

**MOULTONBOROUGH SCHOOL DISTRICT  
DRAFT POLICY – JICK (OCTOBER 12, 2010)  
PUPIL SAFETY AND VIOLENCE PREVENTION – BULLYING**

*Category: Priority/Required by Law*

*See also JBAA, JIA, JICD, IHBA*

**Key:** **Non-Italics = Wording Taken From RSA 193-F.**  
***Italics = Wording Not Required by RSA 193-F.***

**I. Definitions:** (RSA 193-F:3)

1. **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.

2. **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.*

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. **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 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.*

*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, creates a hostile educational environment, 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.

## MSD DRAFT Policy JICK PUPIL SAFETY AND VIOLENCE PREVENTION – Bullying

### **III. Statement Prohibiting Retaliation or False Accusations:** (RSA 193-F:4, II(b))

**False Reporting:** False accusations against a victim, witness or anyone else who provides information about an act of bullying are prohibited. A student found to have wrongfully and intentionally accused another of bullying may face disciplinary consequences or interventions or both, *ranging from positive behavioral interventions up to and including suspension or expulsion.*

**Reprisal or Retaliation:** *The District will discipline and/or take appropriate action against any student who engages in retaliation under this policy.* Retaliation 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 is prohibited.

1. *The consequences and appropriate remedial action for a student 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.*
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.*

**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 or designee 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 on school district grounds and participating in school district functions, regardless of whether or not such pupil 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.

### **VI. Distribution and Notice of This Policy:** (RSA 193-F:4, II(e))

**Staff and Regular School Volunteers:** This entire policy will be posted on the SAU45 website. A summary of this policy will be included in staff handbooks annually.

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

**Students and Parents:** Educational programs for pupils and parents in preventing, identifying, responding to and reporting incidents of bullying or cyberbullying will be provided annually.

## MSD DRAFT Policy JICK PUPIL SAFETY AND VIOLENCE PREVENTION – Bullying

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

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

#### **Student Reporting**

1. *Any student who believes he or she has been the victim of bullying should report the alleged act(s) immediately to the Principal or designee. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any school district employee or regular school volunteer about the alleged bullying.*
2. *Any school employee or regular school volunteers 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.*
3. *The Principal or designee may receive anonymous reports of bullying from students, parents, volunteers and visitors. 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. *Bullying reporting forms (see JICK-R) will be made available to anyone filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form.*
5. *Upon receipt of a report of bullying, the Principal or his designee shall commence an investigation consistent with the provisions of Section XI of this policy.*

### **VIII. Notifying Parents or Guardian of Alleged Bullying:** (RSA 193-F:4, II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying and to the parent(s) or guardian of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the 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).

### **IX. Waiver of Notification Requirement:** (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal or designee 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. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

### **X. Investigative Procedures:** (RSA 193-F:4, II(j))

1. Upon receipt of a report of bullying, the Principal or designee shall initiate an investigation into the alleged act. The investigation must be initiated within 5 days of the initial report. *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.*

**MSD DRAFT Policy JICK**  
**PUPIL SAFETY AND VIOLENCE PREVENTION – Bullying**

2. *If the alleged bullying was in whole or in part cyberbullying, the Principal 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.*
3. The Principal or designee shall complete the investigation *within 10 school days* of receiving the initial report. If the Principal or designee *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 Superintendent or designee shall notify in writing all parties involved of the granting of the extension.
4. *Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension or expulsion. Students facing discipline will be afforded all due process required by law.*

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

The principal or designee will develop a response to remediate any substantial incident of bullying or cyberbullying, 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.

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

The Principal or designee shall forward all substantiated reports of bullying to the Superintendent.

**XIII. Communication With Parents Upon Completion of Investigation:** (RSA 193-F:4, II(m))

1. Within 10 school days of the completion of an investigation, the principal or designee will communicate with the parents or guardian of victims and perpetrators regarding the schools' remedies and assistance, within the boundaries of applicable state and federal laws.
2. *In accordance with the Family Educational Rights and Privacy Act 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.*

**XIV. Appeal:**

1. 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.
2. The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

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

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

**MSD DRAFT Policy JICK  
PUPIL SAFETY AND VIOLENCE PREVENTION – Bullying**

**XVI. Training and Assessment:** (RSA 193-F:5)

The District will annually provide training on this policy to school employees, regular school volunteers, and employees of a company under contract with the District who have significant contact with pupils. The District will also provide educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

**XVII. Procedure for Reporting Requirements to Department of Education:** (RSA 193-F:6, I)

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 substantial incidents of bullying.

See Appendix JICK-R/JBAA-R1 and JBAA-R2 for appropriate reporting forms.

**Legal References:**

*RSA 193-F:3, Pupil Safety and Violence Prevention Act*  
*NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment*

MSD Adopted:	
MSD Public Hearing:	November 9, 2010
MSD Proposed:	October 12, 2010
MSD Adopted:	April 14, 2009
MSD Proposed:	March 9, 2009
MSD Adopted:	May 13, 2008
MSD Proposed:	April 8, 2008
MSD Adopted (as JICBB):	June 11, 2011
MSD Proposed (as JICBB):	May 14, 2001