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Pittsfield School District

**PUPIL SAFETY AND VIOLENCE PREVENTION (BULLYING)**

I. Definitions (RSA 193-F:3)

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:

- 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.

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 public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

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

The Board is committed to providing all pupils with a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

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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 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, established procedures, and collective bargaining agreements.

Reprisal or Retaliation. The district will discipline and take appropriate action against any student, teacher, administrator, 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 dean of operations 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.

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- 4) Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measure up to and including exclusion from school grounds.

Process to Protect Pupils from Retaliation. If the alleged victim or any witness expresses to the dean of operations or other staff member that he/she believes that he/she may be retaliated against the dean of operations 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 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.

### 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.

In addition to imposing discipline under such circumstances, the Board encourages the administration and 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, II(c))

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 volunteers receive annual training on bullying and related district policies.

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, etc.).

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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, 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, 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 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 students,
- 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, counselors, school psychologists, and other interested persons.

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

#### Student Reporting.

- 1) Any student who believes that he or she has been the victim of bullying should report the alleged acts immediately to the dean of operations. If the student is more comfortable reporting the alleged act to a person other than the dean of operations, the student may report to any school district employee or volunteer.
- 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 dean of operations as soon as possible, but no later than the end of that school day.

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- 3) The dean of operations 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.
- 4) 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.
- 5) Upon receipt of a report of bullying, the dean of operations 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 behavior that they witness that appears to constitute bullying.
- 2) All district employees and 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 volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the dean of operations as soon as possible, but no later than the end of that school day.
- 4) Upon receipt of a report of bullying, the dean of operations shall commence an investigation consistent with the provisions of Section XI of this policy.

### 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 dean of operations 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 ten school days of any substantiated incident. Upon completion of such forms, the dean of operations or designee shall retain a copy for him/herself and shall forward one copy to the superintendent of schools. The superintendent of schools shall maintain said forms in a safe and secure location.

### IX. Notifying Parents of Alleged Bullying (RSA 193-F:4, II(h))

The dean of operations shall report to the parents of a student who has been reported as a victim of bullying and to parents of a student who has been reported as a perpetrator of bullying within forty-eight hours of receiving the report. Such

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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 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 of schools may, within a forty-eight hour time period, grant the dean of operations a waiver from the requirement that parents of the alleged victim and the alleged perpetrator be notified of the filing of the 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. Investigation Procedures (RSA 193-F:4, II(j))**

- 1) Upon receipt of a report of bullying, the dean of operations shall, within five school days, initiate an investigation into the alleged act. If the dean of operations 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 dean of operations may ask students and/or parents to provide the district with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
- 4) A maximum of ten school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- 5) Factors that the dean of operations or other investigator may consider during the course of the investigation include, but are not limited to:
  - Description of the incident, including the nature of the behavior;
  - How often the conduct occurred;
  - Whether there were past incidents or past continuing patterns of behavior;

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- The characteristics of parties involved (name, grade, age, etc.);
  - The identify and number of individuals who participated in bullying behavior;
  - Where the alleged incident occurred;
  - Whether the conduct adversely affected the student's education or educational environment;
  - 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.
- 6) The dean of operations shall complete the investigation within ten school days of receiving the initial report. If the dean of operations needs more than ten school days to complete the investigation, the superintendent may grant an extension of up to seven school days. In the event that such extension is granted, the dean of operations shall notify in writing all parties involved of the granting of the extension.
- 7) Whether a particular action or 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.
- 8) Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies, up to and including suspension. Students facing disciplinary action will be afforded all due process required by law.
- 9) Consistent with applicable law, the district will not require or request that a student disclose or provide to the district the student's user name, password, or other authenticating information to a student's personal social media account. However, the district may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing district investigation.

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

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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.

Examples of consequences may include, but are not limited to:

- Admonishment;
- Temporary removal from classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to student support center;
- 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 experiences;
- Behavior assessment;
- Student counseling;

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- 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 and dean of operations 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 Incidents to the Superintendent (RSA 193-F:4,II(1))

The dean of operations shall forward all substantiated reports of bullying to the superintendent upon completion of the dean's investigation.

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

- 1) Within two school days of completing an investigation, the dean of operations will notify the students involved in person of his/her findings and the result of the investigation.
- 2) The dean of operations will notify, either in person or via telephone, the parents of the alleged victim and alleged perpetrator of the results of the investigation. The dean of operations will also send a letter to the parents within twenty-four hours, again notifying them of the results of the investigation.
- 3) If the parents request, the dean of operations shall schedule a meeting with them to further review 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 students, to other students and parents of other students involved in a bullying incident.

### XV. Appeals

A parent or guardian who is aggrieved by the investigative determination letter of the dean of operations or his/her designee may appeal the determination to the superintendent for review. The appeal shall be in writing addressed to the superintendent, shall state the reason why the appealing party is aggrieved, and the nature of the relief they seek. The superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

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It is in the best interests of students, families, and the district that these matters be promptly resolved. Therefore, any such appeal to the superintendent shall be made within ten calendar days of the parent/guardian's receipt of the investigative determination letter of the principal or his/her designee. The superintendent shall issue his/her decision in writing.

If the parent or guardian is aggrieved by the decision of the superintendent, they may appeal the decision to the School Board within ten calendar days of the date of the parent/ guardian's receipt of the superintendent's decision. An appeal to the superintendent shall be a prerequisite to any appeal to the School Board. The appeal to the School Board shall be in writing, addressed to the School Board Chair in care of the superintendent, shall state the reason why the appealing party is aggrieved, and the nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and the State of New Hampshire Department of Education regulation set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown including, but not limited to, illness, accident, or death of a family member.

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

The superintendent of schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the superintendent may designate roles to other school employees as he/she may decide.

### **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 the posting of notice in buses informing the occupants of school buses that such recordings may be occurring.

### **XVIII. Use of Video or Audio Recordings in Student Discipline Matters**

The district reserves the right to use audio and/or video recording devices on district property (including school buses, which may not be district property but are provided through contractual arrangement) 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 provisions of Policies EEAA, EEAE, and EDAF.

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In the event that an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's educational record. If an audio or video recording does become part of a student's educational record, the provisions of Policy JRA shall apply.

The superintendent is authorized to contact the district's attorney for a full legal opinion in the event of such an occurrence.

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