

JICK – PUPIL SAFETY AND VIOLENCE PREVENTION

Category P

See Also JBAA, JIC, JICD, IHBA, JICK-R

I. General Statement of Policy and Prohibition Against Bullying and Cyberbullying

The Mason School District is committed to providing all pupils a safe, secure, and peaceful school environment. All pupils are protected under this policy, regardless of legal status.

Conduct constituting bullying or cyberbullying will not be tolerated, and is prohibited by this policy in accordance with RSA 193-F. Bullying and cyberbullying outside of school activities or off school premises is subject to this policy as set forth herein. All pupils are protected under this policy, regardless of legal status.

It shall be a violation of this policy to engage in, or cause other to engage in, the bullying or cyberbullying of a pupil.

It shall be a violation of this policy to engage in retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying.

There shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, falsely accuses another of the same as a means of retaliation or reprisal, or otherwise violates this policy.

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

II. Definitions

A. Bullying: a single significant incident or 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 also includes 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.

B. Cyberbullying: bullying (as defined above) undertaken through the use of electronic devices.

C. Electronic devices: include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, social media (e.g. Facebook, etc.) and websites.

D. Perpetrator: a pupil who engages in bullying or cyberbullying.

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

F. Victim: a pupil against whom bullying or cyberbullying has been perpetrated.

G. Educational opportunities: the curricular and extra-curricular programs and activities offered by the District.

H. Interference with educational opportunities: a single significant incident or pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof which impedes a pupil's ability to participate in, or access, the educational opportunities offered by the District. The determination as to whether an incident or a pattern of incidents interferes with a pupil's educational opportunities shall be made by the person investigating the reported incident(s).

I. Hostile educational environment: a single significant 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 shall be made by the person investigating the reported incident(s).

J. The determination as to whether a single significant incident or a pattern of incidents causes a "substantial disruption to the orderly operation of the school" shall be made by the person investigating the reported incident(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.

In accordance with RSA 193-F:4, the District reserves the right to impose discipline or intervention for bullying and/or cyberbullying that:

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

III. Reporting Procedure

The Principal of each school is responsible for receiving oral or written reports of bullying or cyberbullying. The Principal may also designate another school employee to receive oral and written reports of bullying.

Student or Parent Reports

1. Any student who believes that he or she has been the victim of bullying or cyberbullying, as defined in Section II, above, should immediately report the alleged act(s) to the Principal or designee; however, if the student prefers, he/she may inform any school employee or volunteer.
2. Students or parents who have witnessed or who have reliable information that a pupil has been subjected to bullying or cyberbullying should immediately report the same to the Principal or designee, or, if the student or parent prefers, he/she may inform any school employee or volunteer about the alleged bullying or cyberbullying.
3. Forms to report incidents (JICK-R) of alleged bullying or cyberbullying shall be available at the school office. Use of the form is encouraged, but not required. If the Principal or his/her designee receives the report verbally, he/she shall reduce the report received to writing within forty-eight hours of receiving the information.

Reports by Staff, Volunteers, or Employees of a Company under Contract with the School District, or with any school in the District.

Any school employee, volunteer, or employee of a company under contract with the District, who has witnessed or has reliable information that a pupil has been subjected to bullying, or cyberbullying as defined in Section II

above, shall report such incident to the Principal or his/her designee as soon as reasonably possible, but no later than the end of that school day.

IV. Notice to Parents/Guardians

Within 48 hours of receiving a report of alleged bullying or cyberbullying, the Principal, or his/her designee, shall give notice of the report of the alleged incident to the parent(s) or guardian(s) of the victim and the perpetrator. The report shall be made by telephone or in writing; if made by telephone, a record of the report shall be made. The record should include, at a minimum, the date and time of the call. Any such notification under this policy must comply with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g. At a minimum, the notice shall advise the individuals involved of the nature of the incident, the date and time the report was received, and the procedures described in this policy. In accord with FERPA, the notice shall not contain any personally identifiable information obtained from student education records.

V. Waiver of Notification Requirement

The Superintendent may, within the 48 hour time period referenced in Section IV of this policy, grant the Principal or his/her designee a written waiver from the notification requirement in Section IV of this policy, if the Superintendent or his/her designee deems such waiver to be in the best interest of either the victim or the perpetrator. The granting of a waiver does not negate the responsibility to follow the other procedures set forth in this policy.

VI. Investigative Procedures

1. The Principal or his/her designee is responsible for investigating reports of bullying or cyberbullying. The Superintendent reserves the right to appoint another individual to conduct the investigation.
2. Investigations shall be initiated within five (5) school days of the date that the incident is reported to the Principal or his/her designee, and shall be completed within 10 school days.
3. If the Principal or his/her designee requires additional time to complete the investigation, the Superintendent or his/her designee may extend the time period for the investigation by up to seven (7) school days. Any such extension shall be in writing, and the Superintendent or his/her designee shall provide all parties involved with written notice of the granting of the extension.
4. Upon completion of the investigation, the Principal or his/her designee shall draft a written investigation report. The report must include, at a minimum, a description of the scope of the investigation, the findings, and the actions taken (i.e., the response to re-mediate, discipline, non-disciplinary interventions, etc).
5. Upon completion of the investigation, the Principal or his/her designee shall report all substantiated incidents of-bullying or cyberbullying to the Superintendent or his/her designee.
6. Within ten (10) school days of the completion of the investigation, the Principal or his/her designee shall provide the parents of the alleged victim and the alleged perpetrator with written notice of the results of the investigation (i.e., substantiated or unsubstantiated) and the available remedies and assistance. The notice shall comply with FERPA, and other State and Federal laws concerning student privacy.

VII. Response to Re-mediate Substantiated Incidents of Bullying or Cyberbullying

The Principal or his/her designee shall develop a response to re-mediate any substantiated incident of bullying or cyberbullying. The response should be designed to reduce the risk of future incidents, and where appropriate, to offer assistance to the victim or perpetrator. In those cases where a perpetrator or victim is identified as a student with an educational disability, the Principal's response to re-mediate any substantiated incident of bullying or cyberbullying shall be presented to the IEP Team. The IEP Team is permitted to amend or augment the response in a manner necessary to ensure that the perpetrator and/or victim receives a free, appropriate public education, while still taking appropriate measures to re-mediate bullying.

VIII. Discipline and/or Interventions for Violations of This Policy

If, after investigating pursuant to Section VI of this policy, the Principal or his/her designee concludes that a pupil engaged in bullying or cyberbullying, that student may be subject to appropriate disciplinary action, which may include alternative disciplinary measures, positive behavioral intervention, loss of privileges (e.g., recess, etc.), loss of bus riding privileges, suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements.

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.

IX. Prohibition Against Retaliation and False Accusations

1. Reprisal or Retaliation: The District will discipline and take appropriate action against any pupil, teacher, school administrator, school volunteer, or other school 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 related to such bullying.

The consequences and appropriate remedial action for a pupil, teacher, school administrator, school volunteer, or other school employee who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of nature, severity, and circumstances of the act, in accordance with the law and Board policies. Any action taken with regard to a school employee shall be considered a personnel matter.

2. False Reporting: A student found to have wrongfully and intentionally accused another of bullying or cyberbullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension and expulsion. Any such disciplinary action shall be taken in accordance to applicable board policy and legal requirements. At the discretion of the Principal or his/her designee, students who commit an act of bullying or cyberbullying or falsely accuse another of the same as a means of retaliation or reprisal may, either in addition to discipline or in lieu of discipline, receive nondisciplinary interventions. Interventions are not considered disciplinary in nature.
3. 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 or designee 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 warning to alleged perpetrators, temporary loss of privileges, or other means necessary to protect against possible retaliation.

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.

X. Training

The Superintendent shall ensure that school employees, regular school volunteers, and employees of a company under contract with the District, and/or any of the schools within the District, who have significant contact with pupils annually receive training on this policy for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.

The School District shall provide age-appropriate educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.

XI. Notice of Policy

The Superintendent or his/her designee shall provide written notice annually of this policy to students, parents, legal guardians, school employees, school volunteers, and employees of companies under contract with the District, or any school within the District, through appropriate references in the student and employee handbooks, by publishing a copy of this policy on the District/SAU website, by providing companies under contract with the District, with a copy of the policy, by providing training on the policy in accord with RSA 193-F, or through other reasonable means.

XII. Report to the Department of Education

The Principal or his/her designee is responsible for reporting substantiated incidents of bullying to the Superintendent or his/her designee.

The Superintendent or his/her designee shall, on an annual basis, or as requested, report substantiated incidents of bullying and cyberbullying to the School Board and/or Department of Education. The reports shall not contain any personally identifiable information pertaining to any pupil.

XIII. 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.

XIV. 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 the 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.

XV. 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 in the event of such an occurrence.

Legal References:

- RSA 193-F

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