

Millville Board of Education District Policy Manual

Students

Series 5000

Harassment, Intimidation & Bullying

Policy 5131.9

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August 8, 2011, December 18, 2017, December 17, 2018

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The Board of Education prohibits acts of harassment, intimidation or bullying against any pupil.

A safe and civil environment in school is necessary for pupils to learn and achieve. High academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment; and since pupils 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, "bullying" is unwanted, aggressive behavior that may involve a real or perceived power imbalance and "harassment, intimidation or bullying" means any gesture or written, verbal or physical act or any use of an electronic communication device directed at a student that takes place on or off school grounds, at any school-sponsored function, or on a school bus as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3 that:

- A. Targets a student and which may affect his/her educational program;
- B. Substantially disrupts, infringes or interferes with the orderly operation of the school or the rights of other students;
- C. Creates a hostile educational environment for a student(s) by infringing and/or interfering with a student(s)' education;
- D. Severely or pervasively causes physical or emotional harm to a student(s);
- E. Is motivated by 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,
- F. By any other distinguishing characteristic; and
- G. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his person or damage to his property; or
- H. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

For the purposes of this policy and as defined in NJSA 18A:37-15.1, an electronic communication device is, "A communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager."

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Acts of harassment, intimidation or bullying may also be a pupil or group of pupils exercising control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

The term “school grounds,” pursuant to NJAC 6A:16-1.3, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in NJAC 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

Anti-Bullying Coordinator

The Superintendent of Schools shall appoint a district anti-bullying coordinator, who shall be responsible for overseeing and strengthening the anti-bullying initiatives and policies of this district to prevent, identify and address harassment, intimidation or bullying of students. 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. The district anti-bullying coordinator shall also:

- A. Collaborate with the school anti-bullying specialist(s), the Board of Education and the Superintendent of Schools to prevent, identify and respond to harassment, intimidation or bullying of students in the district;
- B. Shall be made available to private schools in the municipality the public school is located in.
- C. Provide data in collaboration with the Superintendent of Schools, to the New Jersey 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 of Schools; and,
- E. Meet at least twice per school year (once in the first semester and once in the second semester) with the school anti-bullying specialist(s) to discuss and strengthen procedures and policies to prevent identify and address harassment, intimidation or bullying in the district.

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

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In addition, a school safety/climate team shall be established in each school to foster and maintain a positive school climate within the schools. The school safety/climate team must, at a minimum, consist of the principal or his/her designee, a teacher within the school, the school anti-bullying specialist who will serve as the team chair, and a parent/guardian of a student within the school. Any parent/guardian who serves on the school safety/climate team shall not participate in any activity of the team that may compromise the confidentiality of students. Other members of the school safety/school climate team who are not authorized to access student records shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

The Principal shall be appointed by the Superintendent of Schools to fulfill the role of anti-bullying specialist.

The Principal or Superintendent of Schools must appoint the currently employed school guidance counselor, school psychologist or other similarly trained individual as the school anti-bullying specialist. If there is no such individual meeting these criteria, the Principal or Superintendent of Schools must appoint another currently employed individual in the school to the position of school anti-bullying specialist.

The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead investigations 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.

The Superintendent of Schools/designee shall develop a list of appropriate responses to actions of harassment, intimidation or bullying occurring off school grounds, in cases in which a school employee is made aware of such actions. These responses shall be consistent with the district's code of student conduct and other provisions of this policy and in accordance with the provisions of state and federal laws.

For school staff to address HIB that occurs off school grounds there must be reason to believe, at a minimum, that the alleged HIB has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the provisions of this policy and the code of student conduct of the district.

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Expected Behavior

The Board of Education expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board of Education believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents/guardians, staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of pupils, staff and community members.

The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

Cyber-bullying

The Board of Education expressly forbids cyber-bullying. For the purposes of this policy, “cyber-bullying” shall mean using the communication capacities of computers, the Internet and/or other digital communication devices to bully others by:

- A. Sending or posting cruel messages or images;
- B. Threatening others;
- C. Excluding or attempting to exclude others from activities or organizations;
- D. Starting or passing on rumors about others or the school system;
- E. Harassing or intimidating others;
- F. Sending angry, rude or vulgar messages directed at a person or persons privately or to an online group;
- G. Sending or posting harmful, untrue or cruel statements about a person to others;
- H. Pretending to be someone else and sending or posting material that makes that person look bad or places that person in potential danger;
- I. Sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images; and/or,
- J. Engaging in tricks to solicit embarrassing information that is then made public.

Pupils found to be engaging in activities as described above shall be subject to the terms and sanctions found in this policy and the discipline code of the district.

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The Superintendent of Schools shall provide annually to pupils and their parents/guardians the rules of the district regarding pupil conduct, and the policy shall appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the pupil handbook.

Provisions shall be made for informing parents/guardians whose primary language is other than English. These district rules shall include, but not be limited to:

- A. Describing pupil responsibilities including the requirements for pupils to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;
- B. Addressing appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success,
- C. Explaining pupil rights; and,
- D. Identifying disciplinary sanctions and due process.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Discipline of Pupils

In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

Pupils

Consequences and remedial measures for a pupil who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the nature of the student's disability, if any and to the extent relevant; the development age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the Board of Education approved code of student conduct and NJAC 6A:16-7.

Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;

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- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action; and
- J. Expulsion.

Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Student counseling;
- M. Parent conferences;
- N. Student treatment; or
- O. Student therapy.

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- A. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- B. School culture change;
- C. School climate improvement;
- D. Adoption of research-based, systemic bullying prevention programs;
- E. School policy and procedures revisions;
- F. Modifications of schedules;
- G. Adjustments in hallway traffic;
- H. Modifications in student routes or patterns traveling to and from school;
- I. Supervision of students before and after school, including school transportation;
- J. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- K. Teacher aides;
- L. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- M. General professional development programs for certificated and non-certificated staff;
- N. Professional development plans for involved staff;
- O. Disciplinary action for school staff who contributed to the problem;
- P. Supportive institutional interventions, including participation of the intervention and referral services team;
- Q. Parent conferences;
- R. Family counseling;
- S. Involvement of parent-teacher organizations;

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Staff

Remaining consistent with the Board of Education requirements that all violations and complaint reports of harassment, intimidation or bullying committed by an adult or youth against a student be investigated promptly by the appropriately designated administrator or his/her designee. All investigations shall be thorough and complete with the understanding that complaints about any staff member or adult conduct cannot be investigated by a member of the same bargaining unit. Any person who has been convicted of bias intimidation may be disqualified for employment in this district.

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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.

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges that could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Referral to disciplinarian;
- E. Withholding of Increment
- F. Suspension;
- G. Bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds;
- H. Legal action; and
- I. Termination.

Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Support group;
- E. Recommendations of behavior or ethics council;
- F. Corrective action plan;
- G. Behavioral assessment or evaluation;
- H. Behavioral management plan, with benchmarks that are closely monitored;
- I. Involvement of school disciplinarian;
- J. Counseling;
- K. Conferences;
- L. Professional development programs;
- M. Work environment modifications;
- N. Treatment; or
- O. Therapy.

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Environmental (Classroom, School Building or School District)

- A. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- B. School culture change;
- C. School climate improvement;
- D. Adoption of research-based, systemic bullying prevention programs;
- E. School policy and procedures revisions;
- F. Modifications of schedules;
- G. Supervision;
- H. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- I. General professional development programs for certificated and non-certificated staff;
- J. Professional development plans for involved staff;
- K. Disciplinary action;
- L. Supportive institutional interventions, including participation of the intervention and referral services team;
- M. Conferences;
- N. Counseling.

Reporting Harassment, Intimidation or Bullying

The Superintendent of Schools, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

Any school employee, pupil, Board Member, or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriately designated administrator or his/her designee.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the Board of Education according to the appeal process detailed below. The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

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When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly and in accordance with law and the following procedures:

All acts of harassment, intimidation or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted services provider witnessed or received reliable information regarding any such incident. This includes an act of HIB committed by an adult or youth against a student. The principal may use his/her discretion in handling initial HIB complaints in accordance with current HIB legislation. The principal shall inform the parent(s)/guardian(s) of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying including an act of HIB committed by an adult or youth against a student, shall be reported in writing to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subjected to harassment, intimidation or bullying.

In cases in which an incident of harassment, intimidation or bullying occurs exclusively among or between special education students or student with developmental disabilities in the context of a county special services school district or a separate program for special education students within a school district, the school employee who witnesses such an incident shall have the discretion to determine whether it is necessary to report the incident or if the incident may have been affected by the condition of the student(s) and thereby warrants an alternative approach more appropriate in the special education context.

Reports of harassment, intimidation or bullying in any form, including but not limited to, oral reports, written reports or electronic reports shall be taken. Reports shall also be made to the Department of Education through the Student Safety Data System (SSDS). The Board of Education shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

- A. The Board of Education requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the appropriately designated administrator or his/her designee. The principal (or his/her designee) and the anti-bullying specialist may make a preliminary determination if the complaint is within the scope of HIB prior to initiating an investigation.

- A. All investigations shall be thorough and complete and shall include, but not be limited to:
 - 1. Taking of statements from victim, witnesses and accused;
 - 2. Careful examination of facts;

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3. Support for the victim; and
4. Determination if alleged act constitutes a violation of this policy
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and in accordance with law and board policy. The Superintendent of Schools initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the finds of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
 1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the Superintendent of Schools
- F. The Superintendent of Schools or his/her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
 1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the Superintendent of Schools.
- G. 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 appropriately designated administrator shall maintain all reports and records of the investigation on file.

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Range of Ways to Respond to Harassment, Intimidation or Bullying

The Board of Education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. 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 levels or by law enforcement officials. In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses may include, but are not limited to:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation or bullying in the school community;
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include, but not be limited to:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

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Retaliation and Reprisal Prohibited

The Board of Education prohibits reprisal or retaliation against any person 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 Superintendent of Schools and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and Board of Education policies and procedures.

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer, visitor, or Board of Education Member who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law.

School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service.

Visitors, Volunteers

Consequences and appropriate remedial action for a visitor or volunteer, found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined by the Superintendent of Schools after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences

- A. Admonishment;
- B. Temporary removal from the classroom or school;
- C. Deprivation of privileges;

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- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action;
- J. Withholding of Increment;
- K. Suspension;
- L. Expulsion;
- M. Termination.

Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Counseling;
- M. Conferences;
- N. Professional development programs;
- O. Work environment modifications;
- P. Treatment; or
- Q. Therapy.

Examples of consequences for a school employee or a contracted service provider who has contact with pupils that engages 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.

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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.

Support for Victims of Harassment, Intimidation or Bullying

The Superintendent of Schools/designee shall establish procedures and practices for supporting victims of harassment, intimidation or bullying, incorporating the services of professional staff members within the district or as he/she deems appropriate.

Investigation & Appeal

The Superintendent of Schools/designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Superintendent of Schools/designee shall oversee a prompt, thorough and complete investigation of the alleged incident.

School administrators who receive a report of harassment, intimidation or bullying from a district employee and fail to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation or bullying and fail to take sufficient action to minimize or eliminate the harassment, intimidation or bullying may be subject to disciplinary action.

The investigation shall be initiated by the principal within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. Additional personnel may be appointed by the principal to assist in the investigation. The investigation shall be completed within 10 school days from the date of the written report of the incident of harassment, intimidation or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.

The results of the investigation shall be reported to the Superintendent of Schools within 2 school days of the completion of the investigation and in accordance with the regulations promulgated by the NJ State Board of Education pursuant to the "Administrative Procedure Act," PL 1968, c410 (C.52:14B-1 et seq). The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, or order counseling as a result of the findings of the investigation or take or recommend other appropriate actions.

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The results of each investigation shall be reported to the Board of Education no later than the date of the Board of Education meeting next following the completion of the investigation along with information on any services provided, training established, discipline imposed or other actions taken or recommended by the Superintendent of Schools.

Parents/guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation in accordance with federal and state law and regulations, whether the district found evidence of harassment, intimidation or bullying or whether discipline was imposed or services provided to address the incident. The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the Board of Education. A parent/guardian may request a hearing before the Board of Education after receiving the information and the hearing shall be held within 10 days of the request. The Board of Education shall meet in executive session for the hearing to protect the confidentiality of the student(s). At the hearing, the Board of Education may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services and any programs instituted to reduce such incidents.

At the Board meeting following the receipt of the report, the Board of Education shall issue a decision, in writing to affirm, reject or modify the decision of the Superintendent of Schools. The decision of the Board of Education may be appealed to the NJ Commissioner of Education in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the decision of the Board of Education.

A parent/guardian or organization may file a complaint with the Division on Civil Rights within 180 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," PL 1945, c169 (C. 10:5-1 et seq).

Response to an Incident of Harassment, Intimidation or Bullying

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals 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 levels or by law enforcement officials.

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Consequences for False Accusation

Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A:37-1, Discipline of Pupils.

Public Participation

Based on broad community involvement (i.e., the use of a process that includes representation of parents/guardians and other community representatives, school employees, volunteers, pupils and administrators for the purpose of providing input regarding the development and content of the policy that is based on accepted core ethical values), the Board of Education shall develop general guidelines for pupil conduct and shall direct development of detailed regulations suited to the age levels of the pupils and the mission and physical facilities of the individual schools. Board policy requires all pupils in the district to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

Dissemination and Implementation

The Superintendent of Schools shall take the following steps to publicize this policy:

- A. Publicized on district website;
- B. Distributed annually to all staff, students and parents/guardians;
- C. Printed in school handbooks; and
- D. Posted at the entrance of each building.

A link to this policy shall be prominently posted on the home page of the district website and distributed annually to parents/guardians of students of this district. In addition, the name, school address, school phone number and email address of the district anti-bullying coordinator shall be listed on the district's website home page

All pupils and staff shall be informed that harassment, intimidation or bullying is prohibited on school property, at any school-sponsored function or on a school bus. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

Training of Staff Members, Administrators & Board of Education Members

The training needs of district staff for the effective implementation of this policy, procedures and initiatives of the Board of Education shall be reviewed annually. The Board of Education shall also implement staff training programs consistent with this review. Such training shall include, but not be limited to information on and the relationship between the risk of suicide and incidents of harassment, intimidation or bullying and reducing the risk of suicide among students, especially for those students who are members of communities identified as having members at high risk of suicide.

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By the 2011-2012 school year, all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals.

Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Education, a Board Member shall complete a training program dealing with harassment, intimidation or bullying in schools and including a school district's responsibilities under PL 2002, c.83 (C.18A:37-13 et seq). This training shall be provided by the New Jersey School Boards Association in consultation with recognized experts in school bullying from a cross-section of academia, child advocacy organizations, nonprofit organizations, professional associations and governmental agencies. Board Members shall be required to complete the program only once.

The training course for any safe school resource officers and/or public school employees assigned by the Board of Education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation or bullying.

The extent and characteristics of harassment, intimidation or bullying behavior in the district's schools, and implementation programs, or other responses, if appropriate, shall be reviewed annually. These programs or other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, current and new school employees school volunteers, students, and school administrators, as appropriate.

Twice annually, at a public hearing, the Superintendent of Schools must report to the Board of Education, all acts of violence, vandalism and harassment, intimidation or bullying that occurred during the previous period. This report shall include, but not be limited to:

- A. The number of reports of harassment, intimidation or bullying the status of all investigations;
- B. The nature of the bullying based on one of the protected categories identified in Section 2 of PL 2002, c.83 (C18A:37-14);
- C. The names of the investigators;
- D. The type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying; and,
- E. Any other means imposed training conducted or programs implemented to reduce harassment, intimidation or bullying.

The information shall also be reported once during each semester of the school year to the Department of Education. The report must include data broken down by the enumerated categories as listed in Section 2 of PL 2002, c.83 (C18A:37-14, and data broken down by each school in the district, in addition to district-wide data. The report will be used to grade schools and districts in their efforts to implement policies and programs with the "Anti-Bullying Bill of Rights Act. It shall be a violation to improperly release any confidential information not authorized by federal or state law for public release.

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The district shall be graded by the New Jersey Commissioner of Education on its efforts to identify harassment, intimidation or bullying and the School Report Card shall include data identifying the number and nature of all reports of harassment, intimidation or bullying.

The grade assessed for each school and the district shall be published on the district website, along with a link to the report. This information shall be posted on the district website within 10 days of the receipt of a grade by the school and district.

The Superintendent of Schools shall ensure that the rules for this policy are applied consistently with the district's code of student conduct NJAC 6A:16-7 and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

A copy of this policy and any future revisions to it shall be transmitted to the County Executive Superintendent of Schools within 30 days of the adoption of the policy and/or any revisions to it.

Annually, the district shall conduct a re-evaluation, reassessment and review of this policy, making any necessary revisions and additions. The Board of Education shall include input from the school anti-bullying specialist(s) in conducting this review, re-evaluation, and reassessment.

The week beginning with the first Monday in October of each year has been designated as a "Week of Respect" in the State of New Jersey. This district shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation and bullying. In addition, the district shall provide ongoing age-appropriate instruction dealing with the prevention of harassment, intimidation and bullying, in accordance with the New Jersey Core Curriculum Content Standards.

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Legal References

- NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:11-1 General mandatory powers and duties
18A:25-2 Authority over pupils
18A:37-1 et seq. Discipline of Pupils
- NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1 et seq. Programs to Support Student Development
6:32-12.1 Reporting requirements

Possible Cross References

1120, 1410, 3517, 3541.33, 4131, 4131.1, 4148, 4231.1, 4248, 5010, 5020, 5113, 5114, 5124, 5131.7, 5132, 5145, 5145.4, 5145.6, 5145.11, 5145.12, 6142.41, 6145, 6164.4, 6171.4, 6172