

## SCHOOL BULLY & CYBERBULLYING PREVENTION POLICY

The Indian River School District (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.

### **Prohibition of Bullying Which Includes Cyberbullying**

To further these goals, and as required by 14 *Del. C.* §4164, the District prohibits the bullying of any person on school property, at school functions, by use of data or computer software accessed through a computer, computer system, computer network or other electronic technology of the District from grades kindergarten through grade twelve. *In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated in the same manner as incidents of bullying.* The District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.

### **Definition of Bullying & Cyberbullying**

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 necessary to facilitate educational performance, opportunities or benefits; or
- D. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, or cause emotional, psychological or physical harm to another student, school volunteer or school employee.

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

1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
2. The place of origin of speech otherwise constituting cyberbullying is not material to

whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

**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 touching 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 not exhaustive. Such 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.

## **School-wide Bully Prevention Program**

The District is committed to support each school in its adoption of a school-wide bully prevention program. This 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 this policy will be distributed annually to all student, parents, faculty and staff. Each school is directed to develop or adopt a school-wide, research-based bully prevention program.

### **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 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 Title 14 of the Delaware Code, that committee shall vote whether to accept the responsibilities of this paragraph (b)(2)d.*

### **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. 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. ***The parent, guardian, or relative caregiver of any student who is a target of bullying or any student who bullies another as defined in this policy shall be notified.***

### **Reporting Procedures**

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

- A. 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.
- B. 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.
- C. 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.

- D. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
- Conduct involved
  - Persons involved, designated bully, target, and bystanders’ roles
  - Time and place of the conduct alleged, number of incidents
  - Names of potential student or staff witnesses
  - Any actions taken in response
- E. Short, easy to use complaint forms can be obtained from the school administration or district office.
- F. An electronic system will be established whereby a person can email anonymous complaints of bullying that only designated persons will have access to.
- G. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
- H. Each principal will designate a person or persons responsible for responding to bullying complaints.
- I. 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.
- J. 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.

### **Investigative Procedures**

- A. Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target’s race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.
- B. A parent of any target of bullying or perpetrator of bullying shall be notified and provided with a form generated by the Department of Justice describing the role of

the Department of Justice 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.

- C. All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or the principal's designee within five (5) working days. The school shall notify a parent of all students involved in the reported incident when the report is made.
- D. Some acts of bullying may also be crimes which must be reported to the police and/or the Department of Education pursuant to the school crime reporting law (14 Del. C. § 4164)

### **Non-Classroom Supervision**

To the extent 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.

### **Consequences for Bullying**

Violations of the provisions of this policy may result in students receiving consequences as outlined in policy JG, "Student Discipline", for suspendable offenses.

### **Retaliation**

Retaliation for reporting bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the school administration after consideration of the nature, severity, and circumstances of the act. The potential consequences for retaliation are as set forth in the preceding section.

### **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:

- A. 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.

- B. 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 the parent's child.
- C. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
- Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
  - 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.
- D. A summary of the evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to the return to school or the general population.

### **Implementation**

The school bullying prevention program must be implemented throughout the year and integrated with school discipline policies and 14 Del. Code §4112.”

### **Accountability**

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

### **Other Defenses**

- A. 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 connection.
- B. 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 district policy and with the approval of the superintendent.

### **Relationship to Other Laws**

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.

Nothing in this policy shall supersede or be construed in such a manner as to conflict with any state or federal laws concerning special education or individuals with disabilities.

### **School Ombudsperson Information**

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

### **Informing Students of Electronic Mediums**

Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. 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: Facebook, X (formerly Twitter), MySpace, YouTube, Snapchat, Instagram, Pinterest, Secret, YikYak, TikTok, BeReal, WhatsApp, Twitch, Discord or similar type of communication social media and/or gaming applications and/or websites. This list is NOT considered exclusive and any game platform, social media outlet and/or electronic communication, such as email, texting, and/or instant messaging, which allows for communications that may be viewed by the intended victim shall be considered as an electronic medium for the purposes of enforcing the electronic bullying aspects of the IRSD Bully Prevention policy. Internet sites such “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.

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