BULLYING PREVENTION - PUPIL SAFETY AND VIOLENCE PREVENTION

A. Purpose and Intent. The Lincoln-Woodstock Cooperative School District is committed to providing a safe and respectful learning environment for all students. Through education, prevention, and consistent enforcement, we aim to eliminate bullying and promote positive peer relationships for all of our students. This policy defines and prohibits bullying and related conduct, and establishes clear procedures for reporting, investigating, and responding to incidents.

1. Prohibition of Bullying or Cyberbullying of a Student - RSA 193-F:4, II(a). This policy is intended to comply with and implement RSA 193-F. Bullying, in any form—whether physical, verbal, social, or cyber—is strictly prohibited and will not be tolerated. The prohibition against bullying and cyberbullying also applies to conduct that occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property, or occurs off school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or any school sponsored activity or event.

2. Protection of all School Aged Children - RSA 193-F:4, II(c). This policy shall apply to all students and school-aged persons on school district grounds and participating in school district functions, whether or not such school-aged person is a student within the District and regardless of status under the law.

3. Prohibition of Retaliation and False Accusations - RSA 193-F:4, II(b). This policy further prohibits retaliation or false threats against a victim, witness, or anyone else who, in good faith, provides information about an act of bullying or cyberbullying.

B. Definitions - (RSA 193-F:3).

1. "Bullying" means 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 any student which:

    a. Physically harms a student or damages the student's property;

    b. Causes emotional distress to a student;

    c. Interferes with a student's educational opportunities;

    d. Creates a hostile educational environment;

    e. Substantially disrupts the orderly operation of the school; or

    f. occurs on, is delivered to, school property or a school-sponsored activity or event on or off school property.

    Examples of bullying conduct include, but are not limited to:

    i. mocking a student's appearance, speech, or abilities.

    ii. Spreading rumors to damage a student's reputation.

iii. Intentionally excluding a student from social or school activities.

iv. Threatening a student with physical harm or intimidation.

v. Encouraging others to target or ridicule a specific student.

vi. Taking, hiding, or damaging a student's personal belongings.

vii. Using slurs or derogatory names to demean a student.

2. "Cyberbullying" means conduct defined above as bullying committed or undertaken through the use of electronic devices. Unless the context indicates otherwise, the term "bullying" as used in this policy will include acts of cyberbullying.

   Additional examples of cyberbullying conduct include, but are not limited to:

   a. "Doxxing" - sharing through digital means another student's private information, such as their address(es), telephone number, images with the intent to cause embarrassment or damage to personal reputation.

   b. "Cyberstalking" — repeatedly contacting another student through electronic devices, repeatedly attempting or requesting a connection on social media or messaging apps when that other student has requested not to be contacted or in any other manner that causes fear or distress.

   c. "Catfishing" - creating fake accounts or pretending to be another student.

   d. Sharing of "deepfakes" - distributing or communicating through electronic devices digitally altered images, video, audio or other content that impersonates another student, misrepresents facts, harasses, embarrasses or otherwise causes or is intended to cause reputational harm. (See also Board policy EHAG f*or* definition and prohibition on creating or sharing of deepfakes.)

3. "Electronic devices" includes, but is not limited to, telephones, cellular or smartphones, computers, pagers, or any other device which is used for or can transmit: voice calls or messages; electronic mail; text/instant or other verbal messaging; images or videos; and websites.

4. "Parent" means a person who has legal custody of a minor child as a natural or adoptive parent, as a legal guardian, or who is functioning in a parental role if the actual parent or guardian is absent from the child's daily life. Additionally, "parent" may include students who have been emancipated, either by age or legal process. The term "parent," shall not, however, include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

5. "Perpetrator" means a student who engages in bullying or cyberbullying.

6. "Principal" shall mean and include the building Principal or other senior building administrator of a school, as well as any "designee" (qualified person) designated by the Superintendent to carry out all or some Principal functions as described in this policy.

7. "Retaliation" means and includes such conduct as intimidation, threats, coercion, harassment, or discrimination in response to (or an effort to prevent) a victim, witness or other person, who in good faith provides information about an act or conduct that the person providing the information believes is bullying or cyberbullying.

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

9. "Staff" means and includes all district, school or SAU employees, bus drivers, coaches, designated volunteers (as defined in Board policy GBCD), or other volunteers who are regularly on school property, or who have significant contact with students, and any contracted consultants or employees of a company under contract to the District or SAU who provide services on school property.

10. "Student" shall have the same meaning as "pupil" as used in RSA 193-F and this or any other Board policy.

11. "Superintendent" means the Superintendent (Senior Education Official) or other person designated by the Superintendent to carry out all or some Superintendent functions as described in this policy.

12. "Victim" means a student against whom bullying or cyberbullying has been perpetrated.

C. Retaliation & False Accusations - RSA 193-F:4, II(b). Retaliation or false accusations related to bullying or cyberbullying shall be deemed a violation of this policy. Upon receiving any report of bullying or cyberbullying, the Principal will immediately assess the need to develop a plan or take steps to protect the alleged victim or any witnesses against retaliation. The same assessment shall be made at any point upon a report of retaliation or false accusations made during or after a bullying/cyberbullying investigation.

Reports of retaliation or false accusations relating to a bullying/cyberbullying report may be made in the same manner as for reports of bullying/cyberbullying as provided in this policy.

Investigations, and responses (i.e., interventions, supportive measures, disciplinary consequences) to reports of retaliation or false accusations may be made as provided in the same manner as provided in Sections E-H for reports or incidents of bullying/cyberbullying, or in accordance with procedures and provisions set forth in the Code of Conduct/Student Handbook.

D. Procedures for Reporting Bullying, Cyberbullying, Retaliation or False Accusations - RSA 193-F:4, II(f)-(h). At each school, the Principal is responsible for receiving reports or complaints of bullying or cyberbullying.

1. Student Reporting. Any student who believes he or she has been the victim of bullying/cyberbullying, retaliation, or false accusations should report the alleged acts immediately to the Principal, or to a school district employee or volunteer that the student feels more comfortable making the report.

2. Staff Reporting. Any school employee or volunteer who receives a report of witnesses, or has knowledge or belief that bullying/cyberbullying or retaliation may have occurred, shall inform the Principal as soon as possible, but no later than the end of that school day.

3. Parent Reporting. Parents and other adults are also encouraged to report any concerns about possible bullying/cyberbullying or retaliation of students to the Principal.

4. Anonymous Reports. The Principal may develop a system or method for receiving anonymous reports of bullying within the building. Although students, parents, volunteers and visitors may report anonymously, an investigation based upon such reports may by necessity be incomplete. More significantly, formal disciplinary action may not be based solely on an anonymous report, and, likewise, other remedial or supportive measures may require some form of evidentiary verification.

5. Reports Involving Students from Different Districts. Reports of bullying which relate to students from different districts should, when possible, be made to the Principal of the school in which the victim(s) is enrolled/attending, otherwise to the Principal of the school in which the perpetrator is enrolled/attending.

6. Report Forms. 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.

E. Actions Upon Receipt of Report of Bullying or Cyberbullying.

1. Notice when Allegations Involve Students from Other Districts/Schools/States - RSA 193-F:4, II(k). When a report of bullying involves conduct across multiple districts or students from multiple school districts, the Principal/designee will immediately inform the Principal(s) of each of the other schools/districts. Additionally, if the report concerns bullying across state lines, the Principal/designee will inform the New Hampshire Attorney General's office.

2. Information to Alleged Victim - Upon receipt of a report of bullying, the Principal/designee shall provide the alleged victim with a written copy of their rights, protections, and support services available. RSA 193-F:4, II(i).

3. Parental Notice of Bullying Report — RSA 193-F:4, II(i). Within 48 hours of receiving a report of bullying, the Principal will notify the parents of any student reported as a victim of bullying, as well as the parents of any student who has been reported as a perpetrator of bullying. The notification to parent(s)/guardian(s) will include the measures being taken to ensure the safety of the victim (alleged) and to prevent further acts of bullying. 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 included in the investigative report. Notifications shall be consistent with the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) relative to the student privacy rights of each student indicated in the report.

   The Principal may request of the Superintendent's designee a waiver of the parental notification requirement, which may be granted only if the Superintendent deems such a waiver to be in the best interest of either the alleged victim or alleged perpetrator. Details of any request for a waiver and any grant of such request will be included in the investigative report. However, notification to parents/guardians may not be waived for longer than five (5) school days except for reports of bullying across multiple school districts (see Section E.1.) RSA 193-F:4,II(j).

4. Receipt of Report. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section F of this policy, shall assess

   a. the need for a plan to protect students against retaliation,

   b. whether the conduct may be construed as illegal discrimination or harassment related to a protected class as set forth in Board policy AC (if so, the Principal shall confer with the District staff member(s) charged with handling such discrimination or harassment to determine how to proceed (e.g., parallel or combined investigations); and

   c. whether such conduct constitutes a safe schools violation requiring a report pursuant to RSA 193-D:4 and Ed 317.05.

F. <u>Investigative Procedures</u> - RSA 193-F:4, II(j).

1. Upon receipt of a report of bullying, the Principal shall, within five (5) school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.

2. Under state law, when bullying is alleged to occur across multiple New Hampshire school districts, the Principals/designees for each New Hampshire school involved, are expected to collaborate and cooperate in the investigation. The Principal who first learns of the incident(s) is required to initiate the investigation.

3. The investigation should include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, and shall be confidential to the extent permitted by law. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

4. The investigation should include reviews of any available surveillance recordings subject to the provisions of Board policy ECAF. As required under RSA 507-A:2, II(k), parents/guardians and students are notified that surveillance recordings with audio may occur on school buses if authorized under Board policy ECAF.

5. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications, consistent with Board policy JIH and RSA 189:68. The Principal may not, however, require or request a student to disclose or to provide access to a personal social media account through the student's user credentials.

6. The Principal or other investigator may consider all relevant facts and circumstances during the course of the investigation, including but not limited to:

    a. Description of incident, including the nature of the behavior;

    b. How often the conduct occurred;

    c. Whether there were past incidents or past continuing patterns of behavior;

    d. The characteristics of parties involved, (name, grade, age, etc.);

    e. The identity and number of individuals who participated in bullying behavior;

    f. Where the alleged incident(s) occurred;

    g. Whether the conduct adversely affected any student’s education or educational environment;

    h. Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident;

i. Whether the conduct violated any District or school policies or rules.

7. In most instances, the Principal shall complete the investigation within ten (10) school days of receiving the initial report. See RSA 193-F:4, II(o). If the Principal needs more than ten (10) school days to complete the investigation, the Superintendent may grant an extension of up to seven (7) school days. In the event such extension is granted, the Superintendent/designee shall notify in writing all parties involved of the granting of the extension and the reason for the extension. To the extent not previously communicated, the Superintendent shall ensure the victim's parent(s) or guardian(s) are notified or the investigation, the extension, and the reason for the extension.

   Without limiting what might constitute sufficient cause for an extension under this paragraph, the Superintendent may consider the interests of the victim or alleged perpetrator related to any investigation into some or all of the same alleged conduct which other investigation includes procedures and timelines mandated by a regulation or statute other than RSA 193-F (e.g., Title IX, criminal investigations, etc.). Before waiving the time requirement on account of such other investigation, the Superintendent should confer with counsel and or the District's Human Right's Officer.

8. In cases involving reports of bullying across multiple district or states, the Principal(s) of any and all districts in New Hampshire involved SHALL collaborated with any other principals or districts involved.

G. <u>Completion of Investigation and Report</u>.

1. <u>Investigative Determination and Report</u>. Whether a particular action or incident constitutes bullying/cyberbullying, retaliation or other violation of this policy – requires review and consideration of available evidence of all facts and surrounding circumstances. The investigative determination along with a summary of the investigation shall be included in a comprehensive report. If the determination is that the bullying allegation is substantiated, the report shall include provisions describing any disciplinary consequences, interventions, supportive measures or other assistance for the victim or perpetrator, and, when indicated, any steps appropriate to protect all students from retaliation of any kind. The report may also include policy, training or other recommendations for preventing future bullying conduct within the school.

2. <u>Communication with Students and Parents Upon Completion of Investigation</u> - RSA 193-F:4, II(m) and (o).

   a. Within ten (10) school days, the Principal will notify the parents of the alleged victim and of the alleged perpetrator regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. The initial communication may be in writing, in person or by telephone, but if verbally, the Principal will also send a letter confirming earlier determination to the parents within two (2) school days confirming the earlier notification.

   b. The Principal/Designee shall conduct a conference with each perpetrator, and the perpetrator's parents/guardians and applicable school personnel for age-appropriate discussion that includes at a minimum the impacts of bullying. The conference shall occur even if the parent or parents or guardian or guardians decline to participate or fail to attend. Information concerning the date, time, place and attendees of the conference, and any other information from the conference deemed pertinent by the Principal/designee shall be appended to the investigative report provided to the Superintendent.

c. If the victim's parents request, the Principal shall schedule a meeting with them to further explain the investigative determination.

d. In accordance with the Family Educational Rights and Privacy Act and other laws concerning student privacy, the District will not disclose educational records of students, including the disciplinary consequences assigned to the perpetrator(s).

3. Appeals A parent aggrieved by the investigative determination of the Principal may appeal the determination in accordance with the standards and procedures set forth for Level II and Level III appeals in Board policy ACA.

4. Additional Reporting Requirements.

a. Reporting Substantiated Incidents - RSA 193-F:4, II(l). The Principal shall forward all substantiated reports of bullying or retaliation to the Superintendent upon completion of the Principal's investigation.

b. Department of Education Reports - RSA 193-F:64. The Principal shall be responsible for completing such reports/forms as required by the New Hampshire Department of Education (NHED) for all substantiated incidents of bullying. Irrespective of the time/date a form/report is due to be filed with NHED, the report/form or the information required for the report/form shall be completed/compiled within ten (10) school days following an investigative finding of a substantiated bullying/cyberbullying report. The Principal or designee shall retain a copy and shall forward one copy to the Superintendent. Hard copies are not necessary if the digital form/data is retained and accessible to both the building administration and SAU.

c. Reporting to NH Department of Education - RSA 193-F:6, I. The Superintendent shall annually report the District's substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to FERPA, such reports shall not contain any personally identifiable information pertaining to any student.

H. Substantiated Instances of Bullying or Retaliation: Interventions, Remedial Measures and Disciplinary Consequences

While students who have been found to have committed an act of bullying/cyberbullying can face disciplinary consequences, the Board encourages the administration and school district staff to explore alternative or additional measures and interventions to address the substantiated instances of bullying/cyberbullying, and prevent their reoccurrence.

1. Interventions and Other Remedial Measures. Examples of interventions and remedial measures include, but are not limited to:

a. Restitution,

b. Parent conferences,

c. Student counseling,

d. Behavior assessment,

e. Corrective instruction or other relevant learning experience,

f. Peer support group, and

g. Mediation (but only after the investigation has been completed).

Interventions and other 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.

2. Disciplinary Consequences - RSA 193-F:4, II(d), VI & VIII.

   a. Students found to have committed one or more acts of bullying or retaliation shall receive disciplinary consequences. Such consequences for students shall be consistent with the Student Code of Conduct for the conduct that constituted bullying/cyberbullying. Disciplinary consequences should be varied according to specific circumstances such as the nature of the behavior, the developmental age of the student, the student's prior disciplinary history, or performance. Students will be afforded any due process applicable to the level of consequences as provided in Board policy JICD, RSA 193:13 and Ed 317.

   b. Staff (see definition above) who fail to report bullying or retaliation as required by this policy fail to adhere to the timelines described above, submit inaccurate or false information with respect to reports or investigations under this policy, or commit an act of retaliation against a reporter of bullying or any parent will be disciplined up to and including dismissal. Additionally, under RSA 193-F:4, VI, any such violation by an "educator" as defined by state law or regulation will constitute a violation of the Code of Conduct for New Hampshire Educators.

3. Additional Requirement of Principal(s)/Designee(s) - RSA 193-F:4, II(l). Upon a determination that a bullying report is substantiated, the Principal or designee will, in addition to the specific interventions and disciplinary responses described above, will, in appropriate circumstances, make recommendations to the Superintendent strategies for "protecting all pupils from retaliation of any kind."

I. **Dissemination of Policy and Bullying Prevention Education** - RSA 193-F:4, II(e) and 193-F:5.

1. Staff, Coaches, Bus Drivers, Designated Volunteers, Employees of Contracted Companies/Contracted Consultants. All staff (see definition section above) will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, website, workshops, etc.). The Superintendent will ensure that all school employees and volunteers receive **annual** training on bullying and related Board policies, consistent with RSA 193-F:5.

2. Students and Parents, and Student Handbooks. RSA 193-E:4, II(e) and (f). The Superintendent may determine the method of providing information about this policy to students and parents. Methods may include student handbooks, mailing, hard copy, website, etc. At the very least, all student/parent handbooks will include a summary of the prohibitions and other provisions of Sections A.1-3, the definitions of bullying, cyberbullying and retaliation in Sections B. 1, 2, and 3, and the verbatim language relating to the procedures found in Section D.1 for students and parents to report bullying/cyberbullying or retaliation. Additionally, that provision of the student handbook(s) will include information as to where the entirety of this policy may be found on the District's website.

3. Curriculum. Each year, all students will participate in programming that includes anti-bullying/cyberbullying materials presented in age-appropriate language. The materials and information

should, among other things, describe expectations for student behavior, emphasize an understanding of what bullying/cyberbullying, harassment and intimidation is and looks like, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and how and when the conduct can lead to disciplinary consequences.

The Superintendent, in consultation with staff, will, to the extent it is reasonably possible, integrate student anti-bullying training and education into the district's curriculum, behavior programs and other violence prevention efforts.

The following two sentences may be deleted from this policy any time after March 15, 2027 without further action of the School Board. No later than **January 1, 2027,** the Superintendent shall cause a report or a link to a report on how the District's policy has been integrated into the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts. Such report or link shall be provided to the office of the Commissioner of Education, the Chair of the State Board of Education, the President of the New Hampshire Senate, the Speaker of the New Hampshire House of Representatives, and to members of the New Hampshire House and Senate education committees.

4. Additional Notice and School District Programs. The Board may, from time to time, host or schedule public forums in which it will address this anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals, including teachers, administrators, guidance counselors, school psychologists and other interested persons.

J. **Summary of School Officials' Duties to Implement Policy** - RSA 193-F:4, II(p).

The Superintendent, as the person charged with supervision of all employees of the District, is responsible for the implementation of this policy and the provisions of RSA 193-F. The School Principal(s) are expected and required by statute to implement this policy within their respective school buildings and ensure the procedures are followed.

Consistent with this Policy, the Principal(s) shall receive reports of alleged bullying or retaliation, investigate the alleged conduct, and communicate with the parties involved (including their parents) consistent with privacy laws, and communicate/report to the Superintendent. The Superintendent shall oversee the Principal(s) in their duties relative to this policy and shall ensure each school is compliant with this policy. Additionally, the Superintendent will receive reports of substantiated incidents, review waivers and time extension requests, and communicate with the Principal(s), the School Board, and the NH Department of Education, all as provided in this policy.

K. **Immunity and Liability** – RSA 193-F:7 & 9.

Under 193-F:7, employees, volunteers, students, parents and any other person covered by this policy will be immune from civil liability for **good faith** conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this policy or RSA 193-F. (Note – civil liability could arise, (including for attorney's fees) in the event of gross negligence or willful misconduct for violations of this policy.)

Legal References Disclaimer*: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Legal References:
RSA 189:70, Educational Institution Policies on Social Media
RSA 193-D:4, Written Report Required (Safe School Zones)
RSA 193-F, Pupil Safety and Violence Prevention
RSA 193-F: 3, Definitions (Pupil Safety and Violence Prevention)
RSA 193-F:4, Policy Requirements (Pupil Safety and Violence Prevention)
RSA 193:-F:7, Immunity (Pupil Safety and Violence Prevention)
RSA 570-A: 2, Capture of Audio Recordings on School Buses Allowed
NH Code Administrative Rules, Ed 317.05, Reporting Procedures for Acts of Theft, Violence, or Destruction
NH Code Administrative Rules, Ed 204.01, Board Hearings
NH Code Administrative Rules, Ed 306.04, (b) (7), Student Harassment
NH Code Administrative Rules, Ed 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process
NH Code Administrative Rules, Ed 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures

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