

Academy of Dover Charter School Bully Prevention and Cyberbullying Policy

Academy of Dover Charter School (hereinafter referred to as “AOD”) recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The school strives to provide safe learning environments for all students and all employees.

Prohibition of Bullying which includes Cyberbullying

To further these goals and as required by 14 Del.C.4112D, AOD 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 the computer, computer system, computer network or other electronic technology of a school district or charter from grades kindergarten through grade twelve. In addition, cyberbullying is prohibited by students directed at other students. Each school district and charter school shall treat incidents of cyberbullying in the same manner as incidents of bullying. The school 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 school event.

“School property” means the building, structure, or real property that is owned, operated, leased or rented by the school including, but not limited to, any motor vehicle owned, operated, leased, rented or subcontracted by the school.

Definition of Bullying and 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. Interfacing 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. An individual or a group may perpetuate bullying. 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 that may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing of clothing, 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 school policies or building, classroom or program rules.

School-wide Bully Prevention Program

AOD is committed to support the adoption of a school-wide bully prevention program that prohibits harassment and bullying on the basis of sex, race, color, national origin, or disability. The school bullying prevention program must be implemented throughout the year.

AOD 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
4. Provide a safe and supportive school environment for all students

In order to be a school-wide program, the program must contain:

1. School level components:
 - a. All staff will 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
 - b. A Coordinating Committee will be created as described below
 - c. The school's supervisory system in non-classroom areas will be reviewed regularly.
 - d. School wide programs may also include a school kickoff event, committee and staff trainings/group meetings, and programs to involve parents, as determined by the committee.
2. Classroom level components:
 - a. Enforce a bully free classroom

- b. 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 separate with targets of bullying, and with their parents.
 - d. Possibly develop a Behavior Intervention Plan for involved students.
- 4. Community level components:
 - a. Develop partnerships with community members and organizations to support our school's program
 - b. Help spread anti-bullying messages in the community
 - c. Involve community members in the committee

Coordinating Committee

AOD shall establish a site-based committee that is responsible for coordinating each school's bully prevention program including the design, approval, and monitoring of the program. A majority of the members in the committee shall be members of the school staff. The committee shall also contain representatives of the administrative staff and support staff.

These representatives shall also be part of the Positive Behavior Support (PBS) Team.

Reporting Requirements

It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicion of bullying, with the understanding that all such reports will be listened to and taken seriously.

1. Any school employee with reliable information that would lead a reasonable person to suspect a person is a target of bullying shall immediately report it to the administration.
2. Any student or parent who suspects that a bullying incident has occurred, or is occurring, should immediately report the incident to a member of the school staff, preferably the Administrator or Behavior Interventionist.

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.

1. All complaints must be appropriately investigated and handled consistently with due process requirements.
2. The Administrator and/or Behavior Interventionist will be responsible for responding to bullying complaints.
3. Bullying victims may have a parent or trusted adult with them, if requested, during any investigatory activities.

4. All confirmed bullying incidents must be reported to the Department of Education (DOE) by the administrator or behavior interventionist within five (5) working days pursuant to DOE regulations.
5. Some acts of bullying may also be crimes which must be reported to the police and/or the DOE pursuant to the school crime reporting law (14 Del.C.4112).

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.

1. The Committee will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:
 - a. Determine the “hot spots” for bullying in the building, and why those hot spots exist.
 - b. Consider ways to either keeping certain groups apart during transition, or building positive collaborations between older and younger students.
 - c. Consider adult density in hot spots, if necessary.
 - d. Develop or review the policy for hallway supervision before and after school.

Consequences for Bullying

The disciplinary consequences for students involved in bullying incidents will be applied as set forth in the Student Code of Conduct.

Training

AOD 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 DOE 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).

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.

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 within 24 hours of a reported or investigated incident.

Retaliation

Retaliation for reporting bullying is prohibited. The administrator shall determine the consequences and appropriate action for a person who engages in retaliation after consideration of the nature, severity, and circumstances of the act.

Procedure to Communicate 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 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 HIPPA 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 or designee recommends a mental health evaluation be completed, the school may;
 - a. Require that the return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
 - b. Require that the 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. A summary of the evaluation shall be shared at a meeting with student, parent/guardian, and school administrator or designee prior to return to school or the general population.

Accountability

AOD shall be in compliance with this policy pursuant to 14 Del. Code §4112D and submit a copy of the procedures adopted under this policy to DOE by January 1 of each subsequent year. Access to the policy via the Charter's website will meet criteria as being submitted.

Other Defenses

The physical location or time of access of a technology related incident is not a valid defense in any disciplinary action initiated under this policy provided there is sufficient school nexus. This section does not apply to any person who uses data or computer software 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 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 that 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.

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. The contact information shall also be prominently displayed in each school.

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 parents, students, faculty and staff.

Rules and Regulations

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

Adopted by AOD Board- February 2016