

**I. Definitions** (RSA 193-F:3)

1. **Bullying.** Bullying is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- (1) Physically harms a pupil or damages the pupil's property;
- (2) Causes emotional distress to a pupil;
- (3) Interferes with a pupil's educational opportunities;
- (4) Creates a hostile educational environment; or
- (5) Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. **Cyberbullying.** Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

3. **Electronic devices.** Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

4. **School property.** School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

5. **Employees.** Employees include employees of the District and employees of companies with the District who have significant contact with students.

6. **Parents and Legal Guardians.** Any reference in this policy to "parent" shall include parents or legal guardians.

**II. Statement Prohibiting Bullying or Cyberbullying of a Pupil** (RSA 193-F:4, II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District shall address bullying and, if necessary, impose discipline or other consequences ranging from behavioral intervention through expulsion for bullying that:

- (1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- (2) Occurs off of school property or outside of a school-sponsored activity or

event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Superintendent of Schools is responsible for ensuring that this policy is implemented.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, race, color, ancestry, national origin, religion, age, marital status, familial status, pregnancy, physical or mental disability may constitute illegal discrimination under federal and/or state laws.

## **II. Statement prohibiting retaliation or false accusations** (RSA 193-F:4, II(b))

### **False Reporting**

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from behavioral interventions through expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

### **Reprisal or Retaliation**

The District shall take appropriate action against any student, employee or volunteer who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding relating to such bullying.

The consequences and appropriate remedial action for a student, employee or volunteer who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.

1. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline or other consequences ranging from behavioral intervention through expulsion.
2. Any employee or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
3. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

### **Process To Protect Pupils From Retaliation**

If the alleged victim or any witness expresses to the Principal or staff member that he/she believes he/she may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation. Suggestions include, but are not limited to, re-arranging student class schedules to minimize contact, warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against

possible retaliation.

#### **IV. Protection of all Pupils** (RSA 193-F:4, II(c))

This policy shall apply to all pupils in the District regardless of their status under the law.

#### **V. Disciplinary Consequences For Violations of This Policy** (RSA 193-F:4, II(d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, and conflict resolution.

#### **VI. Distribution and Notice of This Policy** (RSA 193-F:4, II(e) and 193-F:5, I(b))

##### Distribution

All staff, students, parents and regular volunteers will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, website, etc.)

##### Training

The Superintendent will ensure that all school employees and regular volunteers receive annual training on this policy and related District policies. The District shall provide educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Such programs shall be presented in age appropriate language.

The Board/Superintendent may, from time to time, host or schedule public forums which will address the anti-bullying policy and/or discuss bullying in the schools and may consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

#### **VII. Procedure for Reporting Bullying** (RSA 193-F:4, II(f) (g))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

1. Any student who believes he or she has been the victim of bullying should report the incident(s) immediately to the Principal, any School District employee, or regular volunteer
2. Any school employee or regular volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the

Principal or designee as soon as possible.

3. The Principal may develop a system or method for receiving anonymous reports of bullying. Independent verification of the anonymous reports shall be necessary in order for any disciplinary action to be applied.

4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

**VIII. Procedure for N.H. Department of Education Reporting Requirements** (RSA 193-F:6, I)

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying.

**IX. Notifying Parents of Alleged Bullying** (RSA 193-F:4, II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

**X. Waiver of Notification Requirement** (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

**XI. Investigative Procedures** (RSA 193-F:4, II(j) and (m))

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. Initial interviews shall be conducted privately or separately.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
3. The Principal shall complete the investigation and notify the parents within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation and notifies the parents, the

Superintendent may grant an extension. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

4. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Principal.

5. Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies through expulsion. Students facing discipline will be afforded all due process required by law.

**XII. Response to Remediate Substantiated Instances of Bullying** (RSA 193-F:4, II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

Examples of consequences may include, but are not limited to:

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension
- Out-of-school suspension
- Expulsion

Examples of remedial measures may include, but are not limited to:

- Restitution
- Mediation
- Peer support group
- Corrective instruction or other relevant learning experience

- Behavior assessment
- Student counseling
- Parent conferences

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

### **XIII. Reporting of Substantiated Incidents to the Superintendent** (RSA 193-F:4, II(1))

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

### **XIV. Appeal**

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the Principal's decision to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.
2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

### **XV. Capture of Audio Recordings on School Buses**

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

### **XVI. Use of Video or Audio Recordings in Student Discipline Matters**

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established in accordance with the provisions of Policy EEAJ.

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In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

The Superintendent is authorized to contact the District's attorney for a full legal opinion relative in the event of such an occurrence.

Law Reference: RSA 193-F:3, Pupil Safety and Violence Prevention Act; RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed; NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

Appendix Reference:

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