

JOHN STARK SCHOOL DISTRICT

PUPIL SAFETY AND VIOLENCE PREVENTION – BULLYING

See also JBAA, JIC, JICD, IHBA

I. Definitions (RSA 193-F:3)

1. **Bullying**. 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; 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 means 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. **Electronic Communication**. Electronic Communication includes, but is not limited to, electronic mail messages; instant messages; text messages; electronically transmitted image or audio files; internet postings made to websites, including social media sites and blogs; and postings made to intranet sites or blogs.

5. **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.

6. **Perpetrator**. Perpetrator means a pupil who engages in bullying or cyberbullying.

7. **Victim**. Victim means a pupil against whom bullying or cyberbullying has been perpetrated.

8. **Parent**. Parent means parent or legal guardian.

9. **Designated Volunteer**. Designated Volunteer means any volunteer who comes in direct contact with pupils on a regularly scheduled basis, or meets with pupils one-on-one, or any other volunteer so designated by the Board or Principal (or his/her designee).

II. Statement Prohibiting Bullying 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 will not be tolerated and is hereby prohibited.

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 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.

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

False Reporting

A pupil 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.

Reprisal or Retaliation

The District will discipline and take appropriate action against any pupil 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 pupil 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 pupil 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.

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 pupil 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 pupil 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 and school-aged persons on school district grounds and participating in school district functions, regardless of whether such pupil or school-aged person is a pupil within the District.

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

The district shall impose disciplinary measures against any pupil who commits an act of bullying, falsely accuses another pupil of bullying, or who retaliates against any pupil or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the Board directs the administration and

school district staff to develop and implement 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, II(e))

Staff and Volunteers

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

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Pupils

All pupils will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (pupil handbook, mailing, hard copy, website posting, etc.)

Pupils will participate in an annual education program which sets out expectations for pupil behavior and emphasizes an understanding of harassment, intimidation, and bullying of pupils, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Pupils shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate pupil anti-bullying training and education into the district's curriculum.

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, website posting, etc.). Parents will be informed of the program and the means for pupils to report bullying acts toward them or other pupils. They will also be told that to help prevent bullying at school they should encourage their children to:

1. 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 pupils;
4. Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and 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))

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

Pupil Reporting

1. Any pupil who believes he or she has been the victim of bullying should report the alleged acts

immediately to the Principal or the designee. If the pupil is more comfortable reporting the alleged act to a person other than the Principal or the designee, the pupil may tell any school district employee or volunteer about the alleged bullying.

2. Any school employee or designated 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, but no later than the end of that school day.

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

Staff Reporting

1. An important duty of the staff is to report acts or behaviors they witness that appear to constitute bullying.

2. Any school employee or 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, but no later than the end of that school day.

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

VIII. Procedure for Reporting Requirements (RSA 193-F:4, II(g))

A) External Reports

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.

B) Internal Reporting

The Principal or designee shall report any substantiated bullying incident to the Superintendent in writing. The Principal or designee shall retain a copy of the report.. The Superintendent shall maintain such reports 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 pupil who has been reported as a victim of bullying and to the parents of a pupil 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 pupil 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))

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act.

2. 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 parties involved of the granting of the extension.

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

The principal or designee shall develop a response to remediate any substantiated incident of bullying, including imposing discipline, if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind.

Consequences and appropriate remedial actions for a pupil who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion

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

The Principal shall forward all substantiated 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 pupils involved in person of his/her findings and the result of the investigation.
2. Within two school days of completing an investigation, the Principal will notify the parents of the alleged victim and alleged perpetrator via telephone or email of the results of the investigation. The Principal will also send a follow-up letter to the parents within 24 hours of notifying them of the results of the investigation.
3. In accordance with the Family Educational Rights and Privacy Act and other law concerning pupil privacy, the District will not disclose educational records of pupils including the discipline and remedial action assigned to those pupils and the parents of other pupils involved in a bullying incident.

XV. Appeal

For non-disciplinary remedial actions where no other review procedures govern, the parents/guardians of the pupils involved in an incident determined to be bullying may 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 appealing party is still not satisfied with the outcome, the appealing 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.

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

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

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), Pupil Harassment
RSA 193:13, Ed. 317