

PUPIL SAFETY and BULLYING/ HARASSMENT and VIOLENCE PREVENTION POLICY

(In Compliance with RSA 193 F)

Definitions (RSA 193F3):

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 and any school sponsored activity.

Any reference in this policy to "parent" shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil (RSA 193F: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 193F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited. Further, in accordance with RSA 193F:4, the

school 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 Director is responsible for ensuring that this policy is implemented.

III. Statement prohibiting retaliation or false accusations (RSA 193F:4, II(b))

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 to be determined in accordance with applicable law, school policies, procedures and their employment contract.

Reprisal or Retaliation

The school 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, administrator, volunteer, or other employee who engages in reprisal or retaliation shall be determined by the Director after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies, and any applicable contract agreement.

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, administrator, volunteer, or other employee 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 and exclusion from school grounds.

Process To Protect Pupils From Retaliation

If the alleged victim or any witness expresses to the Director or other staff member that he/she believes he/she may be retaliated against, the Director 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 stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

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

MACS 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 Director and school 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 193F:4, II(e))

Staff and Volunteers

All staff will be provided with a copy of this policy annually. The Director may determine the method of providing the policy (employee handbook, hard copy, electronically, etc.) The Director will ensure that all school employees and volunteers receive annual training on bullying and related district's policies.

All students will be provided with a copy of this policy annually. The Director may determine the method of providing the policy (student handbook, mailing, hard copy, electronically 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 school'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 Director, in consultation with staff, may incorporate student anti bullying training and education into the school's curriculum, but shall not be required to do so.

All parents will be provided with a copy of this policy annually. The Director may determine the method of providing the policy (parent handbook, mailing, hard copy, electronically, 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 others;
4. Cooperate fully with school personnel in identifying and resolving incidents.

Additional Notice and School District Programs

The school 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 193F:4, II(f))

At MACS, the Director 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 Director or if the student is more comfortable reporting the alleged act to a person other than the Director, the student may tell any school employee or volunteer about the alleged bullying.

2. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Director as soon as possible, but no later than the end of that school day.

3. The Director 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 Director 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 Director 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 employees and volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members given such information will need to provide direct assistance to the student.

3. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Director as soon as possible, but no later than the end of that school day.

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

VIII. Procedure for Internal Reporting Requirements (RSA 193F:4, II(g))

In order to satisfy the reporting requirements of RSA 193F:6, the Director 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 Director shall retain a copy for him/herself and shall forward one copy to the Board Chair and may forward one copy to the local authority. The Director shall maintain said forms in a safe and secure location.

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

The Director shall report, within 48 hours of receiving the 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. 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). The notice shall include, at minimum, basic details of the alleged situation and timeframe of the investigation.

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

If within a 48 hour time period, the Director feels a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report is necessary, s/he may do so. A waiver may only be granted if the Director deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be documented in writing and a copy submitted to the school chair.

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

1. Upon receipt of a report of bullying, the Director shall, within 5 school days, initiate an investigation into the alleged act. If the Director is directly and personally involved with a complaint or is closely related to a party to the complaint, then the The Board Chair 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 consistent with the developmental needs of the students in mind and shall be confidential.
3. If the alleged bullying was in whole or in part cyberbullying, the Director may ask students and/or parents to provide the school with printed copies of emails, 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 Director 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 of power as a result of the reported incident;
- The date, time and method in which parents or legal guardians of all parties involved were contacted.

6. Director shall complete the investigation within 10 school days of receiving the initial report. If the Director needs more than 10 school days to complete the investigation or feels an extension is needed, s/he may use an extension of up to 7 school days. In the event such extension is granted, the Director shall notify in writing all parties involved of the extension.

7. Whether a particular action or incident constitutes a violation of this policy, it 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 Director.

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.

XII. Response to Remediate Substantiated Instances of Bullying (RSA 193F: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:

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

Examples of remedial measures may include, but are not limited to:

- 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 Director 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 Board (RSA 193F:4, II(I))

The Director shall forward all substantiated reports of bullying to the Board Chair upon completion of the Director's investigation.

XIV. Communication with Parents upon Completion of Investigation (RSA 193F:4, II(m))

1. Within two school days of completing an investigation, the Director will notify the students involved in person of his/her findings and the result of the investigation.
2. The Director will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Director 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 Director 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 school 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. Appeal

For nondisciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the Director's decision to the School Board in writing within five (5) school days. The School Board shall review the Director's decision and issue a written decision within ten (10) school days. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.

The procedures under RSA 193:13, Ed 317, and school policies establish the due process and appeal rights for students disciplined for acts of bullying.

The School Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

XVI. School Officials (RSA 193F:4, II(n))

The Director is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the Director may establish further administrative rules or regulations.

XVII. Use of Video or Audio Recordings in Student Discipline Matters

The school reserves the right to use audio and/or video recording devices on school property (including school buses) to ensure the health, safety and welfare of all staff, students and

visitors. 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 Director is authorized to contact the school's attorney for a full legal opinion relative in the event of such an occurrence.

RSA 193F:3, Pupil Safety and Violence Prevention Act

RSA 570A:2, Capture of Audio Recordings on School Buses Allowed

NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment

Adopted July 2015