

## **BULLYING**

The Somersworth School Board is committed to providing all students a safe and secure environment. 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. The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and other as deemed appropriate.

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.

### **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 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, 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 student’s educational environment;
  - d. Creates a hostile educational environment; or
  - e. Substantially disrupts the orderly operation of the school.

“Bullying” shall also include 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 if those actions cause one or more of the results in paragraphs (a) through (e) above.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, gender identity, race, color, ancestry, national origin, religion, age, marital status, familial status, pregnancy, physical or mental disability may constitute illegal discrimination under federal and/or state laws. Complaints regarding such conduct may be processed through the Board’s Student Discrimination and Harassment Complaint Procedure (AC-R).

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2. “Cyberbullying” means conduct defined in Paragraph 1 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 student who engages in bullying or cyberbullying.
6. “Victim” means a student against whom bullying or cyberbullying has been perpetrated.

**Prohibited Conduct:**

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

1. Occur on, or are delivered to, school property or a school-sponsored activity or event on or off school property; or
2. Occur off 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.

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

*There shall be disciplinary consequences, interventions or both for a pupil who commits an act of bullying or cyberbullying or falsely accuses another of the same as a means of retaliation or reprisal.*

Administrators have the discretion to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student’s willingness to cooperate in the investigation and correct behavior; and the student’s prior disciplinary record. In addition as deemed appropriate offer assistance to the victim or perpetrator.

**BULLYING****Reporting:**

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 acts immediately to the Principal. 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 volunteer about the alleged bullying.
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 Principal as soon as possible, but no later than the end of that school day.

School staff and volunteers are required to report possible incidents of bullying or cyberbullying to the building principal 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.

1. The building principal or designee **shall** notify the parents/guardians of the alleged victim(s) and perpetrator(s) that a bullying/cyberbullying report has been made within 48 hours of the report and in accordance with applicable privacy laws. However, the building principal or designee may request a waiver of this parent notification requirement from the Superintendent. The Superintendent may waive parent/guardian notification at this stage of the procedure if he/she determines this to be in the best interest of the victim(s) and/or the perpetrator(s). Any such waiver of the parent notification requirement shall be made in writing.

**Report Handling/Investigation**

An investigation of the bullying/cyberbullying report will be initiated by the building principal or designee *as soon as possible* within five school days. All substantiated incidents of bullying or cyberbullying will be reported to the superintendent of schools or designee.

- a. The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.
- b. Privacy rights of all parties shall be maintained in accordance with applicable laws.

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- c. The building principal or designee shall keep a written record of the investigation process.
- d. The building principal or designee may take interim 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.
- e. The building principal or designee shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.
- f. The investigation shall be completed within 21 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 school days if necessary. The Superintendent shall notify all parties involved of any such extension.
- g. If the building principal 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.
- h. The building principal or designee shall inform the victim(s), the perpetrator(s) and their parents/guardians in writing 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 shall be provided within 10 school days of completion of the investigation and shall be compliance with applicable privacy laws.
- i. 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.

**Immunity**

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.

**BULLYING****Training**

1. 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 and to educate staff on how to properly identify, respond to and report incidents of bullying/cyberbullying.
2. The school administration shall provide an annual age-appropriate education program for students and families which sets out expectations for student behavior regarding bullying/cyberbullying prevention, how to identify, respond to and report bullying/cyberbullying. Building administrators are responsible for scheduling the required training each year.

**Annual Report to the Department of Education**

The Superintendent shall annually report to the Dept. of Education on the form provided by the Department of Education substantiated bullying/cyberbullying incidents. Such report shall not contain personally identifiable information regarding students.

**Dissemination of Policy**

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

**Appeals**

A parent or guardian who is aggrieved by the investigative determination letter of the principal 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(s) 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.

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 (10) 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 (10) 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.

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The appeal to the School Board shall be in writing, addressed to School Board Chair in care of the Superintendent, shall state the reason(s) 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 (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations 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.

Legal References:

RSA 189:70, Educational Institution Policies on Social Media

RSA 193-F: 3, Pupil Safety and Violence Prevention Act

RSA 570-A: 2, Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

Reviewed: September 27, 2010

1<sup>st</sup> Reading: October 12, 2010

2<sup>nd</sup> Reading: November 9, 2010

Approved by NHSBA: August 2011

Reviewed: October 14, 2014

1<sup>st</sup> Reading: October 28, 2014

2<sup>nd</sup> Reading: November 18, 2014

Approved: November 18, 2014

Reviewed: October 28, 2015

1<sup>st</sup> Reading: November 17, 2015

2<sup>nd</sup> Reading: December 8, 2015

Approved: December 8, 2015