

HB 131 - AS AMENDED BY THE HOUSE

7Jan2026... 3071h

2025 SESSION

25-0218

02/05

HOUSE BILL

131

AN ACT relative to bullying and cyberbullying prevention.

SPONSORS: Rep. Ladd, Graf. 5; Rep. Cordelli, Carr. 7; Rep. Drye, Sull. 7; Rep. Noble, Hills. 2;
Rep. Terry, Belk. 7; Rep. Lynn, Rock. 17; Rep. Weyler, Rock. 14; Rep. Hill, Merr.
2; Rep. Kofalt, Hills. 32; Rep. S. Smith, Sull. 3; Sen. Ward, Dist 8

COMMITTEE: Education Policy and Administration

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.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to bullying and cyberbullying prevention.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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 RSA 193-F:4 is repealed and reenacted to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

3 I. Bullying or cyberbullying shall occur when an action or communication as defined in RSA
4 193-F:3:

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

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

10 II. The school board of each school district and the board of trustees of a chartered public
11 school shall, no later than 6 months after the effective date of this section, adopt a written policy
12 prohibiting bullying and cyberbullying. Such policy shall include the definitions set forth in RSA
13 193-F:3. The policy shall contain, at a minimum, the following components:

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

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

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

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

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

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

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

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

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

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

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

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

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1 (m) A requirement that the principal or designee conduct a conference with the
2 perpetrator, the parent or parents or guardian or guardians of the perpetrator, and applicable school
3 personnel for age-appropriate discussion that includes at a minimum the impacts of bullying. The
4 conference shall occur even if the parent or parents or guardian or guardians decline to participate
5 or fail to attend.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Effective Date.

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

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