



FREIRE

CHARTER WILMINGTON

POLICY NUMBER	204
TITLE	Anti-Bullying Policy
ADOPTED	8/18/2015
Amended	9/22/2022, 4/17/2025

PURPOSE AND DECLARATION OF POLICY

The Freire Charter School Wilmington (the “Charter School”) stands firmly against Bullying and Cyberbullying. Bullying and Cyberbullying are contrary to the mission and vision of the Charter School, negatively affect the Charter School’s culture and environment, can be damaging to the Charter School community at-large and are therefore strictly prohibited.

Bullying and Cyberbullying are prohibited by the Charter School’s Code of Conduct. Allegations of student conduct which may constitute Bullying or Cyberbullying shall be investigated promptly in the same manner as other Charter School student disciplinary investigations and corrective action shall be taken when allegations are substantiated, consistent with the Charter School’s Code of Conduct. In addition, a determination of whether the alleged target of the Bullying or Cyberbullying was 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 will be made.

Implementation of this Policy shall comply with all rules and regulations the Delaware Department of Education (the “Department”) may promulgate to implement 14 *Del. C.* §4112D.

DEFINITIONS

Artificial intelligence-generated or modified media means text, code, images, audio or video data that has been created or modified from its original source data through the use of artificial intelligence technology, programs or platforms.

Bullying means any intentional written, electronic, verbal, or physical act against another Charter School student, Charter School volunteer, or a Charter School employee that a reasonable person under the circumstances should know will have any of the following effects:

1. Placing a Charter School student, employee, or volunteer in reasonable fear of substantial harm to his/her emotional or physical well-being or substantial damage to his/her property;
2. Creating a hostile, threatening, humiliating, or abusive environment due to the pervasiveness or persistence of actions or due to a real or perceived power differential between the bully and the target;
3. Interfering with a Charter School student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or
4. Perpetuating Bullying or inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional psychological or physical harm to another Charter School student, school employee, or school volunteer. (14 Del. C. §4161)

Cyberbullying is defined as the use of uninvited and unwelcome electronic communication and/or artificial intelligence-generated or modified media directed at an identifiable Charter School student or group of Charter School students, through means other than face-to-face interaction, which:

1. Interferes with a Charter School student's physical well-being;
2. Is threatening or intimidating; or
3. Is so severe, persistent, or pervasive that it is reasonably likely to limit a Charter School student's ability to participate in or benefit from the educational programs of the Charter School.

Electronic communication is considered to be directed at an identifiable Charter School student or group if it is sent directly to them or posted in a medium that the sender knows is likely to be accessible to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. Examples of such mediums include:

- Social media sites including but not limited to: Facebook, Twitter/X, YouTube, Snapchat, Instagram, Yik Yak and similar types of applications. This list is NOT considered exclusive.
- Electronic communication, such as email, texting, or instant messaging, which allows for communications that may be viewed by the intended victim.
- Internet sites that may be created or used by individuals for the specific purpose of Cyberbullying.

The place of origin of the electronic communication and whether or not the Charter School's equipment is used to communicate electronically are irrelevant; off-campus electronic communication shall be deemed Cyberbullying if it meets the criteria above per 14 Del. C §624.

DELEGATION OF RESPONSIBILITY

The Head of School or designee shall be responsible for:

1. Addressing allegations of Bullying or Cyberbullying pursuant to the Charter School's Code of Conduct and other Board policies, as may be applicable;
2. Developing, procuring, and/or implementing Bullying and Cyberbullying prevention and intervention programs and activities, including training for Charter School employees and students for effectively responding to, intervening in, and reporting incidents of Bullying and Cyberbullying (including all training required by 14 Del. C. § 4161, *et seq.*);

3. Submitting this Policy to the Department by January 1 of each year (“submission” occurs when the Charter School provides access to this Policy via the Charter School’s website);
4. Ensuring that this policy is made available on the Charter School’s public website, at a prominent location within the Charter School building(s), and in [student and employee handbooks]; and
5. Providing this Policy and any other information as required by law to relevant governmental agencies.

Reporting and Investigation Procedures

Charter School students, parents, and community members are encouraged to report any incidents of Bullying or Cyberbullying promptly to a designated staff member, teacher, counselor, or administrator. Reporting can be done through designated reporting mechanisms such as online by submitting the **Freire Schools Harassment Complaint Form** or in person by confidential conversations with trusted staff members. Reports will be taken seriously and investigated promptly.

All Charter School employees that have reliable information that would lead a reasonable person to suspect any person is the target of Bullying or Cyberbullying must immediately report to the Head of School. Failure to report known or suspected instances of Bullying or Cyberbullying may subject employees to discipline. Once the Head of School receives a report of Bullying or Cyberbullying, the Head of School will initiate Code of Conduct investigation procedures.

This Policy applies to any act that would constitute Bullying or Cyberbullying under this Policy regardless of whether the act occurs on or off Charter School property.

In the course of an investigation pursuant to this Policy, if potential incidents of Harassment (as defined in Policy #116) are identified, the Title IX Coordinator shall be notified immediately. Any complaints or allegations made under this Policy which could be construed as complaints of Sexual Harassment shall be handled in accordance with the applicable Board policy.

Allegations made under this Policy that would require disclosure to local law enforcement authorities shall be duly reported by the Head of School or their designee.

Consequences

Where a Charter School student is found to have engaged in act(s) violating this Policy, the Head of School or their designee may prescribe that the Charter School student attend training, counseling, or other remedial programs. Disciplinary consequences for Bullying or Cyberbullying will be based on the totality of the circumstances, such as the seriousness or severity of the behavior, and may include suspension, expulsion, and/or referral to law enforcement, loss of privileges (e.g., attendance at graduation or other Charter School -sanctioned events) or withholding diplomas, and/or transcripts, pending the Charter School student’s compliance with Charter School rules or satisfactory completion of any remedial program. To the extent Bullying or Cyberbullying would constitute an act of violence in violation of the Charter School’s Nonviolence and Commitment to Peace Policy (Policy # 203), the disciplinary consequences set forth therein shall apply. Formal disciplinary action may not be based solely on an anonymous report of Bullying or Cyberbullying.

Support for Victims

The Head of School or their designee may offer measures to any individual(s) named or related to allegations of Bullying or Cyberbullying to protect the individual(s) from further Bullying or Cyberbullying. Victims of Bullying or Cyberbullying will be offered a referral to the Emotional Supports team for resources and support to address their emotional and psychological well being.

Site-Based Committee

In accordance with *14 Del.C. §4164*, the Charter School shall establish a committee based at the Charter School campus that is responsible for coordinating the Charter School's Bullying or Cyberbullying prevention program (which shall be implemented throughout the school year and integrated with applicable Charter School disciplinary policies) including the design, approval, and monitoring of the program. Further, to the extent funding is available, the committee shall develop a plan for a system of supervision in non-classroom areas. The plan must provide for the review and exchange of information regarding non-classroom areas. A majority of the members of the committee shall be members of the Charter School staff, of which a majority shall be educators. The committee also shall contain representatives of the administrative staff, support staff, Charter School student body, parents and staff from the Charter School's before- or after-school program or programs. These representatives shall be chosen by members of each respective group except that representatives of the nonemployee groups shall be appointed by the Head of School. The committee shall operate on a 1-person, 1-vote principle.

Notification Requirements

A parent of any target of Bullying/Cyberbullying or perpetrator of Bullying/Cyberbullying must be notified and provided with a form to be generated by the Delaware Department of Justice describing the role of the Department of Justice School Ombudsman, who can be contacted here:

State of Delaware - Department of Justice
School Criminal Offense and Bullying Ombudsperson
1-800-220-5414

All reported incidents of Bullying/Cyberbullying, regardless of whether the Charter School could substantiate the incident, must be reported to the Department within 5 working days. The Charter School shall notify the parent of their Charter School student who is involved in the reported incident when the report to the Department is made.

Communication with Medical Professionals

For a Charter School student who has not reached the age of eighteen (18), release of Information forms shall be signed by the Charter School student's parent, guardian, or relative caregiver in order for a primary care physician or healthcare professional to communicate with Charter School personnel regarding any treatment of a Charter School student. Notwithstanding the foregoing, communications between healthcare professionals and Charter School staff regarding any treatment of a Charter School student may occur for any Charter School student fourteen (14) years or older who has provided consent for voluntary outpatient treatment in accordance with *16 Del. C. § 5003*. Charter School students age eighteen (18) or older may sign releases for their own medical information. In accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Family Educational Rights and Privacy Act ("FERPA") guidelines, releases shall be signed before communication may take place. Communications without signed releases in emergency situations may occur in accordance with HIPAA and FERPA regulations and guidelines.

If a parent refuses to sign a release form, the Charter School will explain the reasons a release would be advantageous to the Charter School student, for example in instances where a concern has been expressed regarding Bullying, Cyberbullying, or suicide warning signs.

Retaliation Prohibited

The Charter School prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of Bullying or Cyberbullying.

Immunity

A Charter School employee, volunteer or Charter School student is individually immune from a cause of action for damages arising from reporting Bullying or Cyberbullying in good faith and to the appropriate person or persons identified in this Policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful or intentional conduct.