

**POLICY**DATED: August 24, 2011

---

**HARASSMENT, INTIMIDATION AND BULLYING**

The board of education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. 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 students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Estell Manor School District's Code of Conduct. The board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The chief school administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the chief school administrator shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board directs the chief school administrator or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either 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 by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that 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, 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 the student's education or by severely or pervasively causing physical or emotional harm to the student.

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

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

##### Students

Consequences and remedial measures for a student who commits an act 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. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

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

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 during the school week or the weekend;
7. Removal from before and after school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

##### A. Remedial Measures

1. Personal
  - a. Restitution and restoration;
  - b. Mediation;
  - c. Recommendations of a student behavior or ethics council;
  - d. Corrective instruction or other relevant learning or service experience;
  - e. Supportive student interventions, including participation of the intervention and referral services team;
  - f. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - g. Behavioral management plan, with benchmarks that are closely monitored;
  - h. Assignment of leadership responsibilities (e.g., hallway or bus monitor);

- i. Involvement of school disciplinarian;
  - j. Student counseling;
  - k. Parent conferences;
2. 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. 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. Involvement of parent-teacher organizations; Assemblies

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

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

#### Staff

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 which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A. Consequences
  - 1. Admonishment;
  - 2. Temporary removal from the classroom;
  - 3. Deprivation of privileges;
  - 4. Withholding of Increment
  - 5. Suspension;
  - 6. Legal action; and
  - 7. Termination
- B. Remedial Measures
  - 1. Personal
    - a. Restitution and restoration;
    - b. Mediation;

- c. Support group;
  - d. Recommendations of behavior or ethics council;
  - e. Corrective action plan;
  - f. Behavioral assessment or evaluation;
  - g. Behavioral management plan, with benchmarks that are closely monitored;
  - h. Counseling;
  - i. Conferences;
  - j. Treatment; or
  - k. Therapy.
2. 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 and Bullying Behavior

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

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. 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 service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any

school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or 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.

#### District Anti-Bullying Coordinator

The chief school administrator shall appoint a district anti-bullying coordinator. The chief school administrator 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, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the chief school administrator, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

#### School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

#### School Safety Team

The district shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the 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 team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any 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;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;
- C. Identify and address patterns of harassment, intimidation or bullying of students; or
- D. Participate in any other activities of the team which may compromise the confidentiality of a student.

#### Investigating Reported Harassment, Intimidation and Bullying

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  1. Taking of statements from victims, witnesses and accused;
  2. Careful examination of the facts;
  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 chief school administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The chief school administrator may 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 findings 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 chief school administrator.
- F. The chief school administrator or his or 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 in accordance with Federal and State law and regulation and include:
1. The nature of the investigation;
  2. Whether the district found evidence of harassment, intimidation, or bullying; or
  3. Whether discipline was imposed.
  4. Services provided to address the incident of harassment, intimidation, or bullying.

#### 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 include:

- 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 and bullying in the school community; and
- 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:

- 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).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

#### Retaliation and Reprisal Prohibited

The board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted\_service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the chief school administrator and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted\_service provider, volunteer or visitor 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.

#### A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused 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;

#### B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused 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;

#### C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

## D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the chief school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

## A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. In-school suspension during the school week or the weekend;
7. Removal from before and after school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action;
10. Withholding of Increment;
11. Suspension;
12. Expulsion;
13. Termination;
14. Termination of service agreements or contracts (vendors, volunteers);
15. Public sanction (board members);
16. Ethics charges (some administrators, board members).

## B. Remedial Measures

## 1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Counseling;
- k. Conferences;

## 2. 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;

#### Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the chief school administrator regarding the investigation. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board 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 next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, 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."

#### Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

#### Training

##### A. School Leaders

Any school leader who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

##### B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and 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 (N.J.S.A. 18A:6-112).

## C. Board Members

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 on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

## D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the chief school administrator will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 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;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The chief school administrator will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The chief school administrator shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the chief school administrator shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

#### Program Assessment and Review

Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

#### Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

#### Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The chief school administrator shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Date: June 22, 2011

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

#### Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct,

**Legal References**

  X   Monitored  
  X   Mandated  
  X   Other Reasons

HARASSMENT, INTIMIDATION AND BULLYING

**QSAC Monitored:**

Section 3: Governance

**Mandated:**

*P.L. 2010, c.122 concerning harassment, intimidation, and bullying in school settings, amended various parts of the statutory law and supplements N.J.S.A. 18A:37-13 et seq. and chapter 3B of Title 18A of the New Jersey Statutes. It created the "Anti-Bullying Bill of Rights Act" which is contained in N.J.S.A. 18A: 37-13 through N.J.S.A. 18A: 37-32.*

N.J.S.A. 18A:37-14, as amended by P.L. 2010, c.122 section 11, defines "harassment, intimidation or bullying" to include "any gesture, written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either 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 by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds that 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, 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 person or damage to his property;
- 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. "

An "electronic communication is defined as "a communication transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager."

*N.J.S.A. 18A:37-15 requires each school district to adopt a policy through a process that includes representation of parents/guardians, school employees, volunteers, students, administrators, and community representatives that:*

- A. *Prohibits harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus;*
- B. *Contains a definition of harassment, intimidation and bullying no less inclusive as set forth in N.J.S.A. 18A:37-14;*
- C. *Describes the type of behavior expected from each student;*
- D. *Lists the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;*
- E. *Enumerates the time frames and statutory procedures for reporting and promptly investigating reports of violations and complaints of harassment, intimidation and bullying, as well as post-investigative reporting to the chief school administrator and the board and district response and disposition of reported incidents;*
- F. *Ensures that parents/guardians and students who are parties to an investigation receive written information within 5 days of the date the results of the investigation are reported to the board, regarding the nature of the investigation, evidence and actions taken, and are afforded an opportunity for a hearing before the board;*
- G. *Details and includes the legal time frames for the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;*
- H. *Details that the district response to harassment, intimidation and bullying shall be defined by the principal in conjunction with the anti-bullying specialist and include an appropriate combination of actions;*
- I. *Prohibits reprisal or retaliation for reporting harassment intimidation and bullying;*
- J. *States the consequences and appropriate remedial action for a person who has been found to have falsely accused another person as a means of retaliation or as a means of harassment, intimidation and bullying;*
- K. *Includes a statement of how the policy will be publicized, including notification of the policy's application to school sponsored functions;*
- L. *Is distributed annually to parents and guardians who have children enrolled in a school in the school district; and is linked in a prominent location of the school and district website homepage, along with the identifying information regarding the district anti-bullying coordinator and the school anti-bullying specialist;*

M. *Is annually re-evaluated, reassessed and reviewed with revisions transmitted to the executive county superintendent within 30 days of the revision (beginning September 1, 2011).*

*A district may adopt more stringent provisions than those required. A district is required to provide notice of its policy in any of its publications that contain school rules, and in any student handbook.*

N.J.S.A. 18A:37-15.3 (P.L. 2010, c.122, Section 16) *requires that district policy include provisions for appropriate responses to harassment, intimidation and bullying as defined in N.J.S.A. 18A:37-14, that occurs off school grounds, where a school employee is made aware of such actions. The responses must be consistent with the code of student conduct and the board policy on harassment, intimidation and bullying.*

N.J.S.A. 18A:37-16 (see P.L. 2010, c.122, Section 13) *prohibits retaliation and false accusations by a board member, school employee, student or volunteer against a victim, or person with reliable information about an act of harassment, intimidation or bullying. It also requires reporting of incidents by a board member, school employee, contracted service provider, student or volunteer with reliable information that a student has been subject to harassment, intimidation, or bullying. Reporting shall be to the designated school official, or any school administrator or safe schools resource officer.*

*A board member or school employee who promptly and properly reports an incident of harassment, intimidation or bullying, is protected from legal action for damages arising from any failure to remedy the incident. A school administrator who receives a report and fails to conduct an investigation, or who should have known of an incident but fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.*

N.J.S.A. 18A:37-17 (see P.L. 2010, c. 122, Section 14) *requires the principal of each school to appoint from existing trained and qualified staff a school anti-bullying specialist and details the responsibilities of the anti-bullying specialist. Additionally, the law requires the chief school administrator to appoint a district anti-bullying coordinator and lists the responsibilities pertaining to the district's bullying policy and programs, and requires the anti-bullying coordinator to meet at least two times a year with the school anti-bullying specialists.*

N.J.S.A. 18A:37-26 *requires the Commissioner of Education to establish inservice workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists. (P.L. 2010, c. 122, Section 23)*

N.J.S.A. 18A:37-21 (P.L. 2010, c. 122, Section 18) *requires each school to form a school safety team which at a minimum includes the principal or his or her designee (who shall be a senior school administrator), a teacher, the anti-bullying specialist, a parent/guardian of a student in the school and other members as determined by the principal. The school safety team is required to meet at least twice a year, and its responsibilities are enumerated and include the review and analysis of bullying reports; investigations; school bullying program and policy assessment and revision; training and staff development programs; community education; and district data accumulation and reporting. Parents may not participate in certain activities, including those that would compromise student confidentiality.*

N.J.S.A. 18A:37-18 *provides that the school statutes involving harassment, bullying, and intimidation do not prevent a victim from seeking redress under any other available law.*

N.J.S.A. 18A:37-19, adopted in 2002 (P.L. 2002, c.83, s.7.) *provides for a school district that incurs additional costs to implement the bullying law, to apply to the Commissioner of Education for reimbursement.*

N.J.S.A. 18A:37-28 (P.L. 2010, c. 122, Section 25) *establishes a "Bullying Prevention Fund" to be used for grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.*

N.J.S.A. 18A:37-19 *requires the Department of Education, in consultation with the Division on Civil*

*Rights in the Department of Law and Public Safety to develop a guidance document and to maintain it on their respective websites.*

N.J.A.C. 6A:16-7.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-7.1(a-d) requires district boards of education to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs the development, adoption and implementation of a policy prohibiting harassment, intimidation, and bullying pursuant to N.J.S.A. 18A:37-15.

**Other Reasons:**

Districts are reminded that they must develop a Code of Student Conduct in accordance with N.J.A.C. 6A:16-7.1. The range of school responses to harassment, intimidation and bullying shall be aligned with and not replace the district's Code of Student Conduct.

N.J.S.A. 18A:6-112 requires that teaching staff receive professional development on suicide prevention and instruction on the relationship between the risk of suicide and incidents of harassment, intimidation and bullying. In addition, staff shall receive information on reducing the risk of students who are identified as at high risk of suicide.

N.J.S.A. 18A:12-33 requires newly elected or appointed board of education members and charter school trustees to complete training on harassment intimidation and bullying within one year of being newly elected or appointed or being re-elected or re-appointed to the board. A board member shall be required to complete the program only once.

N.J.S.A. 18A:17-46 requires the chief school administrator to report two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, all acts of violence, vandalism and harassment, intimidation or bullying which occurred the previous reporting period. The elements of the report are enumerated such as the number, status and nature of the incidents. It also requires the board to report once each reporting period the information to the Department of Education. The DOE shall use the information to "grade" each school and the district. The grades must be posted on the homepage of the school's and district's websites.

N.J.S.A. 18A:26-8.2 requires "school leaders," meaning a school district staff member who holds a position that requires the possession of a chief school administrator, principal or supervisor endorsement, complete training that includes information on the prevention of harassment, intimidation, and bullying.

N.J.S.A. 18A:37-17 requires that the district provide training to staff, students and volunteers who have significant contact with students, on the district harassment, intimidation and bullying policy; preventing bullying; and district reporting procedures.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 19) requires all candidates for teaching certification who have completed a teacher preparation program at a regionally accredited institution of higher education to have satisfactorily completed a program on harassment, intimidation and bullying training. Also, the State Board must require public school teachers to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period as part of the professional development requirement.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 20) requires all candidates for administrative and supervisory certification to have satisfactorily completed a program on harassment, intimidation and

bullying training.

*N.J.S.A. 18A:37-19 (P.L. 2010, c. 122, Section 26) requires all schools to observe a "Week of Respect" on the first Monday in October each year and provide age appropriate instruction focusing on preventing harassment, intimidation and bullying during that week, as well as throughout the school year.*

**Recommendation:**

A policy that:

- A. *Prohibits harassment, intimidation or bullying at a minimum for all circumstances allowed under the law N.J.S.A. 18A:37-13 et seq.;*
- B. *Contains the definition of harassment, intimidation and bullying set forth in N.J.S.A. 18A:37-14;*
- C. *Describes the type of behavior expected from each student;*
- D. *Describes the appointment and responsibilities of the district anti-bullying coordinator, anti-bullying specialist, and the school safety team;*
- E. *Lists the consequences and appropriate remedial action for any person who commits an act of harassment, intimidation or bullying;*
- F. *Prohibits retaliation, reprisal for reporting harassment, intimidation and bullying and lists the consequences and appropriate remedial actions;*
- G. *Prohibits false reporting of harassment, intimidation and bullying and enumerates consequences and appropriate remedial actions;*
- H. *Describes the range of ways a district will respond to harassment; intimidation and bullying;*
- I. *Lists a range of school responses to harassment, intimidation and bullying that are aligned with and do not replace the district's Code of Student Conduct;*
- J. *Describes the school and/or district reporting and investigating procedures for violations and complaints;*
- K. *Ensures that parents/guardians and students involved in an investigation receive the necessary information;*
- L. *Details the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;*
- M. *Covers the Week of Respect;*
- N. *Includes all training requirements for board members, staff, volunteers and students;*
- O. *Includes reporting requirements to the board and to the Department of Education;*
- P. *Describes program assessment and review requirements;*
- Q. *Describes policy development, adoption, review and revision requirements;*
- R. *Describes district requirements for policy publication, dissemination and implementation.*

In developing policy, districts should review the Department of Education's Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying.

<b>Legal References:</b> <u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
<u>N.J.S.A.</u> 18A:6-112	Instruction on suicide prevention for public school teaching staff
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-33	Training program; requirements
<u>N.J.S.A.</u> 18A:17-46	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
<u>N.J.S.A.</u> 18A:26-8.2	School leader defined; training as part of professional development
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; non-liability
<u>N.J.S.A.</u> 18A:36-19a	Student records (Newly enrolled students; transfers of records, identification)
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Submission of Pupils to Authority (Discipline)
<u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
See particularly:	
<u>N.J.S.A.</u> 18A:37-14, -15, -17	Harassment, intimidation, and bullying
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions (students with disabilities)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to support student development (includes student conduct code)
See particularly:	
<u>N.J.A.C.</u> 6A:16-1.4, -7.1, -7.6, -7.9	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX -- requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District 240 F.3d 200 (3<sup>rd</sup> Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the

circumstances.

**Possible**

<b><u>Cross References:</u></b>	*1220	Ad hoc advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4148/4248	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	5000	Concepts and roles for students
	5010	Goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5131	Conduct and discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	*5142	Student safety
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	Pupil grievance procedure
	*5145.1	Questioning and apprehension
	*5145.1	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.