

FLORIDA VIRTUAL SCHOOL BOARD OF TRUSTEES

Notice of Development of Rulemaking

OTHER AGENCIES AND ORGANIZATIONS

Florida Virtual School

RULE NO.: 1000K21-02; Policies and Procedures

RULE TITLE: Policies and Procedures

PURPOSE AND EFFECT: To review and update the policies and remove obsolete provisions to the currently adopted policies of FLVS.

SUBJECT AREA TO BE ADDRESSED: SM001 – Homeless Student Education Policy; RISK-0000 Risk Management Claims Committee and Litigation Claims Policy; 0000 Bullying and Harassment Policy

RULEMAKING AUTHORITY: 1002.37, Florida Statutes

LAW IMPLEMENTED: (Homeless Student Policy) 42 U.S.C. § 11431, 11432, Ch. 119, Sub. VI, Part B. Education for Homeless Children and Youths; 20 U.S.C. § 6311-6315, Title 1, Part A of the Elementary and Secondary Education Act; ; 20 U.S.C. § 1400 et seq The Individuals with Disabilities Education Act

(Risk Management Claims Policy) Fla. Stat.§ 120.50-82, Fla. Stat.§ 1001.41, Fla. Stat.§ 1001.42, Fla. Stat.§ 1001.43

(Bullying and Harassment Policy) Fla. Stat.§ 1002.20, Fla. Stat.§ 100613, Fla. Stat.§ 1006.147,

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Teresa Umstead, Interim Board Clerk, at 2145 Metrocenter Blvd., Suite 100, Orlando, FL 32835; or at (407) 513-3417; or by email to tumstead@flvs.net.

To comment on this rule development or to request a workshop, please contact Ms. Teresa Umstead, Interim Board Clerk, at 2145 Metrocenter Blvd., Suite 100, Orlando, FL 32835; or at (407) 513-3417; or by email to tumstead@flvs.net.

Updates made to Homeless Policy:

1. FLVS removes all barriers to immediately enrolling homeless children and youth to a qualified school [s.722(g)(3)(c)(i)] and their access to academic and extracurricular activities [s.722(g)(1)(F)(iii)].
2. Public notice of the educational rights of homeless children and youths is made available on the FLVS website.
3. Migratory children who are living in circumstances described above.
4. The language “a child” to the definition of unaccompanied youth.
5. The McKinney-Vento Act defines the term *eligible school* as the school of origin, the school zoned for the address where the student is temporarily residing, or another school which student’s residing in that attendance zone are eligible to attend.
6. School advocate language: Their role is to support their caseload of students who may be identified as homeless and refer these students to the Homeless Liaison.
7. On paragraph 1 under IDENTIFICATION: to ensure barriers to identifying, enrolling, and retaining homeless children and youth in school are removed [s.722(g)(1)(J)].
8. On paragraph 2 under IDENTIFICATION: The liaison will collaborate with the school counselors to ensure no barriers exist for receiving credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school [s.722(g)(1)(F)(ii)].
9. On paragraph 1 under SCHOOL SELECTION: FLVS Full time ensures that any homeless child or youth may continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year [s.722(g)(3)(A)(i)(I)].
10. Removal of the word “*attached*” from the last sentence under SCHOOL SELECTION: FLVS Full Time will use the ~~attached~~ Written Notification of Enrollment Decision form to communicate this decision to parents and other relevant parties.
11. Under ENROLLMENT: Legal citations for all existing bullets.
12. Under ENROLLMENT: Outstanding fees, fines, or absences [s.722(g)(1)(I)]
13. SERVICES was changed to FULL PARTICIPATION AND COMPARABLE SERVICES
14. Under FULL PARTICIPATION AND COMPARABLE SERVICES: Homeless children shall not be stigmatized or segregated on the basis of their status as homeless [s.722(g)(1)(J)(i)] and
15. Under FULL PARTICIPATION AND COMPARABLE SERVICES: Legal citations for all existing bullets.
16. Under FULL PARTICIPATION AND COMPARABLE SERVICES bullets and citations for: programs in career and technical education [s.722(g)(4)(C)] and programs for gifted and talented students [s.722(g)(4)(D)]
17. Continued under FULL PARTICIPATION AND COMPARABLE SERVICES:
 - a. Any homeless student who becomes permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits [s.722(g)(3)(A)(i)(II)] If a homeless

child or youth's living arrangements change such that they move out of state, arrangements will be made to allow them to continue for the remainder of the school year.

- b. Any children and youths experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria [s.722(g)(1)(F)(iii)]
- c. Any unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education [s.722(g)(1)(K)]
- d. FLVS coordinates district programs and collaborates with other school districts, community service providers and organizations, including: local social services and other community agencies to provide support to homeless students and their families, [s.722(g)(5)(A)(i)]; other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed, [s.722(g)(5)(A)(ii)]; housing authorities, and [s.722(g)(5)(B)]; and ESE [s.722(g)(5)(D)].

18. RECORDS and all language included.

19. DISPUTES and all language included with the exception of the first sentence and final paragraph and citation.

20. Under TRAINING: removal of *Connections Academy and*: On behalf of FLVS Full Time, ~~Connections Academy~~ and the Liaison will conduct training and sensitivity awareness activities for school staff including the school advocates and other staff that would be in a position to identify homeless students at least once each year.

21. Under REFERENCES: removal of citation in McKinney-Vento Homeless Assistance Act ~~42 U.S.C. §§11431—11436~~; language correction of: Subtitle VII-B Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective October 1, 2016)

SM001 – HOMELESS STUDENT EDUCATION

Policy Issue Date: 7/1/2018

The purpose of this policy is to clarify statutory rights of children and youth experiencing homelessness as provided by federal and state law. Together with other public education agencies in our community, FLVS Full Time will ensure that all homeless children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our schools. FLVS Full Time will also follow the requirements of the McKinney-Vento Act for students and families who wish to enroll in their public school of choice. Under federal law, homeless children and youth must have access to appropriate public education and be given a full opportunity to meet state and local academic achievement standards. They must be included in statewide and district-wide assessments and accountability systems and be free from discrimination, segregation, and harassment

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described in this policy, public notice of the educational rights of homeless children and youths is made available on the FLVS website.

Definitions

The McKinney-Vento Act defines *homeless children and youth* as individuals who lack a fixed, regular, and adequate nighttime residence, including:

- Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations.
- Living in emergency or transitional shelters.
- Are abandoned in hospitals.
- Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who are living in circumstances described above.

The McKinney-Vento Act defines the term *unaccompanied* youth to include a homeless child or youth under the age of 21, who is not in the physical custody of a parent or guardian.

The McKinney-Vento Act defines the term *school of origin* to mean the school that the student attended when permanently housed or the school where the child or youth was last enrolled.

The McKinney-Vento Act defines the term *enroll and enrollment* to include attending classes and participating fully in school activities.

The term *immediate* means without delay.

The term *parent* means either or both natural or adoptive parent or legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in the place of the parent.

The term *liaison* is the staff person designated by the school leadership as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.

LIAISON

The FLVS Full Time school liaisons shall be the school principals or their designee.

The liaison shall make a final determination of homeless status on a case-by-case basis.

SCHOOL ADVOCATE(S)

The school advocates shall be the school counselor(s).

IDENTIFICATION

The liaison, in collaboration with the FLVS Full Time enrollment team, school advocates, and school personnel, will identify homeless children who seek enrollment in our schools. The liaison will train the school advocates and school personnel on possible indicators of homelessness, sensitivity in identifying families and youth in transition, and procedures for forwarding information indicating homelessness to the liaison. FLVS Full Time will utilize the enrollment document on Student Residency Declaration form to identify homeless students to ensure barriers to identifying, enrolling, and retaining homeless children and youth in school are removed [s.722(g)(1)(J)].

The liaison will maintain data on the number of homeless children and youth in school, where they are living, their academic achievement (including performance on statewide and district-wide assessments), and the reasons for any enrollment delays, interruptions in their education, or school transfers. The liaison will collaborate with the school advocates to ensure no barriers exist for receiving credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school [s.722(g)(1)(F)(ii)].

SCHOOL SELECTION

Each homeless child and youth has the right to remain at his/her school of origin or to attend any school in the attendance area in which the child or youth is actually living. FLVS Full time ensures that any homeless child or youth may continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year [s.722(g)(3)(A)(i)(I)]. Feasibility of enrollment in FLVS shall be a child- centered determination, based on the needs and best interests of the particular student, and give priority to the wishes of the parent or youth. Potential feasibility considerations include, but are not limited to:

- Safety of the student
- Continuity of instruction
- Likely area of family or youth's future housing
- Time remaining in the academic year
- Anticipated length of stay in temporary living situation
- School placement of siblings

Services that are required to be provided, including services under federal and other programs, shall not be considered in determining feasibility of enrollment. If enrollment of a homeless child in FLVS Full Time is determined not to be feasible, FLVS Full Time will communicate this decision to parents and other relevant parties, in writing.

ENROLLMENT

Homeless students may not have school enrollment documents readily available. Nonetheless, FLVS Full Time, if selected for enrollment and determined feasible for a homeless child, must immediately enroll the homeless child. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(ii)]
- Transcripts/school records (The enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers.) [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(i)]
- Immunizations or immunization/health/medical/physical records (If necessary, the school must refer students to the Homeless Liaison to assist with obtaining immunizations and/or immunization and other medical records. Health records may often be obtained from previous schools or state registries, and school- or community-based clinics can initiate immunizations when needed.) [s.722(g)(3)(C)(i) and s.722(g)(3)(H)(i)]
- Proof of guardianship [s.722(g)(1)(H)(iv)]
- Birth certificate [s.722(g)(3)(D) and s.722(g)(1)(H)(iii)]
- Outstanding fees, fines, or absences [s.722(g)(1)(I)]
- Any other document requirements [s.722(g)(1)(H)(iii) and s.722(g)(3)(C)(i)(I)]
- Any factor related to the student's living situation

FULL PARTICIPATION AND COMPARABLE SERVICES

Homeless children shall not be stigmatized or segregated on the basis of their status as homeless [s.722(g)(1)(J)(i)] and shall be provided services comparable to services offered to other students in our school, including:

- Title I (as described below) [s.722(g)(4)(B)]
- Educational services for which the student meets eligibility criteria, including special education [s.722(g)(4)(B)] and related services and programs for English language learners [s.722(g)(4)(B)]
- programs in career and technical education [s.722(g)(4)(C)]
- programs for gifted and talented students [s.722(g)(4)(D)]

FLVS Full Time recognizes that homeless children may suffer from disabilities, but may not have been evaluated for such or may lack documentation regarding prior evaluation, including a copy of their Individualized Education Program (IEP). To address this problem, evaluations of homeless children suspected of having a disability shall be given priority and coordinated with a student's prior and subsequent schools as necessary to ensure timely completion of a full evaluation. If a student has an IEP, the school shall immediately implement it. Any necessary IEP meetings or re-evaluations shall then be conducted expeditiously. If complete records are not available, IEP teams must use good judgment in choosing the best course of action, balancing procedural requirements and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

Any homeless student who becomes permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits [s.722(g)(3)(A)(i)(II)] If a homeless child or youth's living arrangements change such that they move out of state, arrangements will be made to allow them to continue for the remainder of the school year.

Any children and youths experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria [s.722(g)(1)(F)(iii)]

Any unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education [s.722(g)(1)(K)]

RECORDS

FLVS ensures that all records will be maintained for each homeless child or youth including:

- information related to the homeless child or youth's living situation;
- immunization or other required health records;
- academic records;
- guardianship records; and
- evaluations for special services [s.722(g)(3)(D)].

FLVS ensures that all records are:

- made available, in a timely fashion, when a child or youth enters a new school [s.722(g)(3)(D)(i)]
- held confidential in a manner consistent with section 444 of the General Education Provision Act (20 U.S.C. 1232g) [s.722(g)(3)(D)(ii)]; and
- treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) [s.722(g)(3)(G)].

DISPUTES

A parent, guardian, or unaccompanied homeless youth may dispute a school determination regarding eligibility for McKinney-Vento services, school selection, or enrollment.

During such a dispute, the child or youth will either remain enrolled in the student's school of origin or shall be immediately enrolled in the eligible school in which enrollment was requested, pending resolution of the dispute including all available appeals [s.722(g)(3)(E)(i)]

- A parent or guardian or unaccompanied youth will be provided with a written explanation of the FLVS decision regarding the school selection or enrollment in a manner and form understandable to the parent, guardian, or unaccompanied youth [s.722(g)(3)(B)(iii)], including the rights of the parent, guardian or student to appeal the decision [s.722(g)(3)(B)(iii)] through FLVS' enrollment dispute procedure and the Florida Department of Education's appeal process [s.722(g)(3)(e)(ii)];
- The student, parent or guardian shall be referred to the FLVS Homeless Liaison, who shall ensure the resolution process is carried out as expeditiously as possible after receiving notice of the dispute [s.722(g)(3)(e)(iii)].

FLVS Enrollment Dispute Procedure:

- (a) The Principal shall complete the electronic "School Selection Committee Request" which provides the Liaison a written explanation of the school's position regarding school selection of a student and the nature of the dispute.
- (b) The Homeless Liaison shall refer the matter to the "School Selection Committee", who shall, within 15 business days after receipt, schedule a meeting with school administration, and the family in an effort to resolve the dispute. The primary objective in reaching a resolution is to determine whether maintaining the student's current enrollment is in the student's best interest.
- (c) In the event the matter is not resolved, the School Selection Committee shall provide the parent or guardian of the student or the unaccompanied youth with a written explanation of the its decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the Florida Department of Education's appeal process.

(d) The Homeless Liaison will provide the parent, guardian or student the FLDOE School Dispute Resolution Appeal Process form. The form must be completed and returned to the Homeless Liaison within 10 business day, who shall send it, along with any additional written documentation provided by the school, to FLDOE.

The State of Florida Dispute Resolution Process can be found and referred to at:

<http://www.fl DOE.org/core/fileparse.php/7482/urlt/0084796-disputeresolutionprocess.pdf>

TITLE I

Children and youth in transition are automatically eligible for Title I services. The trauma and instability of homelessness put students at sufficient risk of academic regression to warrant additional support. The amount reserved shall be determined by a formula based upon the per-pupil Title I expenditure and developed jointly by the liaison, senior manager of Federal Programs, and the Title 1 administrator. Homeless children shall be assessed, reported on, and included in accountability systems, as required by federal law and U.S. Department of Education regulations and guidance.

TRAINING

On behalf of FLVS Full Time the Liaison will conduct training and sensitivity awareness activities for school staff including the school advocates and other staff that would be in a position to identify homeless students, at least once each year. The trainings and activities will be designed to increase staff awareness of homelessness, facilitate immediate enrollment, and ensure compliance with this policy.

REFERENCES

- McKinney-Vento Homeless Assistance Act, Subtitle VII-B Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective October 1, 2016)
- Title I, Part A of the Elementary and Secondary Education Act, 20 U.S.C. §§6311 – 6315
- The Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq
- June 5, 1992, Policy of the Administration for Children and Families of the U.S. Department of Health and Human Services

RISK-0000: RISK MANAGEMENT CLAIMS COMMITTEE AND LITIGATION CLAIMS

Risk Management

Florida Virtual School ("FLVS") is self-insured in accordance with Florida law for personal injury, property damage, worker's compensation, and similar claims. FLVS is a member of the North East Florida Educational Consortium ("NEFEC") Risk Management Program which utilizes third-party administrator ("TPA") services to process and assist with the management and resolution of certain insured claims.

A. Risk Management Claims Committee

A Risk Management and Claims Committee is established to review and authorize settlement of certain claims. The committee shall be comprised of:

1. the FLVS President & CEO or his/her authorized designee;
2. the FLVS Chief Operations Officer or his/her authorized designee;
3. the FLVS Risk Manager (or department head/director of Risk Management); and
4. the FLVS General Counsel or his/her authorized designee

B. Settlement Authority

The Board hereby authorizes:

1. The Risk Manager to settle any worker's compensation, personal injury, or property damage claim up to \$20,000, upon consultation with the General Counsel and approval of the President & CEO.
2. The President & CEO to settle any worker's compensation, tort, property damage, statutory, and contractual claim up to \$100,000 upon consultation with the General Counsel.
3. The President & CEO to execute on the Board's behalf appropriate settlement documents in connection with the settlement of any of the foregoing claims, provided that such documents have been reviewed and approved by the General Counsel or his/her authorized designee.

C. Claims Committee Meetings

The Claims Committee may be convened by the President & CEO at such time and with such frequency as he/she deems necessary and appropriate. Any settlement requiring payment by FLVS in excess of \$100,000 must be presented to and authorized by a majority vote of the FLVS Board of Trustees. Absent Board approval, no monetary settlement shall exceed the statutory limits imposed by section 768.28 of the Florida Statutes.

D. Initiation of litigation and appeals

Lawsuits and appeals shall not be initiated by or on behalf of FLVS absent Board approval. If the Board's pre-approval cannot be obtained due to extraordinary or exigent circumstances (including the expiration of time limitations imposed by law or applicable rule or regulation), the President and CEO, upon consultation with the FLVS General Counsel, is authorized to initiate such action so long as the Board is promptly notified thereafter. The President and CEO and the General Counsel shall ensure that the existence and status of such actions are regularly reported to the Board in accordance with applicable laws, regulations, and Board Policies.

Litigation/Actions which DO NOT Require Board Pre-Approval:

1. Loss recovery of claims initiated by third-party administrators on behalf of FLVS;
2. Bankruptcy and receivership claims (e.g., claims, filings, and proceedings to pursue and secure payment of debts owed to FLVS);
3. Any administrative action or proceeding, including those governed by the Florida Administrative Procedure Act
4. Class action claims wherein FLVS is listed as a member of a class.

Authorization: §§120.50—82, 1001.41, 1001.42, and 1001.43, 1002.37, Fla. Stat.

Adopted: []/[]/[]

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POLICY:

STATEMENT AGAINST BULLYING AND HARASSMENT. It is the policy of FLVS that all its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. FLVS will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment as defined herein is prohibited.

DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

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:

- Teasing
- Social exclusion
- Stalking
- Threat
- Intimidation
- Sexual, religious, or racial harassment
- Physical violence
- Theft
- Public or private humiliation
- Destruction of property

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, photoelectronic 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.

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:

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- Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- Has the effect of substantially disrupting the orderly operation of a school.

Bullying and harassment also encompasses:

- 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.
- 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:
 - Incitement or coercion
 - 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
 - Acting in a manner that has an effect substantially like the effect of bullying or harassment

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.

DESCRIPTION OF TYPE OF BEHAVIOR EXPECTED FROM EACH STUDENT AND EMPLOYEE OF FLVS

FLVS 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 FLVS staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

FLVS 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.

FLVS upholds that bullying or harassment of any student or school employee is prohibited:

- a) During any education program or activity conducted by an FLVS public K-12 educational institution;
- b) During any FLVS school-related or school-sponsored program or activity;
- c) On a school bus of a public K-12 educational institution;

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- d) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of an FLVS public K-12 education institution, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on FLVS property or at a school-related or school-sponsored program or activity; or
- e) 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 FLVS, 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 FLVS or substantially disrupts the education process or orderly operation of an FLVS school.
- f) The above section (e) does not require FLVS to staff or monitor any non-school-related activity, function, or program.

Each school community is required to implement appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

CONSEQUENCES FOR A STUDENT OR FLVS EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO COMMITS AN ACT OF BULLYING OR HARASSMENT

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.

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.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment may be disciplined in accordance with FLVS 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 Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.)

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.

CONSEQUENCES FOR A STUDENT OR FLVS EMPLOYEE OF A PUBLIC K-12 EDUCATIONAL INSTITUTION WHO IS FOUND TO HAVE WRONGFULLY AND INTENTIONALLY ACCUSED ANOTHER OF AN ACT OF BULLYING OR HARASSMENT

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or

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expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with FLVS policies, procedures, and agreements.

Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused 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.

A PROCEDURE FOR REPORTING AN ACT OF BULLYING OR HARASSMENT, INCLUDING PROVISIONS THAT PERMIT A PERSON TO ANONYMOUSLY REPORT SUCH ACT

At each school, the principal/instructional leader or the principal/instructional leader's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal/instructional leader or the principal/instructional leader'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 a violation of this policy anonymously or in-person to the principal/instructional leader or principal/instructional leader's designee.

The principal/instructional leader of each school shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. 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. A school employee, school volunteer, student, parent/legal guardian, or other person 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 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.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely based on an anonymous report.

PROCEDURES FOR THE PROMPT INVESTIGATION OF A REPORT OF BULLYING OR HARASSMENT AND THE PERSONS RESPONSIBLE FOR THE INVESTIGATION

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.

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At each school in the FLVS district, the procedures for investigating bullying and/or harassment include:

1. The principal/instructional leader or designee selects a designee(s), employed by the school, and trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
2. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are 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.
3. The investigator shall collect and evaluate the facts including, but not limited to:
 - Description of incident(s) including nature of the behavior, context in which the alleged incident(s) occurred, etc.;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The relationship between the parties involved;
 - The characteristics of parties involved (i.e., grade, age, etc.);
 - The identity and number of individuals who participated in bullying or harassing behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
4. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:
 - Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - A written final report to the principal/instructional leader.
5. The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. 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 procedure that follow.

SCOPE

A principal/instructional leader or designee will assign a designee(s) that is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of jurisdiction of FLVS. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

The trained designee(s) will provide a report on results of investigation with recommendations for the principal/instructional leader to decide if an act of bullying or harassment falls within the scope of jurisdiction of FLVS.

1. If it is within scope of jurisdiction of FLVS, move to procedures for investigating bullying or harassment.
2. If it is outside scope of jurisdiction of FLVS, and determined a criminal act, refer to appropriate law enforcement.

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3. If it is outside the scope of jurisdiction of FLVS, and determined not a criminal act, inform parents/legal guardians of all students involved.

PROCEDURES FOR PROVIDING IMMEDIATE NOTIFICATION TO THE PARENTS/GUARDIANS OF A VICTIM OF BULLYING OR HARASSMENT AND THE PARENTS/LEGAL GUARDIANS OF THE PERPETRATOR OF AN ACT OF BULLYING OR HARASSMENT AS WELL AS, NOTIFICATION TO ALL LOCAL AGENCIES WHERE CRIMINAL CHARGES MAY BE PURSUED AGAINST THE PERPETRATOR

The principal/instructional leader, 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](#)).

If the bullying or harassment incident results in the perpetrator being charged with a crime, the principal/instructional leader, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the [Unsafe School Choice Option](#)

(USCO) (section [9532](#) of the Elementary and Secondary Education Act [ESEA] of 1965, as amended by the No Child Left Behind Act of 2001) 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."

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.

A PROCEDURE TO REFER VICTIMS AND PERPETRATORS OF BULLYING OR HARASSMENT FOR COUNSELING

FLVS procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying or harassment incident is reported. The procedure shall include:

1. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, i.e., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
2. A referral process to provide professional assistance or services that includes:
 - a) A process by which school personnel or 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 is required at this point.)
 - b) If a formal discipline report or formal complaint is made, the principal/instructional leader or designee must refer the student(s) to the school intervention team for determination of counseling

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support and interventions. (Parent or legal guardian involvement is required at this point.)

3. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - a) Counseling and support to address the needs of the victims of bullying or harassment;
 - b) Research-based counseling/interventions to address the behavior of the students who bully and harass others (i.e., empathy training, anger management);and/or
 - c) Research-based counseling/interventions, which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

A PROCEDURE FOR INCLUDING INCIDENTS OF BULLYING OR HARASSMENT IN THE SCHOOL'S REPORT OF DATA CONCERNING SCHOOL SAFETY AND DISCIPLINE DATA REQUIRED UNDER S. 1006.09(6), F.S.

The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy (reported as “unsubstantiated bullying” or “unsubstantiated harassment”) with recommendations regarding such incidents (cyberbullying incidents are to be included within the bullying incidents category).

FLVS will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes **bullying and harassment** as incident codes 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.

If a **bullying** or **harassment** incident occurs, then it will be reported in SESIR with either the bullying or harassment code. If the **bullying** or **harassment** results in any of the following incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled **bullying related**. Those incidents are:

- Alcohol
- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Drug Sale/Distribution Excluding Alcohol
- Drug Use/Possession Excluding Alcohol
- Fighting

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- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Trespassing
- Tobacco
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

FLVS will provide bullying or harassment 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.

A LIST OF PROGRAMS AUTHORIZED BY FLVS THAT PROVIDE INSTRUCTION TO STUDENTS, PARENTS/LEGAL GUARDIANS, TEACHERS, SCHOOL ADMINISTRATORS, COUNSELING STAFF, AND SCHOOL VOLUNTEERS ON IDENTIFYING, PREVENTING, AND RESPONDING TO BULLYING OR HARASSMENT, INCLUDING INSTRUCTION ON RECOGNIZING BEHAVIORS THAT LEAD TO BULLYING AND HARASSMENT AND TAKING APPROPRIATE PREVENTATIVE ACTION BASED ON THOSE OBSERVATIONS

FLVS ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying or harassment. This requires the efforts of everyone in the school environment: teachers, administrators, counselors, other non-teaching staff, parents/legal guardians, and students.

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.

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FLVS provides the following list of authorized programs including, but not limited to:

Staff

- Supporting All Students: Creating Positive Environments for LGBTQ Students by Ian Siljestrom, The Safe and Healthy Schools Associate Director for Equality Florida
- Beacon on Demand Courses (free as part of our paid subscription): #8672 Recognizing Signs and Symptoms of Emotional Distress
- Beacon on Demand Courses: #8636 Community Trauma: Strategies for the Classroom
- Beacon Staff training (on their website): Creating a Safe and Respectful Environment in Our Nation's Classrooms (for teachers)

Students

- Leader in Me
- Evolution Labs - 5 hour Mental and Emotional Health Education requirement
- Sanford Harmony
- Guidance: K-5 Anti-bullying webinar series in zoom found here <https://www.flvs.net/student-resources/flex/webinars-elementary>
- Computer Science Courses K-5
- MJ Peer Counseling
- Peer Counseling 2

Decisions to include additional instructional programs or activities, not previously listed within this policy, will be made on a case-by-case basis, and authorized by individual school principals.

A PROCEDURE FOR REGULARLY REPORTING TO A VICTIM'S PARENTS/LEGAL GUARDIANS THE LEGAL ACTIONS TAKEN TO PROTECT THE VICTIM

The principal/instructional leader 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/legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child. 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](#)).

A PROCEDURE FOR PUBLICIZING THE POLICY WHICH MUST INCLUDE ITS PUBLICATION IN THE CODE OF STUDENT CONDUCT AND IN ALL EMPLOYEE HANDBOOKS:

At the beginning of each school year, FLVS shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of FLVS' student safety and violence prevention policy.

FLVS shall provide notice to students and staff of this policy through appropriate references within the Student Code of Conduct and employee handbooks, and/or through other reasonable means. FLVS shall also make all contractors contracting with FLVS aware of this policy.

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Each school principal/instructional leader shall develop an annual process for discussing the FLVS policy on **bullying** and **harassment** with students in a student assembly or other reasonable format. Reminders of the policy and **bullying** or **harassment** prevention messages such as posters and signs will be displayed.

Authorization: §§ 1002.20, 1002.37, 1006.13, 1006.147, Fla. Stat.

Ref: Florida Department of Education *Revised Model Policy* (April 2016)