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2 **PUPIL SAFETY AND VIOLENCE PREVENTION POLICY – BULLYING**

3 Conduct constituting bullying will not be tolerated in or by the District.¹

The Shaker Regional School Board believes that all students are entitled to learn in a school environment that is safe and secure. All students are expected to conduct themselves with respect for others and in accordance with this policy, other Board policies and school rules governing student conduct. The Board will take reasonable steps to protect all students from the harmful effects of bullying and cyberbullying that occurs at school and/or that interferes with student learning and orderly school operations.

The Superintendent is responsible for implementing this policy. School principals and/or designees are responsible for enforcing this policy and school rules.

4 **1.1 Definitions**

5 For purposes of this policy, the following definitions shall apply:

6 A) "Bullying" means a single significant incident or a pattern of incidents involving
7 a written, verbal, or electronic communication, or a physical act or gesture, or any
8 combination thereof, directed at another student which:

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- 10 1. Physically harms a student or damages a student's property;
 - 11 2. Causes emotional distress to a student. For the purposes of this policy,
12 the term "emotional distress" means distress that materially impairs the
13 student's participation in academic or other school-sponsored activities.
14 The term "emotional distress" does not include the unpleasantness or
15 discomfort that accompanies an unpopular viewpoint;
 - 16 3. Interferes with a student's educational environment;
 - 17 4. Creates a hostile environment; or
 - 18 5. Substantially disrupts the orderly operation of the school.

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20 "Bullying" shall also include actions motivated by an imbalance of power based on a
21 student's actual or perceived personal characteristics, behaviors or beliefs, or
22 motivated by the student's association with another person based on the other
23 person's characteristics, behaviors or beliefs, or motivated by the student's
24 association with another person and based on the other person's characteristics,
25 behaviors or beliefs if those actions cause one or more of the results in paragraphs
26 (1) through (5) above.

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28 B) "Cyberbullying" means conduct defined in section 1.2.A. that takes place through the
29 use of electronic devices.

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31 C) "Electronic devices" include but are not limited to telephones, cellular phones,
32 computers, pagers, electronic mail, instant messaging, text messaging, and
33 websites.

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35 D) "School property" means all real property and all physical plant and equipment used
36 for school purposes, including public or private school buses or vans.

37 E) "Perpetrator" means a student who engages in bullying or cyberbullying.

¹ RSA 193-F:2-F:10

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2 F) "Victim" means a student against whom bullying or cyberbullying has been
3 perpetrated.
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5 **1.2 Prohibited Conduct**

6 Students are prohibited from bullying and cyberbullying actions or communications
7 directed toward other students which:

8 A) Occur on, or are delivered to, school property or a school-sponsored activity or
9 event on or off school property; or

10 B) Occur off school property or outside of a school-sponsored activity or event, if
11 the conduct interferes with a student's educational opportunities or substantially
12 disrupts the orderly operations of the school or school-sponsored activity or
13 event.

14 Students are further prohibited from retaliating against or making false accusations
15 against a victim, witness or anyone else who in good faith provides information about an
16 alleged act of bullying or cyberbullying.

17 Bullying or cyberbullying of a student on the basis of sex, sexual orientation, race, color,
18 ancestry, national origin, religion, age, marital status, familial status, pregnancy, physical
19 or mental disability may constitute illegal discrimination under federal and/or state laws.
20 Complaints regarding such conduct may be processed through SRSD Board's
21 Nondiscrimination Grievance Procedure (AC-R).
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23 **1.3 Reporting Bullying and Cyberbullying**

24 Students who are subjected to bullying or cyberbullying, or who observe
25 bullying/cyberbullying by or against other students are strongly encouraged to report it to
26 appropriate school personnel such as a school principal, assistant principal, guidance
27 counselor and/or teachers.
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29 Any school employee or employee of a company under contract with the District (e.g.:
30 for transportation services), who has witnessed or has reliable information that possible
31 incidents of bullying or cyberbullying has occurred are required to report such incidents
32 and/or information to the school principal and/or designee as soon as possible.
33 Parent(s), guardian(s), and/or other adults should report any concerns about possible
34 bullying or cyberbullying of students to the school principal.
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36 **1.4 Report Handling and Investigation**

37 A) The school principal and/or designee shall notify the parent(s)/guardian(s) of the
38 alleged victim(s) and perpetrator(s) that a bullying/cyberbullying report has been
39 made within 48 hours of the report. The content of the notification shall comply with
40 the Family Educational Rights and Privacy Act². However, the school principal
41 and/or designee may request a wavier of this parent
42 notification requirement from the Superintendent. The Superintendent may waive
43 parent(s) and/or guardian(s) notification at this stage of the procedure if he/she
44 determines this to be in the best interest of the victim(s) and/or the perpetrator(s).
45 Any such wavier of the parent notification requirement shall be made in writing to the
46 principal and/or designee.
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48 B) An investigation of the bullying/cyberbullying report will be initiated by the school

² 20, U.S.C. 1232g

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principal or designee within five (5) school days.

1. The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.
2. Privacy rights of all parties shall be maintained in accordance with the Family Educational Rights and Privacy Act³.
3. The school principal and/or designee shall keep written record of the investigation.
4. The school principal and/or designee may take remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.
5. The school principal and/or designee shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.
6. The investigation shall be completed within 10 school days of receipt of the Report, if practicable. The Superintendent may grant in writing an extension of time to complete the investigation of up to 7 additional days, if necessary. The Superintendent shall notify all parties involved of any such extension.
7. If the school principal and/or designee substantiates the bullying/cyberbullying report, he/she shall, in consultation with the Superintendent determine what remedial and/or disciplinary actions should be taken against the perpetrator(s) and determine what further assistance should be provided the victim(s), if any.
8. The school principal and/or designee shall inform the victim(s), the perpetrator(s) and their parent(s)/guardian(s) of the results of the investigation and any remedies and/or assistance provided by the school, including strategies for protecting students from retaliation. Such communication may be made by telephone, email, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. Notification shall be provided within 10 school days and shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

C) After investigation, if it is determined that a student has engaged in bullying conduct, made false accusations, or retaliated against other students prohibited by this policy, the student shall be subject to appropriate disciplinary action⁴

D) The parent or legal guardian may appeal the principal's decision to the Superintendent within ten (10) days of the completion of the investigation by the principal and/or designee. If the parent(s)/guardian(s) is not satisfied with the superintendent's decision, they may appeal in writing within ten

³ 20, U.S.C. 1232g

⁴ SRSD Policy JIC

1 (10) days to the school board. If the parent or legal guardian is not satisfied with the
2 Board's decision, they may appeal to the State Board of Education⁵. Such an
3 appeal shall be in writing and filed with the Commissioner of Education with a copy
4 to the Superintendent of Schools and mailed to the NH Department of Education.
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6 **1.5 Training**

7 The school administration shall provide appropriate training on this policy for all school
8 employees, regular school volunteers and any employees of companies contracted to
9 provide services directly to students annually. The purpose of this training is to prevent
10 bullying and cyberbullying if possible, and to educate staff on how to properly identify,
11 respond to and report incidents of bullying and cyberbullying.
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13 The school administration shall annually provide age-appropriate education programs for
14 students and parents regarding this policy, bullying and cyberbullying prevention, how to
15 identify, respond to, and report bullying and cyberbullying.
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17 All training and education programs shall be initially approved by the School Board
18 based on the recommendation of the Superintendent. School administrators are
19 responsible for scheduling the required training and education programs each year.
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21 **1.6 Annual Report to New Hampshire Department of Education**

22 The Superintendent shall prepare and submit an annual report of substantiated
23 bullying/cyberbullying incidents on a form provided by the New Hampshire Department
24 of Education. Such reports shall not contain personally identifiable information regarding
25 students.
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27 **1.7 Immunity**

28 Any employee of the District or contract company, regular school volunteer, student or
29 parent(s)/guardian(s) shall be immune from civil liability for good faith conduct arising out
30 of or pertaining to the reporting, investigation, findings, and the development or
31 implementation of any recommended response under this policy.
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33 **1.8 Policy Dissemination**

34 The Superintendent shall provide notice to students and staff of this policy through
35 appropriate references in student and employee handbooks; district website, and/or
36 through other reasonable means. It shall also be provided to any company contracted
37 with the district who shall then be responsible for providing the policy to their employees.
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39 The Superintendent shall publish rules and procedures related to this policy.

⁵ RSA 193:13 II