Seabrook School Board Bullying and Cyberbullying Policy First Reading October 11 2010 NSBA CODE: JICIB

Pupil Safety & Violence Prevention Policy - Prohibiting Bullying and Cyberbullying

The Seabrook School Board believes that students are entitled to learn in a school environment that is safe and secure. 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 Seabrook School 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 others as he/she deems appropriate.

NOTE: Sections A and B are required elements in the law and cannot be changed at the local level.

A. 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.

B. Definitions

For the purposes of this policy, the following definitions shall apply:

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 (d) above.

   Bullying or cyberbullying of a student on the basis of sex, sexual orientation, 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 (ACAA-R).

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.

C. Disciplinary Consequences and Intervention Programs

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.

Disciplinary consequences may include detention, suspension or expulsion from school. In addition, students may be required to participate in education programs, mediation, counseling and/or other programs and/or activities to address and prevent recurrence of bullying and cyberbullying behavior.

D. Reporting Bullying and Cyberbullying

Students who are subjected to bullying or cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to **building principal, assistant principal, guidance counselors and/or teachers.**

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.

E. Report Handling and Investigation

NOTE: The following procedure meets the specific requirements of the law. Local Boards may choose to include more detail or designate other school personnel as responsible for particular elements of the procedure.

1. The building principal 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 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.

2. An investigation of the bullying/cyberbullying report will be initiated by the building principal within five school days.

    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.

c. The building principal shall keep a written record of the investigation process.

d. The building principal 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 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 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 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 and shall be compliance with applicable privacy laws.

F. Training

NOTE: The law requires that initial training on this policy must occur within nine months of the effective date of the law (in other words, no later than April 1, 2011) and annually thereafter.

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 if possible, and to educate staff on how to properly identify, respond to and report incidents of bullying/cyberbullying.

2. The school administration shall provide age-appropriate education programs for students and parents regarding this policy, bullying/cyberbullying prevention, how to identify, respond to and report bullying/cyberbullying.

All training and education programs shall be initially approved by the Superintendent. Building administrators are responsible for scheduling the required training and education programs each year.

G. Annual Report to New Hampshire Department of Education

The Superintendent shall prepare and submit an annual report of substantiated bullying/ cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

H. 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.

I. Policy Dissemination

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. **[NOTE: Local Boards may choose to include other dissemination methods such as newsletters, workshops, etc.]**

Legal References: NH RSA 193-F:2-F:10

Cross References:
AC – Nondiscrimination/Equal Opportunity
ACAA - Harassment and Sexual Harassment of Students
ACAA-R - Harassment and Sexual Harassment of Students Complaint Procedure
JRA – Student Records and Information
New Hampshire Department of Education Intervention Model