

Amendment to SB 210

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

2

3 AN ACT relative to bullying and cyberbullying prevention.

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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 RSA 193-F:4, I-IV is repealed and reenacted
8 to 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 shall
32 include, but are not limited to, handbooks, websites, newsletters, and workshops.

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1 (f) A procedure for reporting bullying or cyberbullying that identifies all persons to
2 whom a pupil or another person may report bullying or cyberbullying. The procedure shall be
3 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 procedure for notification, within 48 hours of the incident report, to the parent or
7 parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of
8 the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with
9 the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g. School officials will provide an
10 alleged victim with a written copy of their rights, protections, and support services available.

11 (i) 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 (j) A written procedure for investigation of reports, to be initiated within 5 school days of
19 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 are encouraged to collaborate. In such cases, the investigation shall be initiated by the principal
29 or designee of the first district to learn of the incident. In cases of bullying and/or cyberbullying
30 across multiple states, the principal or designee of the first district located within New Hampshire to
31 learn of the incident shall contact the attorney general's office.

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

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1 (l) A requirement that the principal or designee report all substantiated incidents of
2 bullying or cyberbullying to the superintendent or designee.

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

7 (n) Identification, by job title, of school officials responsible for ensuring that the policy
8 is implemented.

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

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

18 V. By January 1, 2026, each public school district and chartered public school shall make
19 available a report or link to a report on how their policy has been integrated into the school's
20 curriculum, discipline policies, behavior programs, and other violence prevention efforts. The report
21 or link shall be provided to office of commissioner in the department, chair of the state board of
22 education, the senate president, speaker of the house and members of the house and senate
23 education committees.

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

28 2 Education; Pupil Safety and Violence Prevention; Reporting. Amend RSA 193-F:6, II to read
29 as follows:

30 II. The department of education shall prepare an annual report of substantiated incidents of
31 bullying or cyberbullying in the schools. The report shall include the number and types of such
32 incidents in the schools and ***number of waivers granted for parental notification, number of***
33 ***waivers granted for investigation extensions, number of out-of-state cyberbullying cases***
34 ***reported, investigated, and reported to the attorney general's office. The report*** shall be
35 submitted to the president of the senate, the speaker of the house of representatives, and the
36 chairpersons of the house and senate education committees. The department of education shall

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1 assist school districts with recommendations for appropriate actions to address identified problems
2 with pupil safety and violence prevention.

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

5 193-F:9 Private Right of Action Permitted. Any person aggrieved as a result of gross negligence
6 or willful misconduct in violation of any provision of RSA 193-F:4 may initiate an action against a
7 school district or chartered public school and may recover court costs and reasonable attorney's fees
8 as the prevailing party. For the purposes of this chapter, "[~~gross~~] negligence" means [~~deliberate~~
9 ~~indifference~~] ***the failure to behave with the level of care that a reasonable person would have***
10 ***exercised under the same circumstances.*** Nothing in this section shall supercede or replace
11 existing rights or remedies under any other law.

12 4 Prospective Repeal. RSA 193-F:4, V, relative to public school districts and chartered public
13 schools making reports available on how their antibullying policies have been integrated into the
14 school's curriculum, is repealed.

15 5 Repeal. RSA 193-F:3, I(b), relative to the definition of bullying, is repealed.

16 6 Effective Date.

17 I. Section 4 of this act shall take effect January 1, 2026.

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

2025-2318h

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.