

5512 HARASSMENT, INTIMIDATION AND BULLYING

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A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

In accordance with N.J.S.A. 18A:37-15(c), a copy of this Policy shall be transmitted to the Executive County Superintendent of Schools for the Essex County Office of Education within 30 school days of any revisions.

B. Harassment, Intimidation, and Bullying Definition

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
 - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
 - b. Has the effect of insulting or demeaning any student or group of students; or
 - c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

The term "bullying" also includes unwanted, aggressive behavior that may involve a real or perceived power imbalance. The real or perceived imbalance of power shall not be based solely on a student's size, age, or relative group of friends. This policy does not apply to mutual peer

conflict or disputes between students unless the incident clearly involves an imbalance of power or is motivated by a protected or distinguishing characteristic.

Schools are required to address harassment, intimidation, and bullying conduct occurring off school grounds, when administration determines there is a nexus between the ~~harassment, intimidation, and bullying~~conduct and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

C. Application of Policy

This Policy shall apply to: all District students; all staff members, including contracted staff; any volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs.

C.D. Student Expectations

~~The Board expects students to conduct themselves in accordance with Board Policies 5500 (Expectations for Pupil Conduct) and 5600 (Code of Conduct), keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.~~

~~The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of students, staff, and community members.~~

~~Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.~~

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, students, instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. ~~Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, t~~The Board must has developed guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. ~~These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district.~~ This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

~~Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to students and their parents or guardians the rules of the district regarding student conduct. Provisions shall be made for informing parents or guardians whose primary language is other than English.~~

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

1. ~~Walk-walk~~ away from acts of harassment, intimidation, and bullying when they see them;
2. ~~Constructively constructively~~ attempt to stop acts of harassment, intimidation, or bullying;
3. ~~Provide support to students who~~ have been subjected to harassment, intimidation, or bullying; and
4. ~~Report-report~~ acts of harassment, intimidation, and bullying to the designated school staff member.

~~E. Consequences and Appropriate Remedial Actions~~

~~The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the~~

~~student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.~~

~~Factors for Determining Consequences—Student Considerations~~

- ~~1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;~~
- ~~2. Degrees of harm;~~
- ~~3. Surrounding circumstances;~~
- ~~4. Nature and severity of the behavior(s);~~
- ~~5. Incidences of past or continuing patterns of behavior;~~
- ~~6. Relationships between the parties involved; and~~
- ~~7. Context in which the alleged incidents occurred.~~

~~Factors for Determining Consequences—School Considerations~~

- ~~1. School culture, climate, and general staff management of the learning environment;~~
- ~~2. Social, emotional, and behavioral supports;~~
- ~~3. Student-staff relationships and staff behavior toward the student;~~
- ~~4. Family, community, and neighborhood situation; and~~
- ~~5. Alignment with Board policy and regulations/procedures.~~

~~Factors for Determining Remedial Measures—Personal~~

- ~~1. Life skill deficiencies;~~
- ~~2. Social relationships;~~
- ~~3. Strengths;~~
- ~~4. Talents;~~
- ~~5. Interests;~~
- ~~6. Hobbies;~~
- ~~7. Extra-curricular activities;~~
- ~~8. Classroom participation;~~
- ~~9. Academic performance; and~~
- ~~10. Relationship to students and the school district.~~

~~Environmental~~

- ~~1. School culture;~~
- ~~2. School climate;~~
- ~~3. Student-staff relationships and staff behavior toward the student;~~

- ~~4. General staff management of classrooms or other educational environments;~~
- ~~5. Staff ability to prevent and manage difficult or inflammatory situations;~~
- ~~6. Social emotional and behavioral supports;~~
- ~~7. Social relationships;~~
- ~~8. Community activities;~~
- ~~9. Neighborhood situation; and~~
- ~~10. Family situation.~~

~~Consequences for a students who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are graded according to the severity of the offenses, consider the developmental age of the student offenders and the student's histories of inappropriate behaviors consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.~~

~~Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:~~

~~Examples of Consequences~~

- ~~1. Admonishment;~~
- ~~2. Temporary removal from the classroom;~~
- ~~3. Deprivation of privileges;~~
- ~~4. Classroom or administrative detention;~~
- ~~5. Referral to disciplinarian;~~
- ~~6. In school suspension;~~
- ~~7. Out of school suspension (short term or long term);~~
- ~~8. Reports to law enforcement or other legal action; or~~
- ~~9. Expulsion.~~

~~Examples of Remedial Measures~~

~~Personal Student Exhibiting Bullying Behavior~~

- ~~1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;~~
- ~~2. Meet with parents to develop a family agreement to ensure the parent and the student understands school rules and expectations;~~
- ~~3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;~~
- ~~4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;~~
- ~~5. Meet with school counselor, school social worker, or school psychologist to explore mental health concerns (e.g., what is happening and why?);~~
- ~~6. Develop a behavior modification plan that includes consequences and skill building;~~
- ~~7. Consider wrap-around support services or after-school programs or services;~~
- ~~8. Provide social skills training to gain tools in problem-solving, impulse control, anger management, and building empathy;~~
- ~~9. Arrange for an apology, preferably written;~~
- ~~10. Require a reflective essay to ensure the student understands the impact of his or her actions on others;~~
- ~~11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;~~
- ~~12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;~~
- ~~13. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and~~
- ~~14. Schedule a follow-up conference with the student.~~

~~Personal—Target/Victim~~

- ~~1. Meet with a trusted staff member to explore the student's feelings about the incident;~~
- ~~2. Develop a plan to ensure the student's emotional and physical safety at school;~~
- ~~3. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;~~
- ~~4. Ask students to log behaviors in the future;~~
- ~~5. Help the student develop skills and strategies for resisting bullying; and~~
- ~~6. Schedule a follow-up conference with the student.~~

~~Parents, Family, and Community~~

- ~~1. Develop a family agreement;~~
- ~~2. Refer the family for family counseling; and~~
- ~~3. Offer parent education workshops related to bullying and social-emotional learning.~~

~~Examples of Remedial Measures—Environmental (Classroom, School Building or School District)~~

- ~~1. Analysis of existing data to identify bullying issues and concerns;~~
- ~~2. Use of findings from school surveys (e.g., school climate surveys);~~
- ~~3. Focus groups;~~
- ~~4. Mailings—postal and email;~~
- ~~5. Cable access television;~~
- ~~6. School culture change;~~
- ~~7. School climate improvement;~~
- ~~8. Increased supervision in “hot spots” (e.g. locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);~~
- ~~9. Adoption of evidence-based systemic bullying prevention practices and programs;~~
- ~~10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;~~
- ~~11. Professional development plans for involved staff;~~
- ~~12. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;~~
- ~~13. Formation of professional learning communities to address bullying problems;~~
- ~~14. Small or large group presentations for fully addressing the actions and the school’s response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions;~~
- ~~15. School policy and procedure revisions;~~
- ~~16. Modifications of schedules;~~
- ~~17. Adjustments in hallway traffic;~~

- ~~18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;~~
- ~~19. Modifications in student routes or patterns traveling to and from school;~~
- ~~20. Supervision of student victims before and after school, including school transportation;~~
- ~~21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);~~
- ~~22. Targeted use of teacher aides;~~
- ~~23. Disciplinary action, including dismissal, for school staff who contributed to the problem;~~
- ~~24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;~~
- ~~25. Parent conferences;~~
- ~~26. Family counseling;~~
- ~~27. Development of a general harassment, intimidation, and bullying response plan;~~
- ~~28. Behavioral expectations communicated to students and parents;~~
- ~~29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;~~
- ~~30. Recommendations of a student behavior or ethics council;~~
- ~~31. Participation in peer support groups;~~
- ~~32. School transfers; and~~
- ~~33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.~~

~~Consequences and Appropriate Remedial Actions—Adults~~

~~The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~

~~Target/Victim Support~~

~~Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type,~~

~~diversity, location, and degree of support are directly related to the student's perception of safety.~~

~~Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.~~

~~Examples of support for student victims of harassment, intimidation, and bullying include:~~

- ~~1. Teacher aides;~~
- ~~2. Hallway and playground monitors;~~
- ~~3. Partnering with a school leader;~~
- ~~4. Provision of an adult mentor;~~
- ~~5. Assignment of an adult "shadow" to help protect the student;~~
- ~~6. Seating changes;~~
- ~~7. Schedule changes;~~
- ~~8. School transfers;~~
- ~~9. Before and after school supervision;~~
- ~~10. School transportation supervision;~~
- ~~11. Counseling; and~~
- ~~12. Treatment or therapy.~~

E. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving complaints alleging violations of this Policy, including anonymous reports. All Board members, school employees, and volunteers and contracted service providers who have contact with students who witness or receive reliable information regarding any alleged violations of this Policy are required to verbally report ~~alleged violations of this Policy such incident~~ to the Principal or the Principal's designee on the same day ~~when the individual witnessed or received reliable information regarding any such incident~~. All ~~The~~ Board members, school employees, ~~and or~~ volunteers and contracted service providers who ~~has~~ve contact with students, ~~also~~ shall also submit a report in writing to the Principal within two school days of the verbal report.

The Principal ~~will~~shall inform the parents of all students involved in alleged incidents, but will take into account the circumstances and nature of the incident, including the actual or perceived protected category motivating the alleged offense when apprising parents of the reported allegation. The Principal ~~may, and,~~ as appropriate, ~~may~~ discuss the availability of counseling and other intervention services available to the student. The Principal, upon receiving a verbal or

written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes ~~the~~his report in compliance with the procedures set forth in this Policy is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

F. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety/Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
- b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
- c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
- d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent, including identifying the Anti-Bullying Specialist(s) responsible for investigating a report of harassment, intimidation, or bullying of a District student attending a State approved private school for students with disabilities; and

- e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/Climate Team as provided in N.J.S.A. 18A:37-21;
 - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
 - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety/Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/Climate Team shall meet, at a minimum two times per school year. The School Safety/Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety Team.

The School Safety/Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and

- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/Climate Team and other members of the School Safety/Climate Team who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall only participate in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Such member shall not receive confidential student information; participate in the activities of the Team set forth in 3. a., b., or c. above; or participate in any other activities of the Team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Students Records and N.J.A.C. 6A:14-2.9, Student Records.

G. Harassment, Intimidation, and Bullying Investigation

The Board recognizes that some reports of alleged harassment, intimidation, or bullying are outside of the scope of N.J.S.A. 18A:37-14 and that investigations of these reports are time consuming and a strain on our resources. Therefore, in accordance with N.J.A.C. 6A:16-7.7(a)2ix, the Board requires the Principal, in consultation with the Anti-Bullying Specialist, to immediately review harassment, intimidation, or bullying reports and make a preliminary determination as to whether a report incident or complaint, assuming all facts presents are true, is a report within the scope of N.J.S.A. 18A:37-14.

If the Principal determines the incident or complaint is not a report within the scope of N.J.S.A. 18A:37-14, no investigation shall be initiated and the Principal's determination may be appealed to the Board pursuant to Policy 5710 (Pupil Grievance). Records will be maintained, and Principals must provide all documentation to the Superintendent. If the Principal determines the incident or complaint is a report within the scope of N.J.S.A. 18A:37-14, an investigation shall be initiated in compliance with the below procedures.

1. Investigation Procedures

An~~The~~ investigation shall be initiated by the Principal or the Principal's designee within one school day of the determination of the Principal that the incident is a report within the scope of N.J.S.A. 18A:37-14.~~The investigation shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation.~~

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the ~~school Anti-Bullying Specialist assigned~~ investigator shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

A. Investigations of Alleged Student Violation

The investigation of any complaint alleging a violation of this Policy by a District student shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation.

B. Investigations of Alleged Adult Violation

“Adult” means: all staff members, including contracted staff; volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs. The investigation of any complaint alleging a violation of this Policy by an adult shall be conducted by a Central Office Administrator, or at the discretion of the Board of Education, a third-party investigator. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

2. Investigation Results

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent’s report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

3. Parent Appeal

A parent or guardian may request a hearing before the Board of Education ~~after no later than sixty calendar days after~~ receiving the information about the investigation. ~~The request for a hearing shall be made in writing to the Board Secretary.~~ The hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to N.J.S.A. 18A:37-15(d) and the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear ~~testimony from and consider information provided by~~ the school Anti-Bullying Specialist ~~and others, as appropriate,~~ regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, ~~prior to rendering a determination.~~ The Board may also hear from the parent regarding the incident.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, student, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

H. Harassment, Intimidation, and Bullying Investigation of District Students Attending State Approved Private Schools for Students with Disabilities

The Anti-Bullying Specialist shall investigate a report of harassment, intimidation or bullying for a District student attending a State approved private school for students with disabilities through an IEP if the incident is reported to have occurred on a Board of Education school bus, at a Board of Education school-sponsored function, or off school grounds. If the report of harassment, intimidation, or bullying involves students from more than one school district, the district board(s) of education of the victim(s) involved shall initiate the investigation. The Anti-Bullying Specialist shall consult with the State approved private school for students with disabilities during the investigation.

The State approved private school for students with disabilities is responsible for the investigation of a report of harassment, intimidation or bullying occurring on its school grounds.

The parent or guardian of a District student attending a State approved private school for students with disabilities who is a party to a harassment, intimidation, or bullying investigation may request a hearing before the District board of education concerning the results of an investigation in accordance with the Parent Appeal procedures of this Policy, set forth above.

H.I. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

~~The Board shall establish a range of responses to harassment, intimidation, and bullying incidents and the Principal and the Anti-Bullying Specialist shall appropriately apply these responses once~~

~~an incident of harassment, intimidation, or bullying is confirmed.~~—The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The Principal, in conjunction with the Anti-Bullying Specialist, shall define the range of ways in which school staffthe school will respond to confirmed incidents of harassment, intimidation, or bullying, but shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately only to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building or school district level or by law enforcement officials.

The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences – Student Considerations

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Consequences – School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

Factors for Determining Remedial Measures - Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;

5. Interests;
6. Hobbies;
7. Extra-curricular activities;
8. Classroom participation;
9. Academic performance; and
10. Relationship to students and the school district.

Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board's approved Code of Student Conduct (Policy 5600) and pursuant to N.J.A.C. 6A:16-7.2, 7.3, and 7.4. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. Remedial action for a student found to have committed an act of harassment, intimidation, or bullying shall take into account: the nature of the behavior; the nature of the student's disability, if any and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. Remedial actions may include, but shall not be limited to: a behavioral assessment or evaluation, referral to the child study team, or referral to I&RS.

Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. "Adult" means: all staff members, including contracted staff; volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are

associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support

Remedial measures may be provided, as determined necessary and appropriate by administration, to support the victim of an act of harassment, intimidation, and bullying, provides relief to the victim, and does not stigmatize the victim or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures will be undertaken by administration to help ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

~~H. For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:~~

~~I.—~~

~~J. 1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life-skills groups) intended to remediate the problem behaviors~~

~~K.—~~

~~L. 2. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.~~

~~M.—~~

~~N. 3. School responses can include theme days, learning station programs, "acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs, the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices, and harassment, intimidation, and bullying prevention curricula or campaigns.~~

~~Q.~~

~~P. 4. District wide responses can comprise of adoption of school wide programs, including enhancing the school climate, involving the community in policy review and development, providing professional development, coordinating with community based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations), launching harassment, intimidation, and bullying prevention campaigns.~~

~~Q.~~

I.J. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, member of any organization, group, association, or club which is associated with the District, or student from engaging in reprisal, retaliation, or false accusation against a victim, witness, one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy. Consequences and remedial measures for students who engage in reprisal or retaliation shall be in accordance with this Policy and Policy 5600 (Code of Conduct).

Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

I.K. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation shall be in accordance with this Policy and Policy 5600 (Code of Conduct) and may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Students and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions ~~and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.~~
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to, reprimand, suspension, increment withholding, or termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors, ~~or~~ Volunteers, or Members of Organizations associated with the District - Consequences and appropriate remedial action for a visitor, ~~or~~ volunteer, or member of any organization, group, association, or club which is associated with the District found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings, ~~or~~ grounds, or school-events privileges, or prohibiting contact with students or the provision of student services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

K.L. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students.

The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that sets forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

L.M. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers, and volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22-d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board members must complete, during the first year of the member's first term, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents or guardians, law enforcement, and community members. The programs or approaches and other

initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17, et seq.

M.N. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent shall develop and implement a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with students.

The Superintendent and the Principal(s) shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the schools' Anti-Bullying Specialists, and recommend revisions and additions to the Policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment and review.

N.O. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year between September and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, and bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46. The information reported shall be used to grade each school and each district in accordance with the provisions of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

O.P. School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with provisions of N.J.S.A. 18:37-13, et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

P.Q. Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

Q.R. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-

Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

R.S. Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

~~The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the appropriate Executive County Superintendent of Schools within thirty days of Board adoption.~~

N.J.S.A. 18A:37-13 through 18A:37 32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011 – New Jersey Department of Education

Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011~~†~~

Previous Adoptions: January 28, 2008, July 18, 2011, ~~&~~December 19, 2011 & November 18, 2013

First Reading: ~~October 21, 2013~~ November 19, 2018

Second Reading: ~~November 18, 2013~~ December 17, 2018

Latest Adoption: November 18, 2013