



BOARD POLICY 8023

Policy 8023: Bullying Prevention

Bullying Policy Statement

The Red Clay Consolidated School District recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The District strives to provide safe learning environments for all students and all employees. In order to accomplish that goal, the District requires that each school implement and monitor a Bullying Prevention and Response Policy which meets the requirements of 14 DEL C. 4112D as well as the physical and emotional needs of each and every one of our students.

The District hereby prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school in the same manner as incidents of bullying. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

Definition of Bullying and Cyberbullying

A. As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer or school employee that a reasonable person, under the circumstances should know will have the effect of:

1. Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or
2. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or
3. Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
4. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

B. As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the school community.

1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.

2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

Bullying Prevention and Criminal Youth Gang Detection Training

The District will provide a combined training each year totaling at least one (1) hour in the identification and reporting of criminal youth gang activity pursuant to § 617, Title 11 of the Delaware Code and bullying prevention pursuant to § 4112D, Title 14 of the Delaware Code. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. § 1305(e).

All school employees shall either attend the provided training session or watch the DDOE online professional development workshop each school year prior to November 30th. Administrators and Faculty members must document completion using the DDOE professional development web portal. Support staff (Facilities, Nutrition Services, Secretarial staff and Transportation employees) must watch the DDOE presentation and sign the DDOE training acknowledgment. Completed forms must be delivered to the Supervisor of Public Safety before the November 30th deadline.

School-Wide Bullying Prevention Programs

Each School shall establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program(s). These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § § 1605(7) a and b, of Title 14 of the Delaware Code, that committee shall vote whether or not to accept the aforementioned responsibilities.

Each school will focus bullying prevention and response efforts to address all forms of bullying including: physical, emotional, written and electronic bullying. Bullying which occurs using any social media network or electronic devices such as cellular telephones, whether it occurs on or off of the school campus, but has a substantial impact on the school environment WILL be investigated and treated in the same manner as any other bullying allegation. The Code of Conduct shall be enforced for electronic (cyber) bullying as well as all other forms of bullying.

Each school shall designate an employee to serve as the Bullying Compliance Coordinator. This employee shall insure that all allegations that are received are investigated and documentation submitted to the Building Administrator for review and action if necessary.

Reporting Requirements and Procedures

Any school employee who has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to administration. The designated Bullying Compliance Coordinator will document (or insure that others have documented) the details of the allegation in the DDOE Alleged Bullying Report system on E-School.

A student and parent, guardian, relative caregiver, or legal guardian shall follow the procedures listed below to provide information on bullying activity:

1. If a child complains of bullying while it is happening, the staff member shall respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.
2. If a child expresses a desire to discuss a personal incident of bullying with a staff member, the staff member shall make an effort to provide the child with a practical, safe, private, and age-appropriate method of doing so.
3. A letter box shall be placed in a place or places selected by the Coordinating Committee so that students who feel unable to talk to any staff can have a point of contact. Information found in the box shall be treated with care and a staff member or members shall be designated to be responsible for this information. Blank "Bullying: Request for Support" forms shall be available to all students but shall not be required for a report.
4. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
 - a. Conduct involved;
 - b. Persons involved, designated bully, target, and bystanders' roles;
 - c. Time and place of the conduct alleged, number of incidents;
 - d. Names of potential student or staff witnesses; and
 - e. Any actions taken in response.
5. Short, easy to use complaint forms shall be provided by the principal or District office.
6. A system shall be established whereby students can submit anonymous complaints of bullying that only designated persons will have access to. Any person may submit a bullying complaint using the Department of Public Safety Anonymous Tip Line or by contacting the Delaware Attorney General's Office Ombudsman hotline number.
7. Anyone may report bullying and a report may be made to any staff member. Staff members should encourage that reports of bullying be made in writing.
8. Each principal shall designate a person or persons responsible for responding to bullying complaints.
9. Every identified complainant who files a written complaint with a staff member shall receive a written explanation of results to the extent that it is legally allowed and shall be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms shall be made available.
10. Every confirmed bullying incident shall be recorded in e-School, which shall provide a central record for designated staff to read. This record shall give an indication of patterns which may emerge of both bullies and victims.

Formal disciplinary action solely based on an anonymous report shall not be permitted. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.

Investigative Procedures

Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.

1. All complaints shall be appropriately investigated and handled consistent with due process requirements.
2. Each principal shall designate a person or persons to serve as the Bullying Compliance Coordinator.
3. Neither complainant nor witnesses shall be promised confidentiality at the onset of an investigation; however, efforts shall be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person shall make efforts to document the bullying from several sources. Student victims may have a parent or trusted adult with them, if requested, during any investigatory activities.
4. After receiving notice of the suspected bullying, the designated person shall review the complaint in conjunction with any other related complaints, and reasonable steps shall then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.
5. Once the administrator has confirmed that a person has been the victim of bullying, the administrator shall take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The administrator shall avoid forewarning the student suspects and shall interview suspects separately and in rapid succession.
6. After identifying those who committed the act or acts of bullying, the administrator shall apply disciplinary action and the range of consequences identified in Board Policy 8023. The bully shall be informed that graduating consequences will occur if the bullying continues.
7. The administrator shall keep a written record of the bullying incident and any disciplinary actions taken, as well as a record of any written statements of those committing the bullying, victims, and witnesses. Discussions with all parties shall be documented as soon as possible after the events. The school shall not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.
8. A follow-up shall be completed two weeks after an incident to determine whether the bullying has continued and whether additional consequences are needed. An additional follow-up shall occur in two months, regardless of whether new incidents have been reported.
9. Each bullying allegation as well as confirmed incident shall be recorded in E-School.

All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulations.

The school administration should be aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

The Supervisor of Public Safety shall provide a monthly report of the number of allegations as well as substantiated cases of bullying to the Deputy Superintendent for review.

Non-Classroom Supervision

Each school shall develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

Consequences for Bullying

Consequences for bullying shall be immediately and consistently applied and shall be delivered in a non-hostile manner. The appropriate range of consequences is established in Board Policy 8023. Positive consequences should be given when students are obeying the rules about bullying.

Face to face mediation

The District does NOT endorse the use of face to face mediation sessions between alleged bullies and their alleged victims. Based upon recommendations by the Delaware Bullying Prevention Association best practices, contact between the two parties involved shall be limited during and after the investigation has occurred.

Notification of Parents

A parent, guardian, relative caregiver, or legal guardian of any target of bullying or person who bullies another shall be notified pursuant to 14 DEL C 202(f.) The date and time of this contact as well as who made the contact must be documented in E-School.

The Office of Student Support Services will ensure each school has the state approved form for notification to the parent, relative caregiver, or legal guardian of the name and contact for the Department of Justice School Ombudsperson Contact Information

Mandatory counseling session

In the event of a substantiated case of bullying, both the offender and the victim shall be required to attend at least one counseling session with a school counselor. This session should be held with either the school psychologist, school based mental health provider or a school counselor/student advisor. The purpose of this mandatory session is to discuss issues that led to the situation and any possible mental health needs of either party. Once completed, the date and time of this session shall be recorded in either E-School or RAP as follow up to the substantiated incident.

Retaliation

Retaliation following a report of bullying shall be prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

Communication with Medical and Mental Health Professionals

The following procedures for communication between school staff members and medical professionals who are involved in treating students for bullying issues shall be followed:

1. Release of information forms to pediatricians and/or primary care physicians and mental health professionals shall be signed by the parent, guardian, relative caregiver, or legal guardian in order for the professional to communicate with school personnel regarding any treatment of a child. Releases shall be signed both at school and at the physician's or mental health professional's office before communication may take place according to Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Family Educational Rights and Privacy Act (FERPA) guidelines.
2. If a parent refuses to sign a release form at school, the school shall review this policy with him/her, explaining the reasons the release would be advantageous to his/her child.
3. After confirmation that a child has been involved in a bullying incident, if the administrator's designee recommends a mental health evaluation be completed, the school may:
 - a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and a treatment plan if identified as appropriate.
 - b. Require that the student remain in in-school suspension and that return to a regular class schedule will be contingent upon the clinical evaluation providing recommendations and a treatment plan if identified as appropriate.
4. Summary of this evaluation shall be shared at a meeting with the student, his/her parent/guardian, and the school administrator's designee prior to return to school or the general population.

Implementation

The school bullying prevention program must be implemented throughout the year, and integrated with the school's discipline policies and 14 Del. C. § 4112.

Immunity

A school employee, school volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the school district bullying prevention policy and this Administrative Memorandum, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.

Other Defenses

- A. The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district initiated under this policy provided there is sufficient school nexus.
- B. This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district or charter school policy.

Relationship to School Crime Reporting Law

An incident may meet the definition of bullying and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law. Questions regarding specific incidents and reporting requirements should be directed to the Supervisor of Public Safety and/or the schools assigned School Resource Officer.

School Ombudsman and Public Safety Tip Line Information

The telephone number of the Department of Justice School Ombudsman and information for accessing the District Public Safety Tip Line shall be provided in writing to parents, students, faculty and staff; and shall be on the website of the school district and each individual school. The contact information shall also be prominently displayed in each school.

This is in keeping with the creation of different avenues for parents, students and staff members to effectively report incidents of bullying in a timely and efficient manner.

General electronic mediums relevant to electronic bullying.

Upon implementation of this policy, and again at the beginning of each academic year, the District shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. Postings on Facebook, Twitter, MySpace, YouTube, Snap Chat, Twitter, Instagram, KiK and Pinterest shall, at minimum, be included in the list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

This list is NOT considered exclusive and any social media outlet which allows for communications that may be viewed by the intended victim shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of this policy. Internet sites such as “blogs” which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals.

Distribution

The policy shall appear in the student handbook and will be placed on the District web site in order to insure availability to the students, staff and parents of the District. If no school handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff. Copies of the individual school Bullying Policy should be printed in the schools “student handbook” if available or on the schools web site. This Administrative Memorandum (The District Bullying Policy) shall be printed in its entirety in the Red Clay Consolidated School District Student Code of Conduct. Any reference to the District or School Policy should also include directions to accessing the policy via the District web site or through the District Department of Public Safety.

Accountability

By the first day of December of each school year, each school shall notify the District in writing of its compliance with Board Policy 8023 and with this Administrative Memorandum, and shall submit a copy of the procedures it has adopted under this policy and administrative memorandum to the Delaware Department of Education.

Each school shall verify for the District the method and date that the policy has been distributed to all students, parents, faculty, and staff. Each school will insure that written communication of this policy includes reference to the Attorney Generals Ombudsman Bullying Hotline telephone number in accordance with Delaware Code. The District shall submit a copy of the procedures they have adopted under this policy by January 1, of each school year.

Regulatory Compliance

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.

Questions

Questions about the information contained in this Administrative Memorandum should be directed to the Supervisor of Public Safety and/or the Deputy Superintendent.

References

- 14 Del. C. §§1605(7)(a,b), 4112D
- 16 Del. C. §§903-904
- 14 Del. Admin. C. §624
- Family Education Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act (HIPAA)

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