

PUPIL SAFETY AND VIOLENCE PREVENTION – BULLYING**Statement of Purpose, Intent and Scope**

All pupils have the right to attend school and school-sponsored activities that are safe, secure and peaceful environments. Pupils should be protected from all forms of physical, emotional, and psychological bullying and cyber bullying.

Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical mental emotional or learning disability, gender, gender identity and expression, appearance, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

It is the intent of this policy to protect children from physical, emotional, and psychological harm by addressing bullying and cyberbullying of any kind in the district/schools, and to prevent the creation of a hostile educational environment. All pupils are protected under this policy, regardless of their legal status.

This policy applies to pupils, school district employees, school volunteers, coaches, and persons who have contact with pupils in connection with school classes, activities, and programs. However, only a pupil may be a perpetrator of bullying under this policy and RSA 193-F; allegations of bullying by staff shall be treated separately as a personnel matter. Bullying and cyberbullying outside of school activities or off school premises is subject to this policy as set forth herein.

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
 - a. Physically harms a pupil or damages the pupil's property;
 - b. Causes emotional distress to a pupil;
 - c. Interferes with a pupil's educational opportunities;
 - d. Creates a hostile educational environment; or
 - e. Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on the 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.

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3. Electronic Devices. Electronic devices include, but are not limited to, telephones, cellular phones, computers, social media, electronic mail, instant messaging, text messaging, and websites.
4. Perpetrator. A pupil who engages in bullying or cyberbullying.
5. School Property. All real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
6. Victim. A pupil against whom bullying or cyberbullying has been perpetrated.
7. Parent. Any reference in this policy to “parent” shall include parents or legal guardians.

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

The Board is committed to providing all pupils with a safe and secure school environment on school grounds or at school sponsored events. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying of a pupil will not be tolerated and is hereby prohibited. All staff members are required to intervene when they witness bullying occurring on school grounds or at school sponsored events.

Further, in accordance with RSA 193-F:-4, the District reserves the right to address bullying and, if necessary, impose discipline 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 education 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.

III. Retaliation or False Accusations Prohibited (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 positive behavioral interventions up to and including suspension or 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.

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The District will discipline and take appropriate action against any student, teacher, school administrator, school volunteer, or other employee 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 or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school 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.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
3. Any teacher 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.
4. 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 other 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.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern 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 on school district grounds and participating in school district functions, regardless of their status under the law (including whether or not such pupil is a student within the District).

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.

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In addition, where appropriate, the Board encourages the administration and the school district staff to seek alternatives to traditional discipline, including but not limited to, early intervention measures, alternative dispute resolution, conflict resolution, and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, IIe)**Staff and Volunteers**

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

The Superintendent will ensure that all school employees and school volunteers receive annual training on bullying and related district policies. Annual training of staff and volunteers is required under RSA 193-F:5.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, District website, etc.). Students will participate in an annual education program which will set out expectations for student behavior and emphasize an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct, and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers. This training will be provided in age-appropriate language.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the District's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, District website, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should:

1. Encourage their children to report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

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

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

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

Student Reporting

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or volunteer about the alleged bullying. That employee should then forward the report to the Principal.
2. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers, and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
3. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. All District employees and school volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.
3. Any school employee or school volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of the school day.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of this policy.

PUPIL SAFETY AND VIOLENCE PREVENTION – BULLYING**VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))**

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. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such form, the Principal or designee shall retain a copy and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

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. The granting of this waiver shall not negate the responsibility of the school to adhere to the remainder of this policy.

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

1. Upon receipt of a report of bullying the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a part to the complaint, then the Superintendent shall direct another District employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will be alleged victim and perpetrator be interviewed together during the investigation.
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 printer copies of emails, text messages, website pages, or other similar electronic communications. Pursuant to RSA 189:70, any production of student communications must be voluntary.

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4. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
 - Description of incident, including the nature of the behavior;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The identity and number of individuals who participated in bullying behavior;
 - Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - The date, time and method in which parents or legal guardians of all parties involved were contacted.
5. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parents involved of the granting of the extension.
6. Whether a particular action or incident constitutes a violation of the policy shall require a determination based on all facts and surrounding circumstances and, if the report is found to be substantiated, the Principal shall provide a written final report to the Superintendent, which will recommend remedial steps necessary to stop the bullying.
7. Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies, including Board Policy JICD, up to and including suspension or 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.

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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 Instances of Bullying (RSA 193-F4, II(l))

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

XIV. Communication with Parents Upon Completion of Investigation (RSA 193-F:4, II(m))

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students, including the discipline and remedial action assigned to those students to the parents of other students involved in a bullying incident.

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XV. Appeal

1. 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. See Policy JICD, Student Behavior, Conduct, Discipline and Due Process.
2. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

XVI. School Officials (RSA 193-F:4, II(n))

The Superintendent of Schools is responsible for ensuring that this policy is implemented. The Superintendent may establish additional procedures to facilitate the implementation of this policy.

XVII. 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. See Policy EEAA, Video Surveillance on School Property.

XVII. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording device 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 provision of Policy EEAA.

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

Legal References:

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

1 st Reading: December 20, 2010	1 st Reading: November 7, 2022
2 nd Review: January 24, 2011	2 nd Review: November 21, 2022
3 rd Review: February 7, 2011	Revision Adopted: February 6, 2023
Adoption: February 28, 2011	