

## Delaware's Bully Prevention Law

14 Delaware Code 4112(D)

Effective: January 2008

This law does **NOT** make bullying a crime. The law does the following:

**A. Defines Bullying** (*Minimal Definition set forth in Statute*)

- *Intentional*
- *Physical, verbal, written or electronic*
- *Towards student, school employee or school volunteer*
- *Reasonable person will know actions have effects of:*
  - 1) Causing reasonable fear of substantial harm to one's physical emotional well-being or damage to property
  - 2) Pervasiveness/persistent actions or power differential which creates a hostile educational environment
  - 3) Interfering with safe environment for student
  - 4) Coercing others to cause above harms

**B. Prohibits Bullying**

- 1) Schools shall **forbid bullying** and **forbid retaliation** against those who report bullying.
- 2) The Law Requires each District and Charter School to have a Policy which:
  - A/B) School must define and have written statement prohibiting bullying
  - C) Requires each school to adopt a **school-wide bully prevention program**
  - D) Requires the creation of a **Coordinating Committee** (if *site-based school discipline committee exists they shall vote whether they will act as this committee*). Committee must include:
    - *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)*
  - E) Sets Forth **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.*
  - F) **Sets forth Investigative Procedure**: *Each school is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred.*

- G) Requires that School's **Supervisory System in Non-classroom** areas will be reviewed: *The plan shall provide for the review and exchange of information regarding non-classroom areas.*
- H) Sets forth an Appropriate **Range of Consequences** for Bullying
- I) Sets forth **Procedures for student** or caregiver to **provide information** on bullying activity. *Formal disciplinary action solely based on an anonymous report is not permitted.*
- J) Requires **Notification of Caregiver** of bullies and targets
- K) Requires **Report to DE DOE** *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 regulations.* DOE creates annual summary report.
- L) Requires statement prohibiting retaliation for reporting bullying
- M) Sets forth **Procedures for Communication** between school staff members and **Medical Professionals**
- N) Implement **All Year**

**C. Accountability**

- Copy of Policy to DOE each year
- Policy in school handbook or distributed annually (Annually by January 1)
- DOE summary report each year

**D. DOE Duties**

- Model policy on website  
[http://www.doe.k12.de.us/infosuites/students\\_family/climate/files/Bully%20Prevention%20Policy%20Template.pdf](http://www.doe.k12.de.us/infosuites/students_family/climate/files/Bully%20Prevention%20Policy%20Template.pdf)
- Distribute funding as appropriate
- Awards system for exemplary program (Dependent upon funding)
- Promulgate regulations as needed

**E. Immunity**

- Individuals are immune from a cause of action for reporting bullying unless willfully negligent in doing so.

**ALSO**

Physical location or time of access of technology related bullying incident is not a valid defense in any disciplinary action.

**Requires Participation in Training.** T 14 DE Code §4123A - *The 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.***