

PUPIL SAFETY AND VIOLENCE PREVENTION POLICY BULLYING AND CYBERBULLYING

I. GENERAL STATEMENT OF POLICY

The School Board believes that students are entitled to learn in a school environment that is safe and secure. Students are expected to conduct themselves with respect for others and in accordance with this policy and 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. Conduct constituting bullying and/or cyberbullying will not be tolerated, and is prohibited.

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, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories

This policy, in conjunction with the Board's Student Discrimination, Harassment, and Bullying Complaint Procedure (ACAA-R), is intended to comply with RSA 193-F. The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and others as deemed appropriate.

II BULLYING AND CYBERBULLYING DEFINED

Definitions

1. "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:
 - a. physically harms a pupil or damages the pupil's property;
 - b. causes emotional distress to a pupil;
 - i. For the purposes of this policy, the term "emotional distress" means distress that materially impairs the student's participation in academic or other school sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint.
 - 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 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

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person’s characteristics, behaviors, or beliefs if those actions cause one or more of the results in paragraphs (a) through (e) above.

The above-referenced conduct is only considered “bullying” if it:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event, on or off school property; or

(b) Occurs off school property or outside of a school-sponsored activity or event, and the conduct interferes with a pupil’s educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, gender identity, race, color, creed, ancestry, national origin, religion, age, marital status, familial status, economic status, physical or mental disability may also constitute illegal discrimination or harassment under federal and/or state laws.

2. “Cyberbullying” means conduct defined in paragraph I of this section that takes place through the use of electronic devices.
3. “Electronic devices” include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
4. “School property” means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
5. “Perpetrator” means a pupil who engages in bullying or cyberbullying.
6. “Victim” means a pupil against whom bullying or cyberbullying has been perpetrated.

III. BULLYING, CYBERBULLYING, AND RETALIATION PROHIBITED

It shall be a violation of this policy to engage in, or cause others to engage in, the bullying or cyberbullying of a student.

It shall be a violation of this policy to engage in retaliation or false accusations against a complainant, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying.

All students are protected by this policy, regardless of their status under the law.

There shall be disciplinary consequences or interventions, or both, for a student who commits an act of bullying or cyberbullying, falsely accuses another of the same as a means of retaliation or reprisal, or otherwise violates this policy. If it is determined, after investigation, that a student has engaged in bullying or cyberbullying conduct prohibited by this policy, that student shall be subject to appropriate disciplinary action, which may include, but not be limited to suspension and expulsion. Any such disciplinary action shall be taken in accordance with applicable school board policy and legal requirements.

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IV. REPORTING AND INVESTIGATION PROCEDURE

Students who are subjected to bullying or cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to any school employee, including but not limited to teachers, administrators, counselors, or other staff.

School staff and volunteers are required to report possible incidents of bullying or cyberbullying to the building principal or designee as soon as practicable. Parents and other adults are also encouraged to report any concerns about possible bullying or cyberbullying of students to the building principal or designee.

(See Form ACAA-R).

The reporting procedure and investigative procedure for reports of bullying and/or cyberbullying is set forth in the Board's Student Discrimination, Harassment, and Bullying Complaint Procedure (ACAA-R).

V. TRAINING

The school administration shall provide appropriate training on this policy for school employees, regular school volunteers and any employees of companies contracted to provide services directly to students. The purpose of the training is to prevent bullying/cyberbullying, if possible, and to educate staff on how to properly identify, respond to, and report incidents of bullying/cyberbullying.

The school administration shall provide age-appropriate education programs for students and parents regarding this policy, bullying/cyberbullying prevention, how to identify, respond to and report bullying/cyberbullying.

VI. ANNUAL REPORT TO NEW HAMPSHIRE DEPARTMENT OF EDUCATION

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

VII. IMMUNITY

By virtue of NH RSA 193-F:7, any employee of the school unit or contract company, regular school volunteer, student or parent/guardian shall be immune from civil liability for good faith conduct arising out of or pertaining to the reporting, investigation, findings, and the development or implementation of any recommended response under this policy.

VIII. POLICY DISSEMINATION

This policy shall be posted on the district website and included in student and employee handbooks. It shall also be provided to employees of any company contracted to provide

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services directly to students. The policy may also be disseminated by other means as determined by the Superintendent.

IX. APPEAL

The procedures under RSA 193:13 and NH Admin. R. Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying.

Appeal rights related to complaints of bullying/cyberbullying are set forth in the Board's Student Discrimination, Harassment, and Bullying Complaint Procedure (ACAA-R).

X. CAPTURE OF AUDIO & VIDEO RECORDINGS ON SCHOOL BUSES:

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes 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.

Legal References: NH RSA 193-F
 RSA 570-A:2 Capture of Audio Recordings on School Buses Allowed
 RSA 193:13
 NH Code of Administrative Rules, Section Ed 317

Cross References: AC – Nondiscrimination/Equal Opportunity
 ACAA - Harassment and Sexual Harassment of Students
 ACAA-R - Student Discrimination,
 Harassment, and Bullying Complaint Procedure
 ACAA-R – Report Form
 JRA – Student Records and Information
 JICFA - Hazing