

LITCHFIELD SCHOOL DISTRICT

POLICY CODE: JICK
Formerly JICD

APPROVED: December 1, 2010

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PUPIL SAFETY & VIOLENCE PREVENTION POLICY (Anti-Bullying Policy In Compliance with RSA 193-F)

Statement of Purpose, Intent and Scope

It is the intent of this policy to protect all children on district grounds, regardless of their enrollment status in the District, from physical, emotional and psychological harm by addressing bullying and cyberbullying of any kind in our district/school, and to prevent the creation of a hostile educational environment. All pupils are protected under this policy, regardless of their legal status. The district will not tolerate unlawful harassment of any type and conduct that constitutes bullying as defined herein is prohibited by this Policy, in accordance with RSA 193-F.

The Superintendent of Schools or designee is responsible for ensuring that this policy is implemented.

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:
 - a. Physically harms a pupil or damages the pupil's property;
 - b. Causes emotional distress to a pupil;
 - c. Interferes with a pupil's educational opportunities;
 - 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 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. **Perpetrator.** Perpetrator means a pupil who engages in bullying or cyberbullying
5. **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.
6. **Victim.** Victim means a pupil against whom bullying or cyberbullying has been perpetrated.
7. **Parent.** Any reference in this policy to "parent" shall include parents or legal guardians.

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II. False Reporting

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, 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.

The consequences and appropriate remedial action for a student who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies.

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, designee, 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 shall be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, *severe* warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

III. Disciplinary Consequences For Violations of This Policy.

The District reserves the right to impose disciplinary measures and apply corrective 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.

IV. Distribution and Notice of This Policy.

The Superintendent or designee shall annually inform parents, legal guardians, or other persons responsible for the welfare of a pupil of the District's pupil safety and violence prevention policy and procedures in writing.

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Each District school shall provide notice to students and staff of this policy through appropriate references in the student and employee handbooks, on the District website, or through other reasonable means. The Superintendent or designee shall also make all vendors contracting with the District aware of this policy.

The Superintendent or designee shall ensure that all school employees, contracted personnel, and volunteers receive annual training on bullying and related District policies.

V. Procedure for Reporting Bullying.

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

Student Reporting Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal or designee. If the student is more comfortable reporting the alleged act to a person other than the Principal or designee, the student may tell any school district employee or volunteer about the alleged bullying.

Parent Reporting Any parent or other individual who has witnessed or has reliable information that a student has been the victim of bullying should report the incident to the student's principal or a designee.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.
2. Any school employee or 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, but no later than the end of that school day.

Upon receipt (by student, staff, or volunteer) of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of Section VIII of this policy.

VI. Procedure for Internal Reporting Requirements.

1. The Principal or designee shall promptly report all substantiated incidents of bullying or cyberbullying to the Superintendent or designee.
2. Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.

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3. The District shall annually report substantiated incidents of bullying or cyberbullying to the Department of Education using the Department's standard form. Such reports shall not contain any personally identifiable information pertaining to the pupil.

VII. Notifying Parents of Alleged Bullying

The Principal or designee shall, by telephone and in writing by first-class mail, report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all pupils involved within 48 hours of the occurrence of such incident unless this requirement is waived by the Superintendent when such a waiver is deemed to be in the best interests of the student. Any waiver granted shall be in writing and any such notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their due process rights including the right to appeal to the State Board of Education.

VIII. Investigative Procedures.

1. The Principal or designee shall initiate an investigation within five (5) school days of the reported incident of bullying or cyberbullying. The investigation shall be completed within ten (10) school days of the reported incident, and shall include speaking with the alleged victim, alleged perpetrator, known witnesses, and reviewing other evidence available through reasonable good faith efforts. The results of the investigation shall be documented in writing and preserved in accordance with laws governing retention of educational records.
2. The Superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days, if necessary. The Superintendent or designee shall notify in writing all parties involved of the granting of an extension.

IX. Response to Remediate Substantiated Instances of Bullying.

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 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.

Any such disciplinary action shall be taken in accord with applicable School Board policy and legal requirements.

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X. Reporting of Substantiated Incidents to the Superintendent.

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

XI. Communication With Students & Parents Upon Completion of Investigation.

Within two (2) school days of completing an investigation, the Principal or designee shall notify the students involved in person of his/her findings and the result of the investigation.

Within ten (10) school days of completion of an investigation of alleged bullying or cyberbullying, the Principal or designee shall provide a written communication to the parents or guardians of the victim and perpetrator regarding the school's remedies and assistance, within the boundaries of applicable law.

XII. Appeal.

The parent or legal guardian may appeal the principal's decision to the Superintendent or designee within 10 days of notification. If the parent or legal guardian is not satisfied with the Superintendent's or designee's decision, they may appeal in writing within 10 days to the school board.

If the parent or legal guardian is not satisfied with the local school board's decision, they may appeal to the State Board of Education pursuant to 193-F. Such an appeal shall be in writing and filed with the Commissioner of Education with a copy to the Superintendent of Schools and mailed to the NH Department of Education, 101 Pleasant Street, Concord, NH 033012. The State Board of Education shall notify in writing all parties involved of its decision.

Statutory and Regulatory References

RSA 193-F, Pupil Safety and Violence Prevention

RSA 193:13, Suspension and Expulsion

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

NH Code of Administrative Rules, Section Ed 317, Student Discipline

See Also:

Student/Parent Handbook

Audio & Video Surveillance on District Transportation (ECAAF/ECAF-R)

Video Surveillance on District Property (EEAA/EEAA-R)

Student Conduct & Discipline (JICD)

Administrative Procedure to Accompany Student Conduct, Discipline, Due

Process, and Pupil Safety & Violence Prevention Policies (JICD-R)

Student Conduct: Cyberbullying (JICDD)

Suspension & Expulsion of Students (JKD)

*Memorandum of Understanding between the Litchfield School District and the
Litchfield Police Department*

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