

**PUPIL SAFETY AND VIOLENCE PREVENTION**  
**Prevention of Bullying**

The Nashua School District is committed to providing all pupils with a safe, secure and peaceful school environment. Conduct constituting bullying or cyberbullying will not be tolerated and is expressly prohibited.

Furthermore, 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.

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 an individual is a pupil within the District.

The superintendent is responsible for the implementation of this policy.

**I. Definitions**

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. **Perpetrator.** Perpetrator means a Pupil who engages in bullying or cyberbullying.

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- 5. 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.
- 6. Victim. Victim means a Pupil against whom bullying or cyberbullying has been perpetrated.

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

**II. Statement prohibiting retaliation or false accusations**

False Reporting

A pupil 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 will discipline and take appropriate action against any pupil 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 pupil 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 Board policies. Any pupil found to have engaged in reprisal or retaliation in violation of this policy shall be subject to disciplinary measures up to and including suspension and expulsion.

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, or if the Principal has reason to believe that retaliation may occur, the Principal shall develop a process or plan to protect that pupil from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Actions available to the Principal and/or Superintendent to protect the pupil include, but are not limited to, re-arranging pupil class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, transferring the perpetrator to another school within the School District, or other means necessary to protect the alleged victim against possible retaliation.

**III. Procedure for Reporting Bullying**

- 1. At each school the Principal and/or designee of the Principal shall be responsible for receiving and responding to complaints of alleged violations of this policy.

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2. Any pupil who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the pupil is more comfortable reporting the alleged act to a person other than the Principal, the pupil may tell any school district employee or volunteer about the alleged bullying.
3. Any school employee, coach or regular school volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred must inform the Principal as soon as possible, but no later than the end of that school day.
4. The Principal shall develop a system or method for receiving anonymous reports of bullying. Although pupils, 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.
5. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section V of this policy.

**IV. Notifying Parents of Alleged Bullying & Waiver of Notification Requirement**

1. The Principal shall notify the parents of the alleged victim and the alleged perpetrator that a potential incident has occurred and will be investigated. Such notification must be made within 48 hours of receiving the report and may be made by telephone, writing, email notice, 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 pupil privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
2. 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 or 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.

**V. Investigative Procedures**

1. Upon receipt of a report of bullying the Principal or designee shall, within five (5) school days initiate an investigation into the alleged act. The investigation shall be completed within ten (10) school days of the reported incident, and should include speaking with the alleged victim, the alleged perpetrator and known witnesses, as well as reviewing other evidence available through reasonable good faith efforts.
2. The Superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days. In the event an extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

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3. Should a report of bullying be received by the principal at or near the end of a school year or summer school term, all time lines for investigation and reporting contained in this policy shall apply to calendar days, exempting Saturdays, Sundays and holidays.
4. Documentation of a substantiated incident of bullying shall be recorded in the pupil records of both the victim and perpetrator through the District's pupil management system. Documentation shall include all relevant information pertaining to the incident, including communications with parents, a description of the incident including the time and place, and disciplinary or remedial actions that have been taken. Documentation of the incident in the pupil management system will constitute a report to the Superintendent, who has access to all pupil files.
5. Should an investigation lead a principal to believe the action of a perpetrator constitutes criminal behavior, the principal shall notify local law enforcement authorities of the incident, in addition to any investigation and action taken by the School District.

**VI. Communication With Parents Upon Completion of Investigation**

Within two (2) school days of the completion of the investigation the Principal will attempt to notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal shall provide further written notice to the parents within 24 hours of the attempt to call them, formally notifying them of the results of the investigation. All notifications shall be consistent with pupil privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

**VII. Response to Remediate Substantiated Instances of Bullying**

The district reserves the right to impose disciplinary measures against any pupil who commits an act of bullying, falsely accuses another pupil of bullying, or retaliates against any pupil or witness who provides information about an act of bullying.

Pupils who are found to have violated this policy may face discipline in accordance with Board of Education policies on student behavior standards and other applicable Board policies, up to and including suspension and/or expulsion. Pupils facing discipline will be afforded all due process required by law.

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

Consequences for a pupil 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 pupil, and the pupil's history of problem behaviors and performance. Non-disciplinary 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.

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Examples of non-disciplinary remedial measures include but are not limited to making a written apology to the victim, completing hours of community service, receiving counseling or transferring a perpetrator to another school.

The Board supports the promotion of 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.

**VIII. Appeal**

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying, or eligible pupils eighteen years of age or older involved in the bullying, shall have the right to appeal the Principal's decision to the Superintendent in writing within five (5) business days. The Superintendent shall review the Principal's decision and issue a written decision within ten (10) business days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the Board within ten (10) business days of the Superintendent's decision. If a non-disciplinary remedial action is imposed by the Superintendent the aggrieved party may file a written request for review by the Board within ten (10) business days of the Superintendent's decision. The Board will adhere to all applicable New Hampshire Department of Education administrative rules.
2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for pupils disciplined for acts of bullying.
3. A non-disciplinary remedial action will remain in effect unless or until it is overturned through an appeal process.
4. The Board or its designee will inform parents of any appeal rights they may have to the New Hampshire State Board of Education.

**IX. Distribution and Notice of This Policy**

All staff, pupils, parents, and regular school volunteers will be provided with a copy of this policy on an annual basis through student and staff handbooks, as well as posting the policy in public areas of each school and the District Office. The policy shall also be available through the POPPS policy manual contained on the District's website.

**X. Reporting**

The superintendent or designee will report to the Board twice per year:

- the number of substantiated incidents of bullying or cyberbullying
- the number of false reports of bullying or cyberbullying
- the number of appeals
- the number of appeals granted

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Legal References:

RSA 193-F:3 Student Safety and Violence Prevention Act  
RSA 193:13 Suspension and Expulsion of Pupils  
NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment  
NH Code of Administrative Rules, Section Ed 317, Student Discipline

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