

## **1.05 THE SCHOOL CENTER STAFF**

### **A. Principal**

~~The principal is the administrative head of the school. He/She is responsible to the Superintendent for the implementation of the policies and programs of the School Board at the school level. The principal is responsible for the overall educational program of the school including training of personnel and implementation of the Sunshine State Standards, for the management of the financial affairs of the school center, for the management of the school's facilities, and for the supervision and performance of all personnel employed at the school center.~~

~~In cases of emergency, the principal shall take appropriate action and report such action to the Superintendent immediately.~~

### **B. Other Administrative Personnel**

~~Assistant principals shall be directly responsible to the principal and shall carry out administrative duties as assigned by the principal and as indicated in the job descriptions of these positions.~~

### **C. Instructional Personnel**

~~Teachers, counselors, librarians, and other instructional personnel shall be directly responsible to the principal of the school and shall satisfactorily perform those duties and functions described in the official job descriptions for these positions.~~

~~It is the primary duty of the instructional personnel to help students to meet annual learning goals, state and local requirements and to master the skills required for graduation from high school prepared for post-secondary education and work. Integrating and using appropriate technology in the teaching and learning processes and in managing, evaluating, and improving instruction shall also be an integral part of the responsibilities of instructional personnel.~~

### **D. Support Personnel**

~~Members of the support personnel staff of the school shall satisfactorily perform those duties in the official job description and they shall be directly responsible to an appropriate administrator(s) as determined by the principal.~~

~~(Ref. F.S. 1012.22; 1012.27) (Amended: 11/16/99)~~

## **1.056 DISTRICT ORGANIZATIONAL CHART**

The Superintendent shall ~~recommend-submit~~ to the School Board, ~~for approval~~, an organizational chart showing the line/staff relationship of the organization. The organizational chart shall be reviewed as the needs of the organization change.

(Ref. F.S. ~~§§~~ 1001.42; 1001.49; 1001.51; 1012.27) [~~(Adopted: 01/08/81;)~~  
Amended / /18]

## **1.067 NON-DISCRIMINATION**

Discrimination on the basis of a person's real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background ~~race, religion, color, sex, marital status, age, national origin, pregnancy or disability~~ is prohibited in the employment of personnel, ~~in~~ the provision of educational programs, and ~~in~~ the conduct of the business affairs of ~~the~~ Clay County District Schools ("District") School System, ~~and provides Further,~~ equal access to school facilities shall be provided to civic and community organizations such as ~~the~~ Boy Scouts of America ~~and other designated~~ patriotic groups and organizations so designated by law.

Reasonable accommodations shall be provided to an employee, who is eligible under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act, to enable the employee to perform essential job functions and enjoy equal employment opportunities.

(Ref. Title II of the Americans with Disabilities Act, 42 U.S.C. § 12203 et seq.; Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq.; Titles IV, VI, and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; Federal Civil Rights Acts Title VI, VII, IX; Section 504 of the F Rehabilitation Act of 1973, 29 U.S.C. § 794; 1973-78; Pl. L. 94-142, Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905) [~~(Amended: 02/17/94, 12/18/12, 12/17/15,~~ / /18)]

## **1.078 SCHOOL ADVISORY COUNCILS**

### **A. Requirement and Name**

Each school is required to establish ~~an advisory committee~~ a School Advisory Council. The name of the ~~Council Committee~~ will be "The (school name) School Advisory Council."

### **B. Membership**

~~Each The s~~School ~~a~~Advisory ~~e~~Council shall be composed of the principal, teachers, support personnel, students (required at the high school level and optional at the junior high school level), parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school.

~~The following membership percentages shall be based on the total number of members, including the principal:~~

~~Teachers = at least 20% (of elementary councils)/at least 30% (of secondary councils)~~

~~Parents & other citizens = at least 51%~~

~~Support personnel = 10% (or minimum of one member)~~

The majority of the members, ~~51% or greater~~, of each ~~s~~School ~~a~~Advisory ~~e~~Council must be persons who are not employed by the ~~school d~~District.

### **C. Election/Selection of Members**

1. Teacher members shall be elected by teachers in accordance with the collective bargaining agreements ~~between the School Board and the employees' certified bargaining agent~~.
2. Parent members shall be elected by the parents or parent group(s).
3. Support personnel members shall be elected by support personnel in accordance with the collective bargaining agreements ~~between the School Board and the employees' certified bargaining agent~~.
4. Other citizens representing the larger community, such as members of the retirement, business, and military communities ~~i.e., senior citizens, business, the military, et cetera~~, shall be selected by the ~~elected~~School Advisory Council members in consultation with the principal.
5. The student member(s) shall be selected by the student council or other student government organization.

#### D. Appointment

1. The names of the members thus elected/selected for each **s**School **a**Advisory **e**Council and information to assure that they represent the ethnic, racial, and economic community served by the school will be presented to the **s**School **b**Board for appointment confirmation.
2. Should the **s**School **b**Board determine that the membership elected/selected by the school is not representative of the ethnic, racial, and economic community served by the school, the **b**Board shall appoint additional members to achieve proper representation.
3. The membership composition of each School Advisory Council will be monitored at least twice yearly.

#### E. Notice of Vacancies

Notice of business and community member vacancies shall be distributed by the **d**District school improvement contact to local businesses, the Clay County Chamber of Commerce, community and civic organizations, and the public at large. A list of interested persons will be kept in the office of the **d**District school improvement contact and distributed to schools.

#### F. Duties

1. Each **s**School **a**Advisory **e**Council shall assist the principal in the preparation and evaluation of the school improvement plan **required** pursuant to section 1001.42(18) of the Florida Statutes.
2. Each **s**School **a**Advisory **e**Council shall assist the principal in preparing the school's annual budget and plan pursuant to section 1008.385(1) of the Florida Statutes~~s-1008.385~~.
3. ~~No~~The **s**School **a**Advisory **e**Council shall have **anyone** of the powers and duties now reserved by law to the ~~district~~-**s**School **b**Board, the **s**Superintendent, and/or the school principal.

#### G. Training

The **d**District school improvement contact is responsible for training School Advisory Council chairpersons and for coordinating the delivery of training to School Advisory Councils upon request.

## H. Organization and Operation

Each School Advisory ~~e~~Council will develop bylaws to govern the organization and operation of the ~~e~~Council, including terms of membership, officers, and meetings, et cetera. In addition, ~~all councils'~~each Council's bylaws will include procedures for establishing a quorum, requiring notice of meetings, and replacing members, ~~authorizing the district~~ The School Board ~~to may~~ review the proposed ~~by laws~~bylaws and ~~providing~~provide for an effective date.

(Ref. F.S. §§ 1001.42; 1001.43; 1001.452; 1008.385) ~~[(Adopted: 03/08/84; )Amended: 11/08/84, 10/07/91, 09/17/98, -7/01/02, 12/18/08, \_\_\_ / \_\_\_ /18)]~~

### 1.089 PUBLIC CONDUCT ON SCHOOL BOARD PROPERTY

- A. No person shall knowingly disrupt or interfere with a ~~s~~School ~~b~~Board function or activity on ~~s~~School ~~b~~Board property. This includes persons who knowingly advise, counsel, or instruct any student or ~~s~~School ~~b~~Board employee to disrupt any school ~~board~~function or activity. The School Board Chair~~man~~, Superintendent, or designee ~~shall~~ may inform a person who is disrupting or interfering with a school board function or activity that he/she may be criminally prosecuted found guilty of a misdemeanor of the second degree. The person shall be advised to immediately leave the school or District premises.
- B. Any person who has paid for access or purchased an admission ~~ticket~~ to a school function, event, or activity shall be deemed to forfeit such payment and any rights arising from the same ~~his/her rights under this policy~~ by having disrupted or interfered with the function, event, or activity in violation of this Policy.
- C. Any person who has been given notice by a school official to leave District premises and either fails to leave ~~the premises~~ or ~~leaves the premises and~~ subsequently returns to the premises without authorization of school officials shall be deemed a trespasser. ~~The s~~School officials are authorized to ~~shall~~ sign an affidavit for the trespassing offense subsequent to giving notice to the trespasser.

(Ref. F.S. §§ 1001.37(3)810.097; 1001.32; 1001.42; 1001.43) ~~[(Adopted: 02/18/88; )Amended \_\_\_ / \_\_\_ /18]~~

## **1.0910 CLAY COUNTY EDUCATION FOUNDATION**

The Clay County Education Foundation, Inc. ("Foundation"), may, without prior administrative approval and on a space and time available basis, use the property, facilities and personnel services of the ~~d~~District so long as the School Board retains exclusive authority has the right and power to approve the appointment of the Foundation's President, ~~the~~ Board of Directors, ~~and the annual audit, and of the Clay County Education Foundation, Inc., and has oversight right of the~~ annual budget ~~and audit of the Clay County Education Foundation, Inc.~~ Furthermore, the Foundation shall provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(Ref. F.S. §§ 1001.453; 1010.09; 1010.34) [~~(Adopted: 01/21/93; )~~Amended / /18]

## **1.104 SOCIAL SECURITY NUMBERS**

### **A. Collection, Use, and Disclosure**

1. Social security numbers shall be collected, used, and/or disclosed by Clay County District Schools ("District") only ~~when~~ to the extent that it is allowed or required by law or when necessary for the performance of ~~the school system's District~~ District duties and responsibilities, as prescribed by law.
2. The District ~~is authorized to~~ shall collect, use, and/or disclose the social security number of each applicant and employee for valid the following purposes, which include:
  - a. Verification of citizenship or immigration status, as required by state and federal law ~~the U.S. Department of Homeland Security or other governmental agencies;~~
  - b. Employee benefit processing, including membership in the Florida Retirement System, health insurance, prescription, insurance, or other benefits offered to employees by the School Board;
  - c. Compliance with reporting requirements of state and federal agencies, including the United States Department of Homeland Security, United States Internal Revenue Service, the I.R.S., U.S. United States Social Security Administration, Florida Department of Education, Florida Department of Motor Vehicles, and Florida Agency for Work Force Innovation, ~~and such other official reporting responsibilities imposed by law;~~

- d. Processing pre-employment and post-employment criminal background checks required by law;
  - e. ~~For s~~Such ~~other~~ purposes as may be directed by the employee, such as direct deposit of wages or salary; ~~etc. and~~
  - f. ~~For i~~Implementation of any levy, garnishment, income deduction order or other payroll deduction imposed by ~~the any~~ state, ~~local~~ or federal agency government, or any court of competent jurisdiction, ~~agency or administrative body thereof~~.
3. ~~The District is authorized to collect, use, and/or disclose S~~social security numbers of vendors and consultants in the absence of or federal employer identification numbers ~~shall be collected from all vendors~~ to facilitate ~~vendor~~ record keeping by the ~~District School Board~~ and to permit compliance with income reporting requirements of the United States U.S. Internal Revenue Code, including but not necessarily limited to the issuance of United States U.S. Internal Revenue ~~Form-1099 and W-9 forms~~.
4. Social security numbers **may** be collected from students:
- a. As required by § section 1008.386 of the Florida Statutes;
  - b. To facilitate proper processing of student scholarship applications; and
  - c. As otherwise consented to by the student or student's parent or legal guardian.
5. Social security numbers shall be collected from volunteer program applicants for:
- a. Initial background screening not requiring fingerprints; and
  - b. ~~For full c~~Criminal background screening (~~Level II Screening § 435.04, Fla. Statute~~) for service as a one-on-one mentor, overnight field trip chaperone, or volunteer screening.

## **B. Notification**

1. Applicants for employment and employees shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for employment, the submission of their recommendation for employment to the School

Board and the purposes for which an applicant/employee's number will be used.

2. Applicants for mentor/volunteer program shall be notified of the requirement for providing their social security number prior to the time of the completion and submission of the application for the program and that their number will be used for background checking purposes as listed above.
3. Students and their parents shall be notified that they will be asked to provide their social security number at the time of enrollment; however, students and their parents shall also be notified that a student is not required to provide a social security number as a condition of enrollment or graduation. Further, students and parents shall be notified that student social security numbers will be used only for the purposes herein above stated.

#### **C. Review**

The Superintendent shall review the collection of social security numbers to ensure that the reasons for collection and the process ~~for of~~ collection and maintenance are consistent with Florida state and federal law-Statutes. The Superintendent shall report his/her findings as required by law.

#### **D. Confidentiality**

1. A social security number shall be considered confidential and exempt from public disclosure to the greatest extent permitted by -public inspection in accordance with state and federal law-Florida Statutes. Subject to the provisions of this Policy, Ssocial security numbers may be disclosed to another state or federal agency ~~or governmental entity if it is when authorized by law and~~ necessary for the receiving agency entity to perform its responsibilities.
2. A Sstudent social security numbers ~~are confidential and~~ will only be released as mandated by law, as required by a lawfully issued subpoena or court order, or -upon consent of the parent in strict accordance with the Family Educational Rights and Privacy Act ("FERPA") and accordance with the consent requirement set forth at sections § 119.071(5), 1002.22(3)(d), 1002.221, and 1002.222 of the Florida Statutes, Fla. Stat. or as otherwise provided by that section.

#### **D.E. Release to Commercial Entities**

1. Non-student social security numbers may be released to a legally authorized commercial entity, provided that such entity complies with all



~~legal requirements, including those specifically set forth at section 119.071(5) of the Florida Statutes as permitted by law. The commercial entity must state the reason for requesting the social security numbers.~~

~~a. A commercial entity is any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.~~

~~b. Release of social security numbers shall be processed as required by §119.071(5), Fla. Stat.~~

2. The School Board shall annually report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives the identity of all commercial entities that have requested social security numbers during the preceding year and the reasons for the requests. If no requests have been received during the preceding year, the report shall so state. The report shall be filed by January 31st of each year.

~~(Ref F.S. §§ Statutory Authority: 119.071; 1001.41; 1001.42; 1001.43; 1002.22; 1001.221; 1002.222; 1008.386; 1012.23; 1012.31; Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq.; Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.; Financial Services Modernization Act of 1999, 15 U.S.C. § et seq.) 1012.23, F.S.)(Law(s) Implemented: 119.071, 1001.43, 1012.23 F.S.) [(Adopted: 09/18/08; ) Amended / /18]~~

## **1.112 ANTI-BULLYING AND HARASSMENT**

### **A. Statement prohibiting bullying and harassment**

~~It is the policy of the School Board of Clay County, Florida (hereinafter "Board" or "School Board") 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. The School Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.~~

### **B. Definitions**

- ~~1. Bullying includes cyber bullying 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, is carried out repeatedly and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:~~

- ~~a. unwanted teasing~~
- ~~b. threatening~~
- ~~c. intimidating~~
- ~~d. stalking~~
- ~~e. cyber stalking~~
- ~~f. cyber bullying~~
- ~~g. physical violence~~
- ~~h. theft~~
- ~~i. sexual, religious, or racial harassment~~
- ~~j. destruction of school or personal property~~
- ~~k. social exclusion, including incitement and/or coercion~~
- ~~l. rumor or spreading of falsehoods~~

~~2. Harassment means any threatening, insulting, or dehumanizing gesture, using technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:~~

- ~~a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;~~
- ~~b. has the effect of substantially interfering with a student's educational or employee's work performance, or either's opportunities or benefits;~~
- ~~c. has the effect of substantially negatively impacting a student's or employee's emotion or mental well-being; or~~
- ~~d. has the effect of substantially disrupting the orderly operation of a school.~~

~~3. Cyber stalking, as defined in Florida Statute 784.048(d), 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.~~

~~4. Cyber bullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer or 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. Cyber bullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the known 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. Cyber bullying 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, (such as but not limited to blogs, social websites, chat rooms) if the distribution or posting creates any of the conditions enumerated in the definition of bullying.~~

~~5. Bullying, Cyber bullying, and/or Harassment also encompass:~~

- ~~a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.~~
- ~~b. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.~~
- ~~c. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  - ~~1. incitement or coercion;~~
  - ~~2. 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; or~~
  - ~~3. 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, (this paragraph does not require a school to staff or monitor any non-school-related activity, function or program), or~~~~

~~4. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.~~

~~6. Bullying, Cyber bullying, Harassment, and Discrimination (hereinafter referring to as bullying, as defined in Section B for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in their education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, 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.~~

~~7. Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, 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.~~

~~8. Complainant is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing.~~

### **~~C. Expectations~~**

~~The School Board expects students and employees to conduct themselves in keeping with 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.~~

~~1. The School Board prohibits the bullying of any student or school employee as follows:~~

~~a. During any educational program or activity conducted by the School Board.~~

~~b. During any school-related or school-sponsored program or activity or on a School Board school bus.~~

- ~~c. Through the use of any electronic device or data while on school grounds or on a School Board school bus, computer software that is accessed through a computer, computer system, or computer network of the School Board. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.~~
  - ~~d. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours which are intended to be carried out during any school-related or school-sponsored program or activity or on a School Board school bus.~~
  - ~~e. While the School Board does not assume any liability for incidents that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer. The principal/designee shall document all reports and interventions.~~
- ~~2. All administrators, faculty and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success as seen in the required school plan to address positive school culture and behavior (a/k/a Discipline Plan).~~
  - ~~3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.~~
  - ~~4. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and this policy.~~

#### **~~D. Training~~**

~~Training for students, parents, teachers, area/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted. At the beginning of each school year the school principal/designee and or appropriate area/District administrator shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate~~

~~references in the Student Code of Conduct, Employee Handbooks, the school website, and/or through other reasonable means.~~

### **~~E. Disciplinary sanctions~~**

~~Disciplinary Sanctions (consequences) and due process for a person who commits an act of bullying under this policy.~~

- ~~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, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position with the District.~~
  - ~~a. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to, suspension or expulsion, as outlined in the Student Code of Conduct and this policy.~~
  - ~~b. Consequences and appropriate interventions for a school/District employee found to have committed an act of bullying will be instituted in accordance with District policies, procedure, and union contracts and agreements. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state-issued certificate (Rule 6B-1.006 F.A.C.).~~
  - ~~c. Consequences and appropriate intervention for a visitor or volunteer found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.~~
  - ~~d. These same actions will apply to persons, whether they are students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.~~

### **~~F. Report an act of bullying~~**

- ~~1. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Student Code of Conduct.~~
- ~~2. All District faculty and staff are required and must report, in writing, any allegations of bullying or violations of this policy to the principal/designee or appropriate District administrator. Failure to report will result in action(s) or~~

~~discipline consistent with the collective bargaining agreement provisions, up to and including termination of employment.~~

- ~~3. Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether a victim or witness.~~
- ~~4. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official. Complaints should be filed as soon as possible after the alleged incident and noted appropriately, but must be filed within sixty (60) school days after the alleged incident (i.e., within sixty (60) school days of the last act of alleged bullying). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.~~
- ~~5. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents how a report of bullying may be filed and how this report will be acted upon.~~
- ~~6. A school District employee, school volunteer, contractor, student, parent, or other person who promptly reports in good faith an action of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this 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. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments with the School Board.~~
- ~~7. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.~~
- ~~8. Anonymous reports may be delivered to the school administration's front office or to the office of the Deputy Superintendent. Formal disciplinary action may not be based solely on the basis of an anonymous report.~~

## **~~G. Bullying Complaints and Resolution~~**

- ~~1. The investigation of a reported act of bullying of a student, school-based employee, or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act.~~
- ~~2. The principal/designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials “should investigate all complaints and reports of harassment, whether or not the complaint is in writing,” as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999)*.~~
- ~~3. If the complaint is about the principal or a District staff member’s direct supervisor, then the Assistant Superintendent/designee or appropriate District administrator shall be asked to address the complaint.~~
- ~~4. Informal Resolution: where the administrator, along with the complainant and the accused/student may agree to informally resolve the complaint. The incident and the resolution must be documented on the appropriate data system.~~

~~If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) work days after the informal meeting and submitted to the principal or appropriate District supervisor.~~

- ~~5. Formal Resolution: the complainant/student/employee or parent(s) on behalf of the student may file a written complaint with the principal/designee or appropriate District administrator by utilizing the Clay County Public Schools Bullying Complaint Report Form. Said form is available on the School District’s website, at each school’s front office, or District/department site.~~

~~According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.~~

- ~~6. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the District-specified data system~~

#### ~~H. Investigation requirements for reported acts of bullying under this policy~~

- ~~1. The procedures for investigating school-based bullying may include the principal/designee and/or the utilization of other designated personnel in the~~



~~case of student to student bullying. The principal or designee and other designated personnel shall be trained in investigative procedures and interventions as outlined in this policy. For incidents at the District level, the appropriate administrator will be responsible for the investigation as outlined in this policy.~~

- ~~2. The investigator may not be the accused or the alleged victim.~~
- ~~3. The principal/designee or appropriate District administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a notification of complaint. (The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.)~~
- ~~4. During the investigation, the principal/designee or appropriate District administrator may take any action necessary to protect the complainant, other students, or employees consistent with the requirements of applicable regulations, statutes and collective bargaining agreements.~~
  - ~~a. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.~~
  - ~~b. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate District administrator also may discuss the complaint with any school District employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.~~
  - ~~c. During the investigation where an employee is the accused, the principal/designee or the appropriate District administrator may recommend to the Assistant Superintendent of Human Resources/designee any action necessary to protect the complainant or other students or employees consistent with the requirements of applicable statutes, State Board of Education Rules, School Board policies, and collective bargaining agreements.~~
- ~~5. Within ten (10) school days of the filing of the complaint, there shall be a written decision by the principal/designee or appropriate District administrator regarding the completion of the investigation. The~~

~~principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Code of Conduct.~~

- ~~6. The principal/designee or appropriate District administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems, including but not limited to SESIR and the Statewide Report on School Safety and Discipline Data system.~~
- ~~7. If the accused is an employee, discipline may be taken consistent with any applicable collective bargaining agreement provisions to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the appropriate Director for school-based actions or the appropriate District supervisor for District actions, and the Assistant Superintendent of Human Resources.~~
- ~~8. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint; and if it occurs, it shall be deemed an additional act of bullying as stated in this policy.~~

#### **~~I. Referral for Intervention~~**

- ~~1. Referral of a student for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/designee shall refer the student(s) to the collaborative problem-solving team for determination of need for counseling support and interventions.~~
- ~~2. Referral of school or district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.~~
- ~~3. School-based intervention and assistance will be determined by the collaborative problem-solving team and may include, but is not limited to:
  - ~~a. counseling and support to address the needs of the victims of bullying~~
  - ~~b. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management)~~
  - ~~c. intervention which includes assistance and support provided to parents~~
  - ~~d. analysis and evaluation of school culture with resulting recommendations~~~~
- ~~4. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker,~~

~~school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.~~

- ~~5. Any incident, investigation and consequence shall be recorded in the appropriate discipline file.~~

#### **~~J. Incident reporting requirements~~**

- ~~1. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding said incident.~~
- ~~2. The School Board will utilize Florida' School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.~~
- ~~3. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.~~

#### **~~K. Process for referral for external investigation~~**

- ~~1. If the act is outside the scope of the District and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.~~
- ~~2. While the District does not assume any liability for incidents that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other interventions.~~

#### **~~L. Appeals process~~**

- ~~1. Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct.~~
- ~~2. Appeal procedure for an accused/employee:
  - ~~a. If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in~~~~

~~accordance with School Board policy or pursuant to the relevant collective bargaining agreement.~~

~~b. In reaching a decision about the complaint, the following should be taken into account:~~

- ~~1) School Board policy, Employee Disciplinary Guidelines; and~~
- ~~2) Case law, state and federal laws and regulations, and the School Board's policies prohibiting bullying and discrimination, including this policy.~~

#### **~~M. Confidentiality~~**

- ~~1. To the greatest extent possible, all complaints will be treated as confidential and in accordance with School Board policy, F.S. §1002.22(3)(d), the Family Educational Rights and Privacy Act ("FERPA"), the Health Insurance Portability and Accountability Act ("HIPAA"), and any other applicable law, including F.S. §119.07(1), 1012.31(3)(a), or 1012.796(1)(c).~~
- ~~2. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.~~
- ~~3. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the extent possible.~~

#### **~~N. Retaliation Prohibited~~**

~~Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy.~~

- ~~1. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated in any manner in an investigation is specifically prohibited, and as detailed in this policy shall be treated as another incidence of bullying.~~

#### **~~O. Additional Referral~~**

~~In all cases, the District reserves the right to refer the results of its own investigation to the State Attorney for the Fourth Judicial Circuit of Florida for possible criminal charges, whether or not the District takes any other action.~~

#### **~~P. Constitutional Safeguard~~**

~~This policy does not imply to prohibit expressive activity protected by the First Amendment of the United States Constitution or Article I, Section 4, of the Florida Constitution.~~

**~~Q. Preclusion~~**

~~This policy should not be interpreted as to prevent a victim or accused from seeking redress under any other available law, either civil or criminal.~~

**~~R. Severability~~**

~~If a provision of this policy is or becomes illegal, invalid, or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.~~

**A. Statement Prohibiting Bullying and Harassment**

It is the policy of the School Board of Clay County, Florida ("School Board"), 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. The School Board will not tolerate bullying and harassment of any type.

Conduct that constitutes bullying and harassment, as defined herein, is prohibited and framed by the following:

1. During any educational program or activity conducted by the School Board;
2. During any school-related or school-sponsored program or activity;
3. Through the use of data or computer software that is accessed through a computer, computer system, or computer network 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;
4. Through the use of any electronic device or data at 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 District or school, if the bullying substantially interferes with or limits the student(s) being bullied and their ability to participate in or benefit from the services, activities, or opportunities offered by the District or school or substantially disrupts the education process or orderly operation of school; or

5. When in route to school aboard a school bus or at a school bus stop.

## **B. Definitions**

**1. Bullying** includes “cyberbullying” and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees, including unwanted, purposeful, and repeated written, verbal, nonverbal, electronic, or physical behavior, 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 is often characterized by an imbalance of power. Bullying may involve, but is not limited to:

- a. teasing (unwanted/taunting);
- b. threats;
- c. intimidation;
- d. stalking, including cyberstalking as defined herein;
- e. physical violence;
- f. theft;
- g. sexual, religious, or racial harassment;
- h. destruction of school or personal property;
- i. social exclusion;
- j. rumor or spreading of falsehoods;
- k. extortion;
- l. public or private humiliation.

**2. Cyberbullying** means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer or 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 known 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, (such as but

not limited to blogs, social websites, chat rooms) if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**3. Cyberstalking**, as defined in Florida Statute 784.048(d), 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

**4. Harassment** means any threatening, insulting, or dehumanizing gesture, using technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
- b. has the effect of substantially interfering with a student's educational or employee's work performance, or either's opportunities or benefits;
- c. has the effect of substantially negatively impacting a student's or employee's emotion or mental well-being; or
- d. has the effect of substantially disrupting the orderly operation of a school.

**5. Bullying, Cyberbullying, and Harassment** also encompasses:

- a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith; and
- b. Perpetuation of conduct listed in the definition of bullying, harassment, or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
  1. incitement or coercion;
  2. 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; or

3. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

c. Unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in their education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, 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.

### **C. Expectations**

1. The School Board expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities and 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.

2. The School Board 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. Since students learn by example, school administrators, faculty, staff and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

3. Student rights shall be explained as outlined in this policy and in the Code of Student Conduct.



4. Proper prevention and intervention steps shall be taken based on the level of severity of the infraction as outlined in this policy and in the Code of Student Conduct.

#### **D. Consequences**

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, followed by the determination of disciplinary sanctions appropriate to the individuals position with the District (i.e., student, faculty, staff, administrator, volunteer, parent, and other).

1. Consequences and appropriate interventions for students who commit acts of bullying may include but not be limited to a formal apology to the student(s) who was bullied and to the school community at large, referral to the school counselor or other district mental health staff to participate in counseling related to development of positive social relationships and healthy choices, or forfeiture of recess or other privileges for a specified period of time. The Code of Student Conduct will outline options available to school administration when applying consequences to bullying and harassment.
2. Consequences and appropriate interventions for a District employee found to have committed an act of bullying will be instituted in accordance with District policies, procedure, and union contracts and agreements. Intolerable acts of bullying by certified educators may result in a sanction against that educator's state-issued certificate (Rule 6B-1.006 F.A.C.).
3. Consequences and appropriate intervention for a visitor or volunteer found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

#### **E. Reporting Allegations of Bullying Behavior**

1. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Code of Student Conduct. Principals will be immediately notified when a bullying allegation is made anonymously to the District's Bullying Hotline.

2. All District faculty and staff are required to report any allegations of bullying or violations of this policy to the principal/designee or appropriate District administrator.
3. 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 through the Bullying Hotline, in writing to the school administrator, or in person to the principal or principal's designee. Written and oral reports shall be considered official reports, whether in person or anonymously. Formal disciplinary action may not be based solely on the basis of an anonymous report.
4. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon, and will include the posting of the District's Bullying Hotline phone number.
5. A District employee, school volunteer, contractor, student, parent, or other person who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments with the School Board.
6. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally, in writing, or through the Bullying Hotline.
7. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding said incident.

- a. The School Board will utilize Florida' School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.
- b. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system, as with other infractions from the Code of Student Conduct.

## **F. Investigation**

1. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.
2. The procedures for investigating school-based bullying may include the principal/designee or the utilization of other designated personnel (hereinafter "investigator"). The investigator shall be trained in investigative procedures and interventions as outlined in this policy. The investigator may not be the accused or the alleged person who was bullied. For incidents at the District level, the appropriate administrator as assigned or designated by the Superintendent will be responsible for the investigation as outlined in this policy.
3. The investigator shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials will investigate all complaints and reports of bullying and harassment, whether or not the complaint is in writing.
4. The investigator shall begin a prompt and thorough investigation and interviews with the complainant(s), student(s) accused of bullying, and witnesses. The Florida Department of Education requires that the school administrator/designee provide notification of the report of incident within 24 hours to the parents of both the student(s) that has been bullied and to the parents of the student accused of bullying behavior. The investigator shall collect and evaluate the facts including, but not limited to, the following:
  - a. Description of the behavior, the nature of the behavior (repeated or potential to be repeated), the context in which the incident occurred (intent), and the relationship between the person(s) who was bullied and the person(s) accused of bullying behavior (power imbalance);

- b. Characteristics of the parties involved (e.g., grade, age, etc.);
  - c. Location(s) of the alleged incident(s), including social media;
  - d. Whether the conduct adversely affected the educational progress or educational environment of the individual that was bullied;
  - e. Communication between school and home in which the parents/legal guardians of all parties involved were contacted, including date, time, and method.
5. During the investigation, the investigator shall take any action necessary to protect the complainant, other students, and employees consistent with the requirements of applicable regulations, statutes and collective bargaining agreements. At no time shall the complainant and accused be interviewed together.
- a. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail where appropriate.
  - b. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the investigator also may discuss the complaint with any school District employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
  - c. During the investigation where an employee is the accused, the investigator may recommend to the Assistant Superintendent of Human Resources/designee any action necessary to protect the complainant or other students or employees consistent with the requirements of applicable statutes, State Board of Education Rules, School Board policies, and collective bargaining agreements.
6. Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, there shall be

a written decision by the principal/designee or appropriate District administrator regarding the completion of the investigation. The decision shall include:

- a. A recommendation of remedial steps necessary to stop the bullying or harassing behavior;
- b. A written final report to the principal and collaborative problem solving team and will be noted in all relevant data tracking systems, including but not limited to SESIR and the Statewide Report on School Safety and Discipline Data system;
- c. A copy of the report will be provided to the alleged offender, complainant, and parent/legal guardian; and
- d. Information regarding eligibility for the Hope Scholarship will be provided at the conclusion of investigation, and no later than 15 days after the reported incident/complaint.

7. If the accused is an employee, discipline may be taken consistent with any applicable collective bargaining agreement provisions to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the appropriate Director for school-based actions or the appropriate District supervisor for District actions, and the Assistant Superintendent of Human Resources.

8. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint; and if it occurs, it shall be deemed an additional act of bullying as stated in this Policy.

## **G. Referral**

1. Referral of complainant and accused for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/designee shall refer the student(s) to the collaborative problem-solving team for determination of need for counseling support and interventions.

2. Referral of school or District personnel to the Employee Assistance Program (EAP) shall be considered for appropriate services.
3. School-based intervention and assistance will be determined by the collaborative problem-solving team and may include, but is not limited to:
  - a. counseling and support to address the needs of the victims of bullying;
  - b. counseling interventions to address the offensive behaviors at issue;
  - c. intervention which includes assistance to parents; and
  - d. evaluation of school culture with resulting recommendations.
4. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.
5. Any incident, investigation and consequence shall be recorded in the appropriate disciplinary file(s).

#### **H. Training and Instruction**

1. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on the Districts policy and administrative procedures regarding bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools through appropriate references in the Student Code of Conduct, the school website, and through other reasonable means.
2. Instruction regarding bullying, harassment, and the District's violence prevention and school safety efforts shall be integrated into District curriculum at the appropriate grade levels, and include evidenced based methods and models.
3. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on

those observations. The programs of training and instruction authorized by the District shall include, but not be limited to:

- a. School-wide Positive Behavioral Interventions & Supports (“PBIS”) systems (e.g., Foundations, CHAMPS, Restorative Practices, etc.);
- b. Child Safety Matters;
- c. Sandy Hook Promise;
- d. Second Step;
- e. Bullying Prevention Month programs and activities;
- f. “Be the Change” Challenge Day;
- g. Pacer’s National Bullying Prevention Center

4. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success as seen in the required school plan to address positive school culture and behavior.

### **I. Confidentiality**

- 1. To the greatest extent possible, all complaints will be treated as confidential and in accordance with School Board policy, the Family Educational Rights and Privacy Act (“FERPA”), the Health Insurance Portability and Accountability Act (“HIPAA”), and any other applicable law, including sections 119.07(1), 1002.22(3)(d), 1012.31(3)(a), and 1012.796(1)(c) of the Florida Statutes.
- 2. Limited disclosure may be necessary to complete a thorough investigation as described above. The District’s obligation to investigate and take corrective action may supersede an individual’s right to privacy.
- 3. The complainant’s identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the extent possible.

## **J. Policy Updates and Review**

This Policy has been developed and reviewed in consultation with District students, parents/legal guardians, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies as prescribed by law and in conformance with the Florida Department of Education's Revised Model Policy (dated July 2016).

Pursuant to Florida law, District students, parents/legal guardians, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies shall be involved in the review of this Policy. Such review shall be conducted not less than every three (3) years.

## **K. Immunity**

A District employee, school volunteer, student, parent/legal guardian, or other person who promptly reports in good faith an act of bullying to the appropriate school official, and does so in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

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 with the School Board. Such immunity from liability shall not apply to any school employee, school volunteer, student, parent/legal guardian, or other person determined to have made an intentionally false report about bullying, harassment, or intimidation.

(Ref. F.S. §§ 119.071; 1006.147) (~~[Adopted: 11/18/08;]~~ (Amended: 8/15/13, \_\_\_ / \_\_\_ /18))



## **1.123 TEEN DATING VIOLENCE AND ABUSE**

### **A. Statement prohibiting dating violence and abuse**

It is the policy of the School Board of Clay County, Florida, that all of its students and school employees have an educational setting that is safe, secure, and free from dating violence and abuse of any kind. Clay County District Schools ("District")~~The district~~ will not tolerate dating violence and abuse of any type. The ~~school-d~~District upholds that dating violence or abuse by any student is prohibited:

1. On school property;
2. During any school-related or school-sponsored program or activity;  
and
3. During school-sponsored transportation.

### **B. Definition of dating violence and abuse**

Dating violence is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past dating relationship to exert power and control over another. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. As defined herein, said dating violence or abuse must occur in a setting set forth above or must impact or disrupt the educational setting.

### **C. Procedure for reporting an act of dating violence and abuse**

All school employees are required to report suspected cases of dating violence and alleged violations of this ~~p~~Policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be in violation of this ~~p~~Policy anonymously or in-person to the principal or principal's designee as soon as possible after it occurs.

The victim of dating violence or abuse, anyone who witnessed an act of dating violence or abuse, and anyone who has credible information that an act of dating violence and abuse has taken place may file a report on dating violence or abuse. Submission of a good faith complaint or report of dating violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Any written or oral reporting of an act of dating violence or-and abuse shall be considered sufficient means of reporting such act(s). Reports may be made

anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

**D. Procedure for investigation and disciplinary action of a report of dating violence**

The school principal or designee shall immediately conduct a thorough investigation of allegations of dating violence or abuse in a substantially similar manner as is used to investigate sexual harassment and/or bullying. Disciplinary investigation procedures shall be followed. If the principal or designee determines that a student is guilty of dating violence or abuse, said student shall be disciplined in accordance with the Student Code of Conduct. Suspected criminal conduct shall be reported to law enforcement.

**E. Procedure for enforcing restraining orders**

Students or parents/guardians should inform the ~~School or the d~~District that an order of protection has been issued, and supply the District a copy of such order. The principal or designee will advise the alleged ~~contact the~~ abuser and their ~~his/her~~ parents/guardians ~~to advise them~~ of the effect of the order on ~~in school~~ student interaction. The principal or ~~designee-district administrator~~ will notify law enforcement immediately if they have a reasonable belief that a criminal or civil restraining order has been violated. The school administration will respond immediately to a report of a violation of a criminal or a civil restraining order.

**F. Procedure to provide support services and reasonable accommodations to the victim**

The school or the ~~d~~District will provide a victim of dating violence and abuse with the following, based on the circumstances:

1. Reasonable accommodations, such as class schedule changes.
2. Security protection, such as safe ingress/egress/regress to/from school and within the school.
3. Timely and comprehensive investigation of dating violence and abuse complaints.
4. Referrals for outside support and/or counseling.

## **G. Training**

Procedure for training teachers, staff and school administrators in the identification, investigation, and intervention of dating violence and abuse incidents that occur at or impact the school:

Teachers, school administrators, counseling staff, and other employees shall be provided training in the areas of the proper identification, investigation, and intervention of dating violence ~~or~~ and abuse incidents that fall within the jurisdiction of the school.

Students, parents/legal guardians, teachers, and school volunteers shall be provided information at a minimum on an annual basis on the ~~d~~District's Policy and Procedures against dating violence and abuse. The information shall include evidence-based methods of preventing dating violence and abuse, as well as how to effectively identify and respond to dating violence and abuse incidents within the scope of the school.

## **H. Instruction to Students**

Procedure for providing instruction to students in comprehensive health education including a teen dating violence or abuse component:

The ~~Clay County School~~District's health education curriculum for students in grades 7 through 12 shall include a component on teen dating violence and abuse with emphasis on prevention-based education.

(Ref. F.S. §§ 1003.42(2); 1006.148), [Adopted: 12/16/10; Amended / /18]