

See Also: JBAA, JIC, JICD, IHBA

PUPIL SAFETY AND VIOLENCE PREVENTION - BULLYING

I. 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:

- A. occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- B. occurs off 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.

II. Definitions (RSA 193-F:3)

A. 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.
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

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

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.

Bullying could be criminal conduct and under certain circumstances (e.g., physical harm, touching, or damage to property) bullying or cyber-bullying may constitute a violation of the Safe School Zones Act or abuse under RSA 169-C, the Child Abuse Reporting Act. In such situations, employees, volunteers, and contractors shall comply with the provisions of the school district's policy concerning the Safe School Zones Act and the law which in part requires reporting to the principal and requires the principal to file a written report with the police within 48 hours and to notify the victim's parents and guardians that a report has been filed.

Bullying or cyber-bullying may constitute sexual harassment, in which case that conduct shall be subject to and be handled in accordance with the school district's sexual harassment and sexual violence policy, not this policy.

B. Cyberbullying. Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken using electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

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

D. 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.

E. Perpetrator. A perpetrator is an individual who engages in bullying or cyberbullying.

F. Victim. A victim is someone against whom bullying, or cyberbullying has been perpetrated.

G. Educational opportunities. Educational opportunities are curricular and extracurricular programs and activities offered by the district.

H. Hostile educational environment. A hostile educational environment is a single incident or pattern of incidents that is so severe and pervasive that it effectively denies a student equal access to the district's educational opportunities. The determination as to whether an incident or pattern of incidents has created a hostile educational environment

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

shall be made by the person investigating the reported incident(s).

I. Emotional distress. For the purposes of this policy, the term ‘emotional distress’ means stress that impairs the student’s participation in academic or other school sponsored activities. The term ‘emotional distress’ does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint.

J. Substantial disruption to orderly operations of the school. The determination as to whether a single incident or a pattern of incidents causes a “substantial disruption to the orderly operations of the school” shall be made by the person investigating the reported incidents(s) and shall be based on the totality of the circumstances and may include disruptions to curricular or extra-curricular programs and activities offered by the district.

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

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

A. 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.

B. 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.

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

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.

C. 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 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))

A. 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

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

annual training on bullying and related district's policies.

B. 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.

C. 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.

D. 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

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

shall be responsible for receiving complaints of alleged violations of this policy.

A. 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 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.

B. 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

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

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

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 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))

- A.** 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.
- B.** 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.

***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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

C. 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.

D. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.

E. Factors the Principal or other investigator may consider during the investigation, including but not limited to the following:

- The description of incident, including the nature of the behavior;
- The frequency of the alleged conduct;
- The characteristics of parties involved, (name, grade, age, etc.);
- The identity and number of individuals who participated in the bullying behavior;
- Where the alleged incident(s) occurred;
- The date, time and method in which parents or legal guardians of all parties involved were contacted.
- Whether the alleged conduct physically harmed the alleged victim or damaged the alleged victim's property;
- Whether the alleged conduct caused emotional distress to the student;
- Whether the alleged conduct adversely affected the student's education or educational environment; and
- Whether the alleged victim felt or perceived an imbalance or power because of the reported incident.

F. 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.

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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

G. 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.

H. 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.

I. Consistent with applicable law, the district will not require or request that a student disclose or provide to the district the student's username, 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

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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

- 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 to remediate substantiated instances of bullying.

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

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(1))

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))

- A.** 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.
- B** The Principal will notify via telephone the parents of the alleged victim and alleged

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

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.

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

D. 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 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.

***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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	

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.

*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*

Windham School Board	Policy Code: JICK
Adopted: January 4, 2011 Adopted NHSBA lettering on January 19, 2021 (was JICBB) Revised: July 12, 2022	