

Understanding The New Hampshire Bullying Law (2023) RSA 193-F

“Student Discipline, once defined exclusively by the educator is now increasingly defined by the law.”

Understanding The New Hampshire Bullying Law RSA 193-F (2023) (cont'd)

The Public Safety and Violence Protection Act of 2000 (REV 2, 2010, 2023) reaffirms that “One of the legislature’s highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.”

Purpose and Intent of the Law RSA 193-F (2023)

All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments.

Definition of Bullying and Cyberbullying

“Bullying” means 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
5. Substantially disrupts the orderly operation of the school

Definition of Bullying and Cyberbullying (cont'd)

“Bullying” shall 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 person’s characteristics, behaviors, or beliefs.

“Cyberbullying means conduct defined above (“Bullying”) undertaken through the use of electronic devices, including but not limited to:

Telephones

Pagers

Cellular Phones

e-Mails

Computers

Instant Messages

Websites

Text Messages

Definition of Bullying and Cyberbullying (cont'd)

“Perpetrator” means a pupil who engages in bullying or cyberbullying.

“Victim” means a pupil against whom bullying or cyberbullying has been perpetrated.

Definition of Bullying and Cyberbullying (cont'd)

Bullying can occur on school property or a school-sponsored event, on or off school property.

or

Occurs off 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.

Definition of Bullying and Cyberbullying (cont'd)

The School Board must have a written policy prohibiting bullying or cyberbullying acknowledging that bullying and cyberbullying can occur both in the school setting and out of school if it interferes with a student's educational opportunities or disrupts a school day or event.

Reporting of Bullying Incident

- Parents/Guardian of victims and perpetrators receive notice of accusation of bullying within 48 hours of the incident report.
- Bullying investigation is to be conducted within 5 school days of the reported incident (Superintendent may grant an extension of 7 school days to the investigation process).

Reporting of Bullying Incident (cont'd)

- All substantiated incidents of bullying are to be reported to the Superintendent.
- Within limitations of the law (FERPA) remediation and/or assistance shall be provided to the parent/guardian of the perpetrator and victim within 10 school days of completion of the investigation.

Progressive Discipline

The 2020 amendments to RSA 193:B require a school district to create “a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms.” Specifically, a district’s policy must include a graduated set of age-appropriate responses to misconduct.

Examples of Elementary School Graduated Disciplinary Consequences

- Planned Ignoring – student remains in the setting but the teacher appears to ignore the misbehavior
- Time Away from Activity/Group – students observe but do not participate in the activity for a specified period of time
- Loss of Privilege – loss of a specific material or piece of equipment
- Apology – verbal or written
- Restitution/community service – repairing the harm or damage done

Examples of Elementary School Graduated Disciplinary Consequences (cont'd)

- Parent contact
- Time in office – removal from classroom so that an administrator can speak with the student
- Administrator letter to parent
- Detention
- Suspension