

STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING 410 FEDERAL STREET, SUITE 1 DOVER, DE 19901

Voice: (302) 739-3620 TTY/TDD: (302) 739-3699 Fax: (302) 739-6704

MEMORANDUM

DATE:

February 29, 2016

TO:

All Members of the Delaware State Senate

and House of Representatives

FROM:

Ms. Daniese McMullin-Powell, Chairperson

State Council for Persons with Disabilities

RE:

H.B. 250 (Choice & Charter School Enrollment: Bullying)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 250 regarding Choice and Charter School enrollment relating to "bullying". As background, schools must accept a "late" choice application based on "good cause" which includes "a reported and recorded instance of 'bullying". See 14 Del.C. §407(c) and line 8. Likewise, a student accepted into a "choice" school is expected to maintain enrollment in the school for at least 2 years unless an exception applies. One of the exceptions (lines 14-15) is a parent option to terminate enrollment "due to a reported and recorded instance of 'bullying'". Finally, a student accepted at a charter school is expected to maintain enrollment for at least 1 year unless there is "good cause". "Good cause" is defined as including "a reported and recorded instance of 'bullying'" (lines 24-25).

H.B. 250 would amend both the choice and charter school laws so the exceptions would apply only if the bullying is "substantiated" (lines 8, 15, and 25). The synopsis implies that some parents may be exploiting the exception. This is possible since the applicable law requires schools to "record" all bullying allegations and report them to the Department of Education. See 14 Del.C. §4112D. Thus, the mere report of bullying, by itself, is sufficient to qualify for special treatment under the above choice and charter school enrollment standards. Limiting the exceptions to "substantiated" bullying may therefore have some merit.

However, there are countervailing considerations.

First, bullying is ostensibly "underreported" in Delaware. National statistics indicate that "about one in four kids in the U.S. are bullied on a regular basis." See attached NAAAS article. The latest statistics are generally corroborative, i.e., "in 2013, about 22 percent of students reported being bullied during the school year." See attached National Center for Education Statistics

article (May 1, 2015). In contrast, there were 1,706 alleged bullying incidents reported in Delaware in the 2014-15 school year. See attached DOE report. If 22% of Delaware's 131,000+ public school students were to report bullying (based on the national average), there would be 28,820 reports.

Second, some districts "substantiate" bullying reports at very low rates. For example, the attached DOE report reveals that Delmar substantiated only 5% (3/58) of bullying reports; Appoquinimink substantiated 14% (32/237) of bullying reports; and Lake Forest substantiated 18% (6/34) of bullying reports. Other districts substantiated 100% of bullying reports (Brandywine; 37/37); 83% of bullying reports (NCC Vo-Tech; 10/12); and 78% of bullying reports (Colonial; 63/81).

Given these statistics, the sponsors could consider expanding the exception by adopting one of the following amendments (SCPD prefers the first option):

- "a reported, recorded, and substantiated instance of 'bullying against their child as defined in §4112D of this title or written confirmation of such bullying by a medical or mental health professional"; or
- "a reported, recorded, and substantiated instance of 'bullying against their child as defined in §4112D of this title or clear and convincing evidence of such bullying"

Either amendment would still deter exploiting the exception based on a mere report. However, either revision would offer a parent an option of proffering clear and convincing evidence or therapist confirmation in districts with very low substantiation rates.

Parenthetically, the sponsors may wish to solicit the perspective of the Department of Education on reasons for disparity in statistics on substantiation of bullying.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations on the proposed legislation.

cc: The Honorable Matthew Denn

The Honorable Steven Godowsky, Ed.D, Secretary of Education

Mr. John Sadowski, DOE

Ms. Susan Cycyk, DPBHS

Mr. Steven Perales, DPBHS

Mr. Brian Hartman, Esq.

Governor's Advisory Council for Exceptional Citizens

Developmental Disabilities Council

HB 250 choice and charter school enrollment bullying 2-22-16

Bullying Statistics

Anti-Bullying Help, Facts, and More.

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School Bullying Statistics

School bullying statistics in the United Stats show that about one in four kids in the U.S. are builted on a regular basis. Between cyber bullying and bullying at school, the school bullying statistics likustrate a huge problem with bullying and the American school system.



In a recent SAFE survey, teens in grades sixth through 10th grade are the most likely to be involved in activities related to builying. About thirty percent of students in the United States are involved in builying on a regular basis either as a victim, buily or both. These school builying statistics show what a problem builying of all kinds in the United States has become. The recent school builying statistics show that cyber builying is becoming increasingly prevalent on school property as well as involving students even when they are not at school. Because of this growing number of kids affected by builying, more and more schools throughout the country are cracking down on the measures taken to stop builying.

School Bullying Statistics:

When it comes to verbal builying, this type of builying is the most common type with about 77 percent of all students being builled verbaily in some way or another including mental builying or even verbal abuse. These types of builying can also include spreading rumors, yelling obscenities or other derogatory terms based on an individual's race, gender, sexual orientation, religion, etc. Out of the 77 percent of those builled, 14 percent have a severe or bad reaction to the abuse, according to recent school builying statistics. These numbers make up the students that experience poor self-esteem, depression, anxiety about going to school and even suicidal thoughts (builycide) as a result of being builled by their peers. Also as part of this study, about one in five students admitted they are responsible for builying their peers. Almost half of all students fear harassment or builying in the bathroom at school, according to these school builying statistics. As a result of this fear and anxiety of being builled, many students will make excuses or find ways around going to school. School buillying statistics also reveal that teens ages 12-17 believe they have seen violence increase at their schools. In fact, these numbers also show that most violent altercations between students are more likely to occur on school grounds than on the way to school for many teens.

One of the most unfortunate parts of these school bullying statistics is that in about 85 percent of bullying cases, no intervention or effort is made by a teacher or administration member of the school to stop the bullying from taking place. However, now that more and more schools are taking an active approach to cut down on the number of students that live in fear of being bullied, the numbers will go down.

Cyberbullying Statistics:

As social networking and online social interaction becomes more and more popular with sites like Facebook and Twitter, cyberbuilying has become one of the most prevalent types of builying that occurs between teens. About 80 percent of all high school students have encountered being builled in some fashion online. These growing numbers are being attributed to youth violence including both homicide and suicide. While school shootings across the country are becoming more and more common, most teens that say they have considered becoming violent toward their peers, wish to do so because they want to get back at those who have buillied them online. About 35 percent of teens have been actually threatened online. About half of all teens admit they have said something mean or hurtful to another teen online. Most have done it more than once.

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School Bullying Statistics | Bullying Statistics

These numbers are too high, and parents and teachers need to do something to stop it. Teens also need to stand together and put an end to builying. When teens see their peers being builted, they need to report the incident or get help. If teens band together to address these issues, they really don't have to worry about being the target of a builty since most builties really only attack those that are weaker than them. By standing together to prevent builtying in every school, the number of depressed and suicidal teens can drop along with those who fear for their life while attending school,

Sources; naaas,org

← GAY BULLYING STATISTICS

CHILD BULLYING →

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NCES Blog (http://nces.ed.gov/blogs/nces/)

National Center for Education Statistics

← Public school safety and discipline; New data on practices, procedures, and violent incidents at school (/blogs/nces/post/public-school-safety-and-discipline-new-data-on-practices-procedures-and-violent-incidents-at-school)

Does the Department of Education collect information on young children's social and emotional development? → (/blogs/nces/post/social-and-emotional-development)

Measuring student safety: Bullying rates at school (/blogs/nces/post/measuring-student-safety-bullying-rates-at-school)

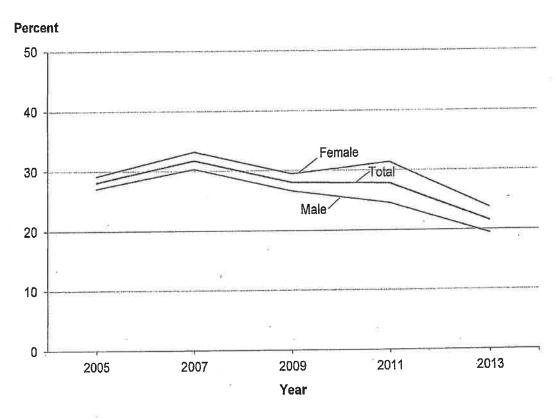
By Lauren Musu-Gillette, Rachel Hansen, Kathryn Chandler, and Tom Snyder

Bullying remains a serious issue for students and their families, and efforts to reduce bullying concern policy makers, administrators, and educators. Measuring the extent of the problem, as well as tracking any progress towards reducing the prevalence of bullying, is of utmost importance and why NCES is committed to providing reliable and timely data on important topics such as bullying. NCES provides additional context for understanding this issue in our schools by publishing comparative data on different student groups, as well as data on changes over time in students' reports of being bulled at school.

The School Crime Supplement (SCS) to the National Crime Victimization Survey collects data on bullying by asking a nationally representative sample of students ages 12–18 if they had been bullied at school. In 2013, about 22 percent of students reported being bullied at school during the school year. This percentage was lower than the percentage reported in every prior survey year in which these data were collected (http://nces.ed.gov/programs/digest/d14/tables/dt14_230.45.asp) (28 percent each in 2005, 2009, and 2011 and 32 percent in 2007).

Similarly, lower percentages of students reporting being bullied in 2013 were observed across some student characteristics. For example, in 2013 about 24 percent of female students reported being bullied at school, compared with 29 to 33 percent in prior survey years. The pattern for males was similar. The percentage of students who reported being bullied in 2013 was also lower than the percentages in all prior survey years for White and Black students. For Hispanic and Asian students, the percentage of students who reported being bullied in 2013 was lower than the percentages in both 2007 and 2009.

Percentage of students ages 12-18 who reported being bullied at school during the school year, by gender: Selected years, 2005 through 2013



NOTE: "At school" includes the school building, on school property, on a school bus, or going to and from school.

SOURCE: U.S. Department of Justice, Bureau of Justice Statistics, School Crime Supplement (SCS) to the National Crime Victimization Survey, 2005 through 2013.

In 2013, a higher percentage of females than of males ages 12–18 reported being bullied at school during the school year (24 vs. 19 percent). A higher percentage of White students (24 percent) than of Hispanic students (19 percent) and Asian students (9 percent) reported being bullied at school. In addition, higher percentages of Black students (20 percent) and Hispanic students than of Asian students reported being bullied at school. Higher percentages of students in grades 6 through 11 than of students in grade 12 reported being bullied at school during the school year. In 2013, about 14

percent of 12th-graders reported being bullied at school, compared with 28 percent of 6th-graders, 26 percent of 7th-graders, 22 percent of 8th-graders, 23 percent of 9th-graders, 19 percent of 10th-graders, and 20 percent of 11th-graders.

Additional data from the 2013 School Crime Supplement are available in the Student Reports of Bullying and Cyberbullying: Results from the 2013 School Crime Supplement to the National Victimization Survey (http://nces.ed.gov/pubsearch/pubsinfo.asp? pubid=2015056). Tables in this report contain further information on bullying-related topics such as frequency and types of bullying, cyber-bullying, and fear and avoidance behaviors at school.

Additional information on the definition of bullying, risk factors for bullying, and bullying prevention can be found on stopbullying.gov (http://www.stopbullying.gov/). The Department of Education, along with other federal agencies, sponsored stopbullying.gov (http://www.stopbullying.gov/) to provide resources on bullying to school administrators, teachers, parents, and children.

Tags: school crime and safety (http://nces.ed.gov/blogs/nces/? tag=/school+crime+and+safety), bullying (http://nces.ed.gov/blogs/nces/? tag=/bullying)

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Teaching & Learning Branch
Exceptional Children Resources Workgroup

2014-15 Bullying Reports in Delaware Public School Districts And Charters*

As required under 14 Del Code 4112D (C) (4)

Contact:

John Sadowski, Education Associate School Climate & Discipline Program Delaware Department of Education John.sadowski@doe.k12.de.us 302.735.4210

*2011 - 2014 reports can be found at: http://www.doe.k12.de.us/domain/156
Additional school level substantiated bullying incident and offense data can be found at the Delaware Department of Education School Profiles: http://profiles.doe.k12.de.us/SchoolProfiles/State/Default.aspx. Click on the "student" tab and view the "details" link under suspensions/expulsions.

Bullying Reports in Delaware Public School Districts and Charters

Delaware Department of Education School Year: 2014-15

Number of Alleged Bullying **Incidents** Reported to DOE

| District/Charter | 2014-15 |
|------------------------------|---------|
| Academia Antonia Alonso | 3 |
| Academy of Dover | 8 |
| Appoquinimink | 237 |
| Brandywine | 37 |
| Caesar Rodney | 75 |
| Campus Community | 16 |
| Cape Henlopen | 77 |
| Capital | 51 |
| Charter School of Wilmington | 0 |
| Christina | 183 |
| Colonial | 81 |
| Del Academy Public Safety | 0 |
| Delaware College Prep Acad | 5 |
| Delaware Military Academy | 0 |
| Delmar Delmar | 58 |
| Early College HS @ DSU | 1 |
| East Side Charter | 4 |
| | 12 |
| Family Foundation | 0 |
| First State Montessori Acad | 33 |
| Gateway Lab | 92 |
| Indian River | 1 |
| Kuumba | 34 |
| Lake Forest | 1 |
| Las Americas Aspira Academy | 28 |
| Laurel . | 37 |
| Milford | |
| MOT | 28 |
| Moyer Academy | |
| NCC Votech | 12 |
| Newark Charter | 22 |
| Odyssey Charter | 0 |
| POLYTECH | 6 |
| Positive Outcomes | - 6 |
| Prestige Academy | 7 |
| Providence Creek | 22 |
| Reach Academy | 6 |
| Red Clay | 419 |
| Seaford | 34 |
| Smyrna | 57 |
| Sussex Academy | 1 |
| Sussex Tech | |
| Thomas Edison | |
| Woodbridge | - 4 |
| Total all Districts/Charters | 1706 |

Number of Substantiated Bullying Incidents Reported to DOE

| Academia Antonia Alonso Academy of Dover Appoquinimink Brandywine | 3 8 32 37 14 |
|---|--------------------------|
| Appoquinimink Brandywine | 32 37 |
| Brandywine | 37 |
| | |
| C Dadway | 14 |
| Caesar Rodney | |
| Campus Community | 8 |
| Cape Henlopeп | 26 |
| Capital | 18 |
| Charter School of Wilmington | 0 |
| Christina | 65 |
| Colonial | 63 |
| Del Academy Public Safety | 0 |
| Delaware College Prep Acad | 3 |
| Delaware Military Academy | 0 |
| Delmar | 3 |
| Early College HS @ DSU | 1 |
| East Side Charter | 4 |
| Family Foundations | 12 |
| First State Montessori Acad | 0 |
| Gateway Lab | 8 |
| Indian River | 21 |
| Kuumba | 1 |
| Lake Forest | 6 |
| Las Americas Aspira Academy | 1 |
| Laurel | 12 |
| Milford | 15 |
| MOT | 8 |
| Moyer Academy | -4 |
| NCC Votech | 10 |
| Newark Charter | 3 |
| Odyssey Charter | C |
| POLYTECH | . (|
| Positive Outcomes | |
| Prestige Academy | |
| Providence Creek | |
| Reach Academy | |
| Red Clay | 102 |
| Seaford | 1 |
| Smyrna | 20 |
| Sussex Academy | |
| Sussex Tech | |
| Thomas Edison | |
| | |
| Woodbridge Total all Districts/Charters | 54 |

| Number of Bullying <i>Offe</i> Total Number of Subs Incidents | |
|---|---------|
| District/Charter | 2014-15 |
| Academia Antonia Alonso | 3 |

| Incidents | 2014-15 |
|---|---------|
| District/Charter Academia Antonia Alonso | 2014-13 |
| | 11 |
| Academy of Dover | 39 |
| Appoquinimink | 44 |
| Brandywine | 16 |
| Caesar Rodney | 8 |
| Campus Community | 35 |
| Cape Henlopen | 23 |
| Capital | 0 |
| Charter School of Wilmington Christina | 74 |
| | 75 |
| Colonial | 0 |
| Del Academy Public Safety | 3 |
| Delaware College Prep Acad | 0 |
| Delaware Military Academy | 5 |
| Delmar | 2 |
| Early College HS @ DSU East Side Charter | 6 |
| | 16 |
| Family Foundations | 0 |
| First State Montessori Acad | 8 |
| Gateway Lab | 25 |
| indian River | 1 |
| Kuumba | 11 |
| Lake Forest | 1 |
| Las Americas Aspira Academy | 12 |
| Laurel | 15 |
| Milford | |
| MOT | 5 |
| Moyer Academy NCC Votech | 15 |
| Newark Charter | 4 |
| | |
| Odyssey Charter POLYTECH | |
| | 5 |
| Positive Outcomes Prestige Academy | 8 |
| | 7 |
| Providence Creek Reach Academy | |
| | 127 |
| Red Clay | 1 |
| Seaford | 27 |
| Smyrna Sussex Academy | |
| | 1 |
| Sussex Tech | |
| Thomas Edison | |
| Woodbridge Total all Districts/Charters | 660 |

Disaggregated Offenses data by school can be viewed at the School Profile web pages: State of Delaware School Profiles Choose the district/charter and then school. Click on the "Student" tab, scroll down to "Suspensions and Expulsions" and click on "Details."

Alleged Bullying is defined as any report of an incident of perceived bullying to school administration regardless of whether or not the school could substantiate the incident as bullying.

Substantiated Bullying is defined as any alleged bullying incident or reported discipline incident in which the school administration investigated and concluded that bullying behaviors were exhibited as defined in 14 Del Code \$4112D

Bullying Offenses represents the total number of offenders involved in substantiated bullying incidents. A bullying incident may involve one or more offenders.

Results of Random Audits

Under 14 Del Code §4112D (d)(4) the Delaware Department of Education shall conduct random audits of schools to ensure compliance with paragraphs (b)(2)i and (b)(2)k of the section. The Department shall report the results of these audits annually. During the 2014-15 school year the following schools were randomly selected to be audited for compliance with the required sections in addition to other audit criteria as determined by the DDOE.

| School 1 - Fairview E.S., Capital S.D. | School 2 - Harlan E.S., Brandywine S.D. | School 3 - Selbyville M.S., Indian River S.D. |
|---|---|--|
| School 4 - Marshall E.S., Christina S.D. | School 5 - Gunning Bedford M.S., Colonial S.D. | School 6 North Smyrna E.S., Smyrna S.D. |
| School 7 - Carreroft E.S., Brandywine S.D. | School 8 - Pulaski E.S., Christina S.D. | School 9. New Castle E.S., Colonial S.D. |
| School:10DE-Academy of Public Safety & Security | School 11 - B.T. Washington E.S., Capital S.D. | School 12 Delmar H.S., Delmar S.D. |

| | PERCENT COMPLIANT |
|---|-------------------|
| Percentage of schools audited whose district or charter bullying prevention policy included a procedure for a student and parent, guardian, relative caregiver pursuant to § 202(f) of Title 14, or legal guardian to provide information on bullying activity. | 100% |
| Percentage of schools audited whose district or charter bullying prevention policy included a requirement that all reported incidents of bullying, regardless of whether the school could substantiate the incident be reported to the Department of Education within 5 working days pursuant to Department of Education regulations. | 91.7% |
| Percentage of schools audited whose district or charter bullying prevention policy (or separate cyberbullying policy) prohibited cyberbullying by students directed at other students and included the definition of cyberbullying as defined in 14 Del. Admin. Code 624. | 91.7% |
| Percentage of <i>alleged</i> bullying incidents which were reported to the DOE within five working days. | 59.5% |
| Percentage of <i>substantiated</i> bullying incidents which were reported to the DOE within five working days. | 86.5% |
| Percentage of schools audited whose district or charter school bullying prevention policy included a requirement that a parent, guardian or relative caregiver pursuant to § 202(f) of Title 14, or legal guardian of any target of bullying or person who bullies another as defined herein, be notified. | 100% |
| Percentage of parents, guardians, relative caregivers, or legal guardians which were required to be notified regarding a substantiated incident of bullying and the school report indicated that contact was made. | 73.5% |
| Percentage of schools audited in which the School Ombudsman phone number was included on the school's website. | 100% |
| Percentage of schools audited who submitted a signed assurance statement that their bullying prevention policy was distributed to all students, parents, faculty, and staff. | 100% |
| Percentage of schools audited who submitted a signed assurance statement that the School Ombudsman phone number was distributed to all students, parents, faculty, and staff and that the phone number was prominently displayed in the school. | 100% |

Enumerated Reasons for Substantiated Incidents of Bullying

Under 14 Del Code §4112D (b)(2)(f), school district and charter school bullying prevention policies shall include a requirement that each school 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 or 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, or national origin. This subsection does not preclude schools from identifying other reasons or criteria why a person is a target of bullying.

| Description | Total |
|----------------------------|-------|
| Age | 57 |
| Ancestry | 1 |
| Creed | 2 |
| Dating Violence | 2 |
| Disability | 20 |
| Gang(s) | 0 |
| Gender Identity/Expression | 8 |
| Hate Crime | 0 |
| Marital Status | . 0 |
| National Origin | 3 |
| Other | 118 |
| Peer Attention | 238 |
| Physical Appearance | 76 |
| Race/Color | 13 |
| Religion | 1 |
| Sexual-Orientation | 3 |
| Socio-Economic Status | 4 |
| No Reason | 1 |
| Total | 547 |

NOTE: An incident may have had more than one reason selected.