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HARASSMENT AT SCHOOL- PART IV

by Jay C. Howell

“Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools. . .”

Constitution of the State of Florida, Article IX, §1

This article continues our series on students being harassed at school. Increasing reports of students being followed, threatened, intimidated, stalked, bullied, touched, or even assaulted at school have resulted in a new level of concern in our community. Parents are asking for help.

In our first three articles on the school, we discussed the roles of the Student Code of Conduct, the School Board, and the stalking statutes. We also discussed the Florida court decisions interpreting the stalking laws and the different types of crimes that may be committed in the school atmosphere, including assault, battery, and threats. These articles are available at the following website: www.andersonandhowell.com/jay.

In this article we will begin some of the specific steps that parents and families can take if they are confronted with incidents of harassment at school.

One of the most important events that will take place early on in any pattern of harassment at school will be the initial meeting when the parents go to the school, or receive a telephone call from a school administrator. If a meeting takes place, it is important to have both parents present if possible. If a telephone call to the family initiates the report, then the parent should take careful notes about the information which the school is reporting. Parents should inquire specifically about exactly what conduct took place. This is extremely important in deciding whether or not the conduct fits one of the criminal

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statutes which we have discussed. What exactly was said or done by the perpetrator is an extremely important source of information, and one often overlooked.

Parents should inquire as to exactly what the victim told school personnel. Parents should inquire about what other students or witnesses reported to school personnel. Were written statements taken from the witnesses? Is it possible for the family to get copies? Was an incident report prepared? What information is known to the school about any history of misconduct on the part of the perpetrator? Does the conduct reported to the school constitute a violation of the Student Code of Conduct and if so, what section was violated?

Second, an important initial consideration is the police report. Parents often report reluctance on the part of the schools to make a formal report of a crime to the police. If a crime has occurred and it has not been reported to the police, then the parents must initiate a report quickly. Be sure to include in the report the most significant conduct of the perpetrator. The parents should secure a copy of any police report concerning harassment at school.

Another important event is often the second meeting or telephone conversation with school officials regarding what, if any, disciplinary action will be taken. Exactly what steps has the school initiated to address the conduct and to separate the victim from the perpetrator? Will the perpetrator be allowed to return to the school? Parents often report that the school will offer to move the **victim** of the harassment to another school. Of course, this seems fundamentally unfair to the child who has been the victim of harassment. This issue must be discussed with school personnel.

If a crime has occurred and a report has been made, then the parents should be talking to the State Attorneys' Office about the filing of criminal charges. Remember, the police make reports and arrest perpetrators, but do not make the ultimate decision as to whether charges will be filed in court. This is the

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duty of the State Attorneys' Office. It is important to learn exactly what criminal charges will be filed and to follow the court case completely through the criminal justice system. If a plea bargain is proposed, what specific crime will the defendant be subject to? As we shall see in our upcoming discussion of the statutes which separate perpetrator and victim in the school environment, the presence of a conviction and the exact nature of the charge is extremely important in determining whether those statutes will protect an individual child. In addition, the judge who sentences the perpetrator should make a specific finding that the perpetrator will have no future contact with the victim.

In our next article we will discuss the statutes that protect a student victim from the continued presence of the perpetrator in the school environment.