

## ***PUPIL SAFETY AND VIOLENCE PREVENTION ACT OF 2000***

### ***(RSA 193:F)***

It is the policy of the Amherst School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying as defined herein. Any person violating this Policy may be subject to disciplinary action up to and including expulsion.

**Bullying Defined:** Bullying is defined as "conduct that subjects a pupil to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response from the student being treated in this manner. Some specific examples include hate language, sexual comments, innuendos or gestures and racial slurs and/or epithets.

### **Reporting Procedure for bullying**

1. Any student who believes they have been a victim of bullying shall report the alleged act to the building Principal or Assistant Principal. If a student is more comfortable reporting the alleged act to a person other than a building administrator, the student may contact any School District employee.
2. Any student, parent, guardian, school employee, or employee of a company under contract with the school or school district, who has witnessed or has reliable information that a student has been subjected to bullying shall report the incident to the student's Principal.
3. All reports must be documented on the School District's Reporting Form. If a complainant or reporter is either unwilling or unable to complete the School District's Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Reporting Form, using to the extent practical, the reporter's or complainant's own words to describe the alleged bullying.
4. Upon receipt of a report of bullying, the Principal or Principal's designee shall within twenty-four (24) hours forward a written report of the incident to the Superintendent. The Principal's initial response will be summarized on the School District's Reporting Form. The Superintendent shall report to the School Board all bullying reports received.
5. The Principal or Principal's designee shall by telephone and in writing by first class mail, report the occurrence of any incident of bullying to the parent or legal guardian of all pupils involved within forty-eight (48) hours of the occurrence of such incident. The notice shall advise the individuals involved of their due process rights by including a copy of this Policy and by including notice of the right to appeal to the State Board of Education when the remedies outlined in this Policy are exhausted.
6. The Superintendent may, within the forty-eight (48) hour time period, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the child.

### **Investigation of Bullying and Remedial Action**

1. The Principal or Principal's designee shall investigate alleged acts of bullying. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the report. No report is considered frivolous; on the other hand, culpability is never presumed. These procedures are intended to protect the rights of a victim and the rights of an accused individual.
2. The Principal or Principal's designee will complete the investigation within five (5) school days after the Principal receives the report, except for good cause or with the written consent of the parties as documented in the investigatory file. The Principal will expedite the investigation of any claim involving physical violence or serious threats of harm.
3. The Principal or Principal's designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to Superintendent to consider long-term suspension or expulsion,

- and/or referral to law enforcement in order to end bullying and prevent its recurrence.
4. Besides initiating disciplinary action, the Principal or Principal's designee may also take other remedial action deemed necessary and appropriate to end bullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, life skills groups; and/or reassigning student's classes, lunch periods or transportation.
  5. In accordance with the Family Educational Rights and Privacy Act, the School District may not disclose educational records of students including the discipline and remedial action assigned to those students to the parents of other students involved in a bullying incident.

### **File Retention**

The Principal will maintain in a separate confidential file the original completed Reporting Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials, and will provide a copy of the file to the Superintendent and maintain a copy of the file in the applicable student record.

### **Appeal**

1. For non-disciplinary remedial actions where no other review procedures govern, the parent or legal guardian of the pupils involved in the bullying shall have the right to appeal the Principal's decision regarding their pupil to the Superintendent in writing within five (5) school days. The Superintendent shall review the principal's decision and issue a written decision within ten (10) days. If the aggrieved party is still not satisfied with the outcome, then the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The School Board shall schedule a time to hear the aggrieved party at its next regular board meeting to be held within (15) school days. Within five (5) school days following the hearing, the School Board will notify the aggrieved party in writing of the action to be taken by the District to resolve or remediate the situation.
2. The procedures under RSA 193:13, Ed 317 and the School District discipline policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. Any individual aggrieved after the School District's remedies have been exhausted shall have the right to appeal the School District's decision to the State Board of Education within thirty (30) calendar days of receipt of the written decision of the School Board in accordance with Ed 200.

### **Policy Notification**

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent shall also make all volunteers and contractors who have contact with students aware of this Policy.
2. The School District will post this Policy and a summary of the Policy on the School District website and conspicuously in each school building in areas easily accessible to students and staff.

### **Training**

The Superintendent or his/her designee may develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with staff and students in order to minimize the occurrence of bullying, and for staff to effectively respond to any such incidents.

### **Recordings on School Buses**

Pursuant to RSA 570-A:2, notice is hereby given that the School 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. A sign informing the occupants of school buses that such recordings may occur shall be posted on all buses.

**Bullying as Abuse and Criminal Conduct**

Under certain circumstances, bullying may constitute abuse under RS 169-C, the Child Abuse Reporting Act, or a crime. In such situations, employees shall comply with provisions of the School District's Policy concerning the Safe School Zones Law and the law. Violations of the Safe School Zones Act involving an act of theft, destruction or violence will be reported to police in accordance with that law.

**Sexual Harassment**

Bullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment Policy, not this Policy.

**Immunity**

A school employee, or employee of a company under contract with the School District, who has reported violations of bullying to the Principal, or the Principal's designee, shall be immune from any cause of action which may arise from the failure to remedy the reported incident in accordance with this law.

SAU 39 Bullying/Harassment/Intimidation Report Form

Today's date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ School: \_\_\_\_\_

**Bullying, harassment, or intimidation are serious and will not be tolerated any time in SAU 39 (See definitions on reverse side). All pupils have the right to attend public schools that are safe, secure, and peaceful environments. This form is to report alleged bullying harassment, or intimidation that occurred on or brought into school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school. If you are a student victim, the parent/ guardian of a student/victim, a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying/harassment/ intimidation, complete this form and return it to the Building Principal at the student victim's school. Please contact the school for additional assistance at any time.**

**PERSON REPORTING INCIDENT: Name:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Place an X in the appropriate box:**  Student  Student (Witness/Bystander)  Parent/guardian  
 Close adult relative  School Staff

1. **NAME OF STUDENT VICTIM** (Please print) \_\_\_\_\_ **Age:** \_\_\_\_\_

2. Name(s) of alleged offender(s) (If known):	School	Is he/she a student?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. On what date(s) did the incident happen?: \_\_\_\_\_

4. Place an **X** next to the statement(s) that best describes what happened (choose all that apply):

- Any bullying, harassment, or intimidation that involves physical aggression
- Getting another person to hit or harm the student
- Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- Demeaning and making the victim of jokes
- Making rude and/or threatening gestures
- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Electronic Communication (specify)
- Other (specify)

5. What did the alleged offender(s) say or do?

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(Attach a separate sheet if necessary)

6. Why did the harassment or intimidation (bullying) occur (If known?)

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(Attach a separate sheet if necessary)

7. Did a physical injury result from this incident? No Yes,  
8. Did it require medical attention? Yes No  
9. Is there any additional information you would like to provide?

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(Attach a separate sheet if necessary)

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**Definitions:** In accordance with RSA 193-F:3 through RSA193-F:5, *Bullying, cyberbullying, harassment, or intimidation* means a single significant incident or a pattern of incidents of intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that: creates a hostile educational environment by substantially interfering with a student's educational benefits, property, beliefs, opportunities, or performance, or with a student's physical or psychological well-being and is: 1. motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or 2. is threatening or seriously intimidating, and 1. the above occurs on school property, at a school activity or event, or on a school bus; and 2. substantially disrupts the orderly operation of a school. Electronic communication means any communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, pager, electronic mail, instant messaging, text messages, and websites. It also prohibits retaliation or false accusations against a victim, witness, or anyone else who in good faith reports such activities.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_