

Bully Prevention & Cyberbullying

The Caesar Rodney School District (hereinafter referred to as “The 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.

I. Prohibition of Bullying Which Includes Cyberbullying

To further these goals and as required by 14 Del. C. 4112D, 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 district and charter 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.

"School function" includes any field trip or any officially sponsored District event.

"School property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by the District including, but not limited to, any school, or any motor vehicle owned, operated, leased, rented or subcontracted by the District.

II. Definition of Bullying & Cyberbullying

A. As defined 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 defined 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.

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyberbullying: Bullying by using information and communication technologies. Cyberbullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,
4. Impersonation: Using someone else's screen name and pretending to be them
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other District policies or building, classroom or program rules.

III. School-wide Bully Prevention Program

The District is committed to support each school in their adoption of a school-wide bully prevention program. Each school is directed to develop or adopt a school-wide bully prevention program that is research-based.

- A. Each school will strive to meet these goals:
 - 1. Reduce existing bullying problems among students
 - 2. Prevent development of new bullying problems
 - 3. Achieve better peer relations and staff-student connections at school
- B. In order to be a school-wide program, the program will contain:
 - 1. School-level components
 - a. A Coordinating Committee will be created, as described in Section IV of this policy.
 - b. The school's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this policy.
 - 2. Classroom level components
 - a. Enforce and discuss principles against bullying.
 - 3. Individual Level Components
 - a. Supervise students and ensure all staff intervene appropriately when suspected bullying occurs.
 - 4. Community Level Components
 - a. Develop partnerships with community members to support the school's program.
- C. Resources and Curricula
The District encourages staff to find or create appropriate bullying prevention resources that can be used within the overall structure set forth above without compromising the fidelity of the school-wide program.

IV. Coordinating Committee

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.

When setting up the Committee the principal may wish to consider including other persons in addition to those required. The Committee shall hold regular meetings and determine guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break the rules. The committee shall review and refine the school supervisory system as needed.

V. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

A. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the administration.

1. Initial Concerns
 - a. Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
 - b. Each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students, about whom inappropriate comments are made by other students, or who show signs of peer victimization.
2. Reporting
 - a. If measures confirm the staff member's concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the principal or designated person immediately.

VI. Investigative Procedures

A. 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 must be appropriately investigated and handled consistent with due process requirements.
2. Each principal may designate a person or persons to be responsible for responding to bullying complaints.
3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources.
4. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will 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 principal or designated person has confirmed that a person has been the victim of bullying, the principal or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying.
6. After identifying those who committed the act or acts of bullying, the principal or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.
7. The principal or designated person will keep a written record of the bullying incident, and any disciplinary actions taken.
8. Each confirmed incident must be recorded in the School Register of Bullying Incidents.

B. 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.

C. 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.

VII. Non-Classroom Supervision

To the extent that funding is available, each school must 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. The Coordinating Committee will review and refine the supervisory system specifically to make bullying less likely to happen.

VIII. Consequences for Bullying

Consequences for bullying should be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences should be disagreeable or uncomfortable but should not involve revenge or hostile punishment.

- A. Consequences should take into account:
 1. Nature and severity of the behaviors
 2. Degrees of harm
 3. Student's age, size and personality (including development and maturity levels of the parties involved)
 4. Surrounding circumstances and context in which the incidents occurred
 5. Prior disciplinary history and incidences of past or continuing patterns of behavior
 6. Relationships between the parties involved (including any imbalance of power between the perpetrator and victim)
 7. Ease of use for staff (within available resources and time constraints)
- B. The appropriate range of consequences for bullying is as follows:
 1. Removal of positive reinforcers:
 - a. Time-out
 - b. Loss of a privilege

2. Use of negative or unpleasant consequences:
 - a. Verbal reprimand clearly specifying what is not acceptable
 - b. Notice to parent (required by law)
 - c. Conference with parent/guardian/relative caregiver
 - d. Forbidden to enter certain areas of school
 - e. Reassignment of classes or another mode of transportation
 - f. Detention/Extended Day
 - g. In-school suspension
 - h. Out-of-school suspension
 - i. Referral to Superintendent for Expulsion
 - j. Referral to an external agency
 - k. Report to Law Enforcement officials
 3. In addition, formative activities may include:
 - a. Reparation to victim in the form of payment for or repair of damage to possessions out of bullies own money.
 - b. Education about what bullying is and why it is not acceptable.
 - c. Completion of psychological assessment or evaluation.
 - d. Completion of counseling (In house or referral to an outside agency, individual or family).
 - e. Cooperation with a behavioral management program developed in consultation with a mental health professional.
 - f. Submission to a psychological, psychiatric or neuropsychiatric evaluation before bully can return to school.
- C. The District believes that positive consequences should be given when students are obeying the rules about bullying. These consequences may include:
1. Enthusiastic, concrete, behavior-specific praise.
 2. Creative consequences that are truly positive for your students considering their age, sex, and maturity level.
- D. The District believes that victims should be given support. If bullying is suspected, staff members will make an effort to:
1. Find a private opportunity for discussion with victim.
 2. Discuss with victim what support they need.
 3. Ensure their safety.
 4. Make referrals to external agencies if necessary.
 5. Provide the victim with information for mental health or medical treatment

IX. Training

A. 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).

X. Reporting Procedures

A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian to provide information on bullying activity will be as follows:

1. If a child complains of bullying while it is happening, the staff member will respond quickly and intervene.
2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.
3. 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.
 - e. Any actions taken in response
4. Anyone may report bullying.
5. Every confirmed bullying incident will be recorded in the School Register of Bullying incidents, which will be a central record for designated staff to read.

XI. Anonymous Reports

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

XII. Notification of Parents, Guardian or Relative Caregiver

A parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified.

XIII. Retaliation

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

XIV. Procedure to Communicate with Medical and Mental Health Professionals

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

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the

primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPAA and FERPA guidelines.

2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to their child.

3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person 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 treatment plan if identified as appropriate.

b. Require that student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.

4. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.

XV. 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.

XVI. Accountability

Each school shall notify the District in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1, of each school year. Each school shall verify for the District the method and date that the policy has been distributed, to all students, parents, faculty and staff.

XVII. 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 or charter schools' bullying prevention policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.

XVIII. 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 policy.

XIX. 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.

XX. School Ombudsperson Information

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

XXI. Informing Students of Electronic Mediums

Upon implementation of this policy, and again at the beginning of each academic year, the school 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. From implementation of this policy through the end of 2013-14 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall, at minimum, be included in the district's 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.

XXII. Policy Notification

The policy shall appear in the student and staff handbook and if no 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.

XXIII. Rules and Regulations

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.

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Caesar Rodney School District, Wyoming, Delaware