

The MOT Charter School (hereinafter referred to as MOT Charter or school) recognizes that a safe learning environment is necessary for students to learn and achieve high academic standards. MOT Charter strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying, including Cyberbullying

To further these goals and as required by 14 Del. C. 4112D, MOT Charter hereby prohibits the bullying or cyber 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. MOT Charter 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 any building, structure, athletic field, or real property that is owned, operated, leased or rented by MOT Charter including, but not limited to, or any motor vehicle owned, operated, leased, rented or subcontracted by MOT Charter.

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.

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:

- 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; or
- 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.

To constitute bullying the behavior must be severe, persistent, or pervasive. The actions listed below are some examples of intentional actions, which may become bullying depending on their reasonably foreseeable effect. This list should be used by way of example only, and is by no means exhaustive. An act is intentional if it is the person's conscious objective to engage in conduct of that nature.

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

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities

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

Cyber-bullying: 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 or emotional 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. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim. 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.

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.

III. School Climate Committee

MOT Charter shall establish a School Climate Committee to coordinate the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the School Climate 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). These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the Head of School. The committee shall operate on a 1-person, 1-vote principle.

IV. School-wide Bully Prevention Program

- A. MOT Charter's school-wide bully prevention program will strive to meet these goals:
 - a. Educate all stakeholders about bullying;
 - b. Reduce existing, and prevent the development of new bullying concerns;
 - c. Work to foster positive peer relations and strong staff-student connections at school.

- B. The school-wide bully prevention program developed by the School Climate committee shall include the following components:
- a. A requirement that all staff will:
 - Treat others with warmth, positive interest and involvement;
 - Set firm limits for unacceptable behavior;
 - Act positive role models;
 - Solve bullying problems in a consistent manner across all grade levels.
 - b. The posting of principles against bullying in each classroom.
 - c. The requirement that teachers conduct regular, ongoing class meetings, discussions, or role-playing activities as needed to address bullying.
 - d. The involvement of parents in bullying prevention.
 - e. Address the supervision of non-classroom activities.

V. Observations or other Complaints of Bullying

- A. Staff Member Observations
1. Staff members are encouraged to watch for early signs of bullying and intervene.
 2. Staff members are encouraged to be vigilant and look for students who show signs of peer victimization.
- B. 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. Anyone may report bullying. A report may be made to any staff member.
 2. Reports should be made in writing or be documented by the staff member if the child is in grades K-4.
 3. If a child expresses a desire to discuss an 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.
 4. All complaints about bullying shall be documented and 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. The Dean of Students shall be responsible for responding to bullying complaints.

VI. Reporting Requirements

It is the responsibility of each member of the school community: students, 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.

- B. Written Report
1. 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 administration immediately and in writing within 24 hours.
 2. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:
 - a. Persons involved, designating bully, target, and bystanders roles.
 - b. Time and place of the conduct and alleged, number of incidents.
 - c. Potential student or staff witnesses.
 - d. Any actions taken.

VII. Investigative Procedures

All complaints of bullying will be promptly investigated and handled consistent with due process requirements.

1. The Principal or designee shall be responsible for responding to bullying complaints.
2. While all efforts will be made to maintain confidentiality, neither the complainant nor witnesses should ever be promised confidentiality.
3. Student victims may, upon request, have a parent or trusted adult with them during any inquiry or investigatory activities.
4. After receiving notice of suspected bullying, the Principal or the Principal's designee, will review the complaint and will take reasonable steps 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. All alleged and confirmed bullying incidents will be reported to the Department of Education by the principal or her designee within five (5) working days pursuant to Department of Education regulations.
6. Some acts of bullying may also be crimes under the School Crime Reporting Law (14 Del. C. 4112), and as such, will be reported to the police and /or the Department of Education.

VIII. Classroom Supervision

The School Climate 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 building positive collaborations between older and younger students.
3. Consider adult density in hot spots.
4. Determine a way to increase adult competence in recognizing and intervening in bullying situations.
5. Develop a method for reviewing and exchanging information regarding non-classroom areas.
6. Determine and disseminate a consistent graduated method by which all staff will recognize and respond to bullying.
7. Review the policy for hallway supervision before and after school and during the time when students are moving between classes.

IX. 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 and/or uncomfortable, but should not involve revenge or hostile punishment.

- A. Consequences will 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. Disciplinary history and incidences of past or continuing patterns of behavior
 - 6. Relationships between the parties involved

- B. The appropriate range of consequences for bullying follows the school's code of conduct and may include:
 - 1. Time-out
 - 2. Loss of a privilege
 - 3. Lunch and recess detention
 - 4. Written apology
 - 5. Verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
 - 6. Notice to parent—written reprimand
 - 7. Serious talk with school staff member
 - 8. Serious talk with school staff member with parents present
 - 9. Supervised break times
 - 10. Behavioral report cards sent home
 - 11. Creation of a behavior contract
 - 12. In-school suspension
 - 13. Out of school suspension
 - 14. Reassignment of seats in class, lunch or on bus
 - 15. Restriction from certain areas of school
 - 16. Reassignment of classes
 - 17. A referral to an external agency
 - 18. Expulsion
 - 19. Report to Law Enforcement officials
 - 20. Reparation to victim in the form of payment for or repair of damage to possessions out of bullies own money
 - 21. Education about what bullying is and why it is not acceptable
 - 22. Documentation on books or films about bullying
 - 23. Completion of anti-bullying self-study
 - 24. Completion of Letter of acknowledgement of actions to victim (only after reviewed by staff and never in cases of sexual bullying)
 - 25. Completion of psychological, psychiatric or neuropsychiatric assessment or evaluation before returning to school
 - 26. Mandatory counseling
 - 27. Implementation of behavioral management program

X. Training

MOT Charter will provide training to all employees 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.

XI. Notification of Parents

A parent or legal guardian of any target of bullying or person who bullies another will be notified.

XIII. Retaliation

Retaliation following a report of bullying is prohibited. After consideration of the nature, severity, and circumstances of the act, the administrator shall determine the consequences and appropriate remedial action for a person who engages in retaliation.

XIII. 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. Release of information forms must be signed by the parent 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 takes 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 school psychologist 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.

A summary of this evaluation shall be shared at a meeting with an administrator, the student, a parent/guardian, and the school psychologist prior to return to school or the general population.

XV. Implementation

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

XVII. 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.

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

**State of Delaware
Department of Justice
School Crime Ombudsman
1-800-220-5414**

XXI. Social Media and Electronic Mediums

Social media refers to any electronic outlet of communicating with another person. The following social 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, shall include, but is not limited to: Facebook, Twitter, My-space, YouTube, Instagram, Snap Chat, Yik Yak, Secret and Pinterest. This list is not exclusive and any social media outlet or electronic communication, such as email, texting, instant messaging shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of MOT Charter's Bullying Prevention policy. Internet sites such as "blogs" which may be created or used by individuals for the specific purpose of bullying as defined above shall also be treated in the same manner as other publicly accessible internet portals. Students are responsible for the security of their own devices, passwords, and other login information. Students will be held accountable for any bullying speech initiated from their personal accounts or electronic devices.