disparaging discriminatory, scandalous, false, threatening, or aggressive communications or actions by employees.

II. Expected Behavior

Employees at all levels will treat other employees with courtesy and respect.

III. Unacceptable Behavior

Prohibited behavior includes, but is not necessarily limited to:

- A. Behavior that interferes with or threatens to interfere with the operation of an employee's department, work unit, workspace, work area, office area, or any other area owned, operated, or maintained by the School Board;
- B. Using loud, offensive, rude, impolite, disruptive, volatile, hostile, pejorative, derisive, disparaging, discriminatory, scandalous, false, threatening or aggressive language; swearing, cursing, using profane language; or the display of temper in the presence of, directed to, or stated about another employee or employees;
- C. Threatening to do bodily or physical harm to another employee regardless of whether or not the behavior constitutes or may constitute a criminal violation;
- D. Damaging or destroying school or School Board property;

CHAPTER 6.00 – HUMAN RESOURCES

- E. Spreading rumors or making false statements about another employee or other employees;
- F. Being rude or disrespectful to another employee or other employees; and
- G. Any other behavior that disrupts the orderly operation of a school, a school classroom, any other School Board facility, work unit, or work site.

STATUTORY AUTHORITY:

1001.41, 1001.42, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.23, F.S.

HISTORY:

**ADOPTED: 04/15/08
REVISION DATE(S): N/A
FORMERLY: NEW**

**CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

**CIVILITY AND ORDERLY CONDUCT AMONG SCHOOL DISTRICT
EMPLOYEES, PARENTS, AND THE PUBLIC**

9.63*

The School Board recognizes that education of children is a process that involves a partnership between a child's parents, teacher, school administrators, and other school and School Board personnel. The School Board recognizes that parental participation in their child's educational process through parent/teacher conferences, classroom visitation, serving as a school volunteer, serving as a field trip chaperone, PTA participation, and other such service is critical to a child's educational success. For that reason, the School Board welcomes and encourages parental participation in the life of their child's school.

However, from time to time parents and other visitors to schools, any other District facilities, or school or district sponsored events sometimes act in a manner that is disruptive and which is threatening and/or intimidating to school and District employees.

The purpose of this policy is to provide rules of conduct for parents, other visitors to schools, and District employees which permit and encourage communication between parents, other persons, and school and District personnel concerning students or other matters and to encourage participation in school or District activities, while at the same time enabling the School Board to identify and deal with those behaviors which are inappropriate and disruptive to the operation of a school, any other District facility, or a school or district sponsored event.

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among district employees, parents, and the public. It is not the intent of the School Board to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents, and other members of the community. In the interest of presenting teachers and other employees as positive role models, the School Board encourages positive communication and discourages disruptive, volatile, hostile, or aggressive communications or actions.

- I. Expected Level of Behavior
 - A. School and School District personnel will treat parents and other members of the public with courtesy and respect.
 - B. Parents and other visitors to schools and District facilities will treat teachers, school administrators, other school staff, and District employees with courtesy and respect.

CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

II. Unacceptable/ Disruptive Behavior

Disruptive behavior includes, but is not necessarily limited to:

- A. Behavior which interferes with or threatens to interfere with the operation of a school, a school classroom, an employee's office or office area, areas of a school or facility open to parents/guardians and the general public, areas of a school or facility which are not open to parents/guardians and the general public, or a school or district sponsored event;
- B. Using loud and/or offensive language, swearing, cursing, using profane language, or display of temper;
- C. Threatening to do bodily or physical harm to a teacher, school administrator, school employee, or student regardless of whether or not the behavior constitutes or may constitute a criminal violation;
- D. Damaging or destroying school or School Board property;
- E. Any other behavior which disrupts the orderly operation of a school, a school classroom, any other School Board facility, or a school or district sponsored event; or
- F. Abusive, threatening, or obscene e-mail or voice mail messages.

III. Parent Recourse

Any parent who believes he/she was subject to unacceptable/disruptive behavior on the part of a staff member should notify the staff member's immediate supervisor.

IV. Authority of School Personnel:

A. Authority to Direct Persons to Leave School or School Board Premises

Any individual who displays the following behavior may be directed to leave the school, school board premises, or the site of a school or district sponsored event by a school's principal or assistant principal, or in their absence a person who is lawfully in charge of the school or any district-level administrator:

- 1. Disrupts or threatens to disrupt school or District operations or the operations of a school or district sponsored event;
- 2. Threatens to or attempts to do or does physical harm to School Board personnel, students, or others lawfully on a school, School Board premises, or the site of a school/ district sponsored event;

CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

3. Threatens the health or safety of students, School Board personnel, or others lawfully on a school, School Board premises, the site of a school or district sponsored event;
4. Intentionally causes damage to school, School Board property, or property of others lawfully on a school campus, School Board premises, or the site of a school or district sponsored event;
5. Uses loud or offensive language; or
6. Enters a school district facility or the site of a school or district sponsored event without authorization.

If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the offender threatens personal harm, the employee may contact law enforcement.

B. Authority to Deal with Persons Who Are Verbally Abusive

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the employee to whom the remarks are directed shall calmly and politely warn the speaker to communicate civilly. If the verbal abuse continues, the employee to whom the remarks are directed may, after giving appropriate notice to the speaker, terminate the meeting, conference, or telephone conversation.

If the meeting or conference is at a school, on School Board premises, or the site of a school or district sponsored event, any employee may request that an administrator or other authorized personnel direct the speaker to promptly leave the premises. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the employee is threatened with personal harm, the employee may contact law enforcement.

C. Abusive, Threatening, or Obscene E-mail or Voice Mail Messages

If any District employee receives an email or voice mail message which is abusive, threatening, or obscene, the employee is not obligated to respond to the e-mail or return the telephone call. The employee may save the message and contact his or her immediate supervisor. If the message threatens personal harm, the employee may contact law enforcement.

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V. Intent

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among District employees, parents, and the public. It is not the intent of the School Board, however, to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents, and other members of the community. In the interest of presenting teachers and other employees as positive role models, the School Board encourages positive communication and discourages disruptive, volatile, hostile, or aggressive communications or actions.

STATUTORY AUTHORITY:

**1001.41, 1001.43, F.S.;
ARTICLE IX, SECTION 4, FLORIDA CONSTITUTION**

LAW(S) IMPLEMENTED:

1001.42, F.S.

HISTORY:

**ADOPTED: 04/15/08
REVISION DATE(S): N/A
FORMERLY: NEW**