



Lafayette County School District

Bullying and Harassment Incidents
Reporting and Investigation Manual

March, 2014

Table of Contents

1. District Policy Prohibiting Bullying and Harassment
2. Reporting Forms
 - a. Bullying or Harassment Reporting Form - Elementary, Middle and High School and Employee
 - b. Online Form
3. Steps for Investigating a Reported Incident of Bullying or Harassment
 - a. Alleged Bullying or Harassment Investigation Process Flowchart
 - b. Investigation Step Checklist
 - c. Bullying Witness Statement Form
4. Incident Investigation Final Report Form
5. Appendices
 - a. Checklist for School Compliance of F.S. 1006.147 Prohibiting Bullying and Harassment
 - b. Sample Safety Plans and Additional Strategies
 - c. Sample Scripts - Guidance for Notifying Parents of a Bullying/ Harassment Incident
 - d. Legal FAQs
 - e. Interviewing the Complainant and Perpetrator

I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Lafayette County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
- B. The District upholds that bullying or harassment of any student or school employee is prohibited
1. During any education program or activity conducted by a public K- 12 educational institution;
 2. During any school-related or school-sponsored program or activity;
 3. On a school bus of a public K-12 educational institution; or
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution.

II. Definitions

- A. Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to
1. Teasing;
 2. Social Exclusion;
 3. Threat;
 4. Intimidation;
 5. Stalking;
 6. Physical violence;
 7. Theft;
 8. Sexual, religious, or racial harassment;
 9. Public humiliation; or
 10. Destruction of property.
- B. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that
1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
 3. Has the effect of substantially disrupting the orderly operation of a school.
- C. Bullying and harassment also encompass
1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by
 - a. Incitement or coercion;
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
 - d. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

III. Behavior Standards

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

Students will conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority. There will be appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success. These awards will be given at the end of the year at the awards ceremonies for each school. Student rights, disciplinary sanctions and due process will be set forth in the Student Code of Conduct. Students and parents receive a copy of the Code of Conduct. Students receive an explanation at the beginning of school regarding their rights, sanctions and due process.

IV. Consequences

- A. Committing an act of bullying or harassment
 1. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.
 2. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Code of Student Conduct*.

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

V. **Reporting an Act of Bullying or Harassment**

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

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

VI. Investigation of a Report of Bullying or Harassment

- A. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act.
- B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
- C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- D. The investigator shall collect and evaluate the facts including but not limited to
 1. Description of incident(s) including nature of the behavior;
 2. Context in which the alleged incident(s) occurred;
 3. How often the conduct occurred;
 4. Whether there were past incidents or past continuing patterns of behavior;
 5. The relationship between the parties involved;
 6. The characteristics of parties involved, *i.e.*, grade, age;
 7. The identity and number of individuals who participated in bullying or harassing behavior;
 8. Where the alleged incident(s) occurred;
 9. Whether the conduct adversely affected the student's education or educational environment;
 10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 11. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
 1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 2. A written final report to the principal.
- F. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.

VII. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District

- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
- B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.

1. If it is within the scope of the District, a thorough investigation shall be conducted.
2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.

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

- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment.
 1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
 2. If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform the parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “. . .a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment.

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

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

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

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

- A. The teacher or parent/legal guardian may request informal consultation with school staff, *e.g.*, school counselor, school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student’s parents or legal guardian are included.
- B. School personnel or the parent/legal guardian may refer a student to the school intervention team for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.

- C. If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian involvement shall be required.
- D. The intervention team may recommend
 - 1. Counseling and support to address the needs of the victims of bullying or harassment;
 - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management; and/or
 - 3. Research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

X. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment as an incident code as well as bullying-related as a related element code.
 - 1. Bullying and/or harassment incidents shall be reported in SESIR with the bullying/harassment code.
 - 2. If the bullying/harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are
 - a. Arson
 - b. Battery
 - c. Breaking and Entering
 - d. Disruption on Campus
 - e. Major Fighting
 - f. Homicide
 - g. Kidnapping
 - h. Larceny/Theft
 - i. Robbery
 - j. Sexual Battery
 - k. Sexual Harassment
 - l. Sexual Offenses
 - m. Threat/Intimidation
 - n. Vandalism
 - o. Weapons Possession
 - p. Other Major (Other major incidents that do not fit within the other definitions)
- C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
- D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

XI. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment

- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
- B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying in schools.

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

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent or 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).

XIII. Publicizing the Policy

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

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.04, 1003.31, 1003.32,

1006.07, 1006.08, 1006.09,

1006.10, 1006.147, F.S.

20 USC 1232g



Reporting Forms

An incident of bullying can be reported anytime after the fact. There is no time limit on reporting an incident of bullying.

An incident of bullying can be reported in writing, in-person or anonymously. All school employees are required to report any known bullying incidents.

If an incident of bullying/harassment is reported verbally, always have the person reporting the incident (student, parent, etc.) complete a reporting form. This is important documentation that may be needed in the future.

FORMS

Bullying or Harassment Reporting Form - Elementary, Middle and High School and Employee

Copies of the above form must be easily available to students and staff at each school. Schools will need to set up a drop box for anonymous reporting.

Online Reporting Form -

Accessed from the home page of the district website, <http://lafayette.schooldesk.net>, by clicking on the "Report Bullying" link located in the section "Quick Links".

ALL FORMS are available in the office of each school.

NOTE: As you handle bullying complaints, be certain to keep all reporting forms and sufficient investigation documentation of what you have done as well as what you have discovered. Remember that bullying is considered as repeated behavior. Even if there is a conclusion that bullying did not happen, keep the forms and documentation. Without records of prior incidents, it is difficult to "prove" that the behavior is a repeated one.



Steps for Investigating a Reported Incident of Bullying or Harassment

1. Alleged Bullying or Harassment Investigation Process Flowchart

Please refer to the flowchart included in this section as a guide for the investigation process.

An investigation will be promptly initiated for all reported incidents of bullying. Incidents shall include reports of bullying/harassment while the child is en route to school aboard a school bus or at a school bus stop.

Cyberbullying incidents that happen outside of school will be investigated if the incident is causing substantial emotional distress and serving no legitimate purpose, *therefore affecting the learning environment at school*.

Once a reporting form is received a maximum of 15 school days shall be the limit for 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 procedures that follow (need to know basis).

2. Investigation Steps Checklist

The Investigation Steps Checklist should be used as a guide to ensure that all the investigation steps are completed as per the district policy prohibiting bullying and harassment. This checklist will also serve as documentation that all investigation steps were completed.

3. Bullying Witness Statement Form

The form must be completed during the investigation when there is a witness to an incident of alleged bullying. One form must be completed for each witness. All witness statements that relate to one incident should be attached to the Bullying or Harassment Reporting Form.



Incident Investigation Final Report Form

The incident Investigation Final Report Form **MUST** be completed for all reports of bullying including substantiated incidents and unsubstantiated incidents.

If this is a first time incident (not repeated), it is not bullying but another infraction such as misconduct. **Because it was reported as a bullying incident, an Incident Reporting Final Report form must be completed and checked as “Unsubstantiated” with the name of the infraction listed.**

If the bullying incident is a criminal offense and it is turned over to law enforcement, schools should still continue to do their own in-house investigation and complete the Final Report Form as documentation of follow through by the school.

Incidents of bullying must also be reported in the district discipline system using the codes for substantiated or unsubstantiated bullying or harassment. Include basis of incident if it was gender, race or disabled related.

Once a reporting form is received, an investigation must take place and be completed in 15 days.

APPENDICES

Checklist for School Compliance of F.S. 1006.147
Prohibiting Bullying and Harassment

Sample Safety Plans and Additional Strategies

Sample Scripts - Guidance for Notifying Parents of
a Bullying/Harassment Incident

Legal FAQs

Interviewing the Complainant and Perpetrator

Checklist for school compliance of Florida Statute 1006.147 Prohibiting Bullying and/or Harassment

<p>1. A procedure for reporting an incident of bullying is in place.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Posters on reporting incidents are displayed. <input type="checkbox"/> Reporting forms are readily available in the front office and the district website. <input type="checkbox"/> Drop boxes are located in designated areas of the school for anonymous reporting.
<p>2. Required steps during the investigation procedures.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> All reports received (by form, verbal, online, anonymous) are investigated promptly. <input type="checkbox"/> Parents of all students are notified as soon as possible after an investigation of the incident has been initiated (by letter, email, documented phone call, or conference). <input type="checkbox"/> Investigation procedures and collection of facts follow the Lafayette County School District Policy for Prohibiting Bullying and/or Harassment. <input type="checkbox"/> Law enforcement informed if incident is determined to be a criminal act. <input type="checkbox"/> Parents of all students are informed of outcome of the investigation (by letter, email, documented phone call, or conference) consistent with FERPA provisions. <input type="checkbox"/> Final Report Form is completed within 15 days <u>for every incident received and investigated.</u>
<p>3. Consequences to Perpetrators.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Student receives appropriate consequences as outlined by the Student Code of Conduct. Substantiated bullying incidents are Level III incidents.
<p>4. Procedures for regularly reporting to victim's parents including actions taken to protect the victim.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> After an investigation, parents are contacted (by letter, email, documented phone call, or conference) of all recommended actions in place for the victim for both substantiated and unsubstantiated incidents. <input type="checkbox"/> Safety Plan in place for substantiated incidents and recommended for unsubstantiated incidents. <input type="checkbox"/> Referral of Counseling is provided to both victim and perpetrator if deemed appropriate.
<p>5. Data Reporting Compliance.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Final Investigation Report Form is completed to meet statute requirements for a final written report and end of year compliance reporting to the state. <input type="checkbox"/> Schools report in the district discipline system both substantiated and unsubstantiated incidents including basis of incident if it was gender, race or disabled related.
<p>6. Publicize the Policy, Curriculum Integration, and Annual Staff Training.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Process in place at school to publicize and discuss the policy to students and parents. (in newsletter, posters, presentations). <input type="checkbox"/> Bullying prevention education is integrated within the school curriculum. <input type="checkbox"/> Principals review Bulling & Harassment procedures every year during pre-planning with school-based staff. <input type="checkbox"/> Bullying prevention information available to parents/guardians.

SAFETY PLANS



Lafayette County School District believes that all of its students be afforded an educational setting that is safe, secure, and free from bullying and harassment of any kind.

It is recommended that safety plans are put into place for students who have been the targets or feel they are targets of bullying or harassment. Safety plans can be used for both substantiated and unsubstantiated incidents of bullying to ensure a student feels emotionally and physically safe and secure at school.

It is understood that each situation of bullying and harassment is different, as well as the emotional impact on the targeted student. Following are example safety plans for both substantiated and unsubstantiated bullying incidents along with additional strategies that can be used in a safety plan.

A safety plan can include three components: the actions **school staff** will engage in, the actions the **student** will engage in, and the actions the **parents** will engage in.

It is important to review the safety plan often to ensure it is being implemented and is working, to see if any modifications are necessary, or to decide if the plan needs to continue.

EXAMPLE SAFETY PLAN #1

This plan can be used for recommendations for unsubstantiated incidents of bullying or harassment to help the alleged victim feel safe and secure at school.

Safety Plan for [Student Name]

1. Teacher will monitor structured recess.
2. [Student name] has been informed to immediately tell an adult closest by if [she/he] feels uncomfortable or needs assistance.
3. [Student name] will have a safety pass that can be used to seek assistance or a discussion with school administration.
4. A directive for the accused to avoid contact with [student name].
5. Guidance Counselor will provide additional targeted bullying prevention lessons in the classroom to educate all students on the bullying policy in the district and bullying prevention.
6. Offer counseling on discretion of student and parent.
7. Administration will monitor this safety plan implementation and provide an update to the parent.

This plan is in place from _____ through _____, at which time it will be reviewed, revise or continued, if necessary.

Safety Plan reviewed and agreed with student and parent.

Administrator Signature

Date

Parent Signature

Date

EXAMPLE SAFETY PLAN #2

This plan can be used for recommendations for substantiated incidents of bullying or harassment to help the victim be safe and secure at school.

Safety Plan for [Student Name]

1. [Student name] transportation to and from school modified: Seated behind bus driver.
2. Safety pass given to [student name] that can be used at any time [she/he] feels hurt or threatened by a student.
3. [Student name] is to immediately report any future incidents of bullying to a teacher, administration or guidance counselor.
4. Academic schedule modification for perpetrator(s).
5. Weekly follow-up meetings with guidance to monitor situation.
6. A directive for the accused to avoid contact with [student name].
7. Need-to-know school staff aware of situation and will monitor: [YRD, teachers, administration, staff on lunch duty].
8. Administration will monitor safety plan implementation and provide an update to the parent.

This plan is in place from _____ through _____, at which time it will be reviewed, revise or continued, if necessary.

Safety Plan reviewed and agreed with student and parent.

Administrator Signature

Date

Parent Signature

Date

Additional Safety Plan Strategies

A. School/Staff:

1. All school staff will be apprised of this safety plan and will make every effort to implement it successfully.
2. Any school staff who witness or are otherwise made aware of any harassing, intimidating or bullying behavior directed toward the student will intervene immediately and will report such behavior to the principal.
3. Schedule changes for perpetrators (academic, lunch and/or resource).

Classroom and Passing Times:

1. Mr./Mrs. _____ will be designated as the student 's primary point of contact (trusted adult) on staff.
2. Mr./Mrs. _____, the classroom teacher, will keep the student and his/her aggressor separated in the classroom and during class activities.
3. Our school security officer (or other appropriate staff member) will be visible in the hall and will monitor the student during all passing times.
4. Mr./Mrs. _____ is designated as the student's recess monitor and will be visible and available during recess.
5. The bus driver will be instructed to intervene immediately and to report any bus incidents to the school principal.
6. The school will immediately report any harassing, intimidating or bullying behavior which it is made aware of to the student 's parents.
7. Other: _____

B. The Targeted Student:

1. The student will not have face to face contact or online contact with the aggressor while this plan is in effect.
2. The school counselor and the student will identify a friend or friends with whom he/she feels safe.
3. The student will remain as close to the trusted friend(s) as is reasonable during the school day.
4. The student will visit the school counselor (nurse / principal / AP) on a regular basis at _____ o'clock to check in to see that the plan is working.

5. The student will share all passwords and will 'friend' his/her parents on all social networking sites so that they can monitor for any adverse online experiences.
(NB: The student will not 'friend' teachers or other school staff.)
6. The student will report any further incidents to a trusted adult, teacher, or other staff person immediately.
7. Other: _____

C. Parents/Family:

1. Parents and other family members agree to monitor and support the student with this Safety Plan, monitor the student's use of technologies, and contact school if the problem persists.
2. Parents are welcome to contact the school at any time to check on the effectiveness of the plan.

Guidance for Notifying Parents of a Bullying/Harassment Report and Outcome SAMPLE SCRIPTS

1. **Notify parents of all students involved** as soon as possible after a report of bullying and/or harassment has been received and an investigation of the incident has been initiated.
2. **Notifying parents of the *alleged VICTIM* of the Report of Bullying.** Parents can be notified by mail, email, documented phone call, or conference.

Sample script: "I am *[writing, emailing, calling, meeting with]* you today to let you know that *[name of student]* has reported an incident of *[bullying and/or harassment]*. I can assure you that we do not tolerate any form of bullying and the matter is being investigated following the procedures in the Lafayette County School District Policy Prohibiting Bullying and Harassment. We will immediately inform you of the outcome of the investigation once we have looked at all the facts."

3. **Notifying parents of the *alleged VICTIM* of the Investigation Outcome.**

For **Unsubstantiated Incidents**, "I am *[writing, emailing, calling, meeting with]* you today to let you know that we have completed a thorough investigation of the bullying incident for *[name of student]* and it has been determined that the incident did not meet the criteria to be an act of bullying/harassment, as defined in the state's statute and the district's policy.

Our primary concern is that our students' feel safe and secure at school, therefore, even though the incident did not meet the criteria for bullying, we have provided and will continue to provide interventions to ensure your child's learning environment is not affected. The following measures have been put into place:

EXAMPLES CAN BE:

- A safety plan for _____ that names a person *[he/she]* can go to if they believe they are being bullied or harassed.
- A directive for the accused to avoid contact with _____.
- Guidance Counselor will provide additional targeted bully prevention lessons to students.
- Teacher will monitor structured recess.
- _____ has been informed to tell an adult closest by if *[he/she]* needs assistance.
- _____ has been informed to report a situation immediately when it happens to the supervising adult.

Please inform us if any other incidents come to your attention and we will monitor the situation here at school."

For Substantiated Incidents: "I am *[writing, emailing, calling, meeting with]* you today to let you know that we have completed a thorough investigation of the bullying incident for *[name of student]* and appropriate actions are being taken so this type of incident does not happen again. For your child, the following actions have been taken to ensure that they feel safe at school *[share the steps in the safety plan put in place for the student]*."

Please be assured that actions have been taken on the other student, but because of student privacy laws, we cannot give details of these actions. We take all incidents of bullying very

seriously and comply with our policy and state statute so all of our students be afforded an educational setting that is safe, secure, and free from bullying and harassment of any kind.”

4. Notifying parents that their child is an *alleged PERPETRATOR* in a Report of Bullying.

Parents can be notified by mail, email, documented phone call, or conference.

Sample script: “I am *[writing, emailing, calling, meeting with]* you today to let you know that an incident of *[bullying and/or harassment]*, which seems to have involved *[name of student]* has been reported and we are in the process of investigating this incident. The report has to do with _____*[example threatening, teasing, physical contact]*. As soon as we collaborate the facts, we will contact you with further information. “

5. Notifying parents of the *alleged PERPETRATOR* of the Investigation Outcome.

- For **Unsubstantiated Incidents**, let parents know that after the completion of the investigation per the Lafayette County School District Policy Prohibiting Bullying and Harassment, the incident was unsubstantiated. Let parents know that we are continuing to educate students about bullying to avoid misunderstandings of what constitutes a bullying incident.
- For **Substantiated Incidents**, parents will need to be notified (by mail, email, documented phone call, or conference) of consequences taken on their child for committed acts of bullying.

Sample Script for notifying parents of substantiated incidents: “I am *[writing, emailing, calling, meeting with]* you today to let you know that we have completed a thorough investigation of the bullying incident alleged against *[name of student]* and it has been determined that an incident of bullying met the criteria of the Lafayette County School District Policy Prohibiting Bullying and Harassment. Bullying is a Student Code of Conduct Level III infraction with appropriate consequences. For *[name of student]* the following actions are being taken so this type of incident does not happen again. *[List consequences and any referral for counseling]*. We appreciate your support in this matter. *[If letter or email, let parents know that if they have any specific questions, to please contact you directly].*”



Legal FAQs

Why Do I Have to Complete a Final Investigation Form for Every Incident and Report Substantiated and Unsubstantiated Incidents in the District Discipline System?

As a school district, we are obligated to be in compliance with all aspect of F.S. 1006.147 and our policy, which includes data reporting. This means completing a final investigation form for every bullying/harassment incident reported and reporting both substantiated and unsubstantiated incidents in the district discipline system.

How Can Schools and Individuals Protect Themselves From Liability?

Court decisions have found two bases for the duty of employers and schools to protect employees and students:

- School personnel have a duty to protect students from known or reasonable foreseeable harm occurring during or in connection with school activities; and
- School personnel are responsible for properly monitoring and disciplining subordinates, such as teachers, over whom they exercise supervisory authority.

Under What Conditions May An Individual Be Found Individually Liable?

The only time staff can be held personally responsible is if they had knowledge of the bullying incidents and chose not to act. A general rule is that any school official with a practice, custom, or policy of disregarding, dismissing, concealing, and/or discouraging student or employee complaints of misconduct, discrimination, or other harmful acts or omissions may be held personally liable for harm to the complaining student or employee.

Under What Conditions May A School District Be Liable For Student-Student Bullying?

School personnel have a duty to protect students from known or reasonable foreseeable harm occurring during or in connection with school activities. The district has a duty to provide a safe, orderly learning environment. There have been a number of legal actions filed against school districts in which it was alleged that the school itself was liable because it failed to act to protect students from the harm caused by bullying when the school had knowledge that the bullying was occurring. This is where the importance of documentation and following through on an investigation of a bullying incident comes into play.

Who Needs To Know?

During an investigation, only the investigation team needs to know the details. The victim should be asked if their teachers can be informed about the situation. Reports to the complainant, their family, or legal counsel on progress of the investigation should be limited to types of actions you are taking and your timeline for completion.

How Does FERPA Apply?

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law regarding the privacy of student records and the obligations of an educational institution, primarily in the areas of release of student records and the access provided to these records. Because disciplinary actions become part of the student record, a complainant or their parents cannot know the specific disciplinary actions taken against the perpetrator. When talking to parents and complainants, talk process not facts. For example, "the appropriate action was taken, but because of student privacy laws, we cannot give details of these actions."

To meet the criteria of informing parents of what action has been taken to protect the victim, schools can share a safety plan with the parents of the victim. For example: the perpetrator and victim are not in the same class, an administrator will stop in the class three times a week to monitor the situation, etc.

When Should The School Investigate Off-Site Cyberbullying?

Although investigating cyberbullying off campus is still a legally gray area, our policy makes it clear: Cyberbullying incidents that happen outside of school will be investigated if the incident is causing substantial emotional distress and serving no legitimate purpose, therefore affecting the learning environment at school. Students have First right amendments, but schools have the right to discipline when it is affecting the learning environment.

Is There Such A Thing As Confidentiality Between Myself and My Students or Employees?

Legally, No. You cannot promise to keep secrets in regard to legal matters. In the case of bullying, you have the responsibility to report the incident as it relates to the seriousness and safety of the student and to state and federal law. The best approach to confidentiality is to make it clear that the information will be shared on a "need to know" basis only.

What Is The Difference Between Bias, Prejudice, and Discrimination?

Bias is a tendency, inclination, or outlook: a subjective point of view. Prejudice is a negative bias or disliking of people because they belong to a particular group one dislikes. Discrimination differs from prejudice in that it includes action. Educators have a right to their biases and prejudices, but they may not act on them in a way that affects students or other employees.



Interviewing the Complainant and Perpetrator

Interviewing the Complainant

1. Take the complainant seriously.
2. Explain the investigation process.
 - a. Alleged perpetrator and any witnesses will be interviewed.
 - b. Ensure complainant understands that you cannot guarantee complete confidentiality, but information obtained from the investigation will be given on a need-to-know basis only.
 - c. A written report will be prepared after the investigation process has taken place.
3. Ask the complainant how they are feeling about the situation before seeking the facts. Stay emotionally connected while factually impartial.
4. Find out what happened. Get specific details. Use the Investigation Steps Checklist for guidance.
5. Find out the effects of the bullying on the complainant. For example:
 - *How did the alleged perpetrator's remarks/actions affect you?*
 - *When you say you were upset, what do you mean by upset?*
 - *How did you act? Did you experience any change in behavior?*
 - *Did you go to a doctor? (documentation) If yes, for what?*
 - *Has your work/studies been affected? If yes, how?*
 - *Have you spoken to anyone about your feelings after the incidents?*
6. Find out the names of witnesses.
7. Ask the complainant what assistance we can provide or if there is any temporary/immediate action they believe is necessary.
8. Assess the complainant's credibility.
 - *How does the complainant appear during the interview?*
 - *Does the story and facts sound correct?*
 - *Note the complainant's appearance, facial expressions, body language, etc.*
 - *Does the complainant have a motive to lie?*
9. Document any refusal by the complainant to divulge information. Document any gestures.
10. Go over the complainant's account of the incident and get a signed written statement that the facts you have are correct.
11. Ask the complainant to alert you immediately if any more incidents occur.

Interviewing the Perpetrator

1. Give a brief indication of the nature of the meeting to the alleged perpetrator before you commence the interview.
2. The alleged perpetrator and/or investigator may tape the interview with knowledge and consent of the other party.

3. Explain the purpose of the interview is to investigate a complaint of bullying made against the alleged perpetrator and that:
 - a. Allegations of bullying are taken seriously and will be fully investigated.
 - b. The purpose of the interview is to elicit facts associated with a complaint.
4. Ask the alleged perpetrator for whatever information he or she has in regard to the complaint. Get specific details. Use the Investigation Steps Checklist for guidance.
5. Find out the names of any witnesses to corroborate statement.
6. Assess the alleged perpetrator's credibility.
 - *How does the alleged perpetrator appear during the interview?*
 - *Does the information the alleged perpetrator give sound correct?*
 - *Note the alleged perpetrator's appearance, facial expressions, body language, etc.*
7. If a student chooses not to answer questions about a bullying incident, document this and let them know that it is fine, but will assume what was said is true.
8. Document any gestures.
9. After going over what the alleged perpetrator has said, have he or she sign a written statement that these facts are correct.
10. Investigator can now identify areas of agreement and areas of conflict between the complainant and alleged perpetrator's statements to determine follow-up questions.