

Florida Department of Education

Jeffrey Johnston Stand Up for All Students Act

Report on Implementation of
Section 1006.147, Florida Statutes

Prepared for:

The Honorable Ron DeSantis Governor
of the State of Florida

The Honorable Wilton Simpson
President of the Florida Senate

The Honorable Chris Sprowls
Speaker of the Florida House of Representatives

Jeffrey Johnston Stand Up for
All Students Act
Report on Implementation
Section 1006.147, Florida Statutes
January 1, 2021

Section (s.) 1006.147, Florida Statutes (F.S.), also known as the “Jeffrey Johnston Stand Up for All Students Act” (The Act), states that, “On or before January 1 of each year, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this section.” In compliance with statutory requirements, the Florida Department of Education’s (FDOE) Office of Safe Schools (OSS) has collected and summarized the following information and data relevant to the implementation of this law during the 2020 calendar year.

When the Act became law in 2008, it was considered the most proactive anti-bullying legislation in the country. The law has undergone some revisions over the last decade, but in 2018, the creation of the Hope Scholarship provided students who are bullied or otherwise victimized in school expanded school choice options to pursue a safer learning environment.

Definitions

Section 1006.147(3)(a-c), F.S., defines the following terms:

- (a) “Bullying” includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:
 - 1. Teasing;
 - 2. Social exclusion;
 - 3. Threat;
 - 4. Intimidation;
 - 5. Stalking;
 - 6. Physical violence;
 - 7. Theft;
 - 8. Sexual, religious, or racial harassment;
 - 9. Public or private humiliation; or
 - 10. Destruction of property.
- (b) “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 photooptical 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.

- (c) “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 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.

2020 Changes to the Hope Scholarship Rule

The Hope Scholarship Program was established by the 2018 Legislature. Per s. 1002.40, F.S., a K-12 student enrolled in a Florida public school is eligible for a Hope Scholarship if the student reported any one of 13 specified school safety incidents.

The procedure outlined in statute requires that upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall provide the parents with the option of enrolling their student in another public school with capacity or requesting a scholarship for the child to attend an eligible private school, subject to available funding. The statute also grants rulemaking authority to FDOE.

The State Board of Education’s Hope Scholarship Program Rule, originally adopted in 2018, was updated effective August 18, 2020. The revised rule requires districts to report to FDOE the total number of Hope Scholarship Notification Forms provided to parents by school.

FDOE’s Office of Independent Education and Parental Choice routinely responds to calls from school districts and schools with questions about the Hope Scholarship Program. Assistance is provided to both district personnel and public school officials in the appropriate implementation of the Hope Scholarship program. Additionally, staff provides support to parents who are encountering issues with the scholarship program eligibility at the school district level.

Specific information and guidance for the Hope Scholarship Program can be found at the following link: <http://fldoe.org/schools/school-choice/k-12-scholarship-programs/hope/>.

District Policy Prohibiting Bullying and Harassment

The Act requires that every school district adopt a bullying and harassment policy. As required in statute, all 72 local education agency’s (LEA) bullying policies have been officially certified by FDOE as having a bullying and harassment policy that complies with the law. Additionally, each school district superintendent has identified a bullying policy

district contact for the continued oversight of the school district's policy. These contacts have since proven to be critical to the development, promotion and oversight of school district policies and serve as liaisons to superintendents, principals, teachers, administrators and parents.

Compliance with Reporting Procedures

Section 1006.147(7), F.S., states the following:

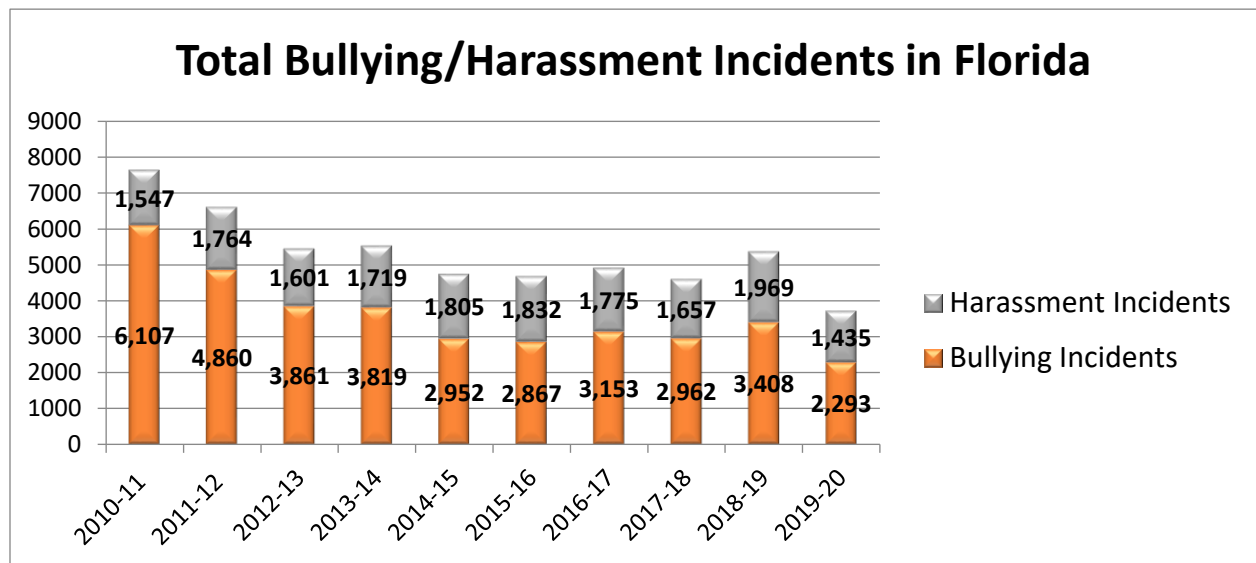
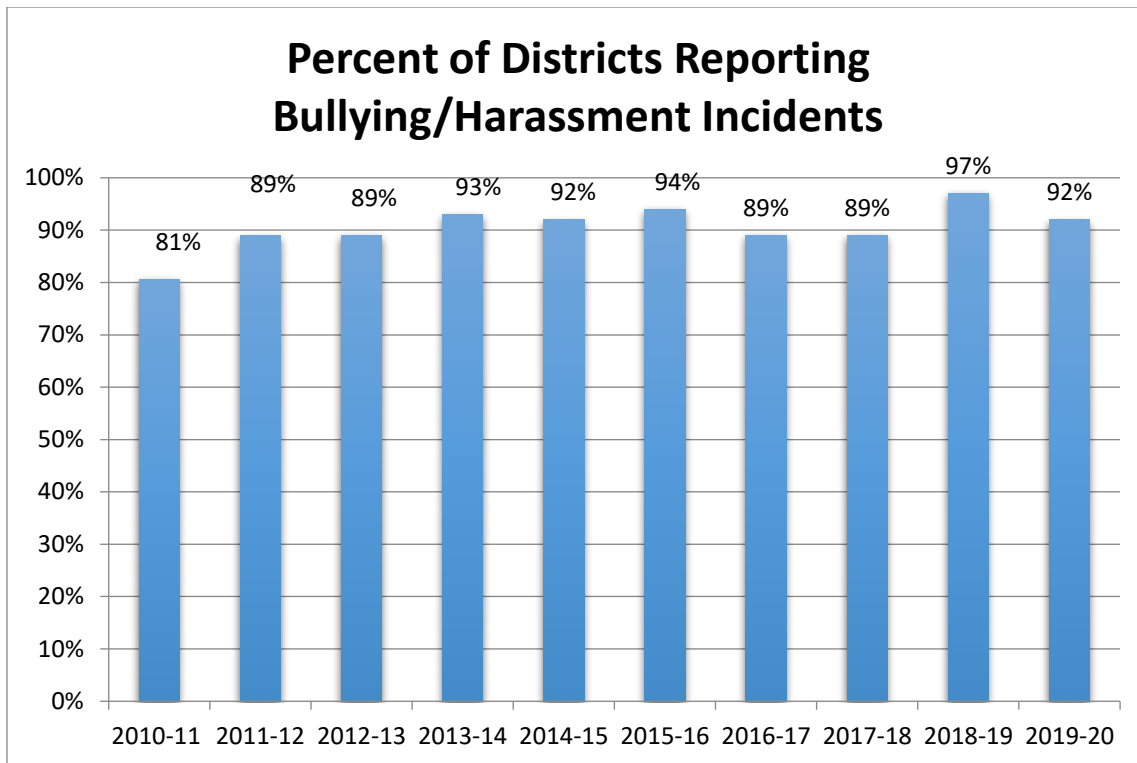
“Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section.”

In other words, distribution of the annual Safe Schools Appropriation (SSA) is legally contingent upon each school district's compliance with the reporting requirements specified in law.

The requirement for reporting and collecting data on incidents of bullying and harassment is specified in s. 1006.147(4)(k), F.S., and states that the district policies must include, “a procedure for including incidents of bullying and harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6).” Beginning in 2006, in anticipation of the passing of this legislation, FDOE added bullying and harassment to the 24 hour a day, seven days a week School Environmental Safety Incident Report (SESIR), which is the reporting mechanism for 26 types of crime and violence that occur on school campuses, on school bus transportation or at school-sponsored events. OSS continues to focus on improving data quality of district-reported SESIR incidents, as well as increasing technical assistance and training for school districts, and has recently expanded its compliance monitoring efforts.

In addition to amending the Hope Scholarship Program Rule in 2020, the State Board of Education also approved the new SESIR rule which established the requirements school districts must use to report disruptive or criminal incidents to FDOE so that the data can be used in required state and federal reports. The reporting of any one of 13 specific SESIR incidents (including Bullying and Harassment) would prompt school leadership to notify the parent of the Hope Scholarship Program and offer the parent an opportunity to enroll their student.

The following charts and tables compare data from the 2010-11 school year through the 2019-20 school year. Since the 2010-11 school year, incidents of bullying and harassment are required to be reported separately. Charts and tables included in this report cite data for both bullying and harassment incidents as well as annual totals to facilitate comparison to prior year data.



Section 1006.147(4)(k), F.S., states the following:

“The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals.”

The chart on the following page depicts this data for the years 2010-11 through 2019-20.

Disciplinary Actions Resulting from Incidents of Bullying and Harassment

School Year	Alternative Placement	Corporal Punishment	In School Suspension	Out of School Suspension	Expelled without Services	Change in Placement	Other*	Suspension Pending Hearing	Expelled with Services	State Totals
2010-11 Bullying only	44	9	1,225	2,795	1	3	1,351	0	1	5,429
2010-11 Harassment only	17	2	371	723	2	0	331	0	2	1,448
2010-11 Total	61	11	1,596	3,518	3	3	1,682	0	3	6,877
2011-12 Bullying only	25	3	932	2,206	2	0	948	1	0	4,117
2011-12 Harassment only	12	3	332	820	2	1	400	2	0	1,572
2011-12 Total	37	6	1,264	3,026	4	1	1,348	3	0	5,689
2012-13 Bullying only	42	2	742	1,635	2	3	726	2	2	3,156
2012-13 Harassment only	15	0	276	731	3	0	350	2	0	1,377
2012-13 Total	57	2	1,018	2,366	5	3	1,076	4	2	4,533
2013-14 Bullying only	49	2	616	1,786	2	2	494	3	3	2,957
2013-14 Harassment only	21	2	301	790	1	0	367	2	1	1,485
2013-14 Total	70	4	917	2,576	3	2	861	5	4	4,442
2014-15 Bullying only	44	1	549	1,354	3	0	399	0	0	2,350
2014-15 Harassment only	20	0	419	889	1	2	264	2	1	1,598
2014-15 Total	64	1	968	2,243	4	2	663	2	1	3,948
2015-16 Bullying only	32	1	504	1,190	0	0	459	2	0	2,188
2015-16 Harassment only	14	0	429	816	2	0	260	2	1	1,524
2015-16 Total	46	1	933	2,006	2	0	719	4	1	3,712
2016-17 Bullying only	37	0	621	1,068	1	0	468	4	0	2,199
2016-17 Harassment only	18	0	473	730	0	0	312	1	1	1,531
2016-17 Total	55	0	1,094	1,798	1	0	780	5	1	3,730
2017-18 Bullying only	45	1	621	1,152	1	0	438	1	12	2,271
2017-18 Harassment only	24	0	462	695	0	0	224	1	2	1,408
2017-18 Total	69	1	1,083	1,847	1	0	662	2	14	3,679
2018-19 Bullying only	36	0	722	1,231	0	0	856	0	11	2,856
2018-19 Harassment only	26	0	622	829	1	0	310	1	3	1,792
2018-19 Total	62	0	1,344	2,060	1	0	1,166	1	14	4,648
2019-20 Bullying only	34	0	591	897	0	1	718	1	9	2,251
2019-20 Harassment only	48	0	414	566	0	0	421	0	4	1,453
2019-20 Total	82	0	1,005	1,463	0	1	1,139	1	13	3,704

*Includes all other types of disciplinary action such as "Saturday School," tobacco cessation programs, drug prevention programs, counseling, anger management programs or community service.

FDOE's OSS regularly responds to telephone calls and written correspondence from parents and other stakeholders concerned about bullying and harassment in schools. These are addressed on a case-by-case basis by trained staff in OSS who provide information about the statutory requirements and assist with connecting constituents with an appropriate contact in each school district.

Additional Data Requirements

The United States Department of Education's Office for Civil Rights requires certain data items to be collected through its civil rights data collection (CRDC), which surveys school districts in areas related to civil rights in education. The CRDC requires school districts to collect and report information for each school on allegations of harassment and resultant discipline imposed for harassment. This data, aggregated by sex, race, disability, sexual orientation and religion, is included in the state reporting requirements.

Incidents Reported on One or More Basis for 2019-20

Incident Was Based On the Person's:							
Incident Type	Disability	Race, Color or National Origin	Sex	Religion	Sexual Orientation	None of These	Total
Bullying	113	79	91	89	77	1,904	2,293
Harassment	45	87	0	30	45	1,249	1,435
Sexual Harassment*	22	16	1,945	13	223	0	1,945
Threat/Intimidation	79	89	132	32	42	5,857	6,172
Totals	259	271	2,168	164	387	9,010	11,845

*Sexual Harassment is, by default, on the basis of sex.

Note: Also, the totals in the far right column may be greater than the total for each Incident Type because incidents can be counted in more than one basis column.

Additionally, s. 1006.147(4)(k), F.S., states the following:

“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 section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.”

The law requires that schools collect data not only on verified incidents of bullying and harassment, which schools and school districts have done since 2006-07, but also on reported incidents of bullying and harassment that do not meet the definition of bullying or harassment. Furthermore, for those incidents, school districts are required to provide recommendations to schools on how to respond to such incidents, reported as Unsubstantiated Bullying and Unsubstantiated Harassment. This data must then be collected and aggregated by FDOE.

Unsubstantiated Bullying and Harassment Incidents

School Year	Incidents Reported as Bullying and/or Harassment, but not Meeting the Criteria per 1006.147 (4)(k), F.S. - Statewide Total
2010-11 Bullying only	2,073
2010-11 Harassment only	316
2010-11 Total	2,389
2011-12 Bullying only	2,369
2011-12 Harassment only	315
2011-12 Total	2,684
2012-13 Bullying only	2,390
2012-13 Harassment only	314
2012-13 Total	2,704
2013-14 Bullying only	3,121
2013-14 Harassment only	302
2013-14 Total	3,423
2014-15 Bullying only	3,734
2014-15 Harassment only	469
2014-15 Total	4,203
2015-16 Bullying only	3,918
2015-16 Harassment only	402
2015-16 Total	4,320
2016-17 Bullying only	3,561
2016-17 Harassment only	347
2016-17 Total	3,908
2017-18 Bullying only	3,985
2017-18 Harassment only	299
2017-18 Total	4,284
2018-19 Bullying only	5,032
2018-19 Harassment only	450
2018-19 Total	5,482
2019-20 Bullying only	3,692
2019-20 Harassment only	340
2019-20 Total	4,032

Additionally, the reporting form included a narrative section for school districts to provide a sample of the recommendations made to schools in response to reported incidents of bullying or harassment that did not meet the criteria of a prohibited act (as required by s. 1006.147(4)(k), F.S.). Responding school districts reported a variety of actions taken for reported incidents that were not determined to be bullying or harassment, some of which are listed below.

- Conferences – individual conference with each student, conferences with parents and students, conferences solely involving a student’s parents or conferences which include all students involved
- Mediation – counselor, administrator or peer mediation with the involved student(s)
- Training – social skills, conflict resolution or peer mediation training for involved student(s)
- Referral – involved student(s) referred to the response to intervention (RtI) team or the individual educational plan (IEP) team
- Notification – alerting teachers, staff, bus drivers to possible conflict between/among involved students
- Seating/Schedule change – change in students’ seating assignment in class, cafeteria or on bus or change in students’ schedules
- Supervision – increased supervision of involved student(s)
- Contact – assigned a staff person as a contact for the student if further problems occur
- Counseling – referred student(s) to a counselor, social worker or certified behavior analyst
- Contract/Plan – initiated a behavior contract or behavioral plan with student(s) involved
- Mentor – student’s assigned a mentor

Generally, the initial course of action after an incident is investigated and determined not to be bullying or harassment is to hold a conference with the student(s), followed by alerting other staff (teachers, bus drivers, etc.) to possible conflict between/among the involved students. The primary goal in these instances is to address and resolve the issues before an incident takes place to ensure they do not escalate at a future date.

Other Data of Interest

Since 2000, Florida has collected data through a multi-agency youth health behavior surveillance program, also known as the Florida Youth Survey Initiative, coordinated by the Florida Departments of Health, Children and Families, and Education. This self-reported data is collected from a sampling of students in grades 6 through 12 on the prevalence of certain behaviors, including bullying. Two of the developed surveys, the Youth Risk Behavior Survey (YRBS) and the Florida Youth Substance Abuse Survey (FYSAS), contain specific questions on bullying behaviors of Florida’s youth. A summary of the most recently collected data follows.

Bullying Measures on YRBS –

In 2019, 14.9 percent of students surveyed indicated they were bullied on school property during the previous 12 months. In 2017, the percentage was 14.3, in 2015, the percentage was 15, in 2013, the percentage was 15.7 and in 2011, the percentage was 14.

In 2019, 14.6 percent of students surveyed indicated they did not go to school on one or more of the previous 30 days because they felt unsafe at school or on their way to or from school. In 2017, the percentage was 10.2, in 2015, the percentage was 8.1, in 2013, the percentage was 10.2 and in 2011, the percentage was 6.5.

In 2019, 11.3 percent of students surveyed indicated they were bullied electronically during the previous 12 months. In 2017, the percentage was 11.5, in 2015, the percentage was 11.6, in 2013, the percentage was 12.3 and in 2011, the percentage was 12.4.

In 2019, 24.2 percent of students surveyed indicated they were victims of teasing or name-calling in the previous 12 months because of their weight, size or physical appearance. In 2017, the percentage was 21.9, in 2015, the percentage was 20.9, in 2013, the percentage was 22.6 and in 2011, the percentage was 22.3.

In 2019, 10.8 percent of students surveyed indicated they were victims of teasing or name-calling in the previous 12 months because someone thought they were gay, lesbian or bisexual. In 2017, the percentage was 9.7, in 2015, the percentage was 9.3, in 2013, the percentage was 9.3 and in 2011, the percentage was 9.4.

Bullying Measures on FYSAS –

In 2020, approximately 9.3 percent of students in grades 6-12 indicated they skipped school because of bullying at some point in their lifetime. In 2019, the percentage was 8.4.

Prior to 2018, the question was about skipping school because of bullying in the past 30 days. In 2017, the percentage was 7.6, in 2016, the percentage was 7.9, in 2015, the percentage was 6.0, in 2014, the percentage was 5.9 and in 2013, the percentage was 5.2.

In 2020, approximately 57.0 percent of students in grades 6–12 indicated they were taunted or teased in their lifetime. In 2019, the percentage was 56.0.

Prior to 2018, the question asked whether the student was taunted or teased in the past 30 days. In 2017, the percentage was 27.0, in 2016, the percentage was 27.9, in 2015, the percentage was 27.3, in 2014 the percentage was 28.1 and in 2013, the percentage was 27.1.

In 2020, approximately 27.5 percent of students in grades 6–12 were victims of cyber bullying in their lifetime. In 2019, the percentage was 26.3.

Prior to 2018, the question asked whether the student was a victim of cyber bullying in the past 30 days. In 2017, the percentage was 8.0, in 2016, the percentage was

7.7, in 2015, the percentage was 8.0, in 2014, the percentage was 7.4 and in 2013, the percentage was 7.3.

In 2020, approximately 11.9 percent of students in grades 6–12 cyber bullied others in their lifetime. In 2019, the percentage was 10.9.

Prior to 2018, the question asked whether the student cyber bullied others in the past 30 days. In 2017, the percentage was 3.6, in 2016, the percentage was 3.9, in 2015, the percentage was 3.7, in 2014, the percentage was 3.6 and in 2013, the percentage was 3.9.

In 2020, approximately 16.8 percent of students in grades 6–12 physically bullied others in their lifetime. In 2019, the percentage was 16.0.

Prior to 2018, the question asked whether the student physically bullied others in the past 30 days. In 2017, the percentage was 6.1, in 2016, the percentage was 6.1, in 2015, the percentage was 5.9, in 2014, the percentage was 6.0 and in 2013, the percentage was 6.4.

In 2020, approximately 29.1 percent of students in grades 6–12 verbally bullied others in their lifetime. In 2019, the percentage was 28.5.

Prior to 2018, the question asked whether the student verbally bullied others in the past 30 days. In 2017, the percentage was 11, in 2016, the percentage was 12, in 2015, the percentage was 12.2, in 2014, the percentage was 12 and in 2013, the percentage was 13.6.

Training

Since the summer of 2012, FDOE has provided guidance and technical assistance at the request of school districts to school and district staff. FDOE recommended the inclusion of individuals from a variety of positions, such as bullying and harassment district contacts, superintendents, safe and drug-free school coordinators, school board attorneys, deans, principals, teachers, counselors, coaches, exceptional student education contacts, school resource officers and other law enforcement, risk management team representatives and any others involved in the prevention of bullying and harassment. Forty-five school districts and more than 5,000 staff have received the training, which is specifically designed to summarize state and federal legislative requirements while emphasizing expectations of staff and administration in ensuring a positive school climate free from bullying behaviors.

Additionally, FDOE has worked closely with the National Center on Safe and Supportive Learning Environments (NCSSLE), which serves as a technical assistance center for the United States Department of Education's Office of Safe and Healthy Schools. NCSSLE enlisted Florida to serve as a pilot state and made available, at no cost, online training materials for use by Florida school districts and schools. NCSSLE developed two training modules entitled "Understanding and Intervening in Bullying Behavior" and "Creating a Supportive Classroom Climate" to assist school personnel in understanding, responding to and preventing bullying behaviors in schools. These modules closely resemble materials

developed by NCSSLE in 2010 for bus drivers and transportation staff, which received praise among transportation leaders from Florida and across the nation. The training toolkits are comprised of a variety of culturally and linguistically competent tools to assist staff in cultivating meaningful relationships with students while creating a positive climate in classrooms and on the bus. Each of these highly reputable tools includes a wealth of online resources and is available to district and school staff free of charge. Given Florida's willingness to serve as a pilot state, the module developers made themselves available to Florida school-, district- and state-level contacts for questions, concerns and regular feedback.

The training kit was revised and updated in 2017 and 2018. As NCSSLE was looking to reassess this essential resource, they once again reached out to Florida for input and to address feedback provided by users of the resource to date. The main goals of the toolkit revision were to sustain the core content of the existing resource, update the content to reflect the latest data and research sources and ensure the delivery methodologies utilized met the needs of targeted users and recipients of training. On November 15, 2017, NCSSLE facilitated a discussion and listening session in which FDOE staff and several Florida district contacts participated and provided feedback on the toolkit revision. The revised toolkit was posted and is available in both a training the trainer for group training option and a self-study training for individual training. These resources can be found at the following link: <https://safesupportivelearning.ed.gov/creating-safe-and-respectful-environment-our-nations-classrooms>.

In addition, FDOE has developed an online bullying prevention toolkit for educators, parents and youth. The purpose of this toolkit is to provide information to assist districts in their efforts to prevent bullying. The shared resources can be found at the following link: <http://www.fldoe.org/safe-schools/bullying-prevention.stml>.

Monitoring

The 2012-13 proviso language for the SSA contained a new provision authorizing FDOE to monitor school districts for compliance with the bullying reporting procedures outlined in the anti-bullying law. To meet this requirement, FDOE developed a monitoring framework and began the monitoring process in the spring of 2013.

FDOE used this monitoring opportunity to ensure that districts launched successful district-wide initiatives for the prevention and intervention of bullying.

Compliance was determined through the submitted documentation, on-site review and school district responses to questions. LEAs determined to be out of compliance for one or more items were required to develop corrective action plans. In some instances, school districts were offered technical assistance as well. FDOE reserves the right to withhold SSA funding to any school district, as provided in s. 1006.147, F.S., should such a school district not correct identified problems.

Each school district in Florida has been monitored within the past five years. FDOE's OSS continues to focus on future monitoring visits, to be combined with broader school safety and security monitoring and compliance visits and to re-evaluate the best ways of offering

support and guidance while ensuring compliance with anti-bullying, incident data reporting and Hope Scholarship legislation. OSS regional specialists will provide enhanced and direct support to schools and school districts in these efforts. Ultimately, the goal is to ensure timely verification of compliance and incorporate additional guidance and training when appropriate.

Best Practices from School Districts

Florida school districts continue their efforts to reduce bullying in schools by providing instruction on identifying, preventing and responding to bullying or harassment to students, parents, teachers, school administrators, counseling staff and school volunteers. The OSS staff contacted school districts in which bullying incident totals declined since 2013-14. Below are some of the best practices and resources that school districts attribute to this downward trend in their schools:

- Training on recognizing early signs and intervening before things escalate
- Partnering with local agencies for mental health services
- Employing additional staff such as social workers and behavior interventionists to schools
- Upstanders Programming through the Holocaust Center
- Digital Citizenship Program in collaboration with the FBI
- Positive Behavior Support Model
- Online Bullying Prevention Course requirement for staff
- Implementing Restorative Practices in middle and high schools
- Character programs such as Positive Behavior Interventions and Supports (PBIS)
- Strengthening relations with community agencies to provide mentors to high need schools

There are many approaches to reducing bullying in schools. Providing a positive and supportive school climate that promotes healthy relationships with administrators, teachers, parents and students working together is essential in bullying prevention.

Conclusion

FDOE understands the importance of establishing policies and procedures to ensure all Florida students and public school employees have safe and secure learning and work environments that are free from bullying and harassment. As such, ongoing technical assistance, information and research-based promising practices are available through FDOE's OSS to school district personnel, including superintendents, bullying policy contacts, administrators, safe and drug-free schools coordinators, guidance counselors and others, to ensure compliance in the implementation of s. 1006.147, F.S.

FDOE's OSS strives to ensure that through ongoing support and assessment of district and school efforts to identify, address and report bullying and harassment, positive learning environments are created that allow for optimal student achievement in all of Florida's public schools.