

<b>LAKE FOREST BOARD OF EDUCATION</b>	<b>Last Reviewed: June 13, 2013</b>
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## **BULLY AND CYBER BULLY PREVENTION POLICY**

The Lake Forest School District (hereinafter referred to as “The District”) recognizes that safe learning environments are necessary for students to learn and achieve high academic success. 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. 4112D, the District hereby prohibits the bullying of any person on school property or at school functions or on the school bus or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of the District from grades preschool 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 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 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

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 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.

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- A. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
- B. 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.

### **School-Wide Bully Prevention Program**

The 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 will strive to:

- A. Reduce existing bullying problems among students
- B. Prevent development of new bullying problems
- C. Achieve better peer relations and staff-student connections at school

### **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 afterschool 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.

### **Reporting Requirements**

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.

### **Investigative Procedures**

Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted 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,

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or national origin. This does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.

### **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.

### **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.
    - k. Reassignment of seats in class, lunch or on bus.
    - l. Forbidden to enter certain areas of school.

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- 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, 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 (only after conferring with the school psychologist).
  - 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 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 your students considering their age, sex, and maturity level.
- D. The 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.

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9. Provide the victim with information for mental health or medical treatment needs.

### **Training**

The District will provide a combined training each year totaling at least (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 in 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).

### **Reporting Procedures**

- A. The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) of this Title or legal guardian to provide information on bullying activity will be as follows:
  1. If a child complains of bullying while it is happening, and the situation appears to that staff member to involve active bullying or real fighting, the staff member will respond quickly and firmly to intervene, if safety permits.
  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 district office.

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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.

- B. All substantiated instances of bullying must be reported to the Department of Education within five (5) working days.

#### **Anonymous Reports**

Formal disciplinary action solely based on an anonymous report is not permitted. Independent verification of the anonymous report is necessary in order for any disciplinary action to be applied.

#### **Notification of Parents, 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.

#### **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.

#### **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

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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 may recommend a mental health evaluation be completed, the school may at that time:
  - 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 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.

### **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.

### **Accountability**

Each school shall notify the district 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 district the method and date that the policy has been distributed, to all students, parents, faculty, and staff.

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### **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. This could be cyberbullying or regular bullying. You may address if it happened off campus and there is a connection to school. Any type of off-campus bullying which causes a significant disruption to the educational process in the Lake Forest School District may be cause for disciplinary action per the District's student and staff Codes of Conduct.
- 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.

### **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.

### **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 Medium**

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 the 2013-2014 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.



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**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.

**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.