

<b>Timberlane Regional School District</b>	<b>Procedure Code: JICK-R</b>
<b>Adopted: 03-20-19</b> <b>Revised: 05-01-19</b>	<b>Page 1 of 5</b>

## **PROCEDURE FOR REPORTING BULLYING**

(Procedure is based on 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.

Bullying is defined as actual or perceived verbal or physical conduct that denigrates or shows hostility or aversion toward an individual on the basis of race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomical status, age, physical, mental, or leaning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

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

1. At each school, the Principal or designee shall be responsible for receiving complaints of alleged violations of this policy. If the student is more comfortable reporting the alleged act to a person other than the Principal or designee, the

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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 or designee as soon as possible, but no later than the end of that school day.
3. The Principal or designee may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action or intervention, or both, 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. Upon receipt of a report of bullying, the Principal or designee shall commence an investigation consistent with the provisions of Section XI of this procedure.

**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.

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.

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.

**III. 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 and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

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

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The Principal or designee shall report 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. Initial notification may be made by telephone or personal conference with confirmation in writing to the parents/guardians. 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 Timberlane Regional School Board Policy Code: JICK Adopted: 01-18-01 Revised: 02-24-05 Revised: 04-16-08 Revised: 12-16-10 Revised: 10-06-16 Page 4 of 6 JICK – PUPIL SAFETY/VIOLENCE PREVENTION applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

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

The Superintendent or designee 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.

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

1. Upon receipt of a report of bullying, the Principal or the Principal’s designee 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.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses.
3. If the alleged bullying was in whole or in part cyberbullying, the Principal or designee 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.
4. An investigation shall be completed within 5 school days. If the Principal or designee needs more than 5 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 or designee shall notify in writing all parties involved of the granting of the extension.
5. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and

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shall include recommended remedial steps necessary to stop the bullying and a written final report to the Principal or designee.

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

Consequences and appropriate remedial actions for a student 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. 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, his/her IEP, 504, 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.

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. Each school shall develop and maintain a program for bullying prevention.

**VIII. 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 upon completion of the Principal's or designee's investigation.

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

1. Within 10 school days of completing an investigation, the Principal or designee will notify the parents/guardians in writing of the victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law.
2. At the parent's request, the Principal or designee shall schedule a meeting within 10 days with them to further explain his/her findings and reasons for his/her actions.
3. 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.
4. If the parents/guardians are not satisfied with the building level response, they may seek assistance from the Director of Pupil Personnel Services.

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

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

**XI. 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.

Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

**XII. 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 Policies EEAA, EEAE and EEACD.

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 legal counsel for matters relative to bullying.

**Legal References:**

*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*