

**Concord School District Policy #539**  
**Student Safety and Violence Prevention – Bullying**

**I. General Statement of Policy**

The Concord School District is committed to providing all students with a safe school environment in which all members of the school community are treated with respect. The District believes that protecting against and addressing bullying is critical for: creating and maintaining a safe, secure and positive school climate and culture; supporting academic achievement; increasing school engagement; respecting the rights of all individuals and groups; and building community.

This policy is intended to protect all students and school-aged persons on Concord School District grounds and participating in District functions, regardless whether such student or school-aged person is a student within the District.

The Superintendent or designee is responsible for ensuring that the Student Safety and Violence Prevention – Bullying policy is implemented.

This policy is intended to comply with RSA 193-F, which specifically prohibits all forms bullying, and cyberbullying. Such conduct shall not be tolerated and is prohibited by this policy.

**II. Definitions**

**Bullying** is defined as a single significant incident or pattern of incidents involving a written, verbal, or physical act, or gesture, or any combination thereof directed at another pupil or any electronic communication that:

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 operations of the school or a school-sponsored activity or event.

Bullying includes:

1. Actions motivated by an imbalance of power based on a student’s actual or perceived personal characteristics, behaviors, or beliefs, or
2. Actions motivated by the student’s association with another person and based on the other person’s characteristics, behaviors, or beliefs.

**Cyberbullying** is defined as any conduct which is prohibited by this policy that is undertaken through the use of electronic devices.

**Electronic devices** include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, videogames, and websites.

**Retaliation/Reprisal** is defined as any form of prohibited conduct by a student directed against another student for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

### **III. Statement of Prohibition**

All forms of bullying, cyberbullying and retaliation as defined under this policy shall not be tolerated and are hereby prohibited.

The District reserves the right to address all forms of prohibited conduct and, if necessary, impose discipline for such misconduct 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:
  - a. Interferes with a student's educational opportunities;
  - b. Substantially disrupts the orderly operations of the school or a school-sponsored activity or event.

### **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 shall discipline and take appropriate action against any student 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 after consideration of the nature, severity and circumstances of the act, in accordance with law and applicable 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.

### **IV. Plan 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 have been retaliated against, the Principal or designee shall develop a plan to protect that student from possible retaliation.

## **V. Internal Reporting Procedures**

At each school, the Principal or designee is initially responsible for receiving oral or written reports of 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. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any District employee about the alleged bullying. Forms for such reporting will be available throughout each school.

### **Staff Reporting**

Any school employee, or designated volunteer under District Policy # 890 or employee of a company under contract with the District or a school in the District who has witnessed, receives a report of, or has reliable information that a student has been subjected to bullying, shall report such incident to the Principal, or his/her designee, as soon as possible but no later than 24 hours after observing the incident or receiving the information.

The Principal may designate, in writing, an additional person to receive such reports. The Principal shall conduct the investigation according to administrative guidelines.

The District shall make available forms for reporting incidents of bullying and shall encourage the use of these forms. The forms shall be available in the Principal's office in each building and from the Superintendent's office. Students or parents who believe that bullying is occurring should report the information to the Principal or designee in a timely manner.

## **VI. Parent Communication**

### **Initial Notice to Parent**

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

### **Waiver of Notification Requirement**

The Superintendent or designee 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 or designee deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

## **VII. Investigation**

1. The Principal or designee shall promptly investigate all reports of bullying within five (5) school days of receiving a report. The Superintendent may grant in writing an extension of the time period for the investigation for up to an additional seven (7) school days, if necessary, and shall notify, where appropriate, all parties of such extension in writing.
2. 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 by the Principal or designee.
3. 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.
4. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account or access the account in the presence of a school official. The District may request of a student or a student's parent/guardian that the student 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. However, the District may not take any disciplinary action if a student refuses to disclose such information.

## **VIII. Reporting Substantiated Incidents to the Superintendent**

The principal shall forward all substantiated reports of bullying to the Superintendent.

## **IX. Report to Parents upon Completion of Investigation**

The Principal or designee shall provide a report of the findings of the investigation to the parents of a student who has been reported as a victim and to the parents of a student who has been reported as a perpetrator of bullying within ten (10) school days of completion of the investigation. Such report shall explain the actions taken by the District and shall be made in accordance with applicable state and federal law, such as the Family Educational Rights and Privacy Act of 1974 (FERPA). This report should be documented in writing.

The Superintendent may grant in writing an extension of the time period for providing such report for up to an additional seven (7) school days, if necessary. The Principal shall notify, where appropriate, all parties of the granting of the extension in writing.

## **X. Discipline and Remediation Plan**

All disciplinary and remedial action shall be taken in accordance with the law and the following procedures.

### **Disciplinary Action of Substantiated Bullying**

If an investigation concludes that a student has engaged in bullying conduct prohibited by this policy, the student shall be subject to appropriate discipline and remediation, ranging from positive behavioral interventions up to and including long or short term suspension or expulsion.

Bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no single, appropriate response to substantiated acts of bullying. While conduct that rises to the level of bullying as defined above will generally warrant disciplinary action against the perpetrator, the extent of disciplinary action is a matter for the professional discretion of the school Principal or designee. Any such disciplinary or remedial action shall be designed to correct the problem behavior, prevent future occurrences of such behavior, protect the victim, provide support and assistance to the victim and perpetrator, and prevent the likelihood of retaliation.

### **Non-Disciplinary Action of Substantiated Bullying**

When acts of bullying are identified early and/or when such acts do not reasonably require a severe disciplinary response, students should be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying.

Peer mediation may not be considered as a remedial action as an imbalance of power may make the process intimidating for the victim and exacerbate the problem.

### **XI. Distribution and Notice of Policy**

In addition to the distribution and notification polices below, all staff, students, and parents or guardians are reminded that it is necessary to follow these steps to prevent bullying at school:

1. Report bullying when it occurs;
2. Talk about bullying at home and in school;
3. Inform the school immediately if someone is being bullied or is bullying other students; and
4. Cooperate fully with school personnel in identifying and resolving incidents.

### **Staff and Designated Volunteers**

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

### **Students**

Students shall participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding bullying, the District's prohibition of

such conduct, and the reasons why the conduct is destructive, unacceptable, and shall lead to discipline.

### **Parents**

The Superintendent or designee shall provide notice to parents or guardians of this policy through appropriate references in the student handbooks, or through other reasonable means. The Superintendent or designee shall inform parents and guardians of strategies to help prevent bullying at school.

## **XII. Training and Periodic Assessment**

### **Staff and Volunteers**

The Superintendent or designee shall develop appropriate methods of discussing the meaning, substance, and application of this policy and the importance of promoting a positive school climate with staff and designated volunteers to minimize the occurrence of bullying. The District shall train staff and designated volunteers annually on how to effectively prevent and respond to any conduct covered by this policy.

### **Assessment**

The School District will conduct periodic, District-wide assessment of this policy.

## **XIII. Other District Policies**

While this policy is intended to protect students from actions of other students, the acts of other persons within the school system are regulated by a series of other District policies, including the following policies: Non-Discrimination (#160, #412, and #571), Sexual Harassment (#414 and #521), Code of Student Conduct (#540), Safe School Zone (#520), Child Abuse and Neglect (#432 and #537), Student Conduct on Buses (#541.4 and #711.1), and Acceptable Internet Use – Students (#542).

Adopted August 6, 2001

Revised November 1, 2010; December 7, 2015