First State Montessori Academy

Deep Roots, New Branches

Bully Prevention & Cyberbullying Policy

First State Montessori Academy recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The school strives to provide safe learning environments for all students and all employees.

Definition of Bullying & Cyberbullying

As defined 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:

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

1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school or district materials.

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. An individual or a group may perpetuate bullying. 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 that 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.

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. Cyberbullying 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 policies or building, classroom or program rules.

When considering bullying, here is some information to consider:

- Is there repeated incident/behavior?
- Is there aggressive or intentional behavior?
- Is there an imbalance of power or strength?

In addition, the following chart may provide some additional information about how to

report/label an incident. **Please note that regardless of what category a behavior or situation may fall in, our Family Handbook will be followed to determine next steps/consequences.**

CONFLICT	RUDE/MEAN	HARASSMENT	BULLYING
Occasional	Occasional	Once or twice/ sometimes repeated	Is repeated
Not planned; in the heat of the moment	Spontaneous; unintentional	Intentional and targetted	Is planned and done on purpose
All parties are upset	Can cause hurt feelings; upset	The target is upset (sometimes deeply upset)	The target of the bullying is upset (substantial harm to their well-being)
All parties want to work things out	Based in thoughtlessness, poor manners, anger or narcissism		The bully is trying to gain control over the target
All parties will accept responsibility	Rude/mean person accepts responsibility	Behavior often regretted	The bully blames the target
Can be resolved with effort and/or mediation		Needs to be addressed and should NOT be ignored	Cannot be resolved through mediation

Reporting Bullying:

It is the responsibility of each member of the school community: students, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously. Any school employee with reliable information that would lead a reasonable person to suspect a person is a target of bullying shall immediately report it to the administration.

Students and Parents should contact the school principal at any time to report incidents by following the Reporting Procedures outlined in this document. **Reporting bullying can be done through a detailed email or by submitting the "Bullying Reporting Form"** found on our website or can be sent by request.

Additional Information about Reporting:

- 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.

- 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.
- Every identified complainant who files a written complaint with a staff member will receive an 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.

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 - 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 within 24 hours of a reported or investigated incident.

Retaliation - Retaliation for reporting bullying is prohibited. The administrator shall determine the consequences and appropriate action for a person who engages in retaliation after consideration of the nature, severity, and circumstances of the act.

Investigative Procedures

First State Montessori Academy will adhere to the following procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred:

General Information:

- All complaints must be appropriately investigated and handled consistent with due process requirements.
- The Head of School will designate a person or persons to be responsible for responding to bullying complaints.
- 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.

Specific Procedures:

1. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, an administrator 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.

2. Once the administrator has confirmed that a person may have been the victim of bullying, the 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. When possible, the administrator will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.

3. 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 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 into or prosecution relating to the incident is ongoing.

4. 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.

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.

- Consequences should take into account:
    - Nature and severity of the behaviors
    - Degrees of harm
    - Student's age, size and personality (including development and maturity levels of the parties involved)
    - Surrounding circumstances and context in which the incidents occurred
    - Prior disciplinary history and incidences of past or continuing patterns of behavior
    - Relationships between the parties involved (including any imbalance of power between the perpetrator and victim)
    - Ease of use for staff (within available resources and time constraints)
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- *The appropriate range of consequences for bullying is as follows*:
    - Removal of positive reinforcers:
        - Time-out.

        - Loss of a privilege.
    - Use of negative or unpleasant stimuli:
        - Rebuke or verbal reprimand clearly specifying what is not acceptable and consequences if repeated.
        - Notice to parent.
        - Serious talk with school staff member.
        - Serious talk with school staff member with parents present.
        - Supervised break times.
        - Behavioral report cards sent home.
        - Creation of a behavior contract.
        - In-school suspension.
        - Detention.
        - Reassignment of seats in class, lunch or on bus.
        - Forbidden to enter certain areas of school.
        - Reassignment of classes.
        - A referral to an external agency
        - Reassignment to another school, or another mode of transportation.
        - Expulsion.

All reported incidents of bullying, regardless of whether the school could substantiate the incident, must be reported to the Department of Education by the Head of School or designee within 5 working days pursuant to Department of Education regulations.

Important to Note: 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.

Additional Information about Bullying

Prohibition of Bullying Which Includes Cyberbullying

To further these goals and as required by 14 Del. C. 4112D, the school 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. Each school district and charter school shall treat incidents of cyberbullying in the same manner as incidents of bullying.

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

"School property" means any building, structure, or real property that is owned, operated, leased or rented by the school including, but not limited to, any school, or any motor vehicle owned, operated, leased, rented or subcontracted by the school.

School-wide Bully Prevention Program

First State Montessori Academy is committed adopt a school-wide bully prevention program that prohibits harassment and bullying on the basis of sex, race, color, national origin, or disability. The school bullying prevention program must be implemented throughout the year.

First State Montessori Academy will strive to meet these goals:

- Reduce existing bullying problems among students
- Prevent development of new bullying problems
- Achieve better peer relations and staff-student connections at school
- Provide a safe and supportive school environment for all students

In order to be a school-wide program, the program must contain:

- School-level components:
    - All school staff will to strive to:
        - Treat others with warmth, positive interest and involvement
        - Set firm limits for unacceptable behavior

        - Apply nonphysical, non-hostile negative consequences when rules are broken.
        - Act as authorities and positive role models
        - Solve bullying problems in a consistent manner across all
        - Grade levels and all school locations.
    - The school's supervisory system in non-classroom areas will be reviewed regularly as set forth below.
    - 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.
- Classroom level components:
    - Post and enforce principles against bullying
    - Regular, ongoing class meetings, discussions, or role playing activities
    - Find creative ways to incorporate issues involving bullying into the regular curriculum.
- Individual Level Components:
    - Supervise students' activities
    - Ensure that all staff intervene appropriately on the spot when suspected bullying occurs
    - Discuss bullying behavior with students who bully and separately with targets of bullying, and with their parents.
    - Develop Behavioral Intervention Plans for involved students, with a graduated response.
    - Address bystander involvement.
- Community Level Components:
    - Develop partnerships with community members and organizations to support our school's program
    - Help spread anti-bullying message in the community

Non-Classroom Supervision

FSMA will review and refine the supervisory system specifically to make bullying less likely to happen using the following techniques:

- Determine the "hot spots" for bullying in the building, and why those hot spots exist.
- Consider ways of either keeping certain groups apart during transition, or building positive collaborations between older and younger students.
- Consider adult density in hot spots, if necessary.
- 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.
- Determine and disseminate a consistent graduated method by which all staff will recognize and respond to bullying.

- Develop and provide a method for communication of staff so that staff who observe bullying can intervene and notify other staff involved in supervising the same students during the day.
- Develop a consistent and user-friendly school-wide method of logging bullying incidents or observations about students at risk for bullying or being bullied.
- Develop or review the policy for hallway supervision before and after school and during the time when students are moving between classes

Training

First State Montessori Academy 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 Department of Justice and the Department of Education shall prepare the training materials 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).

Procedure to Communicate with Medical and Mental Health Professionals

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

- 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 HIPPA 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 the parent's child.
- After confirmation that a child has been involved in a bullying incident, if the administrator or designee recommends a mental health evaluation be completed, the school may:
    - Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.
    - Require that the student remain in in-school suspension and that return to regular class schedule will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.

- A summary of the evaluation shall be shared at a meeting with student, parent/guardian, and school administrator or designee prior to return to school or the general population.

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

Other Defenses
The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action initiated under this policy provided there is sufficient school nexus. This section does not apply to any person who uses data or computer software accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district policy and with the approval of the Director.

.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 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.

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. The contact information shall also be prominently displayed in each school.

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.