

State of Delaware

**Annual Report on Bullying in Delaware Public
Schools**

2023-2024



As required by 14 *Del. C.* § 4164(c)(4), the Delaware Department of Education must annually prepare a report which summarizes all reported and substantiated incidents of bullying, the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section.

November 18, 2024

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EXECUTIVE SUMMARY

Annually, the Delaware Department of Education (DDOE) prepares a report on bullying, and this year marks the thirteenth year this report has been prepared. The DDOE's Annual Report summarizes all reported and substantiated incidents of bullying and cyberbullying that were reported by local education agencies (LEAs) during the 2023-2024 school year, which was from July 1, 2023 through June 30, 2024. Please note that the report does not disaggregate the data by incidents involving bullying versus cyberbullying.

The next several pages provide a background and overview, summary of all reported and substantiated incidents of bullying and cyberbullying, and the results of the audits. Please also see below for some highlights.

School Year 2023-2024 highlights:

- The LEAs reported 1,045 alleged bullying and cyberbullying incidents. This is a 22% decrease from the prior year, when 1,344 incidents were reported.
- Of the four types of bullying, 57% of alleged incidents were reported as verbal, 28% were physical, 12% were electronic, and 3% were written.
- 89% of alleged victims were targeted or reported being targeted due to physical appearance, peer attention, or other reasons, and 44% of alleged bullying incidents occurred in classrooms.
- October of 2023 and February of 2024 had the highest reported bullying incidents for the period.
- Of the 1,045 incidents, 367 or 35% were substantiated.
- In comparing the substantiated bullying incidents to the 35,486 total discipline incidents¹ for the same period, bullying makes up one percent of all discipline incidents.
- The DDOE is required to conduct random audits as per 14 *Del. C.* § 4164(d)(4) to ensure the LEAs have procedures related to reporting incidents of bullying and notifying the parents of all students involved. Ten schools were audited for the purpose of this report, and the majority followed the required procedures.

¹ See the 2023-2024 Annual Report on School Discipline Improvement: https://education.delaware.gov/wp-content/uploads/2024/10/23_24-Annual-SDIP-ReportwAppendices.pdf

BACKGROUND AND OVERVIEW

In May 2007, the Delaware General Assembly established the School Bullying Prevention Act to provide a safer learning environment for students attending public schools and to create safe work environments for school employees (see *Appendix A*). This legislation required each school district and charter school to establish a policy on bullying prevention with certain minimal requirements including, but not limited to defining bullying (see *Appendix B*), developing a bullying prevention program, and reporting bullying to the DDOE. The DDOE, together with the Department of Justice (DOJ), was tasked with identifying and maintaining a model policy on bullying prevention (see *Appendix C*). Then, in 2012, the statute was amended to include cyberbullying in the policy. The original legislation also required the DDOE and DOJ, in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators, to identify and maintain a non-academic training program on school bullying prevention. Training on criminal youth gang detection was also included in this legislation. These two trainings were updated for the 2024-2025 school year and are available in the DDOE's professional development management system and Schoology. Additionally, the DDOE was tasked with preparing an annual report summarizing all reported and substantiated incidents of bullying in schools and conducting random audits of LEAs to ensure that their policies contain certain provisions.

To further support the state's response to bullying, in 2016, the General Assembly expanded the responsibility of the DOJ's School Ombudsperson to intervene in incidents that meet the statutory definition of bullying but do not constitute criminal activity. In addition, it required that parents are informed of the role of the DOJ School Ombudsperson and provided with contact information, including the Bullying Hotline 800-220-5414. It also required a notification to parents when a bullying incident is reported to DDOE. This information is available on the [DDOE's website](#).

As mentioned above, 14 *Del. C.* § 4164(c)(4) requires the LEAs to report all incidents of bullying to the DDOE within 5 working days following the incident, regardless of whether the school can substantiate the incident, and this is accomplished through the state's student information system. The DDOE Regulations further clarify that alleged and substantiated incidents of bullying and cyberbullying are mandatory reports to the DDOE.

The DDOE prepares this annual report on incidents of bullying and cyberbullying utilizing the data reported by LEAs with an incident date between July 1, 2023 and June 30, 2024. Additionally, the incident location is limited to only those occurring on school property or at a school function except for incidents of cyberbullying.

SUMMARY OF REPORTED & SUBSTANTIATED INCIDENTS²

Table 1. Total Reported & Substantiated Bullying Incidents - 14 Del. C. § 4164(c)(4)

Table 1 displays the number of alleged and substantiated bullying incidents reported by LEAs for the 2023-2024 school year. Please note that LEAs document alleged incidents in the student information system using the DDOE Alleged Bullying Victim form. Whereas substantiated incidents are documented via the Incident Detail form using the bullying code and/or the bullying checkbox. This may result in a discrepancy between the number of alleged and substantiated incidents.

LEA	# of Alleged Bullying Incidents	# of Substantiated Bullying Incidents
Academia Antonia Alonso	-	-
Academy of Dover Charter School	-	-
Appoquinimink School District	120	7
Brandywine School District	71	38
Caesar Rodney School District	76	20
Campus Community School	-	-
Cape Henlopen School District	37	15
Capital School District	43	13
Charter School of New Castle	-	-
Charter School of Wilmington	-	-
Christina School District	77	38
Colonial School District	32	28
Delaware Military Academy	-	-
Delmar School District	9	7
Early College High School at Del State	-	-
East Side Charter School	-	-
Edison (Thomas A.) Charter School	-	-
First State Military Academy	-	-
First State Montessori Academy	-	-
Freire Charter School Wilmington	-	-
Gateway Charter School	-	-
Great Oaks Charter School	-	-
Indian River School District	112	38
Kuumba Academy Charter School	-	-
Lake Forest School District	13	6

² The discipline data in this report is redacted according to the DDOE's Data Privacy Policy. For more information, please see the DDOE website: <https://education.delaware.gov/community/data/data-privacy/>

LEA	# of Alleged Bullying Incidents	# of Substantiated Bullying Incidents
Las Americas Aspira Academy	5	-
Laurel School District	24	19
Milford School District	20	-
MOT Charter School	5	-
New Castle County Vocational-Technical School District	18	20
Newark Charter School	40	-
Odyssey Charter School	34	7
POLYTECH School District	-	-
Positive Outcomes Charter School	7	-
Providence Creek Academy Charter School	5	-
Red Clay Consolidated School District	249	73
Seaford School District	13	5
Smyrna School District	7	9
Sussex Academy	-	-
Sussex Montessori School	-	-
Sussex Technical School District	5	5
Woodbridge School District	15	-
Total	1,045	367

Chart 1. Bullying Type for Alleged Incidents - 14 Del. C. § 4164(c)(4)

Chart 1 shows the alleged bullying incidents by bullying type for the 2023-2024 school year. The four types are written, electronic, verbal, or physical.

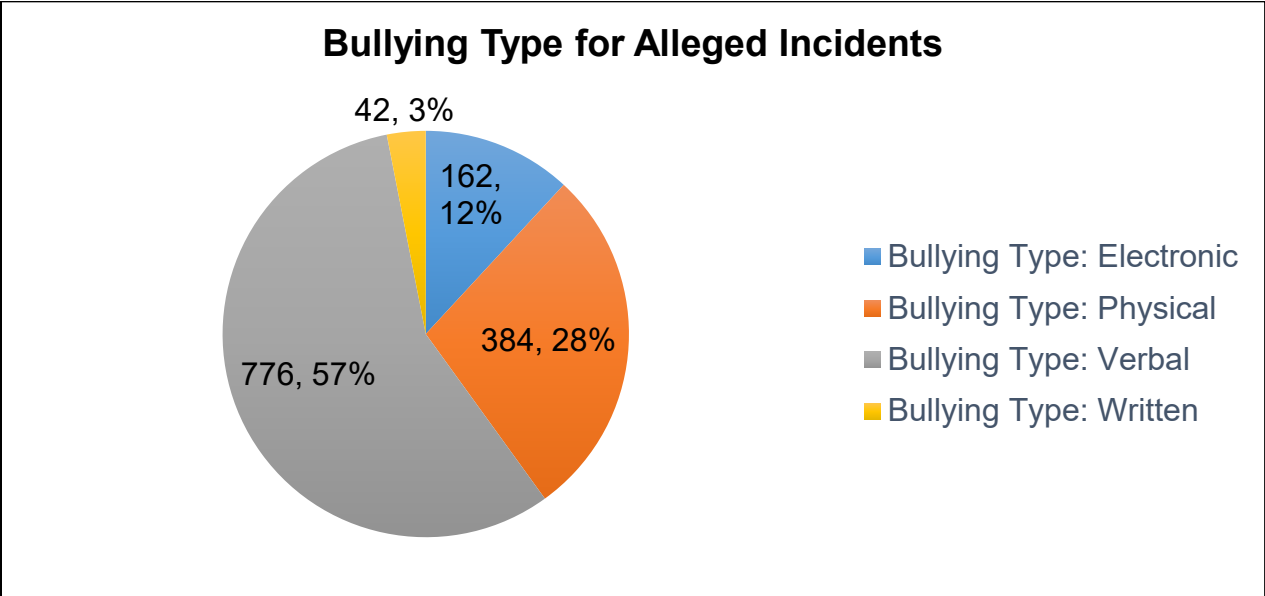


Table 2. Bullying Reason for Alleged Incidents - 14 Del. C. § 4164(c)(4)

Table 2 displays the alleged bullying incidents by bullying reason for the 2023-2024 school year. During a bullying investigation, LEAs determine whether the alleged victim of the bullying was targeted or reported being targeted due to race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin.

Bullying Reason	# of Alleged Bullying Incidents
Age	27
Ancestry	-
Dating Violence	-
Disability	27
Gang(s)	-
Gender Identity/Expression	11
National Origin	-
Other	493
Peer Attention	297
Physical Appearance	139
Race/Color	34
Religion	5
Sexual-Orientation	6
Socio/Economic Status	-

Table 3. Location for Alleged Bullying Incidents - 14 Del. C. § 4164(c)(4)

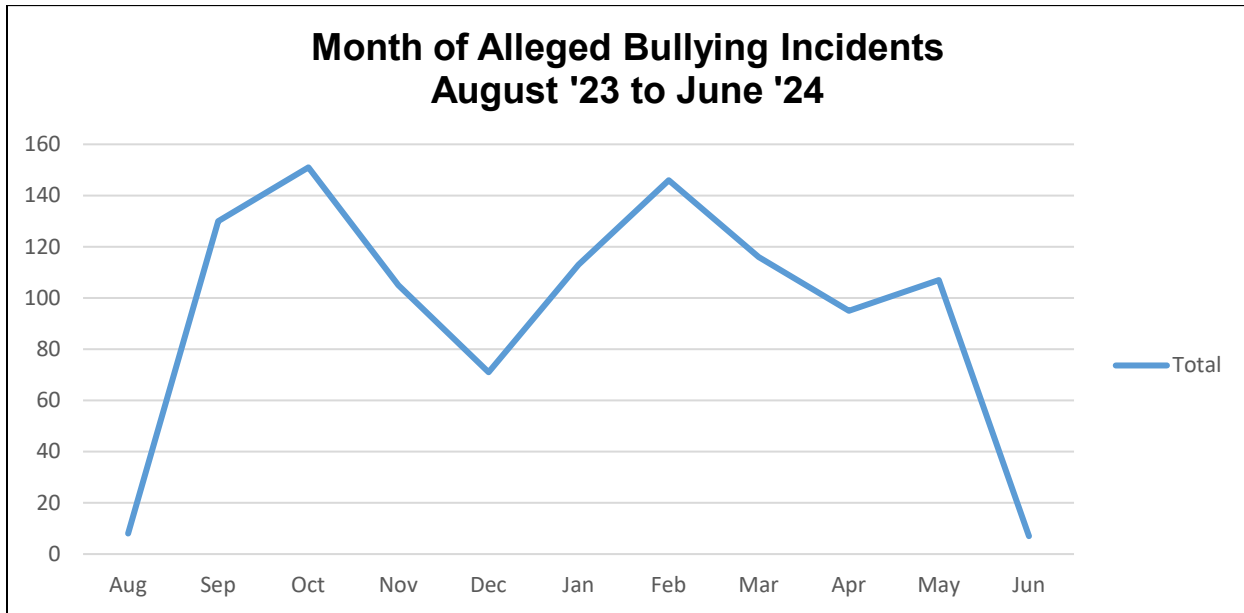
Table 3 displays the alleged bullying incidents by location for the 2023-2024 school year.

Location	# of Alleged Bullying Incidents
Bus Loading Zone	7
Cafeteria	85
Classroom	465
Dormitory	-
Gym	35
Hall/Stairway	103
Library	5
Locker/Locker Room	-
Off School Grounds Non-School Function	122
Off School Grounds School Function	8
Parking Lot	-
Playgrounds/Athletic Fields	97
Restroom	18

Location	# of Alleged Bullying Incidents
School Bus	97
School Bus Stop	-

Chart 2. Month of Alleged Bullying Incidents - 14 Del. C. § 4164(c)(4)

Chart 2 shows the alleged bullying incidents by month of incident for the 2023-2024 school year.



AUDIT FINDINGS

14 Del. C. § 4164(d)(4) requires that the DDOE conduct random audits of the LEAs' policies on bullying and report the results of that audit in this annual report. The audit requires compliance with three items: a procedure for a student or parent to provide information on bullying activity; a requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident, be reported to the DDOE within 5 working days; and a requirement that LEAs notify a parent of all students involved in the reported incident when the report is made.

Table 4. Compliance with Reporting Procedures & Notifications - 14 Del. C. § 4164(d)(4)

Table 4 displays the audit process and the findings of the audits conducted for the current school year. The audits will continue to be conducted in alphabetical order over a four-year period and will rely upon the information available on the LEAs websites. As a reminder, Title 14 requires that LEAs post their bullying prevention policy on their websites. Ten LEAs were audited during the 2023-2024 school year, and the findings of that audit are noted below together with the audit findings from the prior year. The table shows how the LEAs have implemented the three requirements. Many have generally implemented it within their Student Code of Conduct or website, and this is noted in the table as "Yes – General." The remaining LEAs have a separate policy on bullying prevention, which is noted as "Yes - Specific."

LEA	Audit Year	14 Del. C. § 4164(b)(2)i. - Procedure for a student or parent to provide information on bullying	14 Del. C. § 4164(b)(2)k. - Report to DDOE within 5 working days	14 Del. C. § 4164(b)(2)k. - Required notification to a parent of all students involved
Academia Antonia Alonso	2022-2023	Yes – Specific	No	Yes – Specific
Academy of Dover Charter School	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Appoquinimink School District	2022-2023	Yes – General	Yes – General	Yes – General
Brandywine School District	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Caesar Rodney School District	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Campus Community School	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Cape Henlopen School District	2022-2023	Yes – General	Yes – Specific	Yes – General

LEA	Audit Year	14 Del. C. § 4164(b)(2)i. - Procedure for a student or parent to provide information on bullying	14 Del. C. § 4164(b)(2)k. - Report to DDOE within 5 working days	14 Del. C. § 4164(b)(2)k. - Required notification to a parent of all students involved
Capital School District	2022-2023	Yes – Specific	Yes – Specific	Yes – General
Charter School of New Castle	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Charter School of Wilmington	2022-2023	Yes – Specific	Yes – Specific	Yes – Specific
Christina School District	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
Colonial School District	2023-2024	Yes – General	No	No
Delaware Military Academy	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
Delmar School District	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
Early College High School at Del State	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
East Side Charter School	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
Edison (Thomas A.) Charter School	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
First State Military Academy	2023-2024	Yes – Specific	Yes – Specific	Yes – Specific
First State Montessori Academy	2023-2024	Yes – Specific	Yes – General	Yes – Specific
Freire Charter School Wilmington	2023-2024	No	Yes – Specific	Yes – Specific
Gateway Charter School	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Great Oaks Charter School	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Indian River School District	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Kuumba Academy Charter School	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.

LEA	Audit Year	14 Del. C. § 4164(b)(2)i. - Procedure for a student or parent to provide information on bullying	14 Del. C. § 4164(b)(2)k. - Report to DDOE within 5 working days	14 Del. C. § 4164(b)(2)k. - Required notification to a parent of all students involved
Lake Forest School District	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Las Americas Aspira Academy	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Laurel School District	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Milford School District	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
MOT Charter School	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
New Castle County Vocational-Technical School District	2024-2025	See Audit Year.	See Audit Year.	See Audit Year.
Newark Charter School	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Odyssey Charter School	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
POLYTECH School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Positive Outcomes Charter School	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Providence Creek Academy Charter School	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Red Clay Consolidated School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Seaford School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Smyrna School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Sussex Academy	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Sussex Montessori School	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Sussex Technical School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.

LEA	Audit Year	14 Del. C. § 4164(b)(2)i. - Procedure for a student or parent to provide information on bullying	14 Del. C. § 4164(b)(2)k. - Report to DDOE within 5 working days	14 Del. C. § 4164(b)(2)k. - Required notification to a parent of all students involved
Woodbridge School District	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.
Bryan Allen Stevenson School of Excellence	2025-2026	See Audit Year.	See Audit Year.	See Audit Year.

APPENDIX A: LEGISLATION

§ 4164. School bullying awareness and prevention; criminal youth gang detection.

(a) *School bullying prevention and criminal youth gang detection training program.* —

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, shall identify and maintain a school bullying prevention and criminal youth gang detection training program for school district and charter school employees.

(b) *Prohibition of bullying.* —

(1) Each school district and charter school shall prohibit bullying and reprisal, retaliation, or false accusation against a target, witness, or one with reliable information about an act of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

- a. A statement prohibiting 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 kindergarten through grade 12. For purposes of this section, “school property” and “school functions” mean as defined in § 4112 of this title.
- b. A definition of bullying no less inclusive than that in § 4161 of this title.
- c. Direction to develop a school-wide bullying prevention program.
- d. A requirement that each school 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 must be members of the school professional staff, of which a majority must be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for a school enrolling students in grades 7 through 12), parents, and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group, except that the school principal shall appoint the representatives of the nonemployee groups. The committee shall operate on a 1-person, 1-vote principle. If a site-based school discipline committee has been established under § 1605(7)a. and b. of this title, that committee shall vote whether to accept the responsibilities of this paragraph (b)(2)d.

- e. A requirement that any school district or charter school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying must immediately report it to the administration.
- f. A requirement that each school 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 subsection does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- g. A requirement that, to the extent that funding is available, each school develop a plan for a system of supervision in nonclassroom areas. The plan must provide for the review and exchange of information regarding nonclassroom areas.
- h. An identification of an appropriate range of consequences for bullying.
- i. A procedure for a student or parent to provide information on bullying activity. However, this paragraph does not permit formal disciplinary action solely based on an anonymous report.
- j. A requirement that a parent of any target of bullying or perpetrator of bullying be notified and provided with a form to be generated by the Department of Justice describing the role of the Department of Justice School Ombudsman and providing contact information. This form must also inform a parent of the parent's right to know when the bullying incident in question has been reported to the Department of Education under paragraph (b)(2)k. of this section.
- k. A requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident, be reported to the Department of Education within 5 working days under Department of Education regulations. The school shall notify a parent of all students involved in the reported incident when the report is made.
- l. A statement prohibiting retaliation following a report of bullying.
- m. A procedure for communication between school staff members and medical professionals who are involved in treating students for bullying issues.
- n. A requirement that the school bullying prevention program be implemented throughout the year, and integrated with the school's discipline policies and § 4112 of this title.

(c) *Dissemination of policy and accountability.* —

- (1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Department of Education by January 1 of each year, or by January 1 of a newly approved charter school's

first year of operation. For purposes of this paragraph, “submit” includes providing access to the policy via the school district’s or charter school’s website. Each school district and charter school shall submit a revised policy to the Department of Education within 30 calendar days of a school district’s or charter school’s revision. The Department of Education shall review a policy or a revised policy submitted under this paragraph for compliance with state and federal law.

(2) Each school district and charter school shall include the policy adopted under subsection (b) of this section in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall distribute a copy of the policy annually to all students, parents, faculty, and staff. Each school district and charter school shall provide the telephone number of the Department of Justice School Ombudsperson in writing to parents, students, faculty, and staff and provide the telephone number on the school district’s or charter school’s website and the website of each school in the school district. Each school district shall prominently display the telephone number of the Department of Justice School Ombudsperson in each school in the school district. Each charter school shall prominently display the telephone number of the Department of Justice School Ombudsperson in the school.

(3) [Repealed.]

(4) The Department of Education shall prepare an annual report, which must include a summary of all reported and all substantiated incidences of bullying, a summary of the information gathered under paragraph (b)(2)f. of this section, and the results of audits conducted under paragraph (d)(4) of this section. The Department shall post the report required by this subsection on its website.

(d) *Duties of the Department of Education.* —

(1) The Department of Education shall collaborate with the Department of Justice to identify and maintain a model policy that is applicable to kindergarten through grade 12, and post this policy, along with the contact information for the School Ombudsperson, on their websites in order to assist the school districts and charter schools. In addition, the Department of Education shall promulgate a uniform cyberbullying policy, which shall be based upon a model prepared by the Department of Justice and public comment upon that model. Each school district and charter school shall adopt the Department’s uniform cyberbullying policy within 90 days of the policy becoming final.

(2) Distribution of the Comprehensive School Discipline Improvement Program funds to a school district and charter school provided in the General Appropriations Act starting in fiscal year 2009 and thereafter is contingent upon Department of Education approval of the school district’s or charter school’s bullying prevention policy.

(3) To the extent that funding is available, the Department of Education shall provide for an award system for schools with exemplary programs based on criteria promulgated by the Department.

(4) The Department of Education shall conduct random audits of schools to insure compliance with paragraphs (b)(2)i. and (b)(2)k. of this section. The Department shall report the results of these audits annually in the report required by paragraph (c)(4) of this section.

(e) *Immunity.* —

A school district or charter school employee, school district or charter 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 using the procedures specified in the school district's or charter school's bullying prevention policy, but there is no such immunity if the act of reporting constituted gross negligence or reckless, willful, or intentional conduct.

(f) *Other defenses.* —

(1) 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 or charter school initiated under this section provided there is sufficient school nexus.

(2) 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 that person's lawful employment or investigation of a violation of this section in accordance with school district or charter school policy.

(g) *Relationship to reporting requirements.* —

An incident may meet the definition of bullying and also the definition of a particular crime under state or federal law. Nothing in this section or in the policies promulgated as a result of this section prevents school officials from fulfilling all of the reporting requirements of § 4112 of this title or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under § 4112 of this title. Nothing in this section abrogates the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 or any other reporting requirement under state or federal law.

(h) [Repealed.]

APPENDIX B: DEFINITIONS

▪ **Bullying³**

Means any intentional written, electronic, verbal, or physical act against another student, a school district or charter school volunteer, or a school district or charter school employee that a reasonable person under the circumstances should know will have any of the following effects:

- a. Place a student, school district or charter school volunteer, or school district or charter school employee in reasonable fear of substantial harm to the student's, volunteer's, or employee's emotional or physical well-being or substantial damages to the student's, volunteer's, or employee's property.
- b. Create 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.
- c. Interfere with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- d. Perpetuate 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 district or charter school volunteer, or school district or charter school employee.

▪ **Cyberbullying⁴**

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 or charter school. 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.

³ See 14 *Del. C.* § 4161(1)

⁴ See 14 *DE Admin. Code* 624

APPENDIX C: DDOE MODEL BULLY PREVENTION POLICY

Delaware’s Model Bully Prevention Policy

The _____ 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

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. The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.*¹

"School function" includes any field trip or any officially sponsored public or charter school event in the State.

"School property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

II. Definition of Bullying

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 Legal or Regulatory Requirements are in *italics* throughout.

A. *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.*

B. *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*

C. *Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or*

D. *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.*

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, etc.

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.

Cyber-bullying: Bullying by using information and communication technologies. Cyber-bullying 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 must contain:
 1. School-level components
 - a. All school staff will to strive to:
 - i. Treat others with warmth, positive interest and involvement
 - ii. Set firm limits for unacceptable behavior
 - iii. Apply nonphysical, non-hostile negative consequences when rules are broken.

- iv. Act as authorities and positive role models
 - v. Solve bullying problems in a consistent manner across all grade levels and all school locations.
 - b. *A Coordinating Committee will be created, as described in Section IV of this policy.*
 - c. *The school's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this policy.*
 - d. The following principles will apply to everyone on school property or at a school function:
 - i. I will not bully others
 - ii. I will try to help anyone that I suspect is being bullied
 - iii. I will try to include students who are left out.
 - iv. If someone is being bullied, I will tell an adult
 - e. School-wide programs may also include a school kick-off event, committee and staff trainings, school-wide questionnaires, staff discussion group meetings, and programs to involve parents, as determined by the Coordinating Committee.
- 2. Classroom level components
 - a. Post and enforce principles against bullying
 - b. Regular, ongoing class meetings, discussions, or role playing activities
 - c. Involve parents in bullying prevention

- d. Find creative ways to incorporate issues involving bullying into the regular curriculum.

3. Individual Level Components

- a. Supervise students' activities
- b. Ensure that all staff intervene appropriately on the spot when suspected bullying occurs
- c. Discuss bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.
- e. Develop Behavioral Intervention Plans for involved students, with a graduated response.
- f. Address bystander involvement.

4. Community Level Components

- a. Develop partnerships with community members to support your school's program
- b. Help spread anti-bullying message in the community
- c. Involve community members in the Bully Prevention Coordinating Committee.

C. Resources and Curricula

A list of recommended supplemental materials and resources is attached hereto as Exhibit A. 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. Classroom curricula may be

used as one part of the implementation of the school-wide program, but must not be the sole component of the program.

D. When setting up their school wide bully prevention program, each school should avoid the following:

1. Relying on quick fixes. A one-time speaker may be one component of the program but by itself does not meet the requirements of a school wide program.

2. Providing group treatment or self-esteem programs for students who bully is inappropriate as research shows that these methods are counterproductive.

3. Focusing on anger control management for those who bully. Bullying is not a result of uncontrolled anger toward the target, but rather proactive aggressive behavior. Anger management may be more appropriate for participants in mutual conflicts or for those who are being bullied.

4. Providing Mediation/Conflict Resolution for bullying. The power imbalance involved in bullying may make the process intimidating for the victim and therefore inappropriate. These methods are useful only where the peers involved in conflict were formerly friends, or in situations of normal peer conflict that is not based on a power imbalance.

5. Exposing a specific victim's feelings to the bully or class.

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.

A. When setting up the Committee the principal may wish to consider including other persons in addition to those required, such as a school counselor, school psychologist or other school-based mental health professional, a school resource officer, a nurse, a librarian, or a representative from the medical, business or faith-based community who might have a stake in the results of the program. The principal should also decide on an appropriate award system for the committee, within available resources.

B. The Committee shall:

1. Hold regular meetings
2. Select a coordinator of the program
3. Consider, decide upon and coordinate any staff training sessions (beyond the 1 hour gang and bully prevention training required in 11 Del. C. 4123A), as needed.
4. Create and maintain a training log (either paper or electronic) to keep a record of the school staff which have been trained, and what training they

have received. Decide upon the need for and provide short, concise training updates in writing or at staff meetings.

5. Consider, decide upon and oversee formal or informal evaluation techniques and materials (such as questionnaires), as needed
6. Consider, decide upon and order materials, as needed
7. Consider, decide upon and lead staff discussion groups as needed
8. Consider and decide upon additional guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break them.
9. Review and refine the school supervisory system.
10. Plan a school kick-off event
11. Establish subcommittees, as needed
12. Decide upon and implement methods of notification to students, parents and the community concerning the school-wide program.

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. Even though there has been no report of bullying to a staff member, 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.
- c. To confirm their concerns the staff member may choose to take the following steps:
 - i. Intensify observations of student in question
 - ii. Confer with colleagues about that student
 - iii. Consult the school's bullying database.
 - iv. Take an informal survey of students about class climate
 - v. Engage in short personal interviews with some students
 - vi. Conduct a brief sociometric survey
 - vii. Contact the parent to see how student likes school
 - viii. Speak privately with the victim

2. Written Report

- 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 person designated by the administration immediately and in writing within 24 hours. The written report

shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:

- i. Persons involved, designating bully, target, and bystanders roles.
 - ii. Time and place of the conduct and alleged, number of incidents.
 - iii. Potential student or staff witnesses.
 - iv. Any actions taken.
- b. Short, easy to use forms can be obtained from the principal or district office.

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.

1. All complaints must be appropriately investigated and handled consistent with due process requirements.
2. Each principal will 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. This prevents the bully, when confronted, from assuming that the victim is the complainant. 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, 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 administrator has confirmed that a person has been the victim of bullying, the administrator will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The administrator will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.

6. After identifying those who committed the act or acts of bullying, the administrator 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 administrator will keep a written record of the bullying incident, and any disciplinary actions taken. The administrator will keep any written statements of those committing the bullying, victims and witnesses. Discussions with all parties should be documented as soon as possible after the events. The school will 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 will be completed two weeks later to determine whether the bullying has continued, and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.

9. Each confirmed incident must be recorded in the School Register of Bullying Incidents.

B. *All confirmed bullying incidents 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 administrator 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.

A. The Coordinating Committee will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:

1. Determine the “hot spots” for bullying in the building, and why those hot spots exist.
2. Consider ways of either keeping certain groups apart during transition, or building positive collaborations between older and younger students.
3. Consider adult density in hot spots, if necessary.

4. Consider the attitude and behaviors of supervising adults in hot spots, and determine a way to increase their competence in recognizing and intervening in bullying situations.
5. Determine and disseminate a consistent graduated method by which all staff will recognize and respond to bullying.
6. Develop and provide a method for communication of staff so that staff who observe bullying can intervene and notify other staff involved in supervising the same students during the day.
7. Develop a consistent and user-friendly school-wide method of logging bullying incidents or observations about students at risk for bullying or being bullied.
8. Develop or review the policy for hallway supervision before and after school and during the time when students are moving between classes

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 stimuli:
 - a. Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
 - b. Notice to parent.
 - c. Serious talk with school staff member.
 - d. Serious talk with school staff member with parents present.
 - e. Supervised break times.
 - f. Behavioral report cards sent home.
 - g. Creation of a behavior contract.
 - h. In-school suspension.
 - i. Detention.
 - j. A period of inclusion in the Learning Support Unit.
 - k. Reassignment of seats in class, lunch or on bus.
 - l. Forbidden to enter certain areas of school.
 - m. Reassignment of classes.

- n. A referral to an external agency
- o. Reassignment to another school, or another mode of transportation.
- p. Expulsion.
- q. Report to Law Enforcement officials

3. In addition, but never as replacement for disciplinary action, formative activities should be given, which may include:

- a. Reparation to victim in the form of payment for or repair of damage to possessions out of bullies own money.
- b. Cooperation with assessment of problems.
- c. Education about what bullying is and why it is not acceptable.
- d. Documentation on books or films about bullying.
- e. Completion of bully related workbooks.
- f. Completion of Letter of acknowledgement of actions to victim (only after reviewed by staff and never in cases of sexual bullying).
- g. Completion of psychological assessment or evaluation.
- h. Completion of counseling (In house or referral to an outside agency, individual or family).
- i. Cooperation with a behavioral management program developed in consultation with a mental health professional.
- j. Submission to a psychological, psychiatric or neuropsychiatric evaluation before bully can return to school.
- k. Completion of community service.

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. Record the event and follow through with actions.
5. Provide the victim with opportunities to gain peer support.
6. Refer the victim to available help in-school.
7. Provide the victim with an opportunity to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate either in writing or face to face, if the victim chooses to do so.
8. Make referrals to external agencies if necessary.
9. Provide the victim with information for mental health or medical treatment needs.

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).*

B. All school employees must either attend the provided training session live or watch the official film provided by the district in lieu of attendance, with written proof in the form of signing in and out of the live session, or signing the film in and out, and providing adequate written answers to questions about the film.

X. Reporting Procedures

A. *The procedures for a student and parent, guardian or relative caregiver pursuant to § 202(f) of this Title 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 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 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. A letter box will be placed in a place or places selected by the committee, so that students who feel unable to talk to any staff can have a point of contact. Information found in the box must be treated with care and a staff-member or members will be designated to be responsible for this information. Blank “Bullying – request for support forms” will be available to all students, but are not 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.
 - e. Any actions taken in response
5. Short, easy to use complaint forms can be obtained from the principal or district office.
6. An electronic system will be established whereby students can email anonymous complaints of bullying that only designated persons will have access to.
7. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
8. Each principal will designate a person or persons responsible for responding to bullying complaints.
9. Every identified complainant who files a written complaint with a staff member will receive a written explanation of results to the extent that it is legally allowed and be given an opportunity to inform the designated person as to whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.
10. 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. This will give an indication of patterns which may emerge of both bullies and victims.

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

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 administrator 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 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 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 administrator's designee) prior to return to school or the general population.

B. Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Child Mental Health, State of Delaware 24 hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting your medical insurance for recommended providers in your area.

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 December 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. Awards

In any year when the Delaware Department of Education provides an awards system for exemplary bullying prevention programs, the district shall submit a nomination of 1 exemplary school and the reasons why it believes that school should receive an award for its Bully Prevention Program, with supporting documentation.

XVIII. 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.

XIX. 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 or charter school 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.*

XX. 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

XXI. 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.