

## AMHERST Policy

### JICK- PUPIL SAFETY AND VIOLENCE PREVENTION POLICY

#### I. GENERAL STATEMENT OF POLICY

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 Amherst School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying and cyberbullying as defined herein. Any person violating this Policy may be subject to disciplinary action up to and including expulsion.

#### II. BULLYING DEFINED

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. **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.

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

#### III. REPORTING PROCEDURE

1. Any student who believes they have been a victim of bullying shall report the alleged act to the Building Principal. If a student is more comfortable reporting the alleged act to a person other than the Building Principal, the student may contact any Amherst School District employee.
2. Any student, parent, guardian, school employee, or employee of a company under contract

with the school or Amherst 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 Amherst 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 practicable, the reporter's or complainant's own words to describe the alleged bullying.
4. 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.
5. The Superintendent or designee may, within the forty-eight (48) hour time period, grant the Principal a written waiver from the notification requirement if the Superintendent or designee deems such waiver to be in the best interest of the child.

#### IV. STATEMENT PROHIBITING RETALIATION OR FALSE ACCUSATIONS

1. 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.

2. 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.

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.

3. 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.

## V. INVESTIGATION AND REMEDIAL ACTION

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. 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 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.
3. The Principal will take such action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to Superintendent or designee 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 other actions, the Principal may also take other actions deemed necessary as appropriate to protect the victim including but not limited to in-school counseling, participation in peer support groups, and/or reassigning student's classes, lunch periods, or transportation.
5. In accordance with the Family Educational Rights and Privacy Act, the Amherst 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.

## VI. FILE RETENTION

For the cases designated as "bullying", 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 or designee and maintain a copy of the file in the applicable student record.

## VII. 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 or designee in writing within five (5) school days. The Superintendent or designee shall review the Principal's decision and issue a written

decision within ten (10) school 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 Amherst School Board within ten (10) school days of the Superintendent or designee's decision. The Amherst School Board shall schedule a time to hear the aggrieved party at its next regular board meeting to be held within *thirty* (30) school days. Within five (5) school days following the hearing, the Amherst 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 Amherst School District discipline policies establish the due process and appeal rights for students disciplined for acts of bullying.

3. Any individual aggrieved after the Amherst School District's remedies have been exhausted shall have the right to appeal the Amherst School District's decision to the State Board of Education within thirty (30) calendar days of receipt of the written decision of the Amherst School Board in accordance with Ed 200.

## VIII. 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 Amherst School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or designee shall also make all volunteers and contractors who have contact with students aware of this Policy.

2. The Amherst School District will post this Policy and a summary of the Policy on the Amherst School District website and conspicuously in each school building in areas easily accessible to students and staff.

## IX. TRAINING AND EDUCATIONAL PROGRAMS

1. The Amherst School District shall provide training annually for school employees, regular school volunteers, or employees of a company under contract to a school or school district who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying; and

2. The Amherst School District shall provide educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

## X. RECORDINGS ON SCHOOL BUSES

Pursuant to RSA 570-A:2, notice is hereby given that the Souhegan Cooperative 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.

## XI. BULLYING AS ABUSE AND CRIMINAL CONDUCT

Under certain circumstances, bullying may constitute abuse under RSA 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.

## XII. SEXUAL HARASSMENT

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

## XIII. IMMUNITY

A school employee, or employee of a company under contract with the Amherst 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.

### **Legal References:**

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

**ADOPTED: December 14, 2010**