

# TITLE XV EDUCATION

## CHAPTER 193-F PUPIL SAFETY AND VIOLENCE PREVENTION

### Section 193-F:1

**193-F:1 Title.-** This chapter shall be known, and may be cited as the “Pupil Safety and Violence Prevention Act of 2000.”

Source. 2000, 190:1 eff. Jan. 1, 2001.

### Section 193-F:2

**193-F:2 Purpose and Intent.-** The general court hereby finds that all pupils have the right to attend public schools, including charter schools that are safe, secure, and peaceful. One of the legislature’s highest priorities must be to protect our children from violence by dealing with harassment, including “bullying”, in our public schools.

### Section 193-F:3

#### **193-F:3 Pupil Safety and Violence Prevention.-**

- I. (a) Each local school board shall adopt a pupil safety and violence prevention policy which addresses pupil harassment, and “bullying”, and which is consistent with the provisions of this chapter. Such policy shall include language which details the action to be taken by the local school board to resolve and remediate occurrences of pupil harassment.

For purposes of this section:

“Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:

1. Teasing;
2. Social exclusion;
3. Threat;
4. Intimidation;
5. Stalking;
6. Physical violence;

7. Theft;
8. Sexual or racial harassment;
9. Public humiliation;
10. Destruction of property.

“Harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student.

(b) Bullying or harassment of any student is prohibited while on school premises, on school-sponsored transportation, or at a school-sponsored event.

Bullying or harassment against a student that:

1. Places a student in reasonable harm to his or her person or damage to his or her property.
2. Has the effect of substantially interfering with a student’s education performance, opportunities, or benefits.
3. Retaliation against a student by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
4. Perpetuating of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student, by:
  - a. Incitement or coercion;
  - b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment. (FL)

(c) At the beginning of each school year, school districts and charter schools shall, in writing, inform the parent, legal guardian, faculty and staff, or other person responsible for the welfare of the pupil of the district’s pupil safety and violence prevention policy and the appeals process available at the local and state levels.

- II. (a) Any school employee, school volunteer, pupil or employee of a company under contract with a school, school district or charter school, who has witnessed or has reliable information that a pupil has been subjected to bullying or harassment, as defined in paragraph I, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response that violates the school bullying and harassment policy shall report such incident to the principal, or designee, who shall in turn report the incident to the superintendent and the school board.
  - (b) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.

- (c) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a prompt investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school or waiting for transportation to school at a designated school bus stop.
- (d) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.
- (e) A procedure for providing immediate, or no longer than 48 hours, notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator. (FL)
- (f) The principal, or designee, shall by telephone and in writing by first-class mail, report the occurrence of any incident described in this chapter to the parent, legal guardian or relative caretaker of all pupils involved of the occurrence of such incident. The notice shall advise the individuals involved of their due process rights including the right to appeal to the state board of education.

### III.

- (a) The remedy required in paragraph II shall be defined by the local school board and the local school board shall, in writing, notify all parties involved of its decision. If the remedies outlined in the school board's policy are exhausted, the aggrieved party shall have the right to appeal the decision to the state board of education. The state board of education shall, in writing, notify all parties involved of its decision. The local school board may provide opportunities for educators to have the knowledge and skills to prevent and respond to acts covered by this chapter.
- (b) The school district or designee shall notify, in writing, within 14 days the actions taken regarding the bullying incident to the extent permitted under the Federal Family Education Rights and Privacy Act of 1974, as amended, to include what actions the school is taking to prevent any further acts of bullying or harassment.
- (c) The school district or designee must emphasize the protection of victims especially if the victim comes forward to report the incident of bullying. A strategy for protecting a victim from further harassment, intimidation or bullying shall be implemented by the school or by the school district.
- (d) This act does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort. (RI).

(e) Each school district and charter school shall report incidences of bullying or harassment and outcomes to the New Hampshire Department of Education, who will maintain reporting records.

IV. A school employee, school volunteer, student, parent, legal guardian, relative caretaker, or employee of a company under contract with a school, school district or charter school, who has reported violations under this chapter to the principal or designee or who has intervened under paragraph II, shall be immune from any cause of action which may arise from the failure to remedy the reported incident.

Source. 2000, 190:1 2004, 205:1, eff. June 11, 2004.

#### **Section 193-F:4**

#### **193-F:4 REPEALED**

#### **Section 193-F:5**

**193-F:5 Liability for Reporting.**— Any public or private school employee, school volunteer, student, parent, legal guardian, relative caretaker, or employee of a company under contract to a school, school district or charter school who in good faith has made a report under RSA 193-D or RSA 193-F shall not be subject to liability for making the report.

Source. 2002, 149:2, eff. July 14, 2002.

#### **Section 193-F:6**

#### **193-F:6 School Staff Training and Prevention.-**

I. (a) A school district or charter school shall create professional development for all teachers, administrators, school employees, contract personnel, or volunteers to help implement the school district's policy. The school district or charter school will provide, each year and every year, training on the school's policy against harassment and bullying.

(b) A school district or charter school shall implement each year and every year bully prevention and awareness program to be presented to its pupils and information given to parents or legal guardians at the beginning of each school year.

(c) The school district or charter school policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school curriculum, a school's discipline policies and other violence prevention efforts. (FL)

(d) A procedure to refer victims and perpetrators of bullying or harassment for counseling.

(e) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.

### **Section 193-F:7**

#### **193-F:7 School Accountability and Reporting.-**

I. (a) A school district or charter school will have a procedure for reporting incidents of bullying or harassment. The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does meet the criteria of a prohibited act under this section with recommendations regarding such incidents. Each school district or charter school shall send their school's reports of bullying or harassment to the New Hampshire Department of Education.(FL)

(b) The New Hampshire Department of Education shall prepare an annual report, which shall include a summary of reported and substantiated incidences of bullying or harassment.