

**STUDENT SAFETY AND VIOLENCE PREVENTION - Bullying****I. Introduction/Statement Prohibiting Bullying or Cyberbullying of a Student  
(RSA 193-F:4, II(a))**

The Somersworth School Board is committed to providing all students with a safe and secure 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.

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 District will 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 student's educational opportunities or substantially disrupts the orderly operations of the school or school sponsored activity or event.

This policy shall apply to all students and school-aged persons on School District grounds and participating in School District functions, regardless of whether or not such student or school-aged person is a student in the District.

The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and others as deemed appropriate.

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, socioeconomic status, pregnancy, physical or mental disability may constitute illegal discrimination under federal and/or state laws and will be investigated under the applicable discrimination law and policy.

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

1. Bullying. 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:
  - (1) Physically harms a student or damages the student's property;
  - (2) Causes emotional distress to a student;
  - (3) Interferes with a student'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 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.

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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.
5. “Perpetrator” means a student who engages in bullying or cyberbullying.
6. “Victim” means a student against whom bullying, or cyberbullying has been perpetrated.
7. Any reference in this policy to "parent" shall include parents or legal guardians.

**II. 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 be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

**Reprisal or Retaliation**

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, other employee, or contractor 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, school volunteer, other employee, or contractor 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, 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.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.
5. Any contractor found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to and including termination of the contract, and exclusion from school grounds.

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### **Process To Protect Students 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 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.

### **III. Protection of all Students (RSA 193-F:4, II(c))**

This policy shall apply to all students and school-aged persons on District grounds and participating in District functions, regardless of whether or not such student or school-aged person is a student within the District.

### **IV. 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 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.

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

#### **Staff and Volunteers**

All staff will be provided 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, volunteers, and contractors with regular contact with students receive annual training on bullying and related District's 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.).

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.

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### **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, guidance counselors, school psychologists and other interested persons.

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

At each school, the Principal 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 District employee or volunteer about the alleged bullying.
2. Any school employee, volunteer, or contractor 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.
3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers, contractors, 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 Principal shall commence an investigation consistent with the provisions of Section X of this policy.

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### **Staff, Volunteer, and Contractor Reporting**

1. An important duty of the staff, volunteer, or contractor is to report acts or behavior that they witness that appears to constitute bullying.
2. All District employees, volunteers, and contractors 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, volunteer, or contractor 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.
4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section X of this policy.

### **VII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))**

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 substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

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

The Principal shall report the alleged bullying incident to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the report. Such 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 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 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.

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

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. 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.

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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 consistent with the District's legal obligations. 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 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. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's username, password or other authenticating information to a student's personal social media account. However, the District may request a student or a student's parent/guardian to 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.
4. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
  - Description of incident, including the nature of the behavior;
  - How often the conduct occurred;
  - Whether there were past incidents or past continuing patterns of behavior;
  - The characteristics of parties involved, (name, grade, age, etc.);
  - The identity and number of individuals who participated in bullying behavior;
  - Where the alleged incident(s) occurred;
  - Whether the conduct adversely affected the student's education or educational environment;
  - Whether the alleged victim felt or perceived an imbalance or 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.
5. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal 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 Principal shall notify in writing all parties involved of the granting of the extension.
6. 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 Principal.
7. 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 discipline will be afforded all due process required by law.

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Consequences and appropriate remedial actions for a staff member who commits one or more acts of retaliation may range from reprimands, suspensions, or dismissal from employment.

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 disciplinarian
- 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 experience
- Behavior assessment
- Student counseling
- 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 to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

Since bullying or cyberbullying 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 should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or

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retaliation. The Principal or his/her designee shall document all follow-ups with the victim.

**XII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(1))**

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.

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

Within two school days of completing an investigation, the Principal will:

1. Notify the students involved in person of his/her findings and the result of the students involved in the investigation; and
2. Notify via telephone the parents of the alleged victim and the alleged perpetrator of the results of the investigation.
3. Send a letter to the parents of the results of the investigation.
3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. 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 and the parents of other students involved in a bullying incident.

**XIV. Appeals**

1. For non-disciplinary remedial actions where no other review procedure governs, 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 Board. The appeal to the School Board shall be in writing, addressed to Board Chair in care of the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the



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nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the Board to the State Board within thirty (30) calendar days of receipt of the written decision of the 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.

2. The procedures in RSA 193:13, Ed 317, and the District's discipline policies establish the due process and appeal rights for discipline for acts of bullying, cyberbullying, or retaliation.

### **XV. 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 that there is a sign informing the occupants of school buses that such recordings are occurring.

### **XVI. 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) 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 Policy EEAA/ECAF.

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

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

### **XVII. Bullying as Abuse and Criminal Conduct**

Under certain circumstances (e.g., physical harm/touching, or damage to property) bullying or cyberbullying 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 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 forty-eight (48) hours and to notify the victim's parents/guardian that a report has been filed.

### **Legal References:**

*RSA 169-C, Child Abuse Reporting Act*

*RSA 189:70, Educational Institution Policies on Social Media*

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

*RSA 541-A, Administrative Procedure Act*

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

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*NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment  
Ed 317, Standards & Procedures for Suspension & Expulsion of Pupils Including Procedures Assuring  
Due Process  
Family Educational Rights and Privacy Act of 1974*

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