

JICKA – BULLYING POLICY

Category P

I. General Statement of Policy and Prohibition Against Bullying and Cyberbullying

The Fremont School Board is committed to providing all pupils a safe school environment. Conduct constituting bullying or cyberbullying will not be tolerated, and is prohibited by this policy in accordance with RSA 193-F. This policy applies to all pupils and school-aged persons on school property and participating in school functions, regardless of their status under the law.

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

II. Definitions

The following definitions apply to this policy:

- A. **Bullying:** a single incident or 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;
 - 5. Substantially disrupts the orderly operation of the school

Bullying also includes 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.

- B. **Cyberbullying:** bullying (as defined above) undertaken through the use of electronic devices.
- C. **Electronic devices:** include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
- D. **Perpetrator:** a pupil who engages in bullying or cyberbullying.
- E. **School property:** all real property and all physical plan and equipment used for school purposes, including public or private school buses or vans.
- F. **Victim:** a pupil against whom bullying or cyberbullying has been perpetrated.

In accordance with RSA 193-F:4, the Fremont School District reserves the right to impose discipline for bullying and/or cyberbullying that:

- Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

III. Reporting Procedure

The Principal of each school is responsible for receiving oral or written reports of bullying or cyberbullying. The Principal may designate, in writing, an additional person to receive such reports.

Student or Parent Reports

1. Any student who believes that he or she has been the victim of bullying or cyberbullying, as defined in Section II, above, should immediately report the alleged act(s) to the Principal; however, if the student prefers, he/she may inform any school employee or volunteer.
2. Students or parents who have witnessed or who have reliable information that a pupil has been subjected to bullying or cyberbullying should immediately report the same to the Principal, or, if the student or parent prefers, he/she may inform any school employee or volunteer about the alleged bullying or cyberbullying.
3. Forms to report incidents of bullying or cyberbullying shall be available at the Principal's office. Use of the form is encouraged, but not required. If the Principal or his/her designee receives the report verbally, he/she shall reduce the report received to writing within twenty-four hours of receiving the information.
4. Report filed by an anonymous reporter will be investigated by the Administration.

Reports by Staff, Volunteer, or Employees of a Company Under Contract with the School District, or with any school in the Fremont School District

1. Any school employee, volunteer, or employee of a company under contract with the Fremont School District, or any school within the Fremont School District, who has witnessed or has reliable information that a pupil has been subjected to bullying or cyberbullying as defined in Section II, above, shall report such incident to the Principal or his/her designee by the close of the school day on which they witness or receive such reliable information.

2. Forms to report incidents of bullying or cyberbullying shall be available at the Principal's office. If the Principal or his/her designee receives the report verbally, he/she shall reduce the report received to writing within twenty-four hours of receiving the information.

IV. Notice to Parents/Guardians

Within 48 hours of receiving a report of bullying or cyberbullying, the Principal, or his/her designee, shall give notice of the report of the alleged incident to the parent(s) or guardian(s) of the victim of the perpetrator. The report shall be made by telephone or in writing; if made by telephone, a record of the report shall be made. The record should include, at a minimum, the date and time of the call. **When possible, the administration will make every effort not to release the name(s) of the student(s) involved in the incident.** Any such notification under this policy must comply with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g. At a minimum, the notice shall advise the individuals involved of the nature of the incident, the date and time the report was received, and the procedures described in this policy. In accord with FERPA, the notice shall not contain any personally identifiable information obtained from student educational records. Whenever possible, the administration will not share the names of the victims or perpetrators with the other students or parents.

V. Waiver of Notification Requirement

The Superintendent may, within the 48 hour time period referenced in Section IV of this policy, grant the Principal or his/her designee a written waiver from the notification requirement in Section IV of this policy, if the Superintendent or his/her designee deems such waiver to be in the best interest of either the victim or the perpetrator. The granting of a waiver does not negate the responsibility to follow the other procedures set forth in this policy.

VI. Investigation Procedures

1. The Principal or his/her designee is responsible for investigating reports of bullying or cyberbullying. The Superintendent shall appoint another individual to conduct the investigation if the Principal is directly involved with the reported incident.
2. Investigations shall be initiated within five (5) school days of the date that the incident was reported to the Principal or his/her designee, and shall be completed within seven (7) school days, from the start of the investigation.
3. If the Principal or his/her designee requires additional time to complete the investigation, the Superintendent or his/her designee may extend the time period for the investigation by up to seven (7) school days. Any such extension shall be in writing, and the Superintendent or his/her designee shall provide all parties involved with written notice of the granting of the extension.

4. The Principal or his/her designee is responsible for determining the scope of the investigation, which may include, but would not be limited to, interviewing the alleged perpetrator, the alleged victim, witnesses, the parents/guardians of the alleged perpetrator and/or the alleged victim, and reviewing relevant educational records of the alleged perpetrator and/or the alleged victim. Interviews shall be conducted privately, although a student may be interviewed with his/her parents present. If the incident involves allegations of cyberbullying, the Principal may request documentation such as e-mails, instant messages, text messages, and/or web pages.
5. After investigating, the Principal or his/her designee shall determine whether the report is substantiated as bullying or cyberbullying. The Principal's determination shall be based on the investigatory findings, and may include, but not limited to, the following:
 - a. The description of the incident;
 - b. The frequency of the conduct;
 - c. Whether the conduct is recurring;
 - d. Where the alleged conduct occurred (on-campus, off-campus, in-person, through an electronic device, etc.);
 - e. Whether the conduct physically harmed the alleged victim or damaged the alleged victim's property;
 - f. Whether the conduct caused emotional distress to the alleged victim;
 - g. Whether the conduct adversely affected the alleged victim's educational opportunities;
 - h. Whether the conduct created a hostile educational environment;
 - i. Whether the conduct substantially disrupted the orderly operation of the school;
 - j. Whether the conduct was based on the actual or perceived personal characteristics, behaviors, or beliefs of the alleged victim.
 - k. Whether the conduct was motivated by the alleged victim's association with another person and based on the other person's characteristics, behaviors, or beliefs; and,
 - l. Whether the alleged victim felt or perceived an imbalance of power as a result of the alleged incident.
6. Upon completion of the investigation, the Principal or his/her designee shall draft a written investigation report. The report must include, at a minimum, a description of the scope of the investigation, the findings, and the actions taken (i.e., the response to remediate, discipline, non-disciplinary interventions, etc.).
7. Upon completion of the investigation, the Principal or his/her designee shall report all substantiated incidents of bullying or cyberbullying to the Superintendent or his/her designee.

VII. Response to Remediate Substantiated Incidents of Bullying or Cyberbullying

The Principal or his/her designee shall develop a response to remediate any substantiated incident of bullying or cyberbullying. The response should be designed

to reduce the risk of future incidents, and where appropriate, to offer assistance to the victim or perpetrator.

In those cases where a perpetrator or victim is identified as a student with an educational disability, the Principal's response to remediate any substantiated incident of bullying or cyberbullying shall be presented to the IEP Team. The IEP Team is permitted to amend or augment the response in a manner necessary to ensure that the perpetrator or victim receives a free, appropriate public education, while still taking appropriate measures to remediate bullying.

Within ten (10) school days of completion of the investigation, the Principal or his/her designee shall provide the parents/guardians of victims and perpetrators with written information about the available remedies and assistance. The notice shall comply with FERPA, and other State and Federal laws concerning student privacy.

VIII. Discipline and/or Interventions

If, after investigating pursuant to Section VI of this policy, the Principal or his/her designee concludes that a pupil has engaged in bullying or cyberbullying, that student may be subject to appropriate disciplinary action, which may include, but is not limited to, suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements.

Students who falsely accuse other students of bullying or cyberbullying may also be subject to disciplinary action, which may include, but is not limited to, suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements.

At the discretion of the Principal or his/her designee, students who commit an act of bullying or cyberbullying or falsely accuse another of the same as a means of retaliation or reprisal may, either in addition to discipline or in lieu of discipline, receive non-disciplinary interventions. Interventions are not considered disciplinary in nature.

Nothing in this policy shall supersede the disciplinary procedures of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act, including the protections offered through the manifestation determination process.

IX. Prohibition Against Retaliation and False Accusations

All individuals are prohibited from retaliating or making false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The Principal or his/her designee shall investigate claims of retaliation or false accusations, and if substantiated, the retaliator and/or the false accuser may be subject to discipline, including but not limited to, suspension or expulsion.

Employees of the Fremont School District who are found to have intentionally and falsely accused a student of committing an act of bullying or cyberbullying shall be

subject to discipline or other consequences, including but not limited to, termination, in accord with applicable law, Fremont School District policies, procedures, and collective bargaining agreements. School volunteers who are found to have intentionally and falsely accused a student of committing an act of bullying or cyberbullying shall be subject to consequences, including but not limited to, being prohibited from participating as a volunteer. Employees of a company under contract with the Fremont School District, or a school within the District, who are found to intentionally and falsely accused a student of committing an act of bullying or cyberbullying shall be subject to discipline or other consequences, in accord with applicable law, including but not limited to, termination of their contract.

Employees of the Fremont School District who are found to have retaliated against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying shall be subject to discipline or other consequences, including but not limited to, termination, in accord with applicable law, Fremont School District policies, procedures, and collective bargaining agreements. School volunteers who are found to have retaliated against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying shall be subject to consequences, including but not limited to, being prohibited from participating as a volunteer. Employees of a company under contract with the Fremont School District, or a school within the District, who are found to have retaliated against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying shall be subject to discipline or other consequences, in accord with applicable law, including but not limited to, termination of their contract.

The Principal or his/her designee is responsible for developing a plan to protect all pupils from retaliation and/or false accusations. Plans may be developed on a case-by-case basis. Plans may include communication with parents/guardians, making adjustments to class schedules, discipline, removal from the school, the creation and implementation of a safety plan, the removal of privileges, or other appropriate responses.

X. Training

The Superintendent shall ensure that school employees, regular school volunteers, and employees of a company under contract with the Fremont School District, and/or any of the schools within the Fremont School District, who have significant contact with pupils annually receive training on this policy for the purpose of preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

The Fremont School District shall provide age-appropriate educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.

XI. Notice of Policy

The Superintendent or his/her designee shall provide written notice of this policy to students, parents, legal guardians, school employees, school volunteers, and employees of

companies under contract with the Fremont School District, or any school within the Fremont School District, through appropriate references in the student and employee handbooks, by publishing a copy of this policy on the District website, providing companies under contract with the Fremont School District, or any school within the Fremont School District, with a copy of the policy, by providing training on the policy in accord with RSA 193-F, or through other reasonable means.

At the commencement of each school year, this policy shall be provided to all students. All students who enroll during the course of the school year shall receive a copy of this policy at the time they enroll.

XII. Report to the Department of Education

All districts are required to annually report substantiated incidents of bullying or cyberbullying to the New Hampshire Department of Education. The reports shall not contain personally identifiable information pertaining to any pupil, and the DOE is required to develop a form to facilitate reporting. RSA 193-F:6, I. The "report to the DOE" is not a required element of the policy; however, it is required by law.

The Principal or his/her designee is responsible for reporting substantiated incidents of bullying to the Superintendent or his/her designee.

The Superintendent or his/her designee shall, on an annual basis, report substantiated incidents of bullying and cyberbullying to the Department of Education. The reports shall not contain any personally identifiable information pertaining to any pupil.

XIII. Capture of Audio and Video Recordings on School Buses

In accord with RSA 570-A:2, II(k), the Fremont School Board has authorized the owner/operator of its school buses to make audio recordings in conjunction with video recordings of the interior of its school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that each school bus contains a prominently displayed sign that informs the occupants of each bus that such recordings are being made.

Legal References: *RSA 193-F, Pupil Safety and Violence Prevention Act of 2000; RSA 570-A, Wiretapping and Eavesdropping (if applicable – see Note and Section XIII, above)*

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