

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

December 8, 2022 3:30 PM

SAU - Conference Room

Agenda

- I. Call to Order
- II. Review of suggested policies and procedures.
 - IHB – Establishing Criteria for Special Education Evaluations in the Oyster River Cooperative School District
 - IHBA – Programs for Pupils with Disabilities – Current to be Replaced
 - NHSBA Version to be adopted
 - IHBAA – Evaluation Requirements for Children with Specific Learning Disabilities
 - IHBAC – Developmental Delays as Qualifying Disability
 - IKFC – Alternative Diploma for Students with Significant Cognitive Disabilities
 - JICK – Bullying and Cyberbullying – Pupil Safety and Violence Prevention

Next Regular Meeting: January 12, 2022

| | |
|---|------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHB |
| To Policy Committee: July 10, 2013 School Board First Read: July 17, 2013 School Board Second Read/Adoption: August 14, 2013 Policy Committee Review: September 9, 2015 NO CHANGE Policy Committee Review: December 8, 2022 | Page 1 of 2 |

SCHOOL BOARD POLICY

ESTABLISHING CRITERIA FOR SPECIAL EDUCATION EVALUATIONS IN THE OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

The State and Federal special education laws require that the Oyster River Cooperative School District evaluate children with disabilities who are in need of special education and related services. The district evaluates children upon referral for special education and reevaluates educationally disabled children at least once every three years or when conditions warrant a re-evaluation.

The district is committed to ensuring that each child’s IEP team bases its decision on high quality, reliable and educationally sound special education evaluations.

The district has established the following criteria for all special education evaluations. These criteria consequently apply to all evaluations conducted by school district personnel, all evaluations the district asks outside contractors to conduct, and all independent evaluations parents expect the school district to review, consider, and/or fund.

Unique circumstances may justify deviation from these criteria. If a parent or district staff member is aware of such unique circumstances, it is expected that they inform the student’s case manager or the district’s special education director immediately.

1. The evaluation must comply with the relevant provisions of the State and Federal special education laws, including 34 C.F.R. §§ 300.301–300.311, and N.H. Code of Administrative Rules Ed 1107.
2. The evaluation must be conducted in New Hampshire, by a [qualified](#) evaluator whose principal office is located in New Hampshire, unless there is no qualified evaluator in New Hampshire.
3. The evaluator must hold a valid license from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of the evaluation results. In instances where no “applicable license” exists, the district must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
4. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations.
5. The school district will not pay for the evaluation until it receives the evaluator’s report.
6. The evaluator must review relevant educational records.

| | |
|---|------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHB |
| To Policy Committee: July 10, 2013 School Board First Read: July 17, 2013 School Board Second Read Adoption: August 14, 2013 Policy Committee Review: September 9, 2015 NO CHANGE Policy Committee Review: December 8, 2022 | Page 2 of 2 |

7. Unless otherwise determined by the members of the child’s IEP team, the evaluator must either: a) observe the child in one or more educational settings; or b) make at least one contact with the child’s general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.

8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district’s special education director, and the director’s designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, the district’s special education director, and the director’s designees.

9. The district shall be entitled to inspect and obtain copies of the evaluator’s records, including any records created by third parties. However, for purposes of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g(a)(4)(B)(i), records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

Cross Reference:

- ACE – New Hampshire Special Education Procedural Safeguards Handbook
- New Hampshire Rules for the Education of Children with Disabilities

| | |
|--|-------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHBA |
| Date of Adoption: August 17, 1988 Date of Revision: May 1, 1996 Title/Code Change Second Read School Board May 2, 2012 Previously: IGBA Policy Committee for Replacement by NHSBA Version 12/08/22 | Page 1 of 1 |

~~PROGRAMS FOR PUPILS WITH DISABILITIES~~

~~The Board believes all special needs students may benefit from receiving a free and appropriate public education according to the instructional needs of each student. In compliance with applicable federal and state laws, it shall be the policy of the board of education to provide all special needs students between the ages of 3 and 21 a free and appropriate education.~~

~~Special needs students are those who, because of certain atypical characteristics, have been identified by professionally qualified personnel as requiring special education planning and services. Such students will be identified on the basis of a physical, healthy or sensory disability, emotional disability, or behavioral problem, or observable exceptionality in mental ability, such as mentally retarded. Some special needs students may have more than one type of disability.~~

~~Students who are determined through professionally administered tests to have special needs will be eligible for due process with regard to identification, evaluation, and placement procedures. A written individualized educational program will be developed for each student with special educational needs. Educational placement decisions for each special needs student will place the student in the least restrictive environment appropriate to the student's learning needs whenever possible. Each special needs student's learning will be reviewed periodically for evaluation and reestablishment of the educational plan, if necessary. Graduation requirement for special needs students shall be determined according to the special needs student's completion of the individual program.~~

~~The facilities in which special education programs are provided will maximize the integration of special needs students into the life of the school and minimize the separation of such students. Students with limited mobility should have access to those areas of school facilities where they can be educated in the least restrictive setting. Provisions will be made for equipment and physical adaptations in public school facilities, where necessary, to comply with appropriate laws.~~

~~When required by the individual education plan, transportation arrangements for transportation of a special needs student to and from the educational facility will be provided in regular vehicles or, if necessary, specially adapted vehicles. When applicable, parents shall be responsible for getting the special needs students to the vehicles at curbside or driveway. However, parents may provide transportation for their own students to and from the educational facility.~~

~~Personnel who may be required to work with special needs students will be provided direct inservice training by the appropriate curriculum and instruction staff. Agents or employees of the board are responsible for locating students who may be in need of special educational services.~~

| | |
|---|----------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHBA |
| Policy Committee Review to replace current: 12/8/22 | Page 1 of 1 Recommended |

PROGRAMS FOR PUPILS WITH DISABILITIES

The Oyster River Cooperative School District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals With Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and New Hampshire Law.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the district shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in federal and state statutes which govern special education. For those students who are not eligible for services under IDEA, but, because of a qualifying disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need educational or related services (i.e. accommodations), the district shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, educational safeguards, and educational placement.

The district recognizes its obligation to provide an education for all students determined to be educationally disabled and in need of special education and related services. This obligation shall begin when a student reaches three years of age and shall continue until the student's 22nd birthday or until such time as he/she receives a high school diploma, whichever occurs first, or until the child's Individualized Education Program (IEP) Team determines that the child no longer requires special education in accordance with federal and state law.

Legal References:

20 U.S.C. § 1400 et seq., Individuals with Disabilities Education Act

34 C.F.R. § 300 et seq., Assistance to the States for the Education of Children with Disabilities

RSA 186-C, Special Education

N.H. Code of Administrative Rules, Section Ed. 1100, Standards for the Education of Students With Disabilities

| | |
|--|--------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHBAA |
| Policy Committee Review: July 14, 2009 Previously: IHBAE School Board Adopted: September 2, 2009 Title/Code Change Adopted School Board: May 2, 2012 Policy Committee Review: September 9, 2015 NO CHANGE Policy Committee Review: December 8, 2022 | Page 1 of 1 |

Evaluation Requirements for Children with Specific Learning Disabilities

In making determinations regarding whether a student has a specific learning disability under state and federal special education rules, the Oyster River School District shall evaluate students suspected of having a specific learning disability in a manner consistent with the procedures and standards included in IHBAE-R LD eligibility checklist, reflecting requirements set forth in NH Ed 1107.01 and .02 and 34 C.F.R. § 300.301 to .311 (as applicable).

Cross Reference: IHBAA-R Determining a Specific Learning Disability

Legal References: NH Ed 1107.01, .02 (2008); 34 C.F.R. § 300.307, .309 (2006).

NHSBA VERSION – POLICY IHBAC

| | |
|---|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IHBAC |
| Policy Committee Review: December 8, 2022 | Page 1 of 1 Category: Optional |

DEVELOPMENTAL DELAY AS QUALIFYING DISABILITY

Pursuant to 20 U.S.C. 1401(3)(B), the Oyster River Cooperative School District adopts “developmental delay” as one of the disabilities that may qualify a child as disabled under the federal Individuals with Disabilities Education Act (IDEA) and New Hampshire’s special education statute.

In order to qualify for special education based on developmental delay, the student must:

1. Be at least 3 years of age and less than 10 years of age;
2. Be experiencing delays in one or more of the following areas:
 - a. Physical development;
 - b. Cognitive development;
 - c. Communication development;
 - d. Social or emotional development; or
 - e. Adaptive development; and

By reason thereof, need special education and related services, as measured by appropriate diagnostic instruments and procedures consistent with State and federal laws and regulations.

Legal References:

20 U.S.C. 1401(3)(B) – Child with a Disability, Child Aged 3 through 9

RSA 186-C:2, I and I-a – definitions of “child with a disability, and “developmentally delayed” respectively

N.H. Dept. of Ed. Admin. Rule – Ed. 1102.01(s),

| | |
|---|--------------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IKFC |
| Revised Draft to Policy Committee: November 7, 2018 School Board First Read: November 14, 2018 School Board Second Read/Adoption: December 5, 2018 Policy Committee Review: December 8, 2022 | Page 1 of 2 Category: Recommended |

ALTERNATE DIPLOMA FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES

Certificate of Completion

A. PURPOSE. The purpose of this policy is to meet the requirements of the federal Every Student Succeeds Act ("ESSA") to establish and allow the awarding of a District Alternate Diploma to certain students with the most significant cognitive disabilities. [Oyster River Cooperative School District uses a Certificate of Completion as an Alternative Diploma.](#)

B. INTRODUCTION. Under ESSA, states may adopt alternate content standards and alternate assessments for students with the most significant cognitive disabilities. In states that have adopted such alternative content standards, ESSA allows local school boards to adopt policies allowing certain students with significant cognitive disabilities the ability to earn an Alternate Diploma based on the alternative content standards.

An Alternate Diploma provides students who may have ordinarily earned certificates of attendance, or completion under New Hampshire Administrative Rule Ed. 306.27(q), with the option to earn a diploma.

New Hampshire has adopted Dynamic Learning Maps (DLM) as an alternate assessment tool. The DLM assessment measures yearly student progress and provides independent standards which align with the NH Statewide Assessment.

Accordingly, this policy authorizes the Oyster River Cooperative School District to award an Alternate Diploma in accordance with the below requirements and conditions.

C. ELIGIBILITY.

Consistent with ESSA, the Alternate Diploma may be awarded to students who:

1. Have significant cognitive disabilities;
2. Have a current Individualized Education Program ("IEP"); and
3. Participate in the state authorized alternate assessment (currently DLM).

The Alternate Diploma is NOT available to students without IEP's, including students with Section 504 plans.

D. DETERMINATION OF AWARD.

The determination to award an Alternate Diploma is the responsibility of the student's IEP team, including the student's parent(s)/guardian(s). The IEP team's consideration of the appropriateness of an Alternate Diploma should be included in transition planning beginning at age sixteen (16). Details of this decision shall be included in the student's IEP transition plan in accordance with Ed. 1109.03.

E. TIME OF ~~RECOGNITION~~ and AWARD.

[The student may choose \(individually or through the IEP team\) to receive the Alternative Diploma at one \(1\) of three \(3\) times:](#)

1. ~~Recognition~~at graduation with common age peers;
2. ~~Award~~at the conclusion of the student's IEP; or
3. ~~Award~~upon reaching age twenty-one (21).

| | |
|---|--------------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IKFC |
| Revised Draft to Policy Committee: November 7, 2018 School Board First Read: November 14, 2018 School Board Second Read/Adoption: December 5, 2018 Policy Committee Review: December 8, 2022 | Page 2 of 2 Category: Recommended |

If the student participates in the traditional graduation ceremony, the student will be included in the graduation program with no difference in listing from his/her peers awarded a regular diploma.

F. EFFECT OF AWARD AND CONTINUED ELIGIBILITY.

1. Under 34 CFR 300.102 (a)(3), the awarding of any document other than regular high school diploma shall not terminate a child's eligibility for a free and appropriate public education ("FAPE"). Accordingly, earning an Alternate Diploma does not end a student's eligibility for special education services. Rather, students who have earned the Alternate Diploma, and are otherwise eligible for special education services, may continue to receive such services and may continue working towards meeting the requirements for the regular high school diploma.
2. Alternate Diplomas awarded under this policy are counted in the state graduation rate, while certificates of attendance or equivalency are not. The Oyster River School District counts them as a completer.

G. IMPLEMENTATION.

The Superintendent, with the assistance of the Director of [Special-Student](#) Services is directed to establish and make available procedures ~~and administrative rules~~ to implement this policy.

Cross Reference:

- IHBA – Programs for Pupils with Disabilities
- IHBI – Alternative Learning Plans
- IKF - Graduation

Legal References:

- 20 U.S.C. §7801 (23) - Every Student Succeeds Act (§ 8101(a)(23))
- 34 CFR 300.102 (a)(3); 300.43; and 300.320(b)
- RSA 193-E - Adequate Public Education
- Ed 306.27(q)(4)- Minimum Standards/High School Requirements/Equivalency Diplomas
- Ed 1109.03- When and IEP is in Effect...Transition Services

| | |
|--|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: JICK |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 | Page 1 of 6 Category: Priority |

BULLYING AND CYBERBULLYING
PUPIL SAFETY AND VIOLENCE PREVENTION

I. GENERAL STATEMENT OF POLICY

It is the policy of the Oyster River Cooperative School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. Each building Principal is responsible for the implementation of this Policy.

II. BULLYING AND CYBERBULLYING DEFINED

1. "Bullying" is 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 distress that 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 opportunities;
 - (d) creates a hostile educational environment; or
 - (e) substantially disrupts the orderly operation of the school.

"Bullying" includes 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.

2. "Cyberbullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyberbullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, stalking or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or other use of technology.
3. Bullying or cyberbullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:
 - (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
 - (b) 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.

| | |
|--|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: JICK |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 | Page 2 of 6 Category: Priority |

4. "Parent" means parent, parents, or legal guardians.
5. "Perpetrator" is a student who engages in bullying or cyberbullying.
6. "School property" is all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
7. "Victim" is a student against whom bullying, or cyberbullying has been perpetrated.
8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans With Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

III. REPORTING PROCEDURE

1. Any student who believes ~~he/she~~ [they](#) ~~has~~ [have](#) been a victim of bullying or cyberbullying shall report the alleged act to the building Principal. If a student is more comfortable reporting the alleged act to a person other than the building Principal, the student may contact any School District employee. The School District will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of alleged bullying and cyberbullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.
2. Any school employee, volunteer, or employee of a company under contract with the school or School District, who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the student's Principal. "Reliable information" shall include a parent's or student's claim that a student is the victim of bullying or cyberbullying.
3. All reports must be documented on the School District's Bullying/Cyberbullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyberbullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete the School District's Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Bullying/Cyberbullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyberbullying.
4. Upon receipt of a report of bullying or cyberbullying, the Principal shall within twenty-four (24) hours forward a written report to the Superintendent of the incident and the Principal or his/her designee's response to the initial report.
5. The Principal shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving the School District's Bullying/Cyberbullying Reporting Form that a report of alleged bullying or cyberbullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

| | |
|---|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: IICK |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 | Page 3 of 6 Category: Priority |

6. The Superintendent may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.
7. The Principal or his/her designee shall notify the Superintendent of all substantiated instances of bullying or cyberbullying. ~~Reporting of individual cases of bullying and cyberbullying to the School Board will be at the discretion of the Superintendent. shall report to the School Board all substantiated instances of bullying and cyberbullying.~~
8. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.

IV. INVESTIGATION AND REMEDIAL ACTION

1. The Principal or his/her designee shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving the School District's Bullying/Cyberbullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyberbullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.
 - (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 building principal/assistant principal shall keep a written record of the investigation process.
 - (d) The building principal/assistant 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 building principal/assistant principal shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.
 - (f) Consistent with applicable law, students may not be required to disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, District investigators may request a student or a student's parent/guardian voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing investigation.
2. The Principal or ~~his/her~~ designee will complete the investigation within seven (7) school days after the ~~Principal receives the School District's Bullying/Cyberbullying Reporting Form,~~ receive verbal or written notification, except in cases where the Superintendent grants a written extension. The Superintendent, if necessary, may grant an extension of the time period for the completion of the investigation for up to an additional seven (7) school days. The ~~Superintendent~~ Principal or designee shall notify all parties in writing of the granting of an extension. ~~The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.~~

| | |
|--|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | Policy Code: JICK |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 | Page 4 of 6 Category: Priority |

3. To end bullying or cyberbullying and prevent its recurrence, the Principal or ~~his/her~~ designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to the Superintendent to consider long-term suspension or expulsion, and/or referral to law enforcement. Any discipline imposed will be in accordance with and consistent with the School Board's policies on student discipline.
4. Administrators have the discretion within the requirements of district policies on student discipline, 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.
5. Besides initiating disciplinary action, the Principal or ~~his/her~~ designee may also take other remedial action deemed necessary and appropriate to end bullying or cyberbullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.
6. At the time a bullying or cyberbullying report is made, the Principal or his/her designee in consultation with the Superintendent, shall develop a strategy to protect all students from any kind of retaliation.
7. The Principal or ~~his/her~~ designee must document ~~his/her~~ investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal or ~~his/her~~ designee's investigation report shall also include the Principal or ~~his/her~~ designee's findings of whether the report of bullying or cyberbullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal or ~~his/her~~ designee shall include in the investigation report recommendations for remediating the bullying or cyberbullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyberbullying but the conduct violates school rules or policies, the Principal or ~~his/her~~ designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.
- ~~8. Since bullying or cyberbullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Principal or his/her designee. The Principal or his/her designee should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or retaliation. The Principal or his/her designee shall document all follow-up with the victim.~~

V. FILE RETENTION

The Principal will maintain in a separate confidential file the original completed School District's Bullying/Cyberbullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record. The Principal shall also provide a copy of the file to the Superintendent ~~or designee~~.

| | |
|---|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | <u>Policy Code: JICK</u> |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 | Page 5 of 6 Category: Priority |

VI. APPEAL

- ~~1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Principal or his/her designee's decision regarding their student to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal or his/her designee's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, then the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The appeal shall state in writing why the appealing party is aggrieved, and the specific relief they are requesting.~~
- 2.1. The procedures in RSA 193:13, Ed 317, and the School District's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyberbullying, or retaliation.

VII. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The School District will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyberbullying.

If a complaint or report is not made in good faith, the School District will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

VIII. POLICY NOTIFICATION/DISSEMINATION

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or ~~his/her~~ designee shall also make all volunteers, and contractors who have contact with students and chartered public schools aware of this Policy.
2. The School District will post this Policy and a summary of the Policy on the School District's website and conspicuously in each school building in areas easily accessible to students and staff.

IX. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The School Administration shall develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with parents and students in order to minimize the occurrence of bullying and cyberbullying and to identify, respond to, and report incidents of bullying or cyberbullying. In support of this policy, the Board promotes preventative educational measures to promote greater awareness of aggressive behavior, including bullying.
2. The School Administration shall provide training annually for employees, school volunteers, and contractors who have contact with students for the purpose of preventing, identifying, responding to, reporting incidents of bullying or cyberbullying, and implementing this Policy.

| | |
|--|-----------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD | <u>Policy Code: JICK</u> |
| Policy Committee Review: May 11, 2016-Legal Clarification Version School Board First Read: May 18, 2016-School Board Second Read/Adoption: June 1, 2016 Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 <u>Policy Committee Review: December 8, 2022</u> | Page 6 of 6 Category: Priority |

X. RECORDINGS IN STUDENT DISCIPLINE MATTERS

1. Recordings on School Buses. Pursuant to RSA 570-A:2, notice is hereby given that the School Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. A sign informing the occupants of school buses that such recordings may occur shall be posted on all buses.
21. Use of Recordings. The District reserves the right to use audio/video ~~on buses and video~~ recording devices on District property to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established ~~in accordance with the provisions of Policy ECAF.~~ by the District

~~In the event a recording is used as part of a student discipline proceeding, such recording may become part of a student's education record. If a recording does become part of a student's educational record, the provisions of Policy JRA shall apply.~~

~~The Superintendent is authorized to contact the District's attorney for a full legal opinion in the event of such an occurrence.~~

XI. BULLYING AS ABUSE AND CRIMINAL CONDUCT

~~Under certain circumstances (e.g., physical harm/touching, or damage to property) bullying or cyberbullying may constitute a violation of the Safe School Zones Act or abuse under RSA 169-C, the Child Abuse Reporting Act. In such situations, employees, volunteers and contractors shall comply with provisions of the School District's Policy concerning the Safe School Zones Act and the law which in part requires reporting to the Principal and requires the Principal to file a written report with the police within 48 hours and to notify the victim's parents/guardian that a report has been filed.~~

XII. SEXUAL HARASSMENT

~~Bullying or cyberbullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment and Sexual Violence Policy, not this Policy.~~

XIII. ANNUAL REPORT

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.

XIV. IMMUNITY

~~A School Administrative Unit employee, School District employee, school volunteer, student, parent, legal guardian, or employee of a company under contract to the School District, School Administrative Unit, or chartered public 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 RSA 193-F.~~

Cross Reference: JRB: Confidential Student Information