

PUPIL SAFETY AND VIOLENCE PREVENTION

I. GENERAL STATEMENT OF POLICY

It is the policy of the Bow School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyber bullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyber bullying as defined herein is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyber bullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. Each building Principal is responsible for the implementation of this Policy.

II. BULLYING AND CYBERBULLYING DEFINED

1. "Bullying" is 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 student which:

- (a) physically harms a student or damages the student's property;
- (b) causes emotional distress to a student (for the purposes of this policy, "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 unpleasantness or discomfort that accompanies an unpopular viewpoint.);
- (c) interferes with a student's educational opportunities;
- (d) creates a hostile educational environment; or
- (e) substantially disrupts the orderly operation of the school.

"Bullying" includes actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the student's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. "Cyber bullying" is any conduct defined in Paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyber bullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, stalking or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or other use of technology.

3. Bullying or cyber bullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:

- (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 of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

4. "Parent" means parent, parents, or legal guardians.

5. "Perpetrator" is a student who engages in bullying or cyber bullying.

6. "School property" is all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

7. "Victim" is a student against whom bullying or cyber bullying has been perpetrated.

8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans With Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

III. REPORTING PROCEDURE

1. Any student who believes he/she has been a victim of bullying or cyber bullying shall report the alleged act to the building Principal. If a student is more comfortable reporting the alleged act to a person other than the building Principal, the student may contact any School District employee. The School District will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of alleged bullying and cyber bullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.

2. Any school employee, volunteer, or employee of a company under contract with the school or School District, who has witnessed or has reliable information that a student has been subjected to bullying or cyber bullying shall report the incident to the student's Principal. "Reliable information" shall include a parent's or student's claim that a student is the victim of bullying or cyber bullying.

3. All reports must be documented on the School District's Bullying/Cyber bullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyber bullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete the School District's Bullying/Cyber bullying Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Bullying/Cyber bullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyber bullying.

4. The Principal shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving the School District's

Bullying/Cyber bullying Reporting Form that a report of alleged bullying or cyber bullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

5. The Superintendent may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.

6. At the end of every month that school is in session, the Principal shall forward a summary report of any and all reports received under this section to the Superintendent.

IV. INVESTIGATION AND REMEDIAL ACTION

1. The Principal or his/her designee shall begin an investigation of the alleged acts of bullying or cyber bullying within five (5) school days of receiving the School District's Bullying/Cyber bullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyber bullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.

2. The Principal or his/her designee will complete the investigation within ten (10) school days after the Principal receives the School District's Bullying/Cyber bullying Reporting Form, except in cases where the Superintendent grants a written extension. The Superintendent, if necessary, may grant an extension of the time period for the completion of the investigation for up to an additional seven (7) school days. The Superintendent shall notify all parties in writing of the granting of an extension. The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

3. To end bullying or cyber bullying and prevent its recurrence, the Principal or his/her designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to the Superintendent to consider long-term suspension or expulsion, and/or referral to law enforcement. Any discipline imposed will be in accordance with and consistent with the School Board's policies on student discipline.

4. Besides initiating disciplinary action, the Principal or his/her designee may also take other remedial action deemed necessary and appropriate to end bullying or cyber bullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.

5. At the time a bullying or cyber bullying report is made, the Principal or his/her designee, shall develop a strategy to protect all students from any kind of retaliation.

6. The Principal or his/her designee must document his/her investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or

other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal or his/her designee's investigation report shall also include the Principal or his/her designee's findings of whether the report of bullying or cyber bullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal or his/her designee shall include in the investigation report recommendations for remediating the bullying or cyber bullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyber bullying but the conduct violates school rules or policies, the Principal or his/her designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

7. The Principal or his/her designee shall promptly notify the Superintendent of all substantiated instances of bullying or cyber bullying. Also, a summary of substantiated instances shall be included with the monthly summary of reported instances.

8. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.

9. Since bullying or cyber bullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Principal or his/her designee. The Principal or his/her designee shall document all follow-up with the victim.

10. At the end of each semester, the Superintendent will summarize and report to the School Board reported and substantiated instances of bullying for each school.

V. FILE RETENTION

The Principal will maintain in a separate confidential file the original completed School District's Bullying/Cyber bullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials. This file may be forwarded to the superintendent or to the principal of the students' subsequent district school if requested. Reports of disciplinary actions will be kept in a student's educational record.

VI. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyber bullying. The School District will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyber bullying.

If a complaint or report is not made in good faith, the School District will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

VII. POLICY NOTIFICATION

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or his/her designee shall also make all volunteers, and contractors who have contact with students and chartered public schools aware of this Policy.

2. The School District will post this Policy and a summary of the Policy on the School District's website and conspicuously in each school building in areas easily accessible to students and staff.

VIII. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The Superintendent or his/her designee shall develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with parents and students in order to minimize the occurrence of bullying and cyber bullying and to identify, respond to, and report incidents of bullying or cyber bullying.

2. The Superintendent or his/her designee shall provide training annually for employees, school volunteers, and contractors who have contact with students for the purpose of preventing, identifying, responding to, reporting incidents of bullying or cyber bullying, and implementing this Policy.

IX. RECORDINGS ON SCHOOL BUSES

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

A sign informing the occupants of school buses that such recordings may occur shall be posted on all buses.

X. BULLYING AS ABUSE AND CRIMINAL CONDUCT

Under certain circumstances (e.g., physical harm/touching, or damage to property) bullying or cyber bullying may constitute a violation of the Safe School Zones Act or abuse under RSA 169-C, the Child Abuse Reporting Act. In such situations, employees, volunteers and contractors shall comply with provisions of the School District's Policy concerning the Safe School Zones Act and the law which in part requires reporting to the Principal and requires the Principal to file a written report with the police within 48 hours and to notify the victim's parents/guardian that a report has been filed.

XI. SEXUAL HARASSMENT

Bullying or cyber bullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment and Sexual Violence Policy, not this Policy.

XII. IMMUNITY

A School Administrative Unit employee, School District employee, chartered public school employee, school volunteer, student, parent, legal guardian, or employee of a company under contract to the School District, School Administrative Unit, or chartered public school, 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 under RSA 193-F.

LEGAL REFERENCES:

RSA 193-F