193-D:4 Written Report Required. –

I. (a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.

(b) The provisions of subparagraph (a) shall not apply to any simple assault involving pupils in kindergarten through grade 12 if the local school board has adopted a discipline policy which sets forth circumstances under which parents shall be notified of simple assaults.

(c) Each school district, in conjunction with the local law enforcement authority, shall establish a memorandum of understanding for administering the provisions of RSA 193-D:4, I(a)-(c).

II. The report required under paragraph I shall include:

(a) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

(b) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.

(c) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.


631:2-a Simple Assault. –
I. A person is guilty of simple assault if he:
(a) Purposely or knowingly causes bodily injury or unprivileged physical contact to
another; or
(b) Recklessly causes bodily injury to another; or
(c) Negligently causes bodily injury to another by means of a deadly weapon.
II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual
consent, in which case it is a violation.

Ed 306.06 Culture and Climate.

(a) The school policies adopted by the local school board shall reflect:

(1) The acknowledgement of diversity and respect for differences;
(2) Shared ownership and responsibility for the success of the school among students, their families, and the community;
(3) Student leadership through involvement in decision-making; and
(4) Respectful use of language and behavior by all school members that is void of ethnic, racial, and sexual stereotypes and biases.

(b) The school administration and staff shall:

(1) Review ways in which equity gaps in achievement can be reduced and barriers to learning can be eliminated; and
(2) Work together to establish a fair and equitable code of discipline that is fairly and consistently implemented which supports students’ understanding of the importance of norms, rules, and expectations for behavior.

(c) The school administration shall provide professional development opportunities directed at understanding the policies and reporting requirements that support a safe and healthy school environment.

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96; amd by #7512, eff 7-1-01; ss by #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8354, eff 7-1-05; ss by #10556, eff 3-27-14

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
Ed 317.04 Disciplinary Procedures.

(a) There shall be the following levels of discipline available to school officials enforcing RSA 193:13 relative to the suspension and expulsion of pupils:

(1) A short-term suspension pursuant to RSA 193:13, I(a) is for a period not to exceed 10 school days;

(2) A long-term suspension pursuant to RSA 193:13, I(b)-(c) is for more than 10 days;

(3) An expulsion by the local school board is for a period determined in writing by the board under RSA 193:13, II; and

(4) An expulsion by the local school board is for a period of not less than 12 months under RSA 193:13, III.

(b) The superintendent or the superintendent's designee shall be authorized to impose a short term suspension.

(c) The school board or its designee shall be authorized to impose a long term suspension, after the imposition of a short-term suspension provided that the designee shall not be the same person who suspended the pupil in (a)(1).

(d) Prior to the imposition of any suspension or expulsion, each school board shall adopt a policy under RSA 189:15 which prescribes the manner in which the student body shall be informed concerning the content of RSA 193:13 through announced, posted, or printed school rules.

(e) If the school and school board have met the requirements of paragraph (d) a pupil appealing a local decision to the state board shall not be allowed to claim lack of knowledge of the state law requiring expulsion for bringing or possessing a firearm or other dangerous weapon as defined in these rules.

(f) Due process in disciplinary proceedings shall include, at a minimum, the following:

(1) In a short-term suspension:

   a. The superintendent or designee shall inform the pupil at the outset of the meeting of the meeting's purpose including the possibility of a short-term suspension;

   b. Oral or written notice of the charges and an explanation of the evidence against the pupil, which may be provided at or before this meeting;

   c. An opportunity for the pupil to present his/her side of the story;
d. A written statement to the pupil and at least one of the pupil's parents or guardian explaining any disciplinary action taken against the student;

(2) In a long-term suspension of a pupil:

a. Written communication to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, prior to the hearing, of the charges and an explanation of the evidence against the pupil;

b. A hearing in accordance with (f)(3);

c. A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended;

d. If the hearing was conducted by the school board's designee, the decision may be appealed to the local school board under RSA 193:13, I; and

e. If the hearing was conducted by the school board, the decision may be appealed to the state board;

(3) In an expulsion by the local school board, due process shall include the following minimal requirements:

a. A formal hearing shall be held before any expulsion;

b. Such hearing may be held either before or after the short-term suspension has expired and pending the expulsion hearing;

c. If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired and pending the expulsion hearing, unless the student is still serving a long-term suspension;

d. The school board shall provide written notice to the pupil and at least one of the pupil's parents or guardian, delivered in person or by mail to the pupil's last known address, of the date, time and place for a hearing before the local board;

e. The written notice required by d. above shall include:

1. A written statement of the charges and the nature of the evidence against the pupil; and

2. A superintendent's written recommendation for school board action and a description of the process used by the superintendent to reach his/her recommendation;

f. This notice shall be delivered to the pupil and at least one of the pupil's parents or guardian at least 5 days prior to the hearing;

g. The following hearing procedures shall apply:

1. The pupil, together with a parent or guardian may waive the right to a hearing and admit to the charges made by the superintendent;

2. If the pupil is 18 years of age or older, the concurrence of a parent or guardian shall be unnecessary unless the pupil is subject to a guardianship which would prevent the pupil from waiving the right to a hearing;
3. Formal rules of evidence shall not be applicable, however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply;

4. The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian; and

5. During the hearing, the pupil, parent, guardian or counsel representing the pupil, shall have the right to examine any and all witnesses;

h. The decision of the school board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act for which expulsion is imposed and that such acts are, in fact, a proper reason for expulsion;

i. The decision shall state whether the student is expelled and the length of the expulsion;

j. If the decision is to expel the pupil the decision shall include the legal and factual basis for the decision including the specific statutory reference prohibiting that act as listed in RSA 193:13, II;

k. If the student is expelled, the decision shall state that the expulsion runs until the local school board later reviews it and restores the student's permission to attend school;

l. The decision shall also state any action the student may take to be restored by the board; and

m. The decision shall include a statement that the pupil has the right to appeal the decision to the state board of education.

(g) Notwithstanding any other deadline in Ed 200 all appeals to the state board from school board decisions under (f)(2) and (f)(3) shall be filed within 20 calendar days of receipt of the written decision of the local school board and shall be in accordance with RSA 541-A and Ed 200.

Source. #6109, eff 10-28-95; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04
New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8583, eff 3-15-06; ss by #10361-B, eff 6-15-13

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
189:15 Regulations. – The school board may, unless otherwise provided by statute or state board regulations, prescribe regulations for the attendance upon, and for the management, classification and discipline of, the schools; and such regulations, when recorded in the official records of the school board, shall be binding upon pupils and teachers.


193:13 Suspension and Expulsion of Pupils. –

I. (a) The superintendent or chief administering officer, or a representative designated in writing by the superintendent, is authorized to suspend pupils from school for a period not to exceed 10 school days for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension.

(b) The school board or a representative designated in writing of the school board is authorized, following a hearing, to continue the suspension of a pupil for a period in excess of 10 school days. The school board's designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board is appealable to the school board, provided that the superintendent received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun, and the pupil shall not attend school until restored by the local board. Any expulsion shall be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board to the state board of education. Any expulsion shall be valid throughout the school districts of the state.

III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

IV. The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for
the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion.

VII. For purposes of paragraphs I, II, and III, school board may be either the school board or a subcommittee of the board duly authorized by the school board.


Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

   (1) Absenteeism and attendance;
   (2) Promoting school safety;
   (3) Discipline;

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

... 

(f) The policy relative to student discipline shall:

(1) Include provisions regarding:
   a. Student rights and responsibilities;
   b. Rules of conduct; and
   c. Penalties for misbehavior;

(2) Be written in age-appropriate language;

(3) Be disseminated to parents and guardians; and

(4) Be available in written or oral form for students, parents, and guardians for whom English is a second language, whenever practical.

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
189:70 Educational Institution Policies on Social Media.

I. An educational institution shall not:
(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student’s or prospective student’s user name, password, or other means of authentication that provides access.
(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.
(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.
(d) Take or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or co-curricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).
(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:
(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or educational institution’s policies against student misconduct based on the receipt of specific information about activity associated with a student’s social media account. In the case of a minor, the educational institution may request the student’s parent or guardian to provide specific data from the student’s social media account.
(b) Revoking a student’s access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.
(c) Monitoring the usage of the educational institution’s computer network.
(d) Requesting a student voluntarily share a printed copy of a specific communication from the student’s social media account that is relevant to an ongoing investigation.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this section:
(a) "Educational institution" means a public or private school, college, university, or other institution that offers students, participants, or trainees an organized course of study or training that is academic, technical, vocational, trade-oriented, or designed to prepare a
person for employment. "Educational institution" shall not include a military school.

(b) "Social media account" means an account, service, or profile on a social networking website that is used by a current or prospective student primarily for personal communications. This definition shall not apply to an account opened or provided by an educational institution and intended to be used solely on behalf of the educational institution.


193-F:3 Definitions. –
In this chapter:

I. (a) "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 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.

   (b) "Bullying" shall 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.

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

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

IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying.

V. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated.

570-A:2 Interception and Disclosure of Telecommunication or Oral Communications Prohibited. —

I. A person is guilty of a class B felony if, except as otherwise specifically provided in this chapter or without the consent of all parties to the communication, the person:
(a) Wilfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any telecommunication or oral communication;
(b) Wilfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:
(1) Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in telecommunication, or
(2) Such device transmits communications by radio, or interferes with the transmission of such communication, or
(3) Such use or endeavor to use (A) takes place on premises of any business or other commercial establishment, or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment; or
(c) Wilfully discloses, or endeavors to disclose, to any other person the contents of any telecommunication or oral communication, knowing or having reason to know that the information was obtained through the interception of a telecommunication or oral communication in violation of this paragraph; or
(d) Wilfully uses, or endeavors to use, the contents of any telecommunication or oral communication, knowing or having reason to know that the information was obtained through the interception of a telecommunication or oral communication in violation of this paragraph.

I-a. A person is guilty of a misdemeanor if, except as otherwise specifically provided in this chapter or without consent of all parties to the communication, the person knowingly intercepts a telecommunication or oral communication when the person is a party to the communication or with the prior consent of one of the parties to the communication, but without the approval required by RSA 570-A:2, II(d).

II. It shall not be unlawful under this chapter for:
(a) Any operator of a switchboard, or an officer, employee, or agent of any communication common carrier whose facilities are used in the transmission of a telecommunication, to intercept, disclose, or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the carrier of such communication; provided, however, that said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.
(b) An officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a telecommunication or oral
communication.

(c) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter, to carry on the person an electronic, mechanical or other device which intercepts oral communications and transmits such communications by radio.

(d) An investigative or law enforcement officer in the ordinary course of the officer’s duties pertaining to the conducting of investigations of organized crime, offenses enumerated in this chapter, solid waste violations under RSA 149-M:9, I and II, or harassing or obscene telephone calls to intercept a telecommunication or oral communication, when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the attorney general, the deputy attorney general, or an assistant attorney general designated by the attorney general determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception. Oral authorization for the interception may be given and a written memorandum of said determination and its basis shall be made within 72 hours thereafter. The memorandum shall be kept on file in the office of the attorney general.

(e) Where the offense under investigation is defined in RSA 318-B, the attorney general to delegate authority under RSA 570-A:2, II(d) to a county attorney. The county attorney may exercise this authority only in the county where the county attorney serves. The attorney general shall, prior to the effective date of this subparagraph, adopt specific guidelines under which the county attorney may give authorization for such interceptions. Any county attorney may further delegate authority under this section to any assistant county attorney in the county attorney’s office.

(f) An officer, employee, or agent of the Federal Communications Commission, in the normal course of employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a telecommunication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(g) Any law enforcement officer, when conducting investigations of or making arrests for offenses enumerated in this chapter, to carry on the person an electronic, mechanical or other device which intercepts oral communications and transmits such communications by radio.

(h) Any municipal, county, or state fire or police department, the division of emergency services and communications as created by RSA 21-P:48-a, including the bureau of emergency communications as defined by RSA 106-H, or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a telecommunication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

(i) Any public utility regulated by the public utilities commission, and its employees in the course of employment, when receiving central dispatch calls or calls for emergency service, or when responding to central dispatch calls or calls for emergency service, to intercept, record, disclose or use a telecommunication, while engaged in any activity which is a necessary incident to the rendition of service, or the protection of life and property. Any public utility recording calls pursuant to this subparagraph shall provide an automatic tone warning device which automatically produces a distinct signal that is repeated at regular
intervals during the conversation. The public utilities commission may adopt rules relative
to the recording of emergency calls under RSA 541-A.

(j) A uniformed law enforcement officer to make an audio recording in conjunction with a
video recording of a routine stop performed in the ordinary course of patrol duties on any
way as defined by RSA 259:125, provided that the officer shall first give notification of such
recording to the party to the communication unless it is not reasonable or practicable under
the circumstances.

(k) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio
recording in conjunction with a video recording of the interior of the school bus while
students are being transported to and from school or school activities, provided that the
school board authorizes audio recording, the school district provides notification of such
recording to the parents and students as part of the district’s pupil safety and violence
prevention policy required under RSA 193-F, and there is a sign informing the occupants of
such recording prominently displayed on the school bus.

(2) Prior to any audio recording, the school board shall hold a public hearing to determine
whether audio recording should be authorized in school buses, and if authorized, the
school board shall establish an administrative procedure to address the length of time
which the recording is retained, ownership of the recording, limitations on who may listen
to the recording, and provisions for erasing or destroying the recording. Such
administrative procedure shall permit the parents or legal guardian of any student against
whom a recording is being used as part of a disciplinary proceeding to listen to the
recording. In no event, however, shall the recording be retained for longer than 10 school
days unless the school district determines that the recording is relevant to a disciplinary
proceeding, or a court orders that it be retained for a longer period of time. An audio
recording shall only be reviewed if there has been a report of an incident or a complaint
relative to conduct on the school bus, and only that portion of the audio recording which is
relevant to the incident or complaint shall be reviewed.

(I) A law enforcement officer in the ordinary course of the officer’s duties using any device
capable of making an audio or video recording, or both, and which is attached to and used
in conjunction with a TASER or other similar electroshock device. Any person who is the
subject of such recording shall be informed of the existence of the audio or video recording,
or both, and shall be provided with a copy of such recording at his or her request.

(m) A law enforcement officer to make a body-worn recording pursuant to RSA 105-D.


http://www.gencourt.state.nh.us/rsa/html/lviii/570-a/570-a-mrg.htm
Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

...  

(8) Student harassment, including bullying, as required by RSA 193-F;

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04

New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05

New. #8354, eff 7-1-05; amd by #10047, eff 12-17-11; ss by #10556, eff 3-27-14

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
Concord School District Policy #540
Code of Student Conduct

The existence of society is predicated upon the willingness of its members to adhere to established behavioral rules. One purpose of education is to prepare young people to participate productively and responsibly in our society. To do so, students must learn what is appropriate behavior and the consequences for inappropriate behavior.

Furthermore, the mission of Concord School District is to enable every student to acquire and demonstrate the skills, knowledge and attitudes essential to be a responsible world citizen committed to personal, family and community well-being. Among other outcomes, graduates of the Concord schools are expected to be:

Active self-directed learners who examine options as they initiate and complete tasks;

Effective collaborators who assume various roles to accomplish group or community goals, using self-knowledge, compromise, cooperation and respect;

Informed decision makers who consider consequences and make choices which demonstrate intellectual integrity and rigorous evaluation;

Community participants who understand and practice our democratic traditions and values, including respect for human dignity, honesty and fairness and who accept the consequence for their actions.

To enable every student to achieve these outcomes, we need to provide a productive, healthy and safe school climate in which every member of the school community understands the rights and responsibilities of being a member of that community.

A productive, healthy and safe school climate can exist only when behavior expectations are clearly stated; when consequences are consistently applied by the school and parents, working together.

The behavior expectations and consequences which follow are intended to create a productive, healthy, and safe school climate.

I. Expectations for Students

It is expected that students will demonstrate appropriate behaviors and attitudes including respect, honesty, and fairness necessary to maintain a productive, healthy, and safe school climate.

It is also expected that students will not demonstrate the following behaviors which seriously interfere with teaching and learning and are deemed unacceptable in our schools.

- Use of abusive language or inappropriate gestures;
- Leaving school grounds without legitimate school or parental authority;
- Physical, verbal and/or sexual harassment and bullying;
- Fighting;
- Assault;
- Possession of illegal substances - alcohol, tobacco, and drugs
- Vandalizing or stealing school, staff and/or student property;
- Possession of weapons or weapon-like devices;
- Persistent violations of school and classroom rules;
- Disrespect toward school personnel and other students;
- Any other behavior which seriously disrupts the productive, healthy and safe school climate we value.

All school staffs, primary level through high school, will teach about these behaviors in a consistent manner.

Students are also expected to abide by all federal, state and local laws.

II. Consequences

Application of these listed consequences will depend on the severity and frequency of the unacceptable behavior in accordance with the building discipline plan:

- Parental/guardian notification
- Teacher/adminISTRATIVE detention
- Restitution
- In-school suspension
- Out-of-school suspension
- Police notification (Safe School Zone requirement)
- Expulsion from school (requires School Board action)

III. Procedures

When accused of a behavior violation, a student is entitled to due process, including the following:

- The right to be informed of the rules and regulations involved;
- The right to be informed of the charges if a violation occurs;
- A fair hearing;
- Appeal to the Board Communications and Policy Committee for long-term suspension;
- Receive a copy of all rulings regarding the case.
- As required by RSA 193:13(a), educational assignments shall be made available to the suspended student during the period of suspension.
Legal References:
RSA 189:15, Regulations
RSA 193:13, Suspension & Expulsion of Pupils
RSA Chapter 193-D
NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline
NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy
NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils
Assuring Due Process Disciplinary Procedures
In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

Adopted September 7, 1999. Revised August 6, 2001; September 2, 2014; January 2, 2018
Corresponds to NHSBA Policy JICD
A. General Conduct Standards and Disciplinary Concepts.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors, violates other Board policies or is otherwise inappropriate is prohibited. Students are expected to maintain appropriate classroom behavior that allows teachers and staff to perform their professional duties effectively and without disruption.

Students will conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration for the rights of others, while on School District property or on property within the jurisdiction of the School District; while on school owned and/or operated school or chartered vehicles; and/or while attending or engaged in school activities. Students may also be disciplined for off-campus behavior in accordance with the provisions of Policies JICDD and JICK.

Terms, and levels of discipline are established in Policy JICD, as are the due process procedures to be afforded relative to each level of discipline. Disciplinary measures as defined in that policy include, but are not limited to, removal from the classroom, detention, in-school suspension, out-of-school suspension, restriction from activities, probation, and expulsion.

Due process in accordance with all applicable laws will be afforded to any student involved in a proceeding that may result in suspension, exclusion, or expulsion. Students expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

B. Implementation and Notice.

The School Board delegates to the Superintendent the responsibility of adopting and implementing such age-appropriate rules and regulations for each school as he/she, in consultation with the appropriate building Principal, deems necessary to implement this policy.

The content of RSA 193:13, this policy, and any such rules and regulations adopted hereunder, shall be printed in the student handbook(s) and distributed to all students, and parents/guardians. The Superintendent shall also assure that this policy, the content of 193:13, and any such rules and regulations adopted under this policy are made available on the District's website, with additional notice provided to the student body as the Superintendent or building Principal deems appropriate (e.g., periodic postings and notices).

Rules and regulations adopted and published under this policy will be deemed to be regulations and policies of the School Board and maintained as School Board records. The Superintendent shall provide to the School Board copies of all student handbook(s), and other rules and the regulations adopted under this policy. The School Board retains the authority to modify, supersede, or suspend any such rules and regulations consistent with the Board's statutory authority, and other Board policies regarding review of administrative rules, regulations and
procedures.

C. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under either District or building rules of conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact to another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

D. Disciplinary Removal of Students with Disabilities.

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

District Policy History:

First reading: ____________________________
Second reading/adopted: ____________________________
District revision history: ____________________________

Legal References:

RSA 193:13, Suspension and Expulsion of Pupils
RSA 193-D:4, Written Report Required
RSA 631:2-a, Simple Assault
NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline
NH Code of Administrative Rules, Section Ed. 306.06, Culture and Climate
NH Code of Administrative Rules, Section Ed. 317.04(b, Disciplinary Procedures

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.

NHSBA history: Revised - September 2018; May 2018; April 2011; September 2009; October 2004; November 1999; July 1998

NHSBA revision note, October 2018: Policy JIC has been revised to include a provision describing the circumstances in which simple assaults will be reported to parents pursuant to RSA 193-D:4, I and NHIDOE Administrative Rule 317.05. This provision is required if the
District wishes to limit required reporting for assaults to those constituting first or second degree assaults.

**NHSBA revision note, May 2018:** This sample policy is revised: (a) to include mandated notice requirements; (b) with an update to the language regarding discipline of children with disabilities, and (c) to remove redundant provisions more appropriately included in sample policy JICD (which has also been substantially revised with the May 2018 policy update.).

**NHSBA adoption considerations:** If your District uses its own coding system rather than the NHSBA/NEPN letter coding, you should change the internal policy references within this sample policy to match the equivalent policies of your own District.

---

**DISCLAIMER:** This sample policy is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. This sample is provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.
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
Concord Public Schools

BULLYING, CYBERBULLYING, HARASSMENT and RETALIATION INCIDENT REPORT
(See School Board policy #539 – Student Safety and Violence Prevention - Bullying)

1. Person filing Incident Report __________________________ on behalf of __________________________

2. Check if you are: □ Target of the behavior □ Reporter (not the target) □ Witness
   □ Student □ Parent □ Administrator
   □ Staff member (specify role) __________________________ □ Other (specify) __________________________

   Your contact information and telephone number: __________________________

3. If student, your school __________________________ Grade __________________________

4. If staff member, your school or work site: __________________________

5. Information about the incident (please note if more than one target, aggressor, date, location):
   Name of target __________________________
   Name of aggressor __________________________
   Date(s) of incident __________________________
   Time of incident __________________________
   Location of incident (be as specific as possible) __________________________
   If “cyberbullying,” the point of origin __________________________

6. Witnesses (List people who saw the incident or have information about it. Use the back of the form if necessary.)
   □ Student □ Staff □ Other Name __________________________
   □ Student □ Staff □ Other Name __________________________
   □ Student □ Staff □ Other Name __________________________

7. Attach a narrative that describes the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used).

8. Signature of person filing this report __________________________ Date __________________________

9. Form forwarded to Principal __________________________ Date forwarded __________________________

   * Must be sent to Principal AND Superintendent within 24 hours of incident

   Administrator signature __________________________ Date signed __________________________
### I. Notice to Parents or Guardians of complaint (to both parents) – Notification w/n 48 hours of receiving report

Parent/Guardian: ____________________________ Who notified parent? ____________________________

Parent/Guardian: ____________________________ Who notified parent? ____________________________

Method: ____________________________ Date: ____________

Incident Report (page 1) MUST be sent to Central Office

Supt. waiver of notice requested/granted ____________________________ Date: ____________

1. II. Investigation – Complete w/n 5 school days of receiving report; Supt. may extend to 7 additional school days

2. Investigator ____________________________ Position ____________________________

Investigator ____________________________ Position ____________________________

2. Interviews (use additional pages as necessary)

- [ ] Interviewed aggressor
  - Name ____________________________ Date ____________
  - Name ____________________________ Date ____________

- [ ] Interviewed target
  - Name ____________________________ Date ____________
  - Name ____________________________ Date ____________
  - Name ____________________________ Date ____________

- [ ] Interviewed witnesses
  - Name ____________________________ Date ____________
  - Name ____________________________ Date ____________

3. Evidence collected and secured: ____________________________

4. Any prior documented incidents by the aggressor(s)?

- [ ] Yes
- [ ] No

If yes, did previous incidents involve the target or target group?

- [ ] Yes
- [ ] No

5. Any previous findings of bullying, cyberbullying, harassment, retaliation?

- [ ] Yes
- [ ] No

If yes, specify: ____________________________

6. Summary of investigation (attach additional pages as needed)

### III. CONCLUSION OF INVESTIGATION

1. FINDING OF POLICY VIOLATION?  

- [ ] YES  
- [ ] NO

If yes, please check one or more:

- [ ] Bullying
- [ ] Cyberbullying
- [ ] Retaliation
- [ ] Harassment (identify "targeted group")

3. Reporting – within 10 school days of investigation completion; Supt. may extend up to 7 additional school days

- [ ] Target’s parent/guardian, date: ____________  
- [ ] Aggressor’s parent/guardian, date: ____________

- [ ] Law enforcement, date: ____________

3. Action(s) taken:

- [ ] Loss of privileges
- [ ] Detention
- [ ] Positive behavioral interventions
- [ ] Community service
- [ ] Out-of-school suspension
- [ ] In-school suspension
- [ ] Education

- [ ] Other: ____________________________
4. Safety planning: ____________________________________________________________________________________________

Follow-up with Target scheduled for __________________________ Initial / date when completed __________
Follow-up with Aggressor scheduled for __________________________ Initial / date when completed __________

5. Central Office

Central Office notified if investigation found no violations of policy Date __________
Report sent to Superintendent if investigation confirmed violation of policy Date __________
Signature and title: __________________________________________________________________________________________

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.

Cyberbullying is willful and intentional harm through the use of an electronic device (cell phone, computer, etc.). It can include “identity theft,” making the target appear to others as the “bully.” Targets can experience “traditional” bullying and cyberbullying together.

Harassment is bullying behavior motivated by prejudice based on real or perceived characteristics:
1. Race
2. Color
3. Religion
4. Ethnicity or national origin
5. Gender/sex
6. Sexual Orientation
7. Disability
8. Gender Identity

Retaliation is conduct by a student directed against another student for:
1. Reporting or filing a complaint;
2. Aiding or encouraging the filing of a report or complaint;
3. Cooperating in an investigation under this policy;
4. Taking action consistent with this policy.

PROVISIONS

Any school employee, designated volunteer (see Policy #890) or employee of a company under contract with Concord School District who has witnessed, received a report of, or has reliable information that a student has been subjected to bullying, cyberbullying, harassment, or retaliation shall report such incident to the appropriate building Principal or designee (“Administrator”) as soon as possible but no later than 24 hours after observing the incident or receiving the information. Oral reports must be recorded in writing using this form.

NOTE: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.

The Administrator MUST assign a case number (school initials followed by case number and year; e.g. BGS-1-2015). Use this case number when reporting to Central Office.

Notice must be given to parents by the Administrator within 48 hours of receiving an incident report unless a written waiver is granted by the Superintendent.

The Administrator has 5 school days to investigate the report of bullying. An extension of up to an additional 7 school days may be granted in writing by the Superintendent.

Findings must be provided in writing to parents or guardians of the alleged aggressor and the alleged target within 10 school days of the completion of the investigation; an extension of up to 7 additional school days may be granted in writing by the Superintendent.

Revised 9/15
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.

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. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193-F:4, II(a))

The Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District reserves the right to address bullying and, if necessary, impose discipline for bullying 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 interferes with a pupil's educational opportunities or substantially disrupts the
orderly operations of the school or school-sponsored activity or event.

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

III. 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.

A school employee found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences 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.

1. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer 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, Board policies and any applicable collective bargaining agreements.

2. 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.

3. Any teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.

4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

**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 shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protected against possible retaliation.

IV. Protection of all Pupils (RSA 193-F:4, II(c))

This policy shall apply to all pupils and school-aged persons on school district grounds and participating in school district functions, regardless of whether or not such pupil or school-aged person is a student within the District.
V. Disciplinary Consequences For Violations of This Policy (RSA 193-F:4, II(d))

The district reserves the right to impose disciplinary 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.

In addition to imposing discipline under such circumstances, the board encourages the administration and school district staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

VI. Distribution and Notice of This Policy (RSA 193-F:4, II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.)

The Superintendent will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

Students

All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, etc.)

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

1. Report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs

The Board may, from time to time, host or schedule public forums in which it will address the
anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

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

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

Student Reporting

1. 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 school district employee or volunteer about the alleged 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 as soon as possible, but no later than the end of the that school day.

3. The Principal may develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action 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. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.

5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness that appears to constitute bullying.

2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members may provide direct assistance to the student.

3. 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 as soon as possible, but no later than the end of the that school day.

4. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. 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 for himself and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

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

The Principal 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. 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).

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

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

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

1. Upon receipt of a report of bullying, the Principal 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. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

3. If the alleged bullying was in whole or in part cyberbullying, the Principal 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. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.

5. Factors the Principal or other investigator may consider during the course of the investigation, including but not limited to:
   • Description of incident, including the nature of the behavior;
   • How often the conduct occurred;
   • Whether there were past incidents or past continuing patterns of behavior;
   • The characteristics of parties involved, (name, grade, age, etc.);
   • The identity and number of individuals who participated in bullying behavior;
• Where the alleged incident(s) occurred;
• Whether the conduct adversely affected the student's education or educational environment;
• Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident; and
• The date, time and method in which parents or legal guardians of all parties involved were contacted.

6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 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 shall notify in writing all parties involved of the granting of the extension.

7. 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 to the Principal.

8. 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.

9. 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. However, the District may request to 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.

XII. Response to RemEDIATE Substantiated Instances of Bullying (RSA 193-F:4, II(k))

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 and graded 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.

Examples of consequences may include, but are not limited to:

• Admonishment
• Temporary removal from classroom
• Deprivation of privileges
• Classroom or administrative detention
• Referral to disciplinarian
• In-school suspension
• Out-of-school suspension
• Expulsion

Examples of remedial measures may include, but are not limited to:
• Restitution
• Mediation
• Peer support group
• Corrective instruction or other relevant learning experience
• Behavior assessment
• Student counseling
• Parent conferences

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.

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(l))

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

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

1. Within two school days of completing an investigation, the Principal will notify the students involved in person of his/her findings and the result of the investigation.

2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.

3. If the parents request, the Principal shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.

4. 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.

XV. Appeals

A parent or guardian who is aggrieved by the investigative determination letter of the principal
or his/her designee may appeal the determination to the Superintendent for review. The appeal shall be in writing addressed to the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek. The Superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

It is in the best interests of students, families and the District that these matters be promptly resolved. Therefore, any such appeal to the Superintendent shall be made within ten (10) calendar days of the parent/guardian's receipt of the investigative determination letter of the principal or his/her designee. The Superintendent shall issue his/her decision in writing.

If the parent or guardian is aggrieved by the decision of the Superintendent, they may appeal the decision to the school board within ten (10) calendar days of the date of the parent/guardian's receipt of the Superintendent's decision. An appeal to the Superintendent shall be a prerequisite to any appeal to the School Board. The appeal to the School Board shall be in writing, addressed to the School Board Chair in care of the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek.

An aggrieved parent/guardian has the right to appeal the final decision of the local School Board to the State Board within thirty (30) calendar days of receipt of the written decision of the local School Board in accordance with RSA 541-A and State of New Hampshire Department of Education Regulations set forth in ED 200. The State Board may waive the thirty-day requirement for good cause shown, including, but not limited to, illness, accident, or death of a family member.

XVI. School Officials (RSA 193-F:4, II(n))
The Superintendent of schools is responsible for ensuring that this policy is implemented.

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

XVIII. 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 ECAF.

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 the District's attorney for a full legal opinion relative in the event of such an occurrence.

NHSBA Note, September 2015: New paragraph (Paragraph #9) added to Section XI - Investigative Procedures. This change is in response to RSA 189:70, effective September 2015.
RSA 189:70 prohibits school districts from requiring students to provide information relative to personal social media accounts. Districts may request certain information if such information is relative to an ongoing investigation. However, such information cannot be demanded or required. RSA 189:70 is also now added to Legal References.

NHSBA Note, September 2014: Only changes are to Section XV - Appeals. These changes are included after consultation with school officials as to the manner in which the NH Department of Education is now accepting appeals from school board decisions on bullying-related matters.

**Legal References:**
- RSA 189:70, Educational Institution Policies on Social Media
- 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

Revised: September 2014

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.
BULLYING REPORT FORM

Name of Witness/Reporter: ________________________________________________

Position: _________________________________________________________________

Name of Viclim: __________________________________________________________

Name of alleged bully: ______________________________________________________

Description of incident: ______________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

Other pertinent information: __________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: __________________________________________________________________

Date: _____________________________________________________________________
PUPIL SAFETY AND VIOLENCE PREVENTION (Bullying) - REPORTING FORM

________________________ School

Directions: The Board is committed to providing all pupils a safe and secure school environment. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited. This is a form to report alleged bullying that occurred on school property; at a school-sponsored event either on or off-campus; on a school bus; or on the way to and/or from school. This form should be completed and returned to the Building Principal. Contact the school for additional information or assistance.

Today's Date: ______________________

Person Reporting the Incident:

Name: ____________________________ Telephone: ______________________

Place an X in the appropriate box:

[ ] Student  [ ] Student (Witness/Bystander)
[ ] Parent/guardian  [ ] School staff member
[ ] Other (Please state: ________________________ )

Information of Alleged Incident:

1. Name of student who was bullied: ____________________________ Age:

2. Name(s) of alleged offenders: ____________________________ Age:

3. Date(s) on which the alleged incident occurred: ________________________

4. Place an X next to the statement(s) that best describe what happened (choose all that apply):

Any bullying that involves physical aggression

[ ] Getting another person to hit or harm the student
[ ] Teasing, name-calling, critical remarks, or threats
[ ] Demeaning and making jokes of the alleged victim
[ ] Rude or threatening gestures
[ ] Intimidating, extorting, or exploiting
[ ] Spreading harmful rumors or gossip
[ ] Electronic communication (specify) ________________________________
[ ] Other (specify) ________________________________

5. Where did the incident happen?
[ ] On school property
[ ] On a school bus
[ ] At an off-campus school-sponsored activity
[ ] On the way to/from school
[ ] Off-campus (specify) ________________________________

6. Where were any other witnesses present, and if so, who were they?
Name: ________________________________ [ ] Student [ ] Staff
[ ] Other
Name: ________________________________ [ ] Student [ ] Staff
[ ] Other
Name: ________________________________ [ ] Student [ ] Staff
[ ] Other

7. Describe the incident in your own words, to the best of your ability. Include the names of the people involved, what occurred, and what each person did and said, including specific words used. Please use additional paper, if necessary.

***FOR ADMINISTRATIVE USE ONLY***

1. Name and Title of Person Investigating this Report: __________________________ Date:

2. Names and dates of persons interviewed:
(1) Name: ____________________________ Date: ____________________________
[ ] Student [ ] Staff [ ] Other

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.
NHSBA sample policies are distributed for resource purposes only, intended for use only by members of NHSBA Policy Services. Contents do not necessarily represent NHSBA legal advice or service, and are not intended for exact publication.
(2) Name: ___________________________ Date: _______________

[ ] Student [ ] Staff [ ] Other

(3) Name: ___________________________ Date: _______________

[ ] Student [ ] Staff [ ] Other

3. Any prior documented incidents by the alleged aggressor? Yes No

4. Did the alleged victim report any of the following? (check all that apply)

[ ] Physical harm or damage to the victim's personal property

[ ] Emotional distress

[ ] Interference with educational opportunities

[ ] Fear of retaliation or reprisal

5. Plan to protect victim or witnesses from retaliation or reprisal (if applicable):

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

6. Notification of Parent/Guardian:

Date: ___________________________ Time: ___________________________

Person spoken to: ___________________________ Method of Communication:

_________________________________________________________________

7. Investigation:

(a) Date began: ___________________________

(b) Persons interviewed:

Name: ___________________________ Date: _______________

Name: ___________________________ Date: _______________

Name: ___________________________ Date: _______________

(c) Results and Findings of the Investigation:

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
(c) Date investigation completed: ________________
(d) Date parents/guardians were contacted with results of the investigation: ________________

8. Conclusions of investigation:

(a) Finding of bullying or retaliation:       Yes       No

(b) If “No” the incident is documented as: ________________________________

(c) If “Yes” the District’s action taken:
   [  ] Loss of privileges
   [  ] Detention
   [  ] Suspension
   [  ] Other: ________________________________

Signature and Title: ________________________________  Date: ________________

See Also Policy JICK

Copyright © 2008, New Hampshire School Boards Association. All rights reserved.
NHSBA sample policies are distributed for resource purposes only, intended for use only by members of NHSBA Policy Services. Contents do not necessarily represent NHSBA legal advice or service, and are not intended for exact publication.