

APPENDIX B

Bullying Prevention Policy

EastSide Charter School recognizes that a safe learning environment is necessary for students to learn and achieve high academic standards. EastSide Charter School strives to provide a safe learning environment for all students and employees.

I. Prohibition of Bullying

To further these goals and as required by 14 Del. C. § 4112D, EastSide Charter School hereby prohibits the bullying of any person on school property, 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. EastSide Charter School further prohibits reprisal, retaliation, or false accusations against a target, witness, or one with reliable information about an act of bullying.

- A. "School function" includes any field trip or any officially sponsored public or charter school event in the State.
- B. "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

As used in this policy, bullying means any intentional written, electronic, verbal, or physical act 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 the 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.

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 be bullying, depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying 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:

- A. Denigration: spreading information or pictures to embarrass.
- B. Flaming: heated argument online that includes making rude, insulting, or vulgar remarks.
- C. Exclusion: isolating an individual from his or her peer group.
- D. Impersonation: Using someone else's screen name and pretending to be that person.
- E. 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 the target's sexuality or sexual activities.

This list is used for 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 nonetheless may be prohibited by other school policies and classroom or program rules.

III. School-wide Bullying Prevention Program

EastSide Charter School is committed to supporting a school-wide bullying prevention program.

- A. EastSide Charter 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. The school-wide program will consist of the following components:
 - 1. All school staff will to strive to:

- a) Treat others with warmth, positive interest and involvement.
 - b) Set firm limits for unacceptable behavior.
 - c) Apply nonphysical, non-hostile negative consequences when rules are broken.
 - d) Act as authorities and positive role models.
 - e) Work to solve bullying problems in a consistent manner across all grade levels and all school locations.
2. A Climate Team will be created.
 3. The school's supervisory system in non-classroom areas will be reviewed.
 4. The following principles will apply to everyone on school property or at a school function:
 - a) I will not bully others.
 - b) I will try to help anyone that I suspect is being bullied.
 - c) I will try to include students who are left out.
 - d) If someone is being bullied, I will tell an adult.
 - e) The school-wide program 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 Climate Team.
 5. Possible classroom level components, if recommended by the Climate Team include:
 - a) Posting and enforcing principles against bullying in the classroom, and daily morning meetings
 - b) Regular, ongoing class meetings, discussions, or role playing activities.
 - c) Involving parents in bullying prevention.
 - d) Finding creative ways to incorporate anti-bullying concepts in to the regular curriculum.
 6. Individual Level Components include:
 - a) Supervising students' activities.
 - b) Ensuring that all staff intervene appropriately on the spot when suspected bullying occurs.
 - c) Discussing bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.
 - d) Developing Behavioral Intervention Plans for involved students, with a graduated response.
 - e) Address bystander involvement.
 7. Possible Community Level Components, if recommended by the Climate Team,

include:

- a) Developing partnerships with community members to support the school's program.
- b) Helping spread anti-bullying messages in the community.
- c) Involving community members in the Bullying Prevention Program.

IV. Investigative Procedures

A. *The school will utilize the following procedure for promptly investigating and determining whether bullying has occurred.*

1. All complaints must be appropriately investigated and handled consistently with due process requirements.
2. Neither a 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.
3. 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.
4. Once the administrator has confirmed that a person has been the victim of bullying, the administrator will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The administrator will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.
5. After identifying those who committed the act or acts of bullying, the administrator will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein. The person who engaged in bullying will be informed that escalating consequences will occur if the bullying continues.
6. The administrator will keep a written record of the bullying incident, and any disciplinary actions taken. The administrator 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 or prosecution relating to the incident is ongoing.

7. 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.
 8. Each confirmed incident must be recorded in the School Register of Bullying Incidents.
- B. *All confirmed bullying incidents must be reported to the Department of Education by the principal or his designee within five (5) working days pursuant to Department of Education regulation.*
- C. The administrator 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.

V. Consequences for Bullying

Consequences for bullying will be immediately and consistently applied and must be delivered in a non-hostile manner. Consequences will be consistent with the SOAR program.

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 physical development and maturity levels of the parties involved).
4. Circumstances surrounding, and context in which, the incidents occurred.
5. Prior disciplinary history and/or continuing patterns of behavior.
6. Relationships between the parties involved (including any imbalance of power between the perpetrator and victim).
7. Staff 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.
 - 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. Reassignment of seats in class, lunch, or on bus.
 - k. Prohibition from entering certain areas of the school.
 - l. Reassignment of classes.
 - m. A referral to an external agency
 - n. Reassignment to another school or another mode of transportation.
 - o. Expulsion.
 - p. Report to Law Enforcement officials
3. In addition, but never as replacement for disciplinary action, reformatory activities should be required, which may include:
- a. Reparation to victim in the form of payment for or repair of damage to possessions out of own money.
 - b. Cooperation with the assessment of problems.
 - c. Education about what bullying is and why it is not acceptable.
 - d. Written reports on books or films about bullying.
 - e. Completion of bullying-related workbooks.
 - f. Completion of a Letter of Acknowledgement of actions to the 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 school or by referral to an outside agency, including individual or family counseling).
 - 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 the person who engaged in bullying can return to school.
 - k. Completion of community service.
- C. EastSide Charter School 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. EastSide Charter School 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 the victim.

2. Discuss with the 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 available 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.

VI. Reporting Procedures

- A. The procedure for providing information on bullying activity to a student, parent, guardian, or relative caregiver pursuant to § 202(f) of Title 14 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 incident 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. If recommended by the Climate Team, 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 will 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 the following information:
 - 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 Principal or main office.
 6. Anyone may report bullying. A report may be made to any staff member. Reports should be made in writing.
 7. 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 permissible) and will

be given an opportunity to inform the designated person whether or not the outcome was satisfactory. Easy to use follow-up forms will be made available.

VII. Anonymous Reports

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

VIII. Notification to Parents

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

IX. 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 Principal, after consideration of the nature, severity, and circumstances of the act.

X. 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 regard to 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) to permit the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both to the school and the physician's or mental health professional's office before communication may take place, as required by HIPPA and FERPA guidelines.
2. If a parent refuses to sign a release form at school, the school will review this policy with them and explain 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 designee recommends a mental health evaluation be completed, the School may:
 - a. Require that return to school will be contingent upon a clinical evaluation that includes recommendations and a treatment plan, if deemed appropriate by the clinician.
 - b. Require that the student remain in in-school suspension and that return to his/her regular class schedule will be contingent upon a clinical evaluation that includes recommendations and a treatment plan, if deemed appropriate by the clinician.
4. Summary of this evaluation shall be shared at a meeting with student,

parent/guardian, and school administrator(s) or designee prior to the student's 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 Child Mental Health, State of Delaware 24-hour hot line (302)633-5128. Non-emergency 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 having a parent contact their medical insurance for recommended providers in their area.

XI. Implementation

The school bullying prevention program must be implemented throughout the year and integrated with the school's discipline policies and the requirements of 14 Del. C. § 4112.

XII. Accountability

Each school shall notify in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by December 1 of each school year. EastSide Charter School shall verify the method and date that the policy has been distributed, to all students, parents, faculty and staff.

XIII. Awards

Each year, each school district or Charter School shall submit to the Delaware Department of Education a nomination for 1 exemplary school and the reasons why they believe the school should receive an award for its Bullying Prevention Program, with supporting documentation.

XIV. 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 to the appropriate person(s) using the procedures specified in the schools' bullying prevention policy, but there shall be no such immunity if the act of reporting constitutes gross negligence and/or reckless, willful, or intentional conduct.

XV. Other Defenses

- A. The physical location or time of access of a technology-related bullying 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 nexus to the school.
- 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.

XVI. 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 section 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function that 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.

XVII. 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.