

SAU#19 Pupil Safety and Violence Prevention – RSA 193:F
 “New Bullying Law” – Training version

Introduction: This document is intended to serve as a training component for the new Bullying Law that went into effect on July 1, 2010. This document focuses on what teachers need to know about the new law. This is not the complete law but rather all the sections that pertain to teachers along with comments and practice pointers. The text on the left is the actual language from the law with sections removed. This training version cuts the law from 2,115 words to 1,319 words. All teachers in SAU#19 will also be provided with a complete copy of the new law but may find this ‘training version’ to be practical and user-friendly for professional development purposes.

193-F:2 Purpose and Intent. ▲

I. All pupils have the right to attend public schools, that are safe, secure, and peaceful environments. One of the legislature’s highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.

II. Bullying in schools has historically included actions shown to be motivated by a pupil’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is **to protect all children from bullying and cyberbullying**

193-F:3 Definitions. ▲

I.(a) “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 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. ▲

Inserted: (The previous law did not have a purpose and intent section. The Legislature has provided a purpose and intent that speaks to the importance of this law)

Inserted: (The previous law did not have any definitions)

Inserted: (Bullying can be a single incident – traditionally bullying was considered based on a pattern of events rather than a single incident)

Inserted: (Sections 2,3, and 4 are significant for kids but often difficult to measure.)

Inserted: (This idea applies if an event of bullying occurs off school grounds or outside of school time but has a ‘carry over’ impact in school.)

(b) "Bullying" shall 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.

Inserted: (This idea of an imbalance of power is often cited in the research on bullying)

II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

Inserted: (Cyberbullying is now included into the law)

III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying.

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

Inserted: (School busses are included in the law.)

VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated.

193-F:4 Pupil Safety and Violence Prevention.

I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

Inserted: (This includes use of school district computers to send or receive electronic information. We are seeking clarification if bullying occurs on school property but the event is not a school-sponsored event.)

(b) 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.

Inserted: (This is very significant. Bullying or cyberbullying that occurs outside of school is now subject to the law and can fall under the school district's responsibility.)

II. The school board of each school district shall, no later than 6 months after the effective date of this section, adopt a written policy prohibiting bullying and cyberbullying. The policy shall contain, at a minimum, the following components:

Inserted: (New School Board Policies need to be adopted before January 1, 2011. A sample policy has been developed by the New Hampshire School Boards Association)

(a) A statement prohibiting bullying or cyberbullying of a pupil.

Inserted: (Staff will be notified and receive further training when the new Policy is adopted by the School Board.)

(b) A statement prohibiting retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying and, at the time a report is made, a process for developing, as needed, a plan to protect pupils from retaliation.

Inserted: (There are several references to protecting against retaliation for those who come forth to report bullying)

(d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal.

Inserted: (The SAU#19 Anti-bullying Program focuses on a multi-tiered model consistent with Response to Intervention and includes data collection, prevention and education along with interventions for both a student who commits an act of bullying as well as the victim.)

(e) A statement indicating how the policy shall be made known to school employees, regular school volunteers, pupils, parents, legal guardians, or employees of a company under contract to a school, school district, or chartered public school. Recommended methods of communication include, but are not limited to, handbooks, websites, newsletters, and workshops.

(f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

Inserted: (Report bullying to principals – our Faculty Survey indicated that many staff did not know who to report bullying to.)

(g) A procedure outlining the internal reporting requirements within the school or school district. ▲

Inserted: (New reporting procedures are being developed to ensure legal compliance.)

(h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying.

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy. ▲

Inserted: (All of the policy requirements may not be relevant to teachers but are required to be included in our new School Board Policies and have been included in this training version of the law for Professional Development purposes.)

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. 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 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension. ▲

Inserted: (It is important to remember that teachers who report bullying may not know all of the steps of the investigation or discipline/interventions that have been put in place by administration.)

(k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind. ▲

Inserted: (Acts of bullying need to stop immediately and a plan needs to be developed to prevent future acts of bullying.)

(l) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.

(m) A written procedure for communication with the parent or parents or guardian of victims and perpetrators regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. This communication shall occur within 10 school days of completion of the investigation.

(n) Identification, by job title, of school officials responsible for ensuring that the policy is implemented.

IV. A school board shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. The policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

193-F:5 Training and Assessment.

I. Each school district shall provide:

(a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying; and

Inserted: (School districts are required to train staff before April 1, 2011 – we will then need to train all staff and volunteers annually. We are working on professional development options for volunteers.)

(b) 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.

Inserted: (The SAU#19 Anti-bullying Program has educational and prevention elements for students as well as educational opportunities for parents.)

193-F:6 Reporting.

I. Each school district shall annually report substantiated incidents of bullying or cyberbullying to the department of education.

Inserted: (School districts are now required to report substantiated incidents of bullying to the NH DOE.)

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools.

Inserted: (The NH DOE will prepare an annual report.)

193-F:7 Immunity. A school administrative unit employee, school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, school district, school administrative unit, shall 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 chapter.

Inserted: (These last two sections are important for all to understand their protection under the statute.)

193-D:9 Liability for Reporting. Any public school employee or employee of a company under contract to a school or school district who in good faith has made a report shall not be subject to liability for making the report.