

BULLYING AND CYBERBULLYING
(RSA 193:F Pupil Safety and Violence Prevention)

The Londonderry School Board believes that students are entitled to learn in a school environment that is safe and secure. Students are expected to conduct themselves with respect for others and in accordance with this policy and other Board policies and school rules governing student conduct. The Board will take reasonable steps to protect all students from the harmful effects of bullying and cyberbullying that occurs at school and/or that interferes with student learning and orderly school operations.

The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and others as he/she deems appropriate.

A. Prohibited Conduct

Students are prohibited from bullying and cyberbullying actions or communications directed towards other students which:

1. Occur on, or are delivered to, school property or a school sponsored activity or event on or off school property; or
2. Occur 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 school-sponsored activity or event.

Students are further prohibited from retaliating against or making false accusations against a victim, witness or anyone else who in good faith provides information about an alleged act of bullying or cyberbullying.

B. Definitions

For the purpose of this policy, the following definitions shall apply:

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 another student which:
 - a. Physically harms a student or damages the student's property
 - b. Causes emotional distress to a student. For the purposes of this policy, the term "emotional distress" means the distress that materially impairs the student's participation in academic or other school sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint;
 - c. Interferes with a student's educational environment;
 - d. Creates a hostile educational environment; or
 - e. Substantially disrupts the orderly operation of the school.

"Bullying" shall also include the actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors or beliefs, or motivated by the student's association with another person and based on the other person's characteristics,

behaviors or beliefs if those actions cause one or more of the results in paragraphs (a) through (d) above.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, race, color, ancestry, national origin, religion, age, marital status, familial status, pregnancy, physical or mental disability may constitute illegal discrimination under federal and/or state law. Complaints regarding such conduct may be processed through the Board's Student Discrimination and Harassment Complaint Procedure (ACA-S).

2. "Cyberbullying" means conduct defined in paragraph 1 that takes place through the use of electronic devices.
3. "Electronic devices" include but are not limited to telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging and websites.
4. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
5. "Perpetrator" means a student who engages in bullying or cyberbullying.
6. "Victim" means a student against whom bullying or cyberbullying has been perpetrated.

C. Disciplinary Consequences and Intervention Programs

Administrators have the discretion to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student's willingness to cooperate in the investigation and correct behavior; and the student's prior disciplinary record.

Disciplinary consequences may include detention, suspension or expulsion from school. In addition, students may be required to participate in education programs, mediation, counseling and/or other programs and/or activities to address and prevent reoccurrence of bullying and cyberbullying behavior (RSA 193:F Pupil Safety and Violence Prevention).

D. Reporting Bullying and Cyberbullying

Students who are subjected to bullying and cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to their teacher, guidance counselor, housemaster, assistant principal or principal.

School staff and volunteers are required to report possible incidents of bullying or cyberbullying to a housemaster, assistant principal or principal as soon as practicable. Parents and other adults are also encouraged to report any concerns about possible bullying or cyberbullying of students to the student's housemaster, assistant principal or principal.

E. Report Handling and Investigation

1. The housemaster, assistant principal or principal shall notify the parents/guardians of the alleged victim (s) and perpetrator (s) that a bullying/cyberbullying report has been made within 48 hours of the report and in accordance with applicable privacy laws. However, the housemaster,

assistant principal or principal may request a waiver of this parent notification requirement from the Superintendent or his/her designee. The Superintendent or his/her designee may waive parent/guardian notification at this stage of the procedure if he/she determines this to be in the best interest of the victim (s) and/or the perpetrator (s). Any such waiver of the parent notification requirement shall be made in writing.

2. An investigation of the bullying/cyberbullying report will be initiated by the housemaster, assistant principal or principal within five school days.
 - a. The alleged perpetrator (s) will be provided the opportunity to be heard as part of the investigation.
 - b. Privacy rights of all parties shall be maintained in accordance with applicable laws.
 - c. The housemaster, assistant principal or principal shall keep a written record of the investigation process.
 - d. The housemaster, assistant principal or principal may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.
 - e. The housemaster, assistant principal or principal shall consult with the Superintendent or his designee as appropriate concerning the investigation and any remedial measures or assistance provided.
 - f. The investigation shall be completed within 21 school days of receipt of the report, if practicable. The Superintendent may grant in writing an extension of time to complete the investigation of up to 7 additional days' school days if necessary. The Superintendent or his designee shall notify all parties involved of any such extension.
 - g. If the housemaster, assistant principal or principal substantiates the bullying/cyberbullying report, he/she shall, in consultation with the Superintendent or his designee will determine what remedial and/or disciplinary actions should be taken against the perpetrator (s) and determine what further assistance should be provided the victim (s), if any.
 - h. The housemaster, assistant principal or principal shall inform the victim (s), the perpetrator (s) and their parent/guardians in writing of the results of the investigation and any remedies and/or assistance provided by the school, including strategies for protecting students from retaliation. Such communication shall be provided within 10 school days after the investigation has been completed. Such Communication shall be in compliance with applicable privacy laws.

F. Training

1. The school administration shall provide appropriate training on this policy for school employees, regular school volunteers and any employee of companies contracted to provide services directly to students. The purpose of this training is to prevent bullying/cyberbullying if possible, and to educate staff on how to properly identify, respond to and report incidents of bullying and cyberbullying.
2. The school administration shall provide age-appropriate education programs for students and parents regarding this policy, bullying/cyberbullying prevention, how to identify, respond to and report bullying/cyberbullying.

All training and education programs shall be initially approved by the Superintendent or his designee. Building Principal's is responsible for scheduling the required training and education programs each year.

G. Annual Report to New Hampshire Department of Education

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

H. Immunity

Any employee of the school unit or contract company, regular school volunteer, student or parent/guardian shall be immune from civil liability for good faith conduct arising out of or pertaining to the reporting, investigation, finding, and the development or implementation of any recommended response under this policy.

I. Policy Dissemination

This policy shall be posted on the District website and included in the student and employee handbooks. It shall also be provided to employees of any company contracted to provide services directly to students. The policy may also be disseminated by other means as determined by the Superintendent.

Statutory and Regulatory References

Legal References: *NH RSA 193-F: 2-F: 10*

Cross Reference: Bullying may constitute sexual harassment in which case it shall be subject to the School District Policy – ACA-S

LONDONDERRY SCHOOL BOARD

Adopted: February 13, 2001

Amended: March 29, 2005

Amended: December 7, 2010

Londonderry School District Bullying/Harassment Report Form

Name of person making report: _____

Today's Date: _____ Grade or Position: _____ School: _____

Who bullied or harassed you?

Explain what happened?

When did this bullying or harassment occur?

Where did it take place?

If there were witnesses, please list them.

Has the person been asked to stop? If so, when and by whom?

Have you told anyone about this experience?

If yes: Who _____

When _____

What was his/her response? _____

Signature: _____ Date: _____

BULLYING INCIDENT INVESTIGATION TRACKING FORM**JIC-E**

Report taken by: _____ Date of Report: _____

Complainant Information (who is reporting)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Alleged Target - Information (who is being bullied)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Offender 1 Information (who is alleged to have bullied/harassed someone)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Offender 2 Information (who is alleged to have bullied/harassed someone)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Offender 3 Information (who is alleged to have bullied/harassed someone)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Other Party Information (witness)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Other Party Information (witness)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Other Party Information (witness)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

Other Party Information (witness)

Name:			Student Other (Circle one)	Staff
Age:	Sex:	School:	Grade:	

BULLYING INCIDENT ADMINISTRATIVE TRACKING FORM

DATE

TIME

_____ _____ Report received by administration _____
 (administrator initials)

_____ _____ Date and time of alleged act

_____ _____ Parents of alleged victim notified (within 48 hours of receipt of report)
 phone writing meeting (check one) attach documentation

_____ _____ Parents of alleged perpetrator notified (within 48 hours of receipt of report)
 phone writing meeting (check one) attach documentation

_____ _____ Waiver of 48 hour notification by Superintendent (attach written document)

_____ _____ Investigation initiated (within 5 school days of notification)

_____ _____ Investigation extended to _____
 (up to additional 7 school days with Superintendent or designee's waiver- attach letter)

_____ _____ All parties notified of extension:

- Parents of Alleged Victim
- Parents of Alleged Perpetrator
- Person Reporting

_____ _____ Investigation completed (no later than 21 school days after the initial report)

_____ _____ Determination of violation of policy _____
 (administrator initials)

_____ _____ Report not substantiated Report Substantiated (check one)

If Report Is Substantiated: Building Principal and Superintendent must be notified

_____ _____ Response/remediation plan completed (attach document)

_____ _____ Date plan will be implemented

_____ _____ The investigation should be completed within 21 school days (unless extension is granted). Parents of alleged victim and parents of alleged perpetrator must be notified of the response plan within 10 school days after the completion of the investigation. Such communication shall be in compliance with applicable privacy laws.

_____ _____ phone writing meeting (check one)

_____ _____ Follow up correspondence with parents when warranted - Document below

_____ _____ Report of incident sent to the Superintendent _____
 (attach all relevant documents) (administrator's initials)

SCHOOL VOLUNTEERS

The Londonderry School Board is very proud of its school volunteers and their years of service to the schools and students of Londonderry. Our teachers and students benefit from these dedicated workers. While the Londonderry School District welcomes all people who wish to donate their services to the schools for the benefit of our children's education, we must exercise some control over who comes into the schools and/or works directly with our children. The school district in awareness of the times we live in and how radically our society has changed in the last few decades, realizes that we must take every precaution to ensure the safety of our students and staff.

In selecting volunteers, preference is given to Londonderry residents who have children in our schools. These criteria, however, may be waived when special or unique circumstances arise in which the utilization of other than Londonderry residents would benefit our educational programs.

With the best interest of our children in mind, we have initiated the following requirements for people wishing to come into the schools to volunteer their time and talents:

- Any Londonderry resident must complete an application to volunteer and receive approval from the school administration. We encourage volunteers to offer their services to the school assigned to the district of residence.
- Non-resident volunteers must have a Londonderry resident "volunteer" sponsor who will support the non-resident's volunteer application.
- All volunteers must agree to comply with training procedures with regards to RSA 193-F Pupil Safety and Violence Prevention-
- All volunteers must agree to comply with the Regulations supporting District policy. (RE: IICC-R).
- The District reserves the right to require a criminal record check on volunteers who wish to serve in certain positions and programs. The decision to conduct such criminal record checks shall be at the sole determination of the District.

LONDONDERRY SCHOOL BOARD

Adopted: October 22, 1996

Amended: December 7, 2010

SCHOOL ADMINISTRATIVE UNIT No. 12
LONDONDERRY SCHOOL DISTRICT
Londonderry, NH 03053

APPLICATION FOR VOLUNTEERS

Name _____

Address _____
Street City State Zip

Telephone Number Home () _____ Work () _____

Present Volunteer Position : _____
(If Applicable)

Position for which applicant wishes to volunteer: _____

Days you are available: _____

Hours you are available: _____

Emergency Contact: Name: _____ Phone: _____

OFFICE USE ONLY

Application Received _____ Review Date _____

Received By _____

Sponsor Checked for Non-Residents _____

Comments _____

Yrs. Experience as a Volunteer _____

Applicant's Name _____

1. Have you ever been arrested for anything other than a minor traffic violation for which you have not been found not guilty after a full hearing? _____
2. Have you ever been refused permission to serve as a school volunteer? _____
3. If you are selected as a volunteer you must undergo training regarding RSA 193-F Pupil Safety and Violence Prevention.

PLEASE NOTE: IF YOU HAVE ANSWERED YES TO QUESTIONS 1 OR 2, PLEASE EXPLAIN:

REFERENCES: List at least three names of employers, organizations or others for which you have been employed, volunteered or have been associated with who can attest to your suitability for the position to which you are volunteering.

NAME	FULL ADDRESS	TELEPHONE NUMBER	OFFICIAL POSITION
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* 1. _____

(* Sponsor for Non-Resident Volunteer)

2. _____

3. _____

Date _____

Signature of Applicant

IMPORTANT REGULATIONS FOR VOLUNTEERS

1. APPEARANCE

Your appearance in dress and grooming should be comfortable and appropriate for the setting.

2. SIGN IN

Report to the office and check in by signing your name, date, time, etc. in the volunteer book. Also, please be sure to sign out and log your hours when you leave. This is very important as we keep track of all volunteer hours for the blue ribbon award. Please be sure to wear your name tag!

3. TIME

Please be sure to report to your assigned task on time.

4. CANCELING

If illness or any emergency arises, please call the school office at _____ before 8:00AM, or as soon as possible. Leave your name, scheduled time and message to the teacher. Remember the time you give is appreciated and planned for. Your absence may require a change of plans for the teacher or staff member in charge of your assignment. In return, we have asked the staff to notify you of their absence should it fall on your scheduled day.

5. CONDUCT - UNACCEPTABLE BEHAVIOR

- possessing, using, manufacturing, distributing, or dispensing any illegal drugs or alcohol while on duty as a school volunteer on or off district property;
- fighting or deliberately harming another;
- refusing to follow a teacher's, volunteer coordinator's, or building principal's instructions and directions;
- destroying school property intentionally;
- using obscene language
- having any interaction/activity of a sexual nature or intent with a student or other adult;
- possessing weapons on school property; (guns, knives, etc.)
- using school property without proper authorization;
- behaving in any inappropriate manner to the extent of adversely affecting other district employees' ability to perform his/her work;
- arrested for a misdemeanor offense which would indicate a possible danger or appearance of danger to pupils, the school district or its employees; and
- arrested for a felony offense.
- Non-compliance with RSA 193:F Pupil Safety and Violence Prevention

If a student, staff member or parent expresses a concern regarding a volunteer's demeanor or actions, then the building principal is responsible for addressing those concerns and shall determine whether the service of the volunteer shall be terminated.

CONFIDENTIALITY

Please respect the confidential nature of anything you see or hear while carrying out your assignment. Share any concerns you may have while carrying out your assignment with only those in authority at the school.

ACCEPT DIRECTION

Accept direction and supervision, recognizing that you are an important asset to the school.

ASSIGNMENT

Should the assignment not prove to be what you expected, or you are not comfortable in a particular setting, please let the building principal or Volunteer Coordinator know. We will be glad to assign you to a different area. Your time and presence are appreciated by many. We would rather have you change assignments than not be present at all!

CHECK WITH THE TEACHER ABOUT:

- Policy on discipline and your role in relation to discipline.
- Classroom procedures: i.e., method of correcting papers.
- Fire drill procedure
(You will never be left in charge of a class; however, knowledge of these concerns will make you feel more comfortable as a volunteer).

* ASK QUESTIONS *

NEVER BE AFRAID TO ASK IF YOU FEEL THE TEACHER
ASSUMES YOU HAVE TEACHING SKILLS OR EXPERIENCE
YOU DO NOT HAVE.

ENJOY YOURSELF

PERHAPS THE MOST IMPORTANT TIP IS YOUR ENTHUSIASM WILL BE
CONVEYED TO THE STUDENTS WHO ARE EAGER TO LEARN ABOUT NEW
TOPICS AND IDEAS!

LONDONDERRY SCHOOL BOARD

Adopted: October 22, 1996

Amended: December 7, 2010

Adopted: August 31, 1981
Amended: September 2, 2003
Amended: June 13, 2006
Amended: July 15, 2008
Amended: December 7, 2010

Level I

Level I Offenses usually involve minor misbehavior on the part of the student which impedes orderly classroom procedures or interferes with the orderly operation of the school. These misbehaviors can usually be handled by an individual staff member but sometimes require the intervention of other school support personnel.

Student Offense

- Classroom disturbance
- Classroom tardiness
- Cheating and lying
- Abusive/obscene language
- Improper behavior in hallways
- Non-defiant failure to comprehend assignments or carry-out directions
- Bullying/Cyberbullying/Harassment/Sexual Harassment
- Failure to follow the reasonable rules of the school

Procedural Responses

There is immediate intervention by the staff member who is supervising the student or who observed the misbehavior.

Repeated misbehavior requires that contact be established with the parent(s). A conference with the parent may be arranged. Involvement of the counselor and/or administrator is appropriate.

A proper and accurate record of the offense and disciplinary action is maintained by the staff member.

Students are strongly encouraged to notify the administration of Bullying/Cyberbullying/Harassment/Sexual Harassment issues at all levels of the Disciplinary Standards.

Disciplinary Options

- Verbal reprimand
- Special assignment
- Behavior contract
- Withdrawal of privileges
- Teacher detention
- Parental contact
- Behavior Modification

Level II

Level II Misbehaviors are behaviors whose frequency or seriousness tends to disrupt the learning climate of the school. The infractions generally require the intervention on the administrative level. Also, included in this level are misbehaviors which do not represent a direct threat to the health and safety of others but whose educational consequences are serious enough to require corrective action on the part of administrative personnel.

Student Offense

- Continuation of unmodified/repeated Level I misbehaviors
- Disruptive classroom behavior
- Truancy, school tardiness, unauthorized presence in a restricted area, or absence from one's assigned area (i.e. cutting class)
- Failure to sign in/out of one's assigned area
- Misuse of a pass
- Use of electronics in an unauthorized area
- Defiant failure to carry out a staff member's instruction
- Violating Dress Code Policy
- Gambling
- Using forged notes or excuses
- Improper/unauthorized use of a motor vehicle
- Refusal to identify oneself to a staff person
- Disrespectful behavior toward others
- Bullying/Cyberbullying/Harassment/Sexual Harassment
- Intentional pushing/shoving of others
- Failure to follow the reasonable rules of the school
- Improper/misuse of electronic

Procedural Responses

The student is referred to the administrator for appropriate disciplinary action.

The administrator meets with the student and/or teacher and effects the most appropriate responses.

The teacher is informed of the administrator's action.

A proper and accurate record of the offenses and the disciplinary action is maintained by the administrator.

A parental contact must be made.

Students are strongly encouraged to notify the administration of Bullying/Cyberbullying/Harassment/Sexual Harassment issues at all levels of the Disciplinary Standards.

Disciplinary Options

- Behavior modification
- Administrative detention
- Saturday detention
- In-school suspension
- Any of the preceding disciplinary options under prior Levels
- Special Assignment

Level III

Acts directed against persons or property but whose consequences do not seriously endanger the health or safety of others in the school (or at any school approved activity). These acts might be considered criminal but most frequently can be handled by the disciplinary mechanism in the school. Corrective measures which the school should undertake, however, depend on the extent of the school's resources for remediating the situation in the best interest of all students.

Student Offense

- Possession of stolen property
- Failure to follow the reasonable rules of the school
- Repeated Truancies
- Stealing
- Fighting (simple)
- Threats to others
- Use of obscene or threatening language towards others
- Repeated unexcused tardiness
- Possession of Tobacco
- Smoking
- Repeated absence from one's assigned area (i.e. cutting class)
- Gross misconduct
- Bullying/Cyberbullying/
Harassment/Sexual Harassment
- Failure to follow an administrator's instruction
- Unmodified/repeated Level II misconducts
- Vandalism (minor)

Procedural Responses

The administrator initiates disciplinary action by investigating the infraction and conferring with staff on the extent of the consequences.

The administrator meets with the student and confers with the parent about the student's misconduct and the resulting disciplinary action.

A proper and accurate record of offenses and disciplinary actions is maintained by the administrator.

There is restitution of property and damages.

Students are strongly encouraged to notify the administration of Bullying/
Cyberbullying/Harassment/Sexual Harassment issues at all levels of the Disciplinary Standards.

Disciplinary Options

- In-school suspension
Out-of-school suspension
Short-term (1-10 days)
- Long term out-of-school suspension (greater than 10 days at the discretion of the Superintendent)
- Imposition of conditions for readmission
- Any of the preceding disciplinary options under prior Levels

Level IV

Acts which result in violence to another's person or property or which pose a direct threat to the safety of others in the school (or at any school approved activity). These acts are usually criminal and are so serious that they may require administrative actions which result in the immediate removal of the student from school, the intervention of law enforcement authorities and/or action by the Londonderry School Board. New Hampshire school authorities are obligated to report clearly established criminal offenses to law enforcement authorities.

Student Offense

- Unmodified/repeated Level III misconducts
- Bomb threat
- Possession/use/transfer of dangerous weapons
- Assault/battery
- Vandalism (major)
- Sale of stolen property
- Arson
- Use of Fireworks
- Driving to endanger
- Flagrant or continued failure to follow the reasonable rules of the school
- Extortion
- Flagrant or continued gross misconduct
- Bullying/Cyberbullying/Harassment/Sexual Harassment
- Any unlawful act or criminal offense not previously stated
- Possession of alcohol, drugs and drug paraphernalia**
- Refusal to submit to breathalyzer after reasonable suspicion has been established**
- Under the influence of drugs or alcoholic beverages on school property or at school sponsored events (internal possession)**

Procedural Responses

The administrator verifies the offense, confers with the staff involved, and meets with the student.

The student is immediately removed from the school environment. Parents are notified. Law enforcement officials are contacted.

A complete and accurate report is submitted to the Superintendent for Board action.

Students are strongly encouraged to notify the administration of Bullying/Cyberbullying/Harassment/Sexual Harassment issues at all levels of the Disciplinary Standards.

The student is given a full due process hearing before the Board.

Disciplinary Options

- Short term out of school suspension (1-10 days)
- Long-term out-of-school suspension (greater than 10 days at the discretion of the Superintendent)
- 180 school day co-curricular suspension*
- Expulsion
- Other Board action which results in appropriate placement
- Any of the preceding disciplinary options under prior Levels
- Imposition of conditions for readmission
- Long Term out-of-school suspension (less than 1890 school days) by School Board

*In Reference to Policy JFCH-JFC

**See Policy JFCH/JFCI and Regulations (JFCH/JFCI-R) and Exhibit (JFCH/JFCI-E)

Notes: The term "drugs" as used herein shall apply to any controlled drug, as defined by RSA Chapter 318-B, that was not lawfully prescribed to or obtained by the student or students involved.

- One incident may encompass more than one offense. Example: a student leaves the building without permission, is found by a staff member and refuses to identify himself. This student may be liable for disciplinary action for both offenses.
- Students assigned to in-school suspension lose all late arrival or early dismissal privileges through the period of suspension.
- Penalties for offenses are subject to revision by the school administration as need dictates.
- Out-of-school suspensions may, where conditions warrant, be carried forward into the following school year.

MEMORANDUM OF UNDERSTANDING

It is the intention of the local Police Department and the School District to work in a joint cooperative effort to provide a safe and healthy school environment for the students, staff, and visitors. We intend to do this in compliance with New Hampshire RSA 193-D, Safe School Zones, as amended.

Communication and sharing of information is the initiation of any cooperative effort. As required by law, it is agreed that every school employee who has witnessed, or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the Principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

As a result of New Hampshire RSA 193-D:7, school employees are relieved of concerns regarding confidentiality. It states:

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

The report required above shall include:

- (a) Identification of the act of theft, destruction, or violence as defined in RSA 193-D:1 that was allegedly committed.
- (b) The name and address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- (c) The name and home address, if known of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

The written report required above should be waived by law enforcement officials when there is a law enforcement response at the time of the incident, which results in a written police report.

MEMORANDUM OF UNDERSTANDING
(continued)

“Acts of theft, destruction, or violence” means acts set forth in the following, regardless of the age of the perpetrator and shall be reported as required above:

(a) Homicide under RSA 630

Any death shall be immediately reported to law enforcement officials, regardless of suspected case.

(b) Any first or second degree assault under RSA 631

This will include any injury to a person caused by another person. Investigation may reveal that not all of these incidents constitute an actual crime. Reporting will allow an investigation to be conducted.

(c) Any felonious or aggravated felonious sexual assault under RSA 632-A

Although going beyond the legal requirement, all acts of sexual penetration occurring within safe school zones will be reported.

(d) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159

Due to the tremendous potential for serious injury or death when firearms are present, any person in possession of a firearm within Safe School Zones will be reported. The exception will be recognized Law Enforcement personnel. Some of those reported may not be in violation of the law, but should be reported.

(e) Arson under RSA 634:1

Any person who knowingly starts any fire or causes any explosion which results in injury, damage to the property of another, or is done with intentional disregard for the safety of others, is included in this section.

(f) Burglary under RSA 635

Any person who enters a building, or separately secured section of a building, with a purpose to commit a crime inside.

(g) Robbery under RSA 636

This includes any theft that is accomplished by the use of physical force or the threat of imminent use of force.

MEMORANDUM OF UNDERSTANDING
(continued)

(h) Illegal sale or possession of a controlled drug under RSA 318-B

Although going beyond the legal requirement, reports will be made on any substance, other than food, that affects the way your mind and body work, excepting legally prescribed medications, which should be recorded with the appropriate administrative school personnel.

Additionally, an act of theft, destruction or violence may mean the items set forth below when in the opinion of the reporting individual, it is of serious proportion:

(a) Simple assault under RSA 631:2-a

Simple assaults may result in some injuries. Simple assaults also include knowingly having unprivileged physical contact with another person. Recognize that this can be very minor contact and the Principals will consider the District Disciplinary Policy when making a determination about whether or not to file a Safe School Zone Offense report. We agree to err in the direction of filing a report when there is any question. Law Enforcement and school officials can then jointly determine the best action to be taken.

(b) Criminal mischief under RSA 634:2

This includes purposely or recklessly damaging the property of another. This includes school property.

(c) Pupil Safety and Violence Prevention under RSA 193:F

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, psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.

(d) Theft under RSA 637

This is the obtaining or exercising of unauthorized control over the property of another.

The following terms, as defined in RSA 193D:1 apply to this memorandum:

“Safe School Zone” means an area inclusive of any school property or school buses.

“School” means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A.

MEMORANDUM OF UNDERSTANDING
(continued)

“School Employee” means any school administrator, teacher, or other employee of any public, or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contact services for any public or private school, school district, school department, or school administrative unit.

“School property” means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

“School purposes” means school-sponsored programs, including but not limited to educational or extra-curricular activities.

Nothing contained in this memorandum is intended to limit the events that may be reported to the police department or to limit school employees from requesting police assistance on matters not referred to in this memorandum.

The Local Police Department and the School District agree to provide their employees with training relative to this memorandum of understanding, its purpose and anticipated results. The parties further agree to maintain regular and open communication to evaluate the effect of this memorandum and suggest improvements and adjustments that may be necessary.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS

The School District rules relative to student conduct; discipline and due process in the schools are adapted from the Rules of the New Hampshire State Board of Education. See part ED 317. The purpose of the State Board rules is set forth as follows:

I. Purpose

- (a) These rules provide due process and statewide uniformity in the enforcement of RSA 193-D relative to disciplinary action for misconduct by a pupil in a safe school zone, including possessing a firearm or any other dangerous weapon, and RSA 193:13 relative to suspension and expulsion of pupils.
- (b) Since RSA 193-D:2, II provides that School Boards may adopt policies relative to pupil conduct and disciplinary procedures. These rules also provide a standard so that the policies of School Boards are consistent throughout the state.
- (c) These rules also link discipline and due process in safe school zones to the requirements of ED 1109 relative to special needs students.

II. Definitions

- (a) “Expulsion” means the permanent denial of a pupil’s attendance at school for any of the reasons listed in RSA 193:13, II and III.
- (b) “Weapon” means (1) a firearm (see 18USC Section 92l), to include a pellet or BB gun; (2) any object prohibited, licensed, or regulated under RSA 159; (3) a knife but not a folding pocket knife or cafeteria-issued dining utensil; and/or (4) a knife and/or any other substance or object which, in the manner it is used, intended to be used, or threatened to be used, is known to be capable of producing serious injury.
- (c) “Gross misconduct” means an act or acts which: (1) results in violence to another person or property; or (2) poses a direct threat to the safety of others in a safe school zone; or (3) is identified in RSA 193-D:1 or (4) involves repeated instances of misconduct or inappropriate behavior for which the pupil has been previously warned or disciplined.
- (d) “Neglect” in the context of RSA 193:13, I and II, means the failure of a pupil to pay attention to an announced, posted, or printed school rule.
- (e) “Possession” shall include, but not be limited to, having control over a weapon during any part of a school day or during any part of a school related activity, including transporting the weapon to school or to a school related activity and storage of the weapon anywhere on school premises, whether in the student’s locker or in another student’s locker or in any other place on school premises. Possession is also deemed to include doing any other act whereby the actor knowingly contributes to causing a weapon to be on school premises or contributes to causing use of a weapon on school premises.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
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- (f) “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 student. “Bullying” shall also include the actions motivated by an imbalance of power.
- (g) “Cyberbullying” means bullying that takes place through the use of electronic devices.
- (h) “Electronic devices” includes but are not limited to telephones, cellular phones, computer, pagers, electronic mail, instant messaging and websites.
- (i) “Pupil” means a child through age 21 in attendance at the school during the school day. (If the pupil is age 18 or older and not under guardianship, the written notices required below to issue to a parent shall issue instead only to the pupil and, further, all consents or decisions required in the suspension or expulsion process will issue from the pupil.)
- (j) “Refusal,” in the context of RSA 193:13, I and II, means the defiance of a pupil to comply with an announced, posted or printed school rule.
- (k) “Safe School Zone” means “Safe School Zone” as defined in RSA 193-D: I, II.
- (l) “School day” shall include not only the instructional portion of the day, but may also include travel to and from school or a school-related activity, as well as the time spent as a participant or spectator at a school-related activity.
- (m) “School premises” shall include the school and surrounding school property, including, without limitation, parking areas, athletic fields, and playgrounds, school busses, or other vehicle furnish by the District or its agents for transportation to or from school or a school-related activity; school bus stops; and/or those premises and surroundings being used for a school-related activity. For purposes of this procedure and without intending to interfere with the rights and duties of the police and/or private property owners; school premises shall also be deemed to include streets and exterior property in the school neighborhood during the course of travel to and from school or a school-related activity.
- (n) “Superintendent” means the school Superintendent or, in the absence of the Superintendent, the Assistant Superintendent for the School District(s) or towns.
- (o) “Suspension” means the temporary denial of a student’s attendance at school for a specific period of time for gross misconduct or for neglect or refusal to conform to announced, posted, or printed school rules.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
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- (p) “Day,” with respect to the number of days, shall refer to school days unless there is specific reference to “calendar” days.

III. Standard for Expulsion by the School District

- (a) If the School Board expels a pupil under RSA 193:13, II or III, it shall state in writing the act or acts leading to expulsion; and the specific statutory reference prohibiting that act or acts as set forth in RSA 193:13 and /or RSA 193-D; and shall provide notice that the expulsion may be reviewed prior to the start of each school year in accordance with Appendix A.
- (b) The principal of each school shall make certain that the pupil has received notice of the requirements of RSA 193:13 and RSA 193-D:1 through announced, posted, or printed school rules. The statutory text shall be printed in the school handbook to be distributed to each student at the beginning of the school year; and shall be announced, posted, and printed at other appropriate locations and times in the middle school and high school. Nothing herein shall prevent a school principal from printing, posting and/or announcing other rules applicable to the school.
- (c) If the student is subject to expulsion and a weapon is involved, the responsibility shall be upon the Superintendent to contact local law enforcement officials whenever there is any issue concerning:
1. Whether a firearm is legally licensed under RSA 159; or
 2. Whether a firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- (d) If a pupil brings or possesses a weapon in a safe school zone without written authorization from the Superintendent, the following shall apply:
1. The pupil shall be suspended for a period of not less than 10 days and, if the weapon is determined to be a firearm as defined in 18 USC Section 921, the School Board shall hold a hearing within 10 days to determine whether:

The student was in violation of RSA 193:13, III, and, therefore, is subject to expulsion for a period of not less than 12 months; and whether the student’s expulsion will be modified under policies set forth in Appendix B.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
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IV. Disciplinary Procedures

There shall be the following levels of discipline available to school officials enforcing RSA 193:13 and/or RSA 193-D relative to the suspension and expulsion of pupils.

1. A short-term suspension (not to exceed 10 days). The Board hereby designates that the Superintendent, the Assistant Superintendent for the School District(s) and Towns, and each Principal and Assistant Principal shall have authority to suspend a pupil for 10 days or less.
2. A long-term suspension (between 11 and 20 days). Following a hearing, the Superintendent, the Assistant Superintendent for the School District(s) and Town, and each Principal shall have the authority to extend a short-term suspension to 20 days. This hearing shall be conducted and a different administrator than the administrator who suspended the pupil for the first ten days shall issue the decision.
3. An expulsion by the School Board whereby conditions are established for reinstatement. See also Appendix A relative to review of an expulsion prior to the start of any school year.
4. An indefinite expulsion by the School Board whereby no conditions are established for reinstatement. However, see Appendix A relative to review of an expulsion prior to the start of any school year.

Due process in disciplinary proceedings shall include, at a minimum, the following:

1. In a short-term suspension:
 - (a) The pupil shall be informed of the purpose of the meeting.
 - (b) At or before the meeting, oral and /or written notice of the charges and an oral and/or written explanation of the evidence against the pupil shall be provided to the pupil.
 - (c) The pupil shall be provided an opportunity to present his/her side of the story.
 - (d) Following the meeting, a written statement shall be issued to the pupil and at least one of the pupil's Parents or guardians, delivered in person or by mail to the pupil's last known address, including an explanation of the charges, the evidence, the findings, any recommendation for additional suspension or expulsion, and a recommendation for student action to correct the discipline problem.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
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2. In a long-term suspension of a pupil:
 - (a) The written statement issued under Section IV (b) (1)(d) shall establish a date for a hearing. The hearing will not generally be postponed if the postponement would interrupt the continuity of a short-term suspension into a long-term suspension.
 - (b) A hearing in accordance with the procedures set forth below in Section IV (b)(3)(f).
 - (c) A written decision which includes the legal and factual basis for the conclusion that the pupil should be suspended for an additional 10 days or less.
 - (d) Within 10 calendar days of the decision, this decision may be appealed to the School Board under RSA 193:13, I. The Board may or may not keep the suspension while the appeal is pending. The Board reserves the right to issue a decision without hearing any evidence or all proffered evidence, but may instead rely upon the record as it has been developed during the suspension process.

3. In the expulsion by the School Board, due process shall include the following minimal requirements:
 - (a) A formal hearing shall be held before any expulsion.
 - (b) Such hearing may be held either before or after the short-term suspension has expired.
 - (c) If the hearing is held after the expiration of a short-term suspension, the pupil shall be entitled to return to school after the short-term suspension has expired, pending the expulsion hearing. The School Board reserves the right to deny a request for postponement of a scheduled hearing if the request for postponement is objected to by either the pupil or the administrator recommending expulsion.
 - (d) The written statement issued under Section IV (b)(1)(d) shall establish a date for the expulsion hearing and shall also include a complete description of the process used by administration to reach its recommendation that the student should be expelled.
 - (e) This notice shall be delivered to the pupil and at least one of the pupil's parents or guardians at least 5 calendar days prior to the hearing.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
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- (f) The following hearing procedures shall apply:
- 1) The pupil, together with a parent or guardian, may waive the right to a hearing and accept the findings.
 - 2) Formal rules of evidence shall not be applicable; however, school officials shall present evidence in support of the charge(s) and the accused pupil or his/her parent or guardian shall have an opportunity to present any defense or reply.
 - 3) The hearing shall be either public or private and the choice shall be that of the pupil or his parent or guardian. Provided, nevertheless, that if the nature of the evidence will violate the privacy of other students or if the Board determines that substantial harm to the pupil could result from an ill-conceived decision to hold the hearing in public, then the Board reserves the right and obligation to insist upon a private hearing.
 - 4) During the hearing, the pupil, parent, guardian, or counsel representing the pupil, shall have the right to examine any and all witnesses.
- (g) The decision of the School Board shall be based on a dispassionate and fair consideration of substantial evidence that the accused pupil committed the act or acts for which expulsion is to be imposed and that such acts are, in fact, a proper reason for expulsion.
- (h) The decision shall state whether the student is expelled; a statement of the time period for which the student is expelled; and any action the student may take to be restored by the Board.
- (i) If the decision is to expel the pupil, the decision shall include the legal and factual basis for the decision; and
- (j) A decision shall include a statement that the pupil has the right to appeal the decision of the State Board of Education.
- (k) All appeals to the State Board allowed under RSA 193:13, II or III, shall be filed within 20 calendar days of receipt of the written decision of the School Board and shall be in accordance with RSA 541-A and ED 200.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
(continued)

V. Reporting Procedures

- (a) In accordance with RSA 193-D:4, each written report by a supervisor to the principal relating to an act of theft, destruction, or violence in a safe school zone shall contain all the statutory information, required by RSA 193:D:4.
- (b) The report shall contain the following information:
1. School name
 2. School address
 3. School telephone number
 4. Name of School Principal
 5. Date of incident involving an act of theft, destruction, or violence, or the possession of a firearm
 6. Time of incident in (5) above
 7. Location of incident in (5) above
 8. Alleged offense
 9. Description of incident
 10. Name of suspect
 11. Grade in school of suspect
 12. Address of suspect
 13. Gender of suspect
 14. Name of victim
 15. Grade in school of victim
 16. Address of victim
 17. Gender of victim
 18. Name of employee reporting incident
 19. Date report was completed by employee
 20. Date report was filed with law enforcement authority by school principal
- (c) The NH Department of Education School Safety Survey shall be completed and filed with the Commissioner of Education on or before June 30 of each year.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICD
STUDENT CONDUCT, DISCIPLINE AND DUE PROCESS
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VI. Student with an Education Disability

For any student with disabilities for whom a teacher, administrator or any member of the team has proposed suspension from school in excess of ten (10) days or expulsion from school due to the student's misconduct, the following procedures apply:

1. The LEPT shall convene as soon as reasonably possible after such misconduct to determine the relationship between the student's disability, the misconduct and the placement.
2. The team shall notify the parents in writing of a decision as to whether the misconduct was manifestation of the student's disability.
3. If the team determines that the misconduct was a manifestation of the student's disability, it may choose any of the following actions:
 - (a) Continue to invoke the procedures, if any described in the IEP or 504 plan
 - (b) Seek an interim placement with parental approval
 - (c) Apply disciplinary measures, but not exceeding suspension for ten days
 - (d) Invoke the aide of the courts to remove or charge the placement of a dangerous or extraordinary disruptive student
4. If the team determines that the misconduct was not a manifestation of the student's disability, the District may impose disciplinary sanctions in accordance with policy JICD.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY PLICY JICI-RAPPENDIX A

An expelled pupil has the right to request a review of the expulsion prior to the start of each school year.

A request for review should be directed by the pupil to the Superintendent of Schools and should be received by the Superintendent on or before August 15. The request shall set forth each and all reasons why the pupil's right to attend school should be reinstated. Of particular importance would necessarily be such information as might convince school authorities that the conduct, which led to the expulsion, would not be repeated.

The Superintendent of Schools or Assistant Superintendent and the Principal or an Assistant Principal at the applicable school shall direct written recommendation to the Board with a copy to the pupil.

The expulsion may be continued: the pupil may be reinstated without conditions; or the pupil may be required to meet certain conditions prior to reinstatement. A code of conduct and consequences may be established for reinstated pupils, which are more strict than for the general student population.

ADMINISTRATIVE PROCEDURE TO ACCOMPANY POLICY JICI-RAPPENDIX B

The mandatory 12-month expulsion from school for bringing or possessing a firearm in a safe school zone may be modified on a case-by-case basis in the sole discretion of the Superintendent of Schools in the following situations:

1. The Superintendent determines that possession of the firearm was inadvertent in that another person had left the firearm in the pupil's vehicle; and the pupil had not noticed that she/he was bringing the firearm within the safe school zone; or
2. The Superintendent determines that the pupil intended to use the firearm for sport immediately before or after school and had no intention to display the firearm to other students.
3. When the pupil is in the fifth grade or lower grade and the Superintendent determines that the pupil did not properly understand the dangers of firearms when the firearm was brought to school.
4. The superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Reference Policy: JICD

Revised: May 1998

Amended: December 7, 2010