

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

I. General Statement of Policy

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 members of the school community, especially students and school-aged persons on 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 of bullying and cyberbullying. Such conduct shall not be tolerated and is prohibited by this policy.

II. Definitions

Bullying is characterized by a power differential and involves aggressive behavior that is a single significant incident or pattern of incidents that are severe or repeated and intended to cause harm. Bullying is defined as the severe or repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- causes physical or emotional harm to the targeted student or damage to the targeted student's property;
- places the targeted student in reasonable fear of harm or damage to property;
- creates a hostile environment at school for the targeted student;
- infringes on the rights of the targeted student at school;
- materially and substantially disrupts the educational process or the orderly operation of the school; or
- creates a hostile educational environment.

Bullying can include, but is not limited to:

- actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics or beliefs; or
- actions motivated by the student's association with another person and based on the other person's characteristics, behaviors or beliefs; or

- hitting, slapping, pushing, and other physical conduct that causes bodily harm; or
- threatening in a manner that puts someone down or is cruel; or
- deliberately excluding someone as a way to humiliate or demean them.

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.

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 during or outside of school hours, 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.

IV. Retaliation defined and plan to protect students from retaliation

Retaliation 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.

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.

If the alleged victim or any witness expresses to the Principal or other staff member that they believe they may be retaliated against, the Principal or designee shall develop a 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 offenders, temporary removal of privileges, or other means necessary to protect against 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

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 District employee about the alleged bullying.
2. Any District 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 shall 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. The administration shall develop instructional practices to ensure that all students understand and are comfortable using the reporting process.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section VII of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior that they witness which appear 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 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.
4. The Principal may designate, in writing, an additional person to receive such reports and to conduct the investigation. The person who investigates shall conduct the investigation according to administrative guidelines.

5. 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(s) or Guardian(s)

The Principal or designee shall report an incident of bullying to the parent(s) or guardian(s) of a student who has been reported as a victim and to the parent(s) or guardian(s) of a student who has been reported as an offender 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 parent(s) or guardian(s) of the alleged victim and the alleged offender 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 offender. 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 School 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. 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 offender, the extent of disciplinary action is a matter for the professional discretion of the 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 offender, and prevent the likelihood of retaliation.

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.

False Reporting

A student found to have intentionally falsely accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

IX. Reporting Substantiated Incidents to the Superintendent

The Principal shall forward all substantiated reports of bullying to the Superintendent – *all reports* – substantiated or not

X. Report to Parent(s) or Guardian(s) upon Completion of Investigation

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 parent(s) or guardian(s) of the alleged victim and alleged offender of the results of the investigation. The Principal will also send a letter to the parent(s) or guardian(s) within 24 hours again notifying them of the results of the investigation.
3. If the parent(s) or guardian(s) 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 parent(s) or guardian(s) of other students involved in a bullying incident.
5. 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.

XI. Appeals

Parent(s) or guardian(s) who are 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'(s) or 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 Board within ten (10) calendar days of the date of the parent'(s) or guardian(s)'s receipt of the Superintendent's decision. An appeal to the Superintendent shall be a prerequisite to any appeal to the Board. The appeal to the Board shall be in writing, addressed to the Board President in care of the Superintendent, shall state the reason(s) why the appealing party is aggrieved, and the nature of the relief they seek.

Aggrieved parent(s) or guardian(s) have the right to appeal the final decision of the Board to the State Board within thirty (30) calendar days of receipt of the written decision of the 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.

XII. 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.

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

XIV. 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 \(#160, #412, #571 and #631\)](#), [Sexual Harassment \(#521\)](#), [Code of Student Conduct \(#540\)](#), [Safe Schools \(#520\)](#), [Reporting Child Abuse and Neglect \(#432 and #537\)](#), [Student Conduct on Buses \(#541.4 and #711.1\)](#), and [Acceptable Internet Use – Students \(#542\)](#).

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