

### PUPIL SAFETY AND VIOLENCE PREVENTION

Breakthrough Academy Chartered Public School is committed to providing a safe and secure school environment for all students. Conduct constituting bullying or cyberbullying will not be tolerated, and is prohibited by this policy in accordance with RSA 193-F. This policy applies to, and is intended to protect, all students.

Our model for addressing bullying shall include:

- Primary prevention, which will focus on the protection and prevention of bullying.
- Secondary prevention strategies, which will focus on targeting intervention efforts to those students who have been identified as at-risk for being a bully or victim.
- Tertiary prevention, which will target students with severe needs, including individuals who are perpetual bullies or victims, and those who have threatened violence to peers and/or teachers and staff.

This policy also applies to activities that take place on or off-campus if the activities cause emotional distress to an individual that substantially disrupts or interferes with the operation of a school or an individual student's ability to receive an education.

The Director of BACS, or their designee, is responsible for ensuring this policy is implemented.

#### **Definitions**

“Bullying” is defined as 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.

“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.

"Cyberbullying" is any conduct that is defined as "bullying" within this policy, which is undertaken through the use of electronic devices, including, but not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

Breakthrough Academy reserves the right to address bullying and/or cyberbullying and impose discipline for bullying and/or cyberbullying 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 pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

#### Reporting Procedure

1. Any student who believes they have been a victim of bullying may report the alleged act to the Director or their designee. If a student is more comfortable reporting the alleged act to a person other than the Director or their designee, the student may contact any faculty or staff member at BACS
2. Students or parents who have witnessed or who have reliable information that a pupil has been subjected to bullying or cyberbullying should report the same to the Director or their designee. If the student or parent is more comfortable reporting the alleged act to someone other than the Director, the student or parent may report it to any BACS employee.
3. Any school employee who has witnessed or has reliable information that a student has been subjected to bullying shall report the incident to the Director or their designee. The report made by a school employee or employee of a company under contract with the District who witnesses, receives a report, or has knowledge or belief that bullying or cyberbullying may have occurred shall inform the Director as soon as possible, but no later than the end of that school day. The Director will request, in writing, a summary of the event within two school days of the oral report.
4. Although a report may be done anonymously, disciplinary action may not be based solely on an anonymous report. Verification of the anonymous report shall be necessary in order for any disciplinary action to be taken.

5. The Director or designee shall notify the parent or legal guardian of all pupils involved by phone within 48 hours that a bullying incident has been reported. All notifications shall be consistent with the student privacy rights under the Family Educational Rights and Privacy Act of 1974 (FERPA).

6. Within the 48-hour time period, the Director may grant a written waiver from the notification requirement if the Director deems such waiver to be in the best interest of the child.

#### Investigation and Remedial Action

1. The Director or designee shall initiate an investigation within 5 school days of the reported incident. The Director and/or their designee shall complete the investigation within 10 school days of receiving the initial report.

2. The Director or designee may grant in writing an extension of the time period of the completion of the investigation by up to an additional 7 school days in the event they are unable to complete the investigation within the 10 school days. The Director or Director's designee shall notify in writing all parties involved of the granting of an extension within 24 hours of granting the extension.

3. Within 2 school days of completing an investigation, the Director or designee will notify the students involved in person of the findings and the result of the investigation.

4. Within 2 days of the completion of the investigation, the Director or designee will notify the parents of the students involved via telephone of the results of the investigation. The Director or designee will also send a letter to the parents within 24 hours of the phone call, again notifying them of the investigation's outcome.

5. In accordance with the Family Educational Rights and Privacy Act, The Founders Academy will not disclose educational records or students, including any record of discipline and/or remedial action.

6. The Director and/or their designee is responsible for determining the scope of the investigation, which may include documented interviews with the alleged victim, the alleged bully, and any witnesses. All interviews shall be conducted privately, separately, and shall be confidential. Each individual will be interviewed separately, and at no time will the alleged victim and bully be interviewed together during the investigation.

7. If the alleged bullying was in whole or in part cyberbullying, the Director or their designee may ask students and/or parents to provide Breakthrough Academy with printed copies of emails, text messages, website pages, or other similar electronic communications.

8. The Director or their designee will take such disciplinary action deemed necessary and appropriate for an actual incident of bullying or cyberbullying, or a false accusation including but not limited to detention, in-school suspension, out-of-school suspension or referral to the Board of Trustees to consider long-term suspension or expulsion, and/or referral to law enforcement in order to end bullying and prevent retaliation.

9. The procedures under RSA 193:13, Ed 317 and Breakthrough Academy discipline policies establish the due process and appeal rights for students disciplined for acts of bullying.

10. The Director or designee shall maintain a written report of all substantiated incidents.

#### Reprisal or Retaliation

Breakthrough Academy shall discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee, including employees of a company under contract with the school, who retaliates against any person who makes a good faith report of alleged bullying or cyberbullying, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying or cyberbullying. All allegations shall be investigated, and any substantiated cases will be subject to disciplinary measures up to and including suspension, expulsion, termination of employment, and/or exclusion from school grounds.

#### Distribution and Notice of The Policy

Copies of this policy shall be given to all employees, students, and parents annually by publishing it in the student handbook. Whenever new employees or students begin during the school year, they shall receive a copy of the handbook before commencing work or school attendance.

The bullying policy will be included in the beginning-of-the-year packet and will require parent/student signatures, returned to the school, and kept on file in the office. The bullying policy will be added to the “new student enrollment” packet.

Students will participate in an annual education program that sets expectations for student behavior, emphasizes understanding of harassment, intimidation, bullying, and cyberbullying of students, and outlines BACS’s prohibition of such conduct. Students shall also be informed of the consequences of engaging in bullying and cyberbullying. Consequences may include, but are not limited to, mediation, detention, restoration, suspension, and expulsion, in accordance with the Academy’s provisions regarding Investigation and Remedial Action.

#### Immunity

A school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, 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 policy.

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