

FFA BULLY PREVENTION & CYBERBULLYING POLICY

I. PROHIBITION OF BULLYING WHICH INCLUDES CYBERBULLYING

To further these goals, and as required by 14 Del. C. § 4112D, Family Foundations Academy “FFA” 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. FFA further prohibits reprisal, retaliation or false accusation against a target, witness or person with reliable information about an act of bullying. As used herein, the term “school functions” includes field trips or any officially sponsored school event.

“School property” as used herein 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. THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS POLICY:

A. “Bully” or “Bullying” as used in herein shall mean 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.

An act is intentional if it is the person’s conscious objective to engage in conduct of that nature.

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:

Denigration: spreading information or pictures to embarrass, Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,

Exclusion: isolating an individual from his or her peer group, Impersonation: Using someone else's screen name and pretending to be them

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/charter school policies or building, classroom or program rules.

III. SCHOOL-WIDE BULLY PREVENTION PROGRAM

FFA shall develop or adopt a school-wide bully prevention program that is research-based. The goals of the school-wide program will be to reduce any existing bullying problems among students, to prevent development of new bullying problems, and to achieve better peer relations and staff-student connections at school. The Principal or Designee will establish a Coordinating Committee, as described in Section IV of this Policy, responsible for coordinating the school's bully prevention program. In addition, FFA's supervisory system in non-classroom areas will be reviewed as set forth in Section IV of this Policy.

IV. COORDINATING COMMITTEE

The Principal or Designee shall establish a site-based committee (hereinafter, "the 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 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 or Designee. 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.

Each Committee established pursuant to this Policy shall:

1. Hold regular meetings.
2. Select a coordinator of the School-Wide Bully Prevention 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 who have been trained, and what training they have received.
5. Review the school's supervisory system for non-classroom areas and make recommendations for modifications, if necessary, to the school's Principal/Designee.
6. Plan a school kick-off event.
7. Establish subcommittees, as needed.
8. Decide upon and implement methods of notification to students, parents and the community concerning the School-Wide Bully Prevention Program.

The foregoing is not an exclusive list.

V. REPORTING BULLYING INCIDENTS

It is the responsibility of each member of the school community: students, staff members, 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 staff member 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. The staff member must follow up any initial verbal report of a suspected bullying incident with a written report within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:

1. Persons involved, designating bully, target, and bystanders roles.
2. Time and place of the conduct and alleged number of incidents.
3. Potential student or staff witnesses.
4. Any actions taken.

B. Any student, parent, or other member of the school community who suspects that a bullying incident(s) has occurred, or is, occurring, should immediately report the same to a school staff member or administrator.

VI. INVESTIGATIVE PROCEDURES

A. FFA is required to have a procedure for the administration to promptly investigate all complaints/reports of bullying 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. Each principal may designate a person or persons to be responsible for responding to bullying complaints. Each confirmed incident of bullying 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 Designee within five (5) working days pursuant to Department of Education regulations.

C. 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. CONSEQUENCES FOR BULLYING

The disciplinary consequences for students involved in bullying incidents are set forth in the Student Code of Conduct and are expressly incorporated by reference into this Policy.

VIII. STAFF MEMBER TRAINING

FFA 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 to all staff members. 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).

- IX. **DISCIPLINARY ACTION BASED ON ANONYMOUS REPORTS**
Formal disciplinary action solely based solely on anonymous reports is not permitted.
- X. **NOTIFICATION OF PARENTS**
The Principal or Designee shall notify the parent, guardian or relative caregiver pursuant to 14 *Del. C.* 202(f), or legal guardian, of any target of bullying or person who bullies.
- XI. **IMPLEMENTATION BULLYING PREVENTION PROGRAM**
The school bullying prevention program must be implemented throughout the year, and integrated with the school's discipline policies and 14 *Del. C.* § 4112.
- XII. **ACCOUNTABILITY**
The Dean of Students for both the elementary and middle school buildings shall notify FFA's leadership 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. The Dean of Students for both the elementary and middle school buildings shall verify for FFA's leadership the method and date that this policy has been distributed, to all students, parents, faculty, and staff.
- XIII. **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.
- XIV. **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 District initiated under this policy provided there is sufficient school nexus.

B. This policy 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 District policy.
- XV. **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.
- XVI. **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.
- XVII. **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.
- XVIII. **PROCEDURE FOR COMMUNICATING WITH MEDICAL AND MENTAL HEALTH PROFESSIONALS**
District staff will follow the same procedures for communicating with medical and mental health professionals involved in treating students for bullying issues as are utilized for all other

communications with medical and mental health professionals concerning students. Release of information forms must be signed by the parent, guardian or relative caregivers 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. 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. After confirmation that a child has been involved in a bullying incident, if the principal or 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.
- c. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and school principal or designee prior to return to school or the general population.

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 Prevention and Behavioral Health Services, 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 a medical insurance company for recommended providers in the area.

XVIX. LIMITATION/EXCLUSION

Nothing in this policy is intended to prohibit the 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.

XX. SCHOOL OMBUDSPERSON INFORMATION: ATTORNEY GENERAL'S OFFICE'S BULLYING HOTLINE (1-800-220-5414)

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.

XXI. 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.

XXII. 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.