

Amendment to HB 131

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to bullying and cyberbullying prevention.

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Education; Pupil Safety and Violence Prevention. RSA 193-F:4 is repealed and reenacted to
8 read as follows:

9 I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA
10 193-F:3:

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

13 (b) Occurs off of school property or outside of a school-sponsored activity or event, if the
14 conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly
15 operations of the school or school-sponsored activity or event.

16 II. The school board of each school district and the board of trustees of a chartered public
17 school shall, no later than 6 months after the effective date of this section, adopt a written policy
18 prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA
19 193-F:3. The policy shall contain, at a minimum, the following components:

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

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

25 (c) A requirement that all pupils are protected regardless of their status under the law.

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

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

Amendment to HB 131
- Page 2 -

1 (f) A procedure for reporting bullying, cyberbullying, or retaliation that identifies all
2 persons to whom a pupil or another person may report bullying, cyberbullying, or retaliation. The
3 procedure shall be included in the student handbook.

4 (g) A procedure outlining the internal reporting requirements within the school or school
5 district or chartered public school.

6 (h) A requirement that school staff members, coaches and bus drivers report incidents of
7 bullying to the school principal or other school personnel as outlined in district reporting
8 requirements.

9 (i) A procedure for notification, within 48 hours of the incident report, to the parent or
10 parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of
11 the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with
12 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g and the measures being taken to
13 ensure the safety of the student who has been bullied and to prevent further acts of bullying. School
14 officials will provide an alleged victim with a written copy of their rights, protections, and support
15 services available.

16 (j) A provision that the superintendent or designee may, within the 48-hour period,
17 grant the school principal or designee a waiver from the notification requirement if the
18 superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator.
19 Notification of parents may be waived for no longer than 5 school days except for cases of bullying
20 and/or cyberbullying across multiple school districts. Any such waiver granted shall be in writing.
21 Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its
22 approved written policy.

23 (k) A written procedure for investigation of reports, to be initiated within 5 school days
24 of the reported incident, identifying either the principal or the principal's designee as the person
25 responsible for the investigation and the manner and time period in which the results of the
26 investigation shall be documented. The superintendent or designee may grant in writing an
27 extension of the time period for the investigation and documentation of reports for up to an
28 additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify
29 in writing all parties involved of the granting of an extension and the reason for the extension. The
30 alleged victim's parents or guardians shall be notified of the investigation, extension, and the reason
31 for the extension. In cases of bullying and/or cyberbullying across multiple school districts, the
32 principals or designees of all districts involved shall be responsible for conducting an investigation
33 and shall collaborate. In such cases, the investigation shall be initiated by the principal or designee
34 of the first district to learn of the incident. In cases of bullying and/or cyber bullying across multiple
35 states, the principal or designee of the first district located within New Hampshire to learn of the
36 incident shall contact the attorney general's office.

Amendment to HB 131

- Page 3 -

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

6 (m) A requirement that the principal or designee conduct a conference with the parent(s)
7 or guardian(s) of the perpetrator and applicable school personnel for age-appropriate discussion that
8 includes at a minimum the impacts of bullying. The conference shall occur even if the parent(s) or
9 guardian(s) decline to participate or fail to attend.

10 (n) A requirement that the principal or designee report all substantiated incidents of
11 bullying, cyberbullying, or retaliation to the superintendent or designee.

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

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

18 III. The department of education may develop a model policy in accordance with the
19 requirements set forth in this chapter which may be used by schools, school districts, and chartered
20 public schools as a basis for adopting a local policy.

21 IV. A school board or board of trustees of a chartered public school shall, to the greatest
22 extent practicable, involve pupils, parents, administrators, school staff, school volunteers,
23 community representatives, and local law enforcement agencies in the process of developing the
24 policy. The policy shall be adopted by all public schools within the school district and, to the extent
25 possible, the policy should be integrated with the school's curriculum. The policy shall be integrated
26 into discipline policies, behavior programs, and other violence prevention efforts.

27 V. By January 1, 2027, each public school district and chartered public school shall make
28 available a report or link to a report on how their policy has been integrated into the school's
29 curriculum, discipline policies, behavior programs, and other violence prevention efforts. The report
30 or link shall be provided to office of commissioner in the department, chair of the state board of
31 education, the senate president, speaker of the house and members of the house and senate
32 education committees.

33 VI. It shall be a violation of the educator code of conduct to intentionally violate the district
34 internal reporting requirements, submit inaccurate or false information, fail to adhere to the
35 timelines in this section, or commit an act of retaliation against a reporter of bullying or
36 cyberbullying or against a parent.

Amendment to HB 131

- Page 4 -

1 VII. Students who have admitted to or been found to have engaged in harassment,
2 intimidation, retaliation or bullying shall be subject to disciplinary action, including suspension and
3 expulsion. Any student determined to have submitted a false report of harassment, intimidation, or
4 bullying is also subject to disciplinary action, including suspension and expulsion.

5 2 Education; Pupil Safety and Violence Prevention; Reporting. Amend RSA 193-F:6, II to read
6 as follows:

7 II. The department of education shall prepare an annual report of substantiated incidents of
8 bullying, cyberbullying, or retaliation in the schools. The report shall include the number and types
9 of such incidents in the schools and ***number of waivers granted for parental notification,***
10 ***number of waivers granted for investigation extensions, number of out-of-state***
11 ***cyberbullying cases reported, investigated, and reported to the attorney general's office.***
12 ***The report*** shall be submitted to the president of the senate, the speaker of the house of
13 representatives, and the chairpersons of the house and senate education committees. The
14 department of education shall assist school districts with recommendations for appropriate actions
15 to address identified problems with pupil safety and violence prevention.

16 3 Education; Pupil Safety and Violence Prevention; Private Right of Action Permitted. Amend
17 RSA 193-F:9 to read as follows:

18 193-F:9 Private Right of Action Permitted. Any person aggrieved as a result of gross negligence
19 or willful misconduct in violation of any provision of RSA 193-F:4 may initiate an action against a
20 school district or chartered public school and may recover court costs and reasonable attorney's fees
21 as the prevailing party. For the purposes of this chapter, "[~~gross~~] negligence" means [~~deliberate~~
22 ~~indifference~~] ***the failure to behave with the level of care that a reasonable person would have***
23 ***exercised under the same circumstances.*** Nothing in this section shall supercede or replace
24 existing rights or remedies under any other law.

25 4 Prospective Repeal. RSA 193-F:4, V, relative to public school districts and chartered public
26 schools making reports available on how their antibullying policies have been integrated into the
27 school's curriculum, is repealed.

28 5 Repeal. RSA 193-F:3, I(b), relative to the definition of bullying, is repealed.

29 6 Effective Date.

30 I. Section 4 of this act shall take effect January 1, 2027.

31 II. The remainder of this act shall take effect 30 days after its passage.

2025-3000h

AMENDED ANALYSIS

This bill:

- I. Amends the meaning of "negligence" as it applies to bullying and cyberbullying.
- II. Requires the department of education to report the number of waivers granted for parental notification, number of waivers granted for investigation extensions, and the number of out-of-state cyberbullying cases reported and investigated.
- III. Requires antibullying procedure to be included in the student handbook and that alleged victims get a written copy of their rights, protections, and support services available to them.