

BULLYING

The Director and teachers are encouraged to assist the prevention of bullying by promoting positive behavior in reference to the Lionheart Classical Academy virtues and instructive examples in the school curriculum.

This policy is intended to comply with New Hampshire RSA 193-F:4. The Director or designee shall ensure its implementation.

At a minimum, the school administration shall distribute this policy annually to school employees, regular school volunteers, students, parents, and contractors, in the form of the family handbook and the employee handbook

I. Definitions

A. Bullying: 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:

1. Physically harms the student or damages the student's property;
2. Causes emotional distress to the student;
3. Interferes with the student's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the school.

Bullying shall include 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.

B. Key Terms:

1. Cyberbullying: bullying, as defined in this policy, undertaken through the use of electronic devices.
2. Electronic devices: these include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.
3. Perpetrator: a person who engages in bullying or cyberbullying.

4. School property: all real property and all physical plant and equipment used for school purposes, including school buses or vans. The school's property includes its computer systems, communication systems, email systems, website, social media page(s), and any other technology under the school's control.

5. Victim: a person against whom bullying or cyberbullying has been perpetrated.

II. Prohibited Behavior

A. Bullying: The school hereby prohibits bullying. All references in this policy to bullying include cyberbullying. As allowed by New Hampshire law, the school reserves the right to investigate alleged bullying that: occurs on, or is delivered to, school property or a school sponsored activity or event on or off school property; or, occurs off of 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, including transportation.

B. Retaliation: The school hereby prohibits retaliation against a victim, witness, or anyone else who, in good faith, provides information about an act of bullying. If a victim or witness, or a parent of a victim or witness, expresses to a staff member a belief that there may be retaliation, the Director or the Director's designee shall develop and implement a plan to reduce the risk of retaliation. Each plan may be developed on a case-by-case basis. Possible elements of the plan may include, without limitation, minimizing contact and warning against retaliation.

C. False accusations: A student, employee, or volunteer found to have falsely and intentionally accused a person of bullying, whether as a first instance or as an act of retaliation, will be subject to the same range of remedial consequences as perpetrators of bullying.

III. Consequences of Bullying

The school shall impose consequences to remediate substantiated incidents of bullying. These consequences will range from positive behavioral interventions to student expulsion, employee dismissal, and volunteer exclusion.

IV. Protection of All Students

This policy protects all students, regardless of their legal status. This protection includes students of other schools who are on or in the vicinity of school grounds, participating in a

school-sponsored activity or event, or riding a bus transporting school scholars. The school shall afford due process and equal protection of the law to all persons involved in alleged bullying cases.

V. Allegations

A. Procedure to allege bullying: Any student who is the victim or a witness of bullying should inform a school employee—preferably the Director—of the alleged acts immediately. Any school employee, volunteer, or contractor who witnesses or receives an allegation of bullying shall inform the Director as soon as possible. All good-faith reports are encouraged. However, hearsay and anonymous reports will not suffice to impose disciplinary action. If the Director is directly and personally a subject of the allegations, the Director or designee shall perform the Director's duties related to the alleged incident

B. Parental notification of allegations: Within 48 hours of receiving an allegation of bullying, the Director or the Director's designee shall notify the parents of the alleged victim and the alleged perpetrator, and the Director or designee. Parental notification may be made by telephone, in writing, or in person. The date, time, location, and communication medium will be noted and included in the final report. All notifications will comply with the Family Educational Rights and Privacy Act ("FERPA", 20 USC 1232g). As required by RSA 193-F:4 II(i), the Director may, within the 48-hour notification period, grant the Director or Director's designee a waiver from the notification requirement if the Director deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted will be in writing. Granting a waiver will not exempt the school from its other responsibilities under this policy.

C. Investigation of allegations: Within five (5) school days of being informed of allegations, but not before completing the parental notification of allegations, the Director shall initiate an investigation by designating an Investigator of the allegations, and specifying the manner in which the investigation will be documented and the time within which it will be completed. The Director may serve as the Investigator. During the investigation, the Investigator shall consider this policy's definitions, which reproduce state law.

The investigation may include documented interviews with the alleged victim, the alleged perpetrator, and any witnesses. Each individual will be interviewed separately, and at no time will the alleged victim and alleged perpetrator be interviewed together during the investigation. Consistent with applicable law, the

school may neither require nor request that a student or the student's family disclose or provide to the school the student's username, password, or other authenticating information for any personal electronic communication account of the student. If the alleged bullying was in whole or in part cyberbullying, the Investigator may ask any person in possession of information to provide the school with printed copies of relevant electronic communications.

The Director or designee may, in writing, grant an extension of the time period for the investigation and documentation of reports for up to an additional seven (7) school days, if necessary. The Director or designee shall notify in writing all parties involved of the granting of an extension.

The Investigator shall prepare an investigation report that includes enumerated findings of fact. Among the findings of fact should be references to specific elements of the definitions in this policy. If the Investigator is the Director's designee, the Investigator shall submit the report to the Director. The Director shall provide a copy of the report to the Director or designee.

VI. Substantiated Incidents

A. Remediation: The Director shall decide how to remediate substantiated incidents of bullying, retaliation, or false accusation. Remedial measures may include, without limitation, one or more of the following:

1. Positive behavioral intervention;
2. Imposition of disciplinary consequences up to and including expulsion;
3. Offered assistance to the victim or perpetrator;
4. Measures designed to further prevent bullying, retaliation, or false accusation.

The Director shall put remedial measures in writing and provide a copy to the Director or designee. Any suspension or expulsion must comply with RSA 193:13 and the school's Due Process policy (Policy JIA).

B. Annual reporting to NH DOE: Annually, the school shall report substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to FERPA (20 U.S.C. 1232g), such reports shall not contain any personally identifiable information of any student.

VII. Reporting of Investigations and Remediations

Within ten (10) school days of completion of the investigation—and within the boundaries and satisfying the requirements of applicable state and federal law, including FERPA—the Director shall notify, via telephone and in writing, the parents of the alleged or substantiated victim and perpetrator of the findings of the investigation.

On the next school day after notifying the parents, the Director shall meet in person, separately, privately, and confidentially with each involved student to notify them of the findings.

VIII. Appeals

A parent who is aggrieved by the outcome of the school's investigation or remedial measures may use the school's Grievance Process (Policy ACG) to appeal for review of the investigation and remedial measures.

IX. Training

To prevent, identify, respond to, and report incidents of bullying, the school shall provide annual training on this policy to school employees, regular volunteers, and contractors who have significant contact with students.

Legal References

- Ed 318.16 (b)(3)
- New Hampshire RSA 193-F Sections 3, 4, 5, 6, and 7, and RSA 193:13
- Family Educational Rights and Privacy Act (20 USC 1232g)

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