



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney,  
Governor

John McNeal, Director  
SCPD

**MEMORANDUM**

DATE: October 27, 2022

TO: Delaware Department of Education  
Office of the Secretary/Attn: Regulation Review

FROM: Benjamin Shrader, Chairperson   
State Council for Persons with Disabilities

RE: Proposed DDOE Regulation on 14 DE Admin. Code 601 [Schools and Law Enforcement Agencies, 26 Del. Reg. of Regulations 248 (October 1, 2022)]

The State Council for Persons with Disabilities (SCPD) has reviewed the proposed Delaware Department of Education's (DDOEs) proposed regulation to amend 12 DE Admin. Code 601 Schools and Law Enforcement Agencies. The regulation is being amended pursuant to 29 Del. C. § 10407; this requires that regulations be reviewed every four years. This regulation also corrects grammatical and typographical errors to ensure it adheres to the Delaware Administrative Code Drafting and Style Manual. The proposed regulation was published as 26 DE Reg. 248 in the October 1, 2022, issue of the Register of Regulations.

SCPD has the following observations and recommendations:

- The change to requirements regarding what must be reported to the DDOE in Sec. 6.0 restricts reporting of incidents by school personnel to those that occur on school grounds or at school functions.
- Of concern is when the lines between school/not school could be unclear, particularly if that behavior takes place at least partially online/via text and/or crosses over into school hours/functions.
- Under 14 Del. Admin. Code § 624, the place of origin of the speech that is considered cyberbullying is immaterial; if the speech is an unwelcome electronic communication through means other than a face-to-face interaction and it (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 or charter school, it meets the threshold of cyberbullying.

- It is crucial that cyberbullying continues to be reported; a 2018 Pew Research study found that almost 60% of teenagers experienced some form of cyberbullying. Clearly, this form of bullying impacts many students and thus it is imperative that schools and the DDOE make efforts to both report and prevent this form of bullying. As the world continues to increase use of technological forms of communication, especially in academic settings, cyberbullying may increase, as well.
- Moreover, it is equally important that schools take seriously and continue to report instances of sexual harassment or teen domestic violence. These matters often take place on and off school grounds but nevertheless dramatically impact the emotional and physical wellbeing of Delaware students.

**The SCPD therefore asks for the limits placed on school personnel in Sec. 6.0 be removed in order to ensure personnel can continue to report cyberbullying as well as sexual harassment and teen domestic violence.**

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

cc: Ms. Laura Waterland, Esq., DLP  
SCPD Executive Committee  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

26 DE. Reg. 248 DDOE Schools and LE Agencies 10-27-22