



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

**The Department Comment is issued first and RSA 193 follows.
Please refer to the law itself in developing policy which may initially be guided
by Department Comment.**

DEPARTMENT COMMENT:

Background

New Hampshire statute RSA 193-F, Pupil Safety and Violence Prevention, was amended during the 2010 legislative session. Effective July 1, 2010, the legislation reaffirms that *“one of the legislature’s highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.”* (RSA 193-F:2, 1).

Introduction

All pupils have the right to attend public schools that are safe, secure, and respectful environments. The standards for school approval also direct that a district provide a safe and secure culture. The references to the state standards for school approval are Ed 306.04 Policy Development and Ed 306.06 Culture and Climate. The New Hampshire statute, RSA 193-F, Public Safety and Violence Prevention, reaffirms and strengthens the need of schools to be mindful of real or perceived differences among children. The intent of the law is for schools to protect against and address bullying/cyberbullying.

Policy

RSA 193-F:4, II requires that all school boards and boards of trustees of charter schools shall adopt a written policy prohibiting bullying and cyberbullying. The written policy prohibiting bullying and cyberbullying. should acknowledge that bullying/cyberbullying can occur both in the school setting and out of school if it interferes with a student’s educational opportunities or disrupts a school day or event.

The policies must be in place by January 1, 2011 and must be displayed in a public and accessible setting. The department suggests prominent places such as the sitting area outside the administrative offices of both the school Principal and the Superintendent. The law directs that school boards adopt a written policy , that at a minimum, address the 14 issues (A-N) outlined in the law:

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Date Issued:
September 15, 2010

Supersedes
issue dated:
December 14,
2000

Page 1 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

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Department Comment and Law

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RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

- A. a statement prohibiting bullying/cyberbullying
- B. a statement protecting all students from retaliation and false accusations, and a process for developing a plan as needed to protect students from retaliation
- C. a statement that all students are protected
- D. a statement of consequences for bullying/cyberbullying behavior
- E. a statement about how the policy is going to be disseminated to the whole school/community
- F. a clear procedure for students and others to report incidents
- G. internal procedure for reporting within the SAU/Charter community
- H. a clear process for notification of parents/guardian of both the perpetrator and the victim within 48 hours of the report
- I. a procedure for the superintendent to grant a waiver, in writing, from the notification requirement if the superintendent or designee deems the waiver to be in the best interest of the victim or the perpetrator. This does not negate the schools responsibility for investigating. The law states: "the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy."
- J. a written procedure for investigation of reports (within 5 days) and identification of the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant an additional 7 school days. All parties must be notified of the extension
- K. a response is required by principal or designee to remediate any substantiated incident in order to reduce risk of future incidents. This includes retaliation protection
- L. a requirement that the principal or designee report all substantiated incidents to superintendent or designee
- M. written procedure to communicate with parents of victim and perpetrator within 10 school days of completion of the investigation regarding the school's remedies and assistance.
- N. the policy needs to state clearly (by job title) who is responsible for implementing the approved policy

To the extent possible, all members of the community shall be involved in developing a Charter School/SAU Pupil Safety & Violence Prevention policy that is unique and reflective of the mission and the culture of their community.

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Date Issued:
September 15, 2010

Supersedes
issue dated:
December 14,
2000

Page 2 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

Training and Assessment

All SAU's and Chartered public school shall provide:

- Training on prevention of bullying and cyberbullying as outlined in the policies must be offered for all of the community within 9 months of effective date (effective date July 1 and training by April 1) this section and annually thereafter
- Education in Pupil Safety and Violence Prevention must be provided for students and parents/guardians

The Department of Education will provide resources regarding evidence-based educational programs to support training as required under paragraph I Section 193-F:5.

Issued by:

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Supersedes
issue dated:

December 14,
2000

Page 3 of 13



New Hampshire

Department of Education **Technical Advisory**

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

The Three-Tiered Prevention Model

Adoption of this model would only constitute a portion of the required policies called for in the Pupil Safety & Violence Prevention Act.

The Department suggests the following three-tiered model as one way to frame a response to issues of bullying or cyberbullying.

The first tier, or primary prevention, focuses on protection and prevention of bullying. Primary prevention should include a school-wide anti-bullying policy that affects all students, all parents, and all staff including teachers, administrators, secretaries, and playground staff (Walker & Shinn, 2002). A blanket protection policy may help prevent minor problems and difficulties from forming into larger problems that are a greater strain on the school's resources. Primary prevention strategies may include effective academic and social skill instruction, violence prevention skill training, and an effective school-wide behavior plan.

Secondary prevention strategies focus on targeting intervention efforts to those students who have been identified as at-risk for being a bully or victim. Such interventions are typically implemented on an individual or small group basis to students who need more intensive support than provided via the primary prevention tier.

Finally, tertiary prevention programs are targeted at students with severe needs, including those students who are perpetual bullies or victims, and those that have threatened violence to peers and/or teachers and staff. It is important that all three tiers be implemented in schools and that the three tiers are supported by evidenced-based research (Walker & Shinn, 2002).

Source: [Davidson and Demaray](http://www.guidancechannel.com/default.aspx?M=a&index=1933&cat=17) for [National Association Of School Psychologists](http://www.guidancechannel.com/default.aspx?M=a&index=1933&cat=17)
<http://www.guidancechannel.com/default.aspx?M=a&index=1933&cat=17>

Reporting

Each school shall annually (in June) report substantiated incidents of bullying or cyberbullying to the department of education without identifiable student information. The current end of school year School Safety Survey will be used to document issues of bullying. The department shall prepare an annual report of substantiated incidents of bullying and cyberbullying in the schools. Reports will be made to President of Senate, Speaker of House of Representatives, the Chair of the House and Senate Education Committees. The department shall assist school districts with

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Supersedes
issue dated:
December 14,
2000

Page 4 of 13



New Hampshire

Department of Education **Technical Advisory**

Serving New Hampshire's Education Community

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Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

recommendations for appropriate actions to address identified problems with public safety and violence prevention.

Appeal:

The Department suggests that every effort be made to resolve issues of disagreement at the local level. In the case of failure to do so, RSA 541-A:31 sets forth the appeals process.

TITLE XV EDUCATION

**CHAPTER 193-F
PUPIL SAFETY AND VIOLENCE PREVENTION**

Section 193-F:1

193-F:1 Title. – This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."

Source. 2000, 190:1, eff. Jan. 1, 2001.

Section 193-F:2

193-F:2 Purpose and Intent. –

I. All pupils have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. One of the legislature's highest priorities is to protect our children from physical, emotional, and psychological violence by addressing the harm caused by bullying and cyberbullying in our public schools.

II. Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

III. It is the intent of the legislature to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying of any kind in our public

Issued by:
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Supersedes
issue dated:
December 14,
2000

Page 5 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

schools, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

IV. The sole purpose of this chapter is to protect all children from bullying and cyberbullying, and no other legislative purpose is intended, nor should any other intent be construed from the enactment of this chapter.

Source. 2000, 190:1, eff. Jan. 1, 2001. 2010, 155:1, eff. July 1, 2010.

Section 193-F:3

193-F:3 Definitions –

In this chapter:

I.(a) “Bullying” means 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.

(b) “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.

II. “Cyberbullying” means conduct defined in paragraph I of this section undertaken through the use of electronic devices.

III. “Electronic devices” include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

IV. “Perpetrator” means a pupil who engages in bullying or cyberbullying.

V. “School property” means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

VI. “Victim” means a pupil against whom bullying or cyberbullying has been perpetrated.

Source. 2000, 190:1. 2004, 205:1, eff. June 11, 2004. 2010, 155:2, eff. July 1, 2010.

Issued by:

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Date Issued:

September 15, 2010

Supersedes

issue dated:
December 14,
2000

Page 6 of 13



New Hampshire

Department of Education **Technical Advisory**

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

Section 193-F:4

193-F:4 Pupil Safety and Violence Prevention. –

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

(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 pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

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

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

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

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

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

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

(f) A procedure for reporting bullying or cyberbullying that identifies all persons to whom a pupil or another person may report bullying or cyberbullying.

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

(h) A procedure for notification, within 48 hours of the incident report, to the parent or parents or guardian of a victim of bullying or cyberbullying and the parent or parents or guardian of the perpetrator of the bullying or cyberbullying. The content of the notification shall comply with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

Issued by:

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Supersedes

issue dated:
December 14,
2000

Page 7 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

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School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

(i) A provision that the superintendent or designee may, within the 48-hour period, grant the school principal or designee a waiver from the notification requirement if the superintendent or designee deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted shall be in writing. Granting of a waiver shall not negate the school's responsibility to adhere to the remainder of its approved written policy.

(j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension.

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

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

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

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

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

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

Source. 2000, 190:1, eff. Jan. 1, 2001. 2010, 155:2, eff. July 1, 2010.

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Supersedes

issue dated:
December 14,
2000

Page 8 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

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Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

Section 193-F:5

193-F:5 Training and Assessment. –

I. Each school district and chartered public school shall provide:

(a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying; and

(b) Educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.

II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.

III. Nothing in this chapter shall require the inclusion of any specific curriculum, textbook, or other material designed to prevent bullying or cyberbullying in any program or activity conducted by an educational institution. The omission of such subject matter from any curriculum, textbook, or other material in any program or activity conducted by an educational institution shall not constitute a violation of this chapter.

Source. 2002, 149:2, eff. July 14, 2002. 2010, 155:2, eff. July 1, 2010.

Section 193-F:6

193-F:6 Reporting. –

I. Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.

II. The department of education shall prepare an annual report of substantiated incidents of bullying or cyberbullying in the schools. The report shall include the number and types of such incidents in the schools and 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.

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Supersedes

issue dated:
December 14,
2000

Page 9 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

The department of education shall assist school districts with recommendations for appropriate actions to address identified problems with pupil safety and violence prevention.

Source. 2010, 155:3, eff. July 1, 2010.

Section 193-F:7

193-F:7 Immunity. A school administrative unit employee, school employee, chartered public school employee, regular school volunteer, pupil, parent, legal guardian, or employee of a company under contract to a school, 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 this chapter. The department of education shall be immune from civil liability for its good faith conduct in making recommendations under this chapter.

Section 193-F:8

Source. 2010, 155:3, eff. July 1, 2010.

193-F:8 School District Discrimination or Harassment Policies. A school district or chartered public school may establish separate discrimination or harassment policies that include categories of pupils, and nothing in this chapter shall prevent a school district or chartered public school from remediating any discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law.

Source. 2010, 155:3, eff. July 1, 2010.

Section 193-F:9

193-F:9 Private Right of Action Not Permitted. Nothing in this chapter shall supersede or replace existing rights or remedies under any other general or special law, including criminal law, nor shall this chapter create a private right of action for enforcement of this chapter against any school district or chartered public school, or the state.

Source. 2010, 155:3, eff. July 1, 2010.

Issued by:
Virginia M. Barry, Ph.D.

Date Issued:
September 15, 2010

Supersedes
issue dated:
December 14,
2000

Page 10 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

Section 193-F:10

193-F:10 Public Academies. The provisions of this chapter shall apply to public academies as defined in RSA 194:23.

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For further information on this technical advisory, contact:
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Supersedes
issue dated:
December 14,
2000

Page 11 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

Subject: Pupil Safety & Violence Prevention Act
Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

Resources to Support Training on Bullying and School Climate Books:

1. Garbarino, James & delara, Ellen (2002). *And Words Can Hurt Forever: How to Protect Adolescents from Bullying, Harassment, and Emotional Violence*. New York: The Free Press.
2. Simons, Rachel (2002). *Odd Girl Out: The Hidden Culture of Aggression in Girls*. San Diego, CA: Harcourt Trade Publishing
3. Wessler, Stephan with contributing author William Preble. (2003). *The Respectful School*. Alexandria, Virginia: ASCD.
4. Coloroso, Barbara. (2003). *The Bully, the Bullied and the Bystander*. New York: Harper Collins Publishers.
5. Davis, Stan. (2007). *Schools Where Everyone Belongs: Practical Strategies for Reducing Bullying*. Champaign, Illinois: Research Press.
6. Hinduja, Sameer & Patchin, Justin. (2009). *Bullying Beyond the Schoolyard: Preventing and Responding to Cyber-bullying*. Thousand Oaks, California: Corwin Press.
7. Roberts, W.B. (2008) *Working With Parents of Bullies and Victims*. Thousand Oaks, CA: Corwin Press

Online Resources

1. <http://www.bullyfreenh.org> (NH Parents Group on Bullying)
2. <http://www.safevouth.org/scripts/topics/bullying.asp> (CDC site)
3. <http://www.cyberbullying.us/> (CyberbullyingResearch Site)
4. www.olweus.org (Clemson University's Prevention Program)
5. <http://stopbullyingnow.hrsa.gov> (US Dept. of Health and Human Services)
6. <http://www.BullyingInfo.org> (US Dept. of Education website)

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December 14,
2000

Page 12 of 13



New Hampshire

Department of Education *Technical Advisory*

Serving New Hampshire's Education Community

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Department Comment and Law

School Approval Standard:
RSA193-F:2, F:3, F:4; F:5, F:6, F:7,
F:8, F:9
Ed 306.04 & Ed 306.06

7. <http://mentalhealth.samhsa.gov/15plus/aboutbullying.asp> (US Substance Abuse and Mental Health Services Administration)

Regional Consultants on Bullying/School Climate:

- Dr. Malcolm Smith, Associate Professor, UNH Cooperative Extension, malcolm.smith@unh.edu
- Dr. William Preble, Main Street Academix, wpreble@msanh.com
- Randy Ross, Equity Specialist, The EducationAlliance, Brown University, [Randy Ross@brown.edu](mailto:RandyRoss@brown.edu)
- Dr. Howard Muscott, PBIS, hmuscott@seresc.net
- Molly Gosline, School Climate Consulting Services, molly@school-climate-consulting.org
- Dr. Elizabeth Englander, Director, MA Aggression Reduction Center, Bridgewater State College, 508-531-1784

School- Based Anti-Bullying Project: SAU #19

Toolkit/online materials developed with Dr. Englander of Aggression Reduction Center

Contact: Brian Balke, Assistant Superintendent of Schools, bbalke@goffstown.k12.nh.us

Evidence-Based Programs for Schools

- "Don't Laugh At Me" curriculum for grade schools, <http://www.operationrespect.org>
- Olweus Bullying Prevention Program (OBPP), www.Olweus.org
- Positive Behavioral Interventions and Supports (PBIS), www.pbis.org/

This is a partial listing of the many resources that are available on school climate and bullying. Please select the resources which will be effective in meeting the needs of your district and schools.

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December 14,
2000

Page 13 of 13