

CHAPTER 375
FORMERLY
SENATE BILL NO. 207
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO BULLYING AND CRIMES IN SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14, Chapter 41 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4112A Office of School Criminal Offense Ombudsperson.

(a) There is hereby established within the State Department of Justice, the Office of School Criminal Offense and Bullying Ombudsperson.

(b) The purpose of the Ombudsperson is to ensure the proper administration of the school criminal offense reporting law contained in § 4112 of this title and the school bullying prevention law contained in § 4112D of this title.

(c) The Ombudsperson shall have the power to:

(1) Investigate and seek to resolve complaints made by and concerns of members of the public, school officials, and pupils regarding criminal offenses and incidents of bullying committed on school property;

(2) Investigate complaints regarding the alleged failure of school officials to report criminal offenses as required under § 4112 of this title and incidents of bullying as required under § 4112D of this title;

(3) Establish policies and procedures for eliciting, receiving, investigating, verifying, and resolving complaints; and

(4) Perform such other acts as are necessary to carry out the purpose set forth in subsection (b) of this section.

§ 4112B Ombudsperson access.

(a) The Ombudsperson shall have access to any school record or pupil file which is relevant to the performance of the Ombudsperson's duties, including any record otherwise considered confidential under Delaware law.

(b) The Ombudsperson may initiate an investigation of any criminal offense committed on school property or any incident of bullying independent of the receipt of a specific complaint.

(c) The Ombudsperson shall protect the confidentiality of pupils' records and files as required under Delaware law.

(d) Notwithstanding any other provision of law, the Ombudsperson shall not disclose the identity of any complainant unless a court orders such disclosure or the complainant consents in writing to the disclosure of the complainant's identity.

§ 4112D School bullying prevention.

(b) Prohibition of bullying.

(2) Each school district and charter school shall establish a policy which, at a minimum, includes the following components:

j. A requirement that a parent, guardian or relative caregiver pursuant to § 202(f) of this title or legal guardian of any target of bullying or person who bullies another as defined herein, be notified and provided with a form to be generated by the Department of Justice describing the role of the Department of Justice School Ombudsman and providing contact information. This form shall also inform parents, guardians, or relative caregivers of their right to know when the bullying incident in question has been reported to the Department of Education pursuant to paragraph (2)(k) of this Section.

k. 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. The parents, guardians, or relative caregivers of all students involved in the reported incident shall be notified when the report is made.

Section 2. From September 1, 2016 through March 31, 2017, any school principal making a report of an assault III committed by a student against another student pursuant to § 4112(b)(1)a. of Title 14 shall also report to the Department of Education the facts leading to such a report and the injuries suffered by the victim. The Department of Education shall establish procedures by which such reports are to be made and disseminate said procedures to all public schools. By May 1, 2017, the Department of Education shall provide to the General Assembly, the Governor, and the Department of Justice a compilation of all reports made pursuant to this section, with all identifying information (other than ages of victims) removed.

Approved August 10, 2016