

JICK – PUPIL SAFETY AND VIOLENCE PREVENTION (BULLYING)

STATEMENT - The Board is committed to providing all pupils a safe and secure school environment in which all members of the school community are treated with respect. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated, and is prohibited.

Further, in accordance with RSA 193-F, 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 is responsible for ensuring that this policy is implemented.

PROTECTION OF ALL PUPILS – This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.

DISCIPLINARY CONSEQUENCES – 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 staff to seek alternatives including, but not limited to early intervention measures, dispute resolution, and other similar measures.

DEFINITIONS - Bullying - Bullying is 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. Historically this has included 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, obesity, or other distinguishing person characteristics.

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.

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

School Property – School property means all real property and all physical plant and equipment used for school purposes, including all means of transportation public or private approved by the District.

Parent - Any reference in this policy to “parent” shall include parents or legal guardians.

FALSE ACCUSATIONS – 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. Interventions include psychological, curricular, and behavioral services which may take place within classrooms, schools, and alternative settings per Policy JLDB Behavior Management and Intervention.

A school employee or school district agent 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, Board policies, procedures, and collective bargaining agreements.

REPRISAL OR RETALIATION – The District will discipline and take appropriate action against any student, teacher, staff member, administrator, volunteer, or school district agent who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such bullying.

The consequences and appropriate remedial action for a student, teacher, staff member, administrator, volunteer, or school district agent 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. Students shall be subject to disciplinary measures up to and including suspension and expulsion. Employees and agents shall be subject to discipline up to and including termination of employment. Volunteers shall be subject to discipline up to and including exclusion from school grounds.

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 rearranging student schedules to minimize contact, changing class assignments, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

POLICY NOTIFICATION - The Superintendent or designee shall provide annual written notice of this policy to students, parents, teachers, staff members, administration, volunteers, and school district agents through appropriate references in school and district handbooks, or through other reasonable means.

Parents will be encouraged to prevent bullying at school by:

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

TRAINING – The Superintendent will ensure that all school employees, volunteers, and agents will receive annual training on bullying and related Board policies. The District may also host or schedule public forums to discuss and address bullying.

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes 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. The Superintendent may incorporate anti-bullying training and education in the District's curriculum. Any student training programs shall be written and presented in age appropriate language.

REPORTING ACTS OF BULLYING – At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy. The Principal may designate this responsibility to the Dean of Students with the understanding that the Principal will be informed of such incidents as soon as possible within the school day.

1. Student – Any student who believes he or she has been the victim of bullying may report the alleged acts immediately to the Principal or administrative designee. If the student is comfortable reporting the alleged act(s) to a person other than the Principal or administrative designee, the student may tell his/her teacher or any school district employee about the alleged bullying. The employee is to report the bullying allegation to the Principal as soon as possible and no later than the end of the school day.
2. School Employees - Any school employee who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal or administrative designee as soon as possible within the school day. School employees shall encourage students to tell them about acts that may constitute bullying.
3. Volunteers or Agents – Any school volunteer or school district agent who witnesses or has knowledge or belief that bullying may have occurred shall inform the Principal or administrative designee as soon as possible within the school day.
4. Parent - Any parent who believes that their child has been the victim of bullying or the perpetrator of bullying or has become aware of an act of bullying shall report the alleged act to the Principal or administrative designee.
5. Anonymous Reports – In cases of anonymous reports, 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.
6. Reporting Forms - The District will make available forms for reporting incidents of bullying, and shall request the use of these forms. Such forms shall be available in the Principal's Office in each school, from the Superintendent's Office, and on the District Website at www.sau14.org. An investigation shall proceed even if a student, school employee, volunteer,

school district agent, or parent is reluctant to fill out the designated form and chooses not to do so.

DISTRICT AND STATE REPORTING REQUIREMENTS – The Principal or administrative designee shall be responsible for completing the District and NH Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any reported incident unless an extension has been granted by the Superintendent. Upon completion of such forms, the Principal or administrative designee shall retain a copy for school records and shall forward a copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

NOTIFYING PARENTS OF ALLEGED BULLYING – The Principal or administrative designee 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 above referenced 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).

WAIVER OF NOTIFICATION REQUIREMENTS – 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. The Superintendent shall notify the School Board Chairperson within the 48 hour time period of a notification waiver. Any waiver granted shall be in writing. This waiver shall not negate the school's responsibility to adhere to the remainder of this policy.

INVESTIGATION PROCEDURES – Upon receipt of a report of bullying, the Principal or administrative designee shall commence an investigation consistent with the provisions of this policy.

1. Upon receipt of a report of bullying, the Principal or administrative designee shall, within 5 school days, initiate an investigation into the alleged act. If the administrative designee is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Principal shall conduct the investigation. If the Principal is directly and personally involved with a complaint or is closely related to a party 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 the alleged victim and perpetrator be interviewed together during the investigation.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal or administrative designee may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communication documentation.
4. The investigation may include, but is not limited to:
 - a. Description of incident, including the nature of the behavior;
 - b. How often the conduct occurred;
 - c. Whether there were past incidents or past continuing patterns of behavior;
 - d. The characteristics of parties involved;

- e. The identity and number of individuals who participated in bullying behavior;
 - f. Where the alleged incident(s) occurred;
 - g. Whether the conduct adversely affected the student's education or educational environment;
 - h. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 - i. The date, time, and method in which parents or legal guardians of alleged victim and perpetrator(s) involved were contacted.
5. The Principal or administrative designee shall complete the investigation within 10 school days of receiving the initial report. If the investigation may not be completed within 10 school days, the Principal may request an extension 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. The extension shall also be noted on the District report.
 6. Whether a particular action of 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 Superintendent. If the Principal does not personally conduct the investigation, the Principal shall be fully informed of the results of the investigation and consulted before disciplinary or remedial action is taken.

RESPONSE TO SUBSTANTIATED BULLYING – Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying, retaliation, or false reporting may range from positive behavioral interventions up to and including suspension or expulsion of students, dismissal from employment for staff members, and exclusion from school grounds for volunteers and school district agents.

Consequences for a student who commits an act of bullying, retaliation, or false reporting shall be varied and awarded 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.

Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies up to and including suspension. In awarding discipline the administrative designee shall discuss the investigation and disciplinary action with the Principal. Students facing discipline will be afforded all due process required by law.

The Board promotes preventative educational measures to create greater awareness of bullying and encourages the Superintendent to work collaboratively with school staff to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

REPORTING TO SUPERINTENDENT AND SCHOOL BOARD – The Principal or administrative designee shall forward all substantiated reports of bullying to the Superintendent upon completion of the investigation. The Superintendent shall inform the School Board at the next regularly scheduled School Board meeting.

COMMUNICATION WITH PARENTS UPON COMPLETION OF INVESTIGATION – The Principal or administrative designee shall notify the parents of the alleged victim and alleged perpetrator consistent with the provisions of this policy.

1. Within 2 school days of completing an investigation, the Principal and or administrative designee will notify the students involved in person of his/her findings and the result of the investigation. The Principal or administrative designee will also notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation.
2. Within 5 school days of completing an investigation a letter will also be sent to the parents notifying them of the results of the investigation and the school's remedies and assistance within the boundaries of applicable state and federal law.
3. If the parents request, the Principal or administrative designee 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 (FERPA) 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 and the parents of other students involved in a bullying incident.

APPEAL – The parents of the pupils perpetrating bullying, making false accusations, and/or retaliating against others may appeal administrative actions consistent with the provisions of this policy.

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils perpetrating bullying, making false accusations, and/or retaliating against others shall have the right to appeal the Principal's decision to the Superintendent in writing within 5 school days. The Superintendent shall review the Principal's decision and issue a written decision within 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 10 school days of the Superintendent's decision. The School Board will adhere to all applicable NH 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 NH State Board of Education.

IMMUNITY – A district employee, school employee, school volunteer, pupil, parent, legal guardian, or employee of a company under contract with the school or school district shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response.

VIDEO & 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 conjunctions 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.

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.

VIDEO SURVEILLANCE ON SCHOOL PROPERTY – The District reserves the right to use video recording devices on school property to ensure the health, welfare, and safety of all staff, students, and visitors. Placement and location of such devices will be established in accordance with the provisions of Policies EEAA, EEAE, and ECAF.

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

Statutory/Regulatory/Policy/Handbook Cross References

- Policy JICK-FORM (Bullying Report Form)
- Policy EEAA (Video Surveillance on School Property)
- Policy EEAE (School Bus Safety Program)
- Policy ECAF (Audio and Video Surveillance on School Buses)
- Policy JLDB (Behavior Management and Intervention)
- Policy JRA (Student Education Records and Information)
- RSA 193-F (Pupil Safety and Violence Prevention Act) RSA 193:13 (Suspension and Expulsion of Pupils)
- 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)
- NH Code of Administrative Rules, Section Ed 317 (Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process)
- Handbook (Referenced in Handbooks)

APPROVED/REVISED: September 22, 2005, August 2, 2007, August 20, 2009, November 18, 2010