Capital School District
Board of Education Policy

Section: Student
Title: Bullying Prevention Policy
Policy #: 700-31
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Purpose

The Capital School District (hereinafter referred to as "The District") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. Capital School District strives to provide safe learning environments for all students and all employees.

I. Prohibition of Bullying Which Includes Cyberbullying

To further these goals and as required by 14 Del. C. 4112D, the Capital School District hereby *prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying. The Capital School District further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.*

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

"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 & Cyberbullying

A. *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. *Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or*
   2. *Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or*

3. *Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or*
4. *Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.*

B. *As 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 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.*
    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.
Cyberbullying: 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 Capital School District policies or building, classroom or program rules.

III. School-wide Bully Prevention Program

The Capital School 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 members 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 Capital School 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 14 Del. C. 4123A), as needed.
4. Create and maintain a training log (either paper or electronic) to keep a record of the school staff members 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. A*ny 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 principal or designated person 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 school administration or Capital School 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 and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.*

1. All complaints must be appropriately investigated and handled consistent with due process requirements.

2. Each principal may designate a person or persons to be responsible for responding to bullying complaints.

3. Neither complainant nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. However, efforts should be made to increase the confidence and trust of the person making the complaint. Whenever practical, the investigating person will make efforts to document the bullying from several sources. 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 principal or designated person has confirmed that a person has been the victim of bullying, the principal or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The principal or designated person 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 principal or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The bully will be informed that graduating consequences will occur if the bullying continues.

7. The principal or designated person will keep a written record of the bullying incident, and any disciplinary actions taken. The principal or designated person 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 reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulations.*

C. The school administration should be aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

VII. Non-Classroom Supervision

To the extent that funding is available, each school must develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

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 members 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 (required by law)
      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 to, 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 Capital School 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 students considering their age, sex, and maturity level.

D. The Capital School 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 Capital School 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 training materials provided by the Capital School District in lieu of attendance, with written proof in the form of signing in an out of the live session, or signing the film in and out, and providing adequate written answers to questions about the training materials.

X. Reporting Procedures

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

1. If a child complains of bullying while it is happening, the staff member will respond quickly and 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 school administration or Capital School District office.
6. An electronic system will be established whereby a person 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 Parent, Guardian or Relative Caregiver

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

XIII. Retaliation

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

XIV. Procedure to Communicate with Medical and Mental Health Professionals.

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

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPAA and FERPA guidelines.
2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to their child.
3. After confirmation that a child has been involved in a bullying incident, if the principal or designated person recommends a mental health evaluation be completed, the school may:
    a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
    b. Require that student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
4. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designated person prior to return to school or the general population.

B. Emergency evaluations can be obtained through Child Priority Response 24 hour services (800)-969-HELP (4357), Dover Behavioral Health (302)-741-0140, Kent General Hospital (302)-674-4700 the Rockford Center (866)-847-4357, Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24 hour hot line (302)-633-5128. Non-emergency services can be obtained through Children and Families First (302)-674-8384 or (800)-734-2388, Catholic Charities, (302)-674-1600 and Delaware Guidance (302)-678-3020 in Kent County or by contacting a medical insurance company for recommended providers in the area. Note: Mention of the aforementioned agencies does not

constitute endorsement of said agencies, their services or service providers. A listing of all local agencies can be obtained via the Delaware Hotline by dialing 211.

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 Capital School District Board in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1, of each school year. Each school shall verify for the Capital School District Board 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 Capital School District may opt to 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. 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.

XXII. 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. From implementation of this policy through the end of 2013-14 school year, postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall, at minimum, be included in each district's and charter's school list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.

XXIII. Policy Notification

The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.

XXIV. 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.

Exhibit A

A list of recommended supplemental materials and resources

http://www.stopbullying.gov/	U.S. Government
http://www.apa.org/topics/bullying/	American Psychological Association