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**FLORIDA STATE UNIVERSITY SCHOOLS  
POLICY MANUAL  
STUDENTS  
CHAPTER 5.0**

**5.321**

**POLICY AGAINST BULLYING AND HARASSMENT**

- I. Statement prohibiting bullying and harassment:
  - A. It is the policy of FSUS 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. FSUS will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
  - B. 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;
    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 within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
    5. Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially

6016                   interferes with or limits the victim’s ability to participate in or benefit  
6017                   from the services, activities, or opportunities offered by a school or  
6018                   substantially disrupts the education process or orderly operation of a  
6019                   school. School staff is not required to monitor any nonschool-related  
6020                   activity, function, or program.

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6022                   6. The above paragraph (5) does not require a school to staff or monitor  
6023                   any non-school-related activity, function, or program

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6025                   II. Definitions

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6027                   A. Accused is defined as any FSUS employee, consultant, contractor, agent,  
6028                   visitor, volunteer, student, or other person in the school or outside the  
6029                   school at school-sponsored events, on school buses, and at training facilities  
6030                   or training programs sponsored by the District who is reported to have  
6031                   committed an act of bullying, whether formally or informally, verbally or  
6032                   in writing, of bullying.

6033

6034                   B. Bullying includes cyberbullying and means systematically and chronically  
6035                   inflicting physical hurt or psychological distress on one or more students or  
6036                   employees. It is further defined as unwanted and repeated written, verbal,  
6037                   or physical behavior, including any threatening, insulting, or  
6038                   dehumanizing gesture, by a student or adult, that is severe or pervasive  
6039                   enough to create an intimidating, hostile, or offensive educational  
6040                   environment; cause discomfort or humiliation; or unreasonably interfere  
6041                   with the individual’s school performance or participation; and may involve  
6042                   but is not limited to:

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6044                   1. Teasing;

6045                   2. Social Exclusion;

- 6046 3. Threat;
- 6047 4. Intimidation;
- 6048 5. Stalking;
- 6049 6. Cyberstalking;
- 6050 7. Physical violence;
- 6051 8. Theft;
- 6052 9. Sexual, religious, or racial harassment;
- 6053 10. Public or private humiliation; or
- 6054 11. Destruction of property.

6055 The term *bullying* shall include cyberbullying whether or not specifically  
6056 stated.

6057

6058 C. Complainant is defined as any District employee, consultant, contractor,  
6059 agent, visitor, volunteer, student, or other person who formally or  
6060 informally makes a report of bullying, orally or in writing.

6061

6062 D. Cyberbullying means bullying through the use of technology or any  
6063 electronic communication, which includes, but is not limited to, any  
6064 transfer of signs, signals, writing, images, sounds, data or intelligence of  
6065 any nature transmitted in whole or in part by a wire, radio, electromagnetic  
6066 system, photoelectronic system, or photooptical system, including, but not  
6067 limited to, electronic mail, Internet communications, instant messages, or  
6068 facsimile communications. Cyberbullying includes the creation of a  
6069 webpage or weblog in which the creator assumes the identity of another  
6070 person, or the knowing impersonation of another person as the author of  
6071 posted content or messages, if the creation or impersonation creates any of  
6072 the conditions enumerated in the definition of bullying. Cyberbullying also  
6073 includes the distribution by electronic means of a communication to more  
6074 than one person or the posting of material on an electronic medium that

6075 may be accessed by one or more persons, if the distribution or posting  
6076 creates any of the conditions enumerated in the definition of bullying.

6077

6078 E. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in course  
6079 of conduct to communicate, or cause to be communicated, words, images,  
6080 or language by or through the use of electronic mail or electronic  
6081 communication, whether or not physically located on school property,  
6082 directed at a specific person, causing substantial emotional distress to that  
6083 person and serving no legitimate purpose.

6084

6085 F. Harassment means any threatening, insulting, or dehumanizing gesture,  
6086 use of data or computer software, or written, verbal or physical conduct  
6087 directed against a student or school employee.

6088

6089 G. Bullying, Cyberbullying/Cyberstalking and Harassment:

- 6090 1. Places a student or school employee in reasonable fear of harm to his  
6091 or her person or damage to his or her property;
- 6092 2. Has the effect of substantially interfering with a student's  
6093 educational performance, opportunities, or benefits;
- 6094 3. Has the effect of substantially negatively impacting a student's or  
6095 employee's emotional or mental well-being; or
- 6096 4. Has the effect of substantially disrupting the orderly operation of a  
6097 school.

6098

6099 H. Bullying and harassment also encompasses:

- 6100 1. Retaliation against a student or school employee by another student or  
6101 school employee for asserting or alleging an act of bullying or  
6102 harassment. Reporting an act of bullying or harassment that is not made  
6103 in good faith is considered retaliation.

- 6104 2. Perpetuation of conduct listed in the definition of bullying or  
6105 harassment by an individual or group with intent to demean,  
6106 dehumanize, embarrass, or cause emotional or physical harm to a  
6107 student or school employee by:
- 6108 a. Incitement or coercion
  - 6109 b. Accessing or knowingly and willingly causing or providing  
6110 access to data or computer software through a computer,  
6111 computer system, or computer network within the scope of FSUS
  - 6112 c. Acting in a manner that has an effect substantially similar to the  
6113 effect of bullying or harassment

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### 6115 III. Behavior Standards

6116

6117 A. FSUS expects students to conduct themselves as appropriate for their levels  
6118 of development, maturity, and demonstrated capabilities with a proper  
6119 regard for the rights and welfare of other students and school staff, the  
6120 educational purpose underlying all school activities, and the care of school  
6121 facilities and equipment.

6122

6123 B. FSUS believes that standards for student behavior must be set cooperatively  
6124 through interaction among the students, parents/legal guardians, staff, and  
6125 community members producing an atmosphere that encourages students  
6126 to grow in self-discipline. The development of this atmosphere requires  
6127 respect for self and others, as well as for FSUS and community property on  
6128 the part of students, staff, and community members. Since students learn  
6129 by example, school administrators, faculty, staff, and volunteers will  
6130 demonstrate appropriate behavior, treat others with civility and respect,  
6131 and refuse to tolerate bullying or harassment.

6132

6133 C. Refer to the Code of Conduct for specific behavior expectations.

6134 IV. Consequences

6135

6136 A. Committing an act of bullying or harassment

6137 1. Concluding whether a particular action or incident constitutes a violation  
6138 of this policy requires a determination based on all of the facts and  
6139 surrounding circumstances. The physical location or time of access of a  
6140 computer-related incident cannot be raised as a defense in any  
6141 disciplinary action.

6142 2. Consequences and appropriate remedial action for students who commit  
6143 acts of bullying or harassment may range from positive behavioral  
6144 interventions up to and including suspension or expulsion, as outlined  
6145 in the Code of Student Conduct.

6146 3. Consequences and appropriate remedial action for a school employee  
6147 found to have committed an act of bullying or harassment may be  
6148 disciplined in accordance with FSU's policies, procedures, and  
6149 agreements. Additionally, egregious acts of harassment by certified  
6150 educators may result in a Department of Education professional  
6151 practices sanction against an educator's state issued certificate. (See State  
6152 Board of Education Rule 6A-10.081, FAC., *The Principles of Professional*  
6153 *Conduct of the Education Profession in Florida*.)

6154 4. Consequences and appropriate remedial action for a visitor or volunteer,  
6155 found to have committed an act of bullying or harassment shall be  
6156 determined by the school administrator after consideration of the nature  
6157 and circumstances of the act, including reports to appropriate law  
6158 enforcement officials.

6159

6160 B. Wrongful and intentional accusation of an act of bullying or harassment

6161 1. Consequences and appropriate remedial action for a student found to  
6162 have wrongfully and intentionally accused another as a means of  
6163 bullying or harassment range from positive behavioral interventions up

6164 to and including suspension or expulsion, as outlined in the Code of  
6165 Student Conduct.

6166 2. Consequences and appropriate remedial action for a school employee  
6167 found to have wrongfully and intentionally accused another as a means  
6168 of bullying or harassment may be disciplined in accordance with FSU's  
6169 policies, procedures, and agreements.

6170 3. Consequences and appropriate remedial action for a visitor or  
6171 volunteer, found to have wrongfully and intentionally accused another  
6172 as a means of bullying or harassment shall be determined by the school  
6173 administrator after consideration of the nature and circumstances of the  
6174 act, including reports to appropriate law enforcement officials.

6175

#### 6176 V. Reporting an Act of Bullying or Harassment

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6178 A. At FSUS, the principal and/or the principal's designee is responsible for  
6179 receiving complaints alleging violations of this policy.

6180

6181 B. All school employees are required to report alleged violations of this policy  
6182 to the principal or the principal's designee.

6183

6184 C. All other members of the school community, including students,  
6185 parents/legal guardians, volunteers, and visitors are encouraged to report  
6186 any act that may be a violation of this policy anonymously or in-person to  
6187 the principal or principal's designee.

6188

6189 D. The principal and/or the principal's designee in FSUS shall establish and  
6190 prominently publicize to students, staff, volunteers, and parents/legal  
6191 guardians, how a report of bullying or harassment may be filed either in-  
6192 person or anonymously and how this report will be acted upon.

6193

- 6194 E. The victim of bullying or harassment, anyone who witnessed the bullying  
6195 or harassment, and anyone who has credible information that an act of  
6196 bullying or harassment has taken place may file a report of bullying or  
6197 harassment.  
6198
- 6199 F. A school employee, school volunteer, student, parent/legal guardian or  
6200 other persons who promptly reports in good faith an act of bullying or  
6201 harassment to the appropriate school official and who makes this report in  
6202 compliance with the procedures set forth in FSUS policy is immune from a  
6203 cause of action for damages arising out of the reporting itself or any failure  
6204 to remedy the reported incident.  
6205
- 6206 G. Submission of a good faith complaint or report of bullying or harassment  
6207 will not affect the complainant or reporter's future employment, grades,  
6208 learning or working environment, or work assignments.  
6209
- 6210 H. Any written or oral reporting of an act of bullying or harassment shall be  
6211 considered an official means of reporting such act(s).  
6212
- 6213 I. Reports may be made anonymously, but formal disciplinary action may not  
6214 be based solely on the basis of an anonymous report.  
6215

6216 VI. Investigation of a Report of Bullying or Harassment  
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- 6218 A. The investigation of a reported act of bullying or harassment is deemed to  
6219 be a school-related activity and shall begin with a report of such an act.  
6220
- 6221 B. The principal and/or designee selects n individual(s), employed by the  
6222 school, trained in investigative procedures to initiate the investigation. The  
6223 person may not be the accused perpetrator (harasser or bully) or victim.  
6224



6225 C. Documented interviews of the victim, alleged perpetrator, and witnesses  
6226 are conducted privately, separately, and are confidential. Each individual  
6227 (victim, alleged perpetrator, and witnesses) will be interviewed separately  
6228 and at no time will the alleged perpetrator and victim be interviewed  
6229 together.

6230

6231 D. The investigator shall collect and evaluate the facts including, but not  
6232 limited to:

- 6233 1. Description of incident(s) including nature of the behavior;
- 6234 2. Context in which the alleged incident(s) occurred, etc.;
- 6235 3. How often the conduct occurred;
- 6236 4. Whether there were past incidents or past continuing patterns of  
6237 behavior;
- 6238 5. The relationship between the parties involved;
- 6239 6. The characteristics of parties involved (i.e., grade, age, etc.);
- 6240 7. The identity and number of individuals who participated in bullying  
6241 or harassing behavior;
- 6242 8. Where the alleged incident(s) occurred;
- 6243 9. Whether the conduct adversely affected the student's education or  
6244 educational environment;
- 6245 10. Whether the alleged victim felt or perceived an imbalance of power  
6246 as a result of the reported incident; and
- 6247 11. The date, time, and method in which the parents/legal guardians of  
6248 all parties involved were contacted.

6249

6250 E. Whether a particular action or incident constitutes a violation of this policy  
6251 requires a determination based on all the facts and surrounding  
6252 circumstances and includes:

- 6253 1. Recommended remedial steps necessary to stop the bullying and/or  
6254 harassing behavior; and

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2. A written final report to the principal.

F. The maximum of 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 FSUS

A. A principal and/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 FSUS.

B. The trained designee(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 FSUS.

1. If it is within scope of FSUS, move to Procedures for Investigating Bullying and/or Harassment.
2. If it is outside scope of FSUS, and determined a criminal act, refer to appropriate law enforcement.
3. If it is outside scope of FSUS, and determined not a criminal act, inform parents/legal guardians of all students involved.

C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

6285 VIII. Notification to Parents/Guardians of Incidents of Bullying or Harassment

6286

6287 A. Immediate notification to the parents/legal guardians of a victim of  
6288 bullying or harassment.

6289 1. The principal, and/or designee, shall promptly report via telephone,  
6290 personal conference, and/or in writing, the occurrence of any  
6291 incident of bullying or harassment as defined by this policy to the  
6292 parent or legal guardian of all students involved on the same day an  
6293 investigation of the incident(s) has been initiated. Notification must  
6294 be consistent with the student privacy rights under the applicable  
6295 provisions of the Family Educational Rights and Privacy Act of 1974  
6296 (FERPA).

6297 2. If the bullying or harassment incident results in the perpetrator  
6298 being charged with a crime, the principal, and/or designee, shall by  
6299 telephone or in writing by first class mail, inform parents/legal  
6300 guardian of the victim(s) involved in the bullying or harassment  
6301 incident about the Unsafe School Choice Option (No Child Left  
6302 Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a  
6303 student who becomes a victim of a violent criminal offense, as  
6304 determined by State law, while in or on the grounds of a public  
6305 elementary school or secondary school that the student attends, be  
6306 allowed to attend a safe public elementary school or secondary  
6307 school within the local educational agency, including a public  
6308 charter school."

6309

6310 B. Notification to local agencies where criminal charges may be pursued.  
6311 Once the investigation has been completed and it has been determined that  
6312 criminal charges may be pursued against the perpetrator, all appropriate  
6313 local law enforcement agencies will be notified by telephone and/or in  
6314 writing.

6315 IX. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

6316

6317 When bullying or harassment is suspected or when a bullying or harassment  
6318 incident is reported, counseling services shall be made available to the victim(s),  
6319 perpetrator(s), and parents/guardians.

6320

6321 A. The teacher or parent/legal guardian may request informal consultation  
6322 with school staff (specialty staff, e.g., school counselor, school psychologist,  
6323 etc.) to determine the severity of concern and appropriate steps to address  
6324 the concern (the involved students' parents or legal guardian may be  
6325 included).

6326

6327 B. School personnel or parent/legal guardian may refer a student to the school  
6328 intervention team or equivalent school-based team with a problem-solving  
6329 focus for consideration of appropriate services. Parent or legal guardian  
6330 involvement shall be required when the student is referred to the  
6331 intervention team.

6332

6333 C. If a formal discipline report or formal complaint is made, the principal or  
6334 designee must refer the student(s) to the school intervention team for  
6335 determination of counseling support and interventions. Parent or legal  
6336 guardian involvement shall be required.

6337

6338 D. A school-based component to address intervention and assistance as  
6339 determined appropriate by the intervention team that includes:

6340 1. Counseling and support to address the needs of the victims of  
6341 bullying or harassment;

6342 2. Research-based counseling or interventions to address the behavior  
6343 of the students who bully and harass others, e.g., empathy training,  
6344 anger management; and/or

6345 3. Research-based counseling or interventions which includes  
6346 assistance and support provided to parents/legal guardians, if  
6347 deemed necessary or appropriate.

6348

6349 X. Reporting Incidents of Bullying and Harassment

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6351 A. Incidents of bullying or harassment shall be reported in the school's report  
6352 of data concerning school safety and discipline data required under s.  
6353 1006.09(6), F.S. The report must include each incident of bullying or  
6354 harassment and the resulting consequences, including discipline and  
6355 referrals. Cyberbullying incidents shall be included within the bullying  
6356 incidents category. The report shall also include, in a separate section,  
6357 each reported incident of bullying or harassment that did not meet the  
6358 criteria of a prohibited act under this section with recommendations  
6359 regarding such incidents.

6360

6361 B. FSUS will utilize Florida's School Environmental Safety Incident Reporting  
6362 (SESIR) Statewide Report on School Safety and Discipline Data, which  
6363 includes bullying and harassment as incident codes as well as bullying-  
6364 related as a related element code.

6365 1. SESIR Definitions

6366 a) Bullying - Systematically and chronically inflicting physical  
6367 hurt or psychological distress on one or more students or  
6368 employees that is severe or pervasive enough to create an  
6369 intimidating, hostile, or offensive environment; or  
6370 unreasonably interfere with the individual's school  
6371 performance or participation.

6372 b) Harassment - Any threatening, insulting, or dehumanizing  
6373 gesture, use of data or computer software, or written,  
6374 verbal, or physical conduct that 1) places a student or school

6375 employee in reasonable fear of harm to his or her person or  
6376 damage to his or her property, 2) has the effect of  
6377 substantially interfering with a student's educational  
6378 performance, opportunities, or benefits, or 3) has the effect  
6379 of substantially disrupting the orderly operation of a school  
6380 including any course of conduct directed at a specific person  
6381 that causes substantial emotional distress in such a person  
6382 and serves no legitimate purpose.

6383 2. Bullying and/or harassment incidents shall be reported in SESIR  
6384 with the bullying (BUL) or harassment (HAR) code.  
6385 Unsubstantiated incidents of bullying or harassment shall be coded  
6386 UBL or UHR.

6387 3. If the bullying or harassment results in any of the following SESIR  
6388 incidents, the incident will be coded appropriately using the relevant  
6389 incident code and the bullying-related code. Such incidents are

- 6390 a) Alcohol
- 6391 b) Arson
- 6392 c) Battery
- 6393 d) Breaking and Entering
- 6394 e) Disruption on Campus
- 6395 f) Drug Sale/Distribution Excluding Alcohol
- 6396 g) Drug Use/Possession Excluding Alcohol
- 6397 h) Fighting
- 6398 i) Homicide
- 6399 j) Kidnapping
- 6400 k) Larceny/Theft
- 6401 l) Robbery
- 6402 m) Sexual Battery
- 6403 n) Sexual Harassment
- 6404 o) Sexual Offenses

- 6405 p) Threat/Intimidation
- 6406 q) Trespassing
- 6407 r) Tobacco
- 6408 s) Vandalism
- 6409 t) Weapons Possession
- 6410 u) Other Major (Other major incidents that do not fit within the
- 6411 other definitions)

6412

6413 C. Discipline and referral data shall be recorded in Student  
6414 Discipline/Referral Action Report and Automated Student Information  
6415 System.

6416

6417 D. FSUS will provide bullying or harassment incident, discipline, and referral  
6418 data to the Florida Department of Education in the format requested,  
6419 through Surveys 2, 3 and 5 from Education Information and Accountability  
6420 Services, and at designated dates provided by the Department.

6421

6422 E. Data reporting on bullying, harassment, unsubstantiated bullying,  
6423 unsubstantiated harassment, sexual harassment and threat/intimidation  
6424 incidents as well as any bullying-related incidents that have as a basis sex,  
6425 race or disability should include the incident basis. Victims of these offenses  
6426 should also have the incident basis (sex, race or disability) noted in their  
6427 student record.

6428

6429 XI. Instruction on Identifying, Preventing, and Responding to Bullying or  
6430 Harassment.

6431

6432 A. FSUS shall ensure that schools sustain healthy, positive, and safe learning  
6433 environments for all students. It is important to change the social climate of  
6434 the school and the social norms with regards to bullying or harassment.

6435 This requires the efforts of everyone in the school environment – teachers;  
6436 administrators; counselors; school nurses; other non-teaching staff such as  
6437 bus drivers, custodians, cafeteria workers; school librarians; parents/legal  
6438 guardians; and students.

6439

6440 B. Students, parents/legal guardians, teachers, school administrators,  
6441 counseling staff, and school volunteers shall be given instruction at a  
6442 minimum on an annual basis on FSUS' Policy and Regulations against  
6443 bullying and harassment. The instruction shall include evidence-based  
6444 methods of preventing bullying and harassment as well as how to  
6445 effectively identify and respond to bullying or harassment in schools.

6446

6447 C. FSUS shall establish a list of programs that provide instruction to students,  
6448 parents, teachers, school administrators, counseling staff, and school  
6449 volunteers on identifying, preventing, and responding to bullying and  
6450 harassment including instruction on recognizing behaviors that lead to  
6451 bullying and harassment and taking appropriate preventive action based  
6452 on those observations. The list of authorized programs shall be available at  
6453 FSUS's student services office and on the FSUS website.

6454

6455 XII. Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect  
6456 the Victim

6457

6458 The principal or designee shall by telephone and/or in writing report the  
6459 occurrence of any incident of bullying or harassment as defined by this policy to  
6460 the parent or legal guardian of all students involved on the same day an  
6461 investigation of the incident has been initiated. According to the level of infraction,  
6462 parents/legal guardians will be notified by telephone and/or writing of actions  
6463 being taken to protect the child; the frequency of notification will depend on the  
6464 seriousness of the bullying or harassment incident. Notification must be consistent



6465 with the student privacy rights under the applicable provisions of the Family  
6466 Educational Rights and Privacy Act of 1974 (FERPA).

6467

6468 XIII. Publicizing the Policy

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6470 A. At the beginning of each school year, the Director or designee shall, in  
6471 writing, inform school staff, parents/legal guardians, or other persons  
6472 responsible for the welfare of a student of FSUS' student safety and violence  
6473 prevention policy.

6474

6475 B. FSUS shall provide notice to students and staff of this policy through  
6476 appropriate references in the *Code of Student Conduct* and employee  
6477 handbooks and through other reasonable means.

6478

6479 C. The Director shall also make all contractors contracting with FSUS aware of  
6480 this policy.

6481

6482 D. Each school principal shall develop an annual process for discussing the  
6483 school district policy on bullying and harassment with students.

6484

6485 E. Reminders of the policy and bullying prevention messages such as posters  
6486 and signs will be displayed around each school and on FSUS school buses.

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6488 XIV. Review of Policy

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6491 The Director and appropriate staff shall review this policy at a minimum every  
6492 (3) three years. The review should include input from parents, law enforcement,  
6493 and other community members. The Director shall take any recommended  
6494 changes to the School Board for consideration.

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6497 **STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

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6500 **LAW(S) IMPLEMENTED:** 1001.43, 1003.04, 1003.31, 1003.32,

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1006.07, 1006.08, 1006.09,

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1006.10, 1006.147, F.S.

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**HISTORY:**

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**ADOPTED:**

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**REVISION DATE(S):** Spring 2009; 3/10/15, 4/10/18

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**FORMERLY:**

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6524 **FLORIDA STATE UNIVERSITY SCHOOLS**