

POLICY: HARASSMENT, INTIMIDATION, OR BULLYING

The Board of Trustees of TEAM expects students to treat each other with civility and respect and will not tolerate acts of harassment, intimidation, or bullying. Like other disruptive or violent behaviors, this conduct interferes with the rights and abilities of students to learn and TEAM's ability to educate its students in a safe and productive environment. Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

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

"Harassment, intimidation or bullying" are defined as any gesture or any written, verbal or physical act, inclusive of the use of cell phones, electronic communication devices, or other electronic devices, 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; or
- B) has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the school; 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

Student Behavior

The Board of Trustees expects students 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 students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment, consistent with the code of student conduct.

The Board of Trustees believes that standards for student behavior must be set cooperatively through interaction among the parents/guardians and other community representatives, school administrators, school employees, school volunteers and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for

self and others, as well as for district and community property on the part of students, staff and community members.

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

The Board of Trustees expects that students will act in accordance with the student behavioral expectations set forth in their particular campus's handbook and Code of Conduct.

Consequences and Remedial Actions

The Board of Trustees requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of HIB, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of HIB.

In every incident found to be HIB, the school leader, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of HIB by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders, the nature of the student's disability, if any and to the extent relevant, and students' histories of inappropriate behaviors, per the code of student conduct and N.J.A.C. 6A:16-7.

The school leader, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three HIB incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent or guardian, to satisfactorily complete a class or training program to reduce HIB behavior. Each student intervention plan must be approved by the head of schools.

Should a student be found to be an offender in an HIB incident, a copy of the results of the HIB investigation shall be included in the student's record pursuant to N.J.A.C. 6A:16-32-7.

While the majority of incidents may be addressed solely by school officials, the head of schools or designee and the principal shall report an HIB incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the *Uniform State Memorandum of Agreement Between Education*

and Law Enforcement Officials.

Reporting Procedure

The Board of Trustees requires the school leader at each school to be responsible for receiving all complaints alleging HIB committed by an adult or youth against a student. All Board of Trustees members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of HIB to the school leader or the school leader's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board of Trustees members, school employees, and contracted service providers who have contact with students, also shall submit a report in writing to the school leader within two school days of the verbal report. The written report shall be completed on the HIB 338 Form and submitted to the school leader. The HIB 338 Form shall be kept on file at the school but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal law.

The school leader is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. When providing notification to the parents of all students involved, the school leader shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The school leader shall keep a written record of the date, time, and manner of notification to parents.

Students, parents, and visitors are encouraged to report alleged acts of HIB to the school leader on the same day when the individual witnessed or received reliable information regarding any such incident. The school district shall provide a person an online means to complete the HIB 338 Form issued by the Department (of Education) to anonymously report an act of HIB. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report.

A member of the Board of Trustees or a school employee who promptly reports an incident of HIB and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The school leader shall promptly submit a copy of each completed official form to the head of schools.

Investigation Procedure

The school leader shall report to the head of schools if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and the head of schools may require the school leader to conduct an investigation of the incident, if the head of schools determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The head of schools shall notify the school leader of this determination in writing (N.J.S.A. 18A:37-15(b)(5)).

The Board of Trustees requires a thorough and complete investigation to be conducted for each report of an alleged incident of HIB. All details of an alleged incident must be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The investigation shall be initiated by the school leader or the school leader's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the school leader. The school leader may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. 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 investigation shall be completed, and the written findings submitted to the school leader as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of HIB or from the date of the written notification from the head of schools to the school leader to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the 10-day period, the school anti-bullying specialist or the school leader shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The school leader shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. The school leader shall submit the report to the head of schools within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the head of schools shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce HIB and enhance school climate, or take or recommend other appropriate action, including seeking further information as necessary.

The head of schools shall report the results of each investigation to the board of education no later than the date of the regularly scheduled board of education meeting following the completion of the

investigation. The head of school's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established, or other action taken or recommended by the head of schools.

Parents/guardians of the students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents/guardians includes the nature of the investigation, whether the district found evidence of HIB, or whether consequences were imposed or services provided to address the incident of HIB. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Trustees. The school district may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents or guardians being notified.

A parent or guardian may request a hearing before the Board of Trustees after receiving the information. Any request by the parents or guardians for a hearing before the Board of Trustees concerning the written information about an HIB investigation, pursuant to N.J.S.A. 18A:37-15b(6)(d), must be filed with the Board of Trustees secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 business days of the request. Prior to the hearing, the head of schools shall confidentially share a redacted copy of the official investigation form that removes all student identification information with the board of education. The board of education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board of Trustees may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Trustees meeting following its receipt of the report or following a hearing in executive session, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board of education's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, no later than 90 days after the issuance of the board of education's decision.

A school administrator who receives a report of HIB, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14 and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

The Board of Trustees also requires the thorough investigation of complaints or reports of HIB, occurring on Board of Trustees school buses, at Board of Trustees school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the Board of Trustees's anti-bullying specialist in consultation with the approved private school for students with disabilities.

Response

The Board of Trustees authorizes the school leader of each school to define the range of ways in which school staff will respond once an incident of HIB is confirmed, and the head of schools shall respond to confirmed HIB, according to the parameters described below and in this policy. The Board of Trustees recognizes that some acts of HIB may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of HIB that they require a response either at the classroom, school building or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of HIB may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual is appropriate, school officials 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 can range from school and community surveys, to mailings, to focus groups, to adoption of research-based HIB 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 student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged HIB occurring off school grounds.

Retaliation

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

False Accusations

The Board of Trustees prohibits any person from falsely accusing another as a means of HIB.

1. **Students:** Consequences and appropriate remedial action for a student could range from positive

behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.4, Expulsions; The appropriate remedial action shall be determined, in each particular case, by the School Leader after consideration of the nature, severity and circumstances of the act. The consequences for a student found to have retaliated against another for reporting an act or falsely accusing another of harassment, intimidation or bullying, may range from positive behavioral interventions up to and including suspension or expulsion. When considering remedial actions the nature of a student's disability, if any, shall be considered.

2. **School Employees:** Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures and agreements; and
3. **Visitors or Volunteers:** Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

Miscellaneous Provisions

The Board of Trustees requires the school to annually disseminate the HIB policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that the policy applies to all acts of HIB, pursuant to N.J.S.A. 18A:37-14, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds.

The school shall post a link to the policy that is prominently displayed on the school district's website. The school shall ensure that notice of the district's policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district.

The school shall post the name, school phone number, school address and school email address of the district anti-bullying coordinator on the school district's website. Additionally, the school shall post the contact information for the School Climate State Coordinator on the school district home page alongside the school district's HIB policy.

The school shall post the name, school phone number, school address and school email address of the both the school anti-bullying specialist and the district anti-bullying coordinator on the school's website.

The school shall post the Department of Education's Guidance for Parents on the *Anti-Bullying Bill of Rights Act* on the district homepage and on the homepage for each school in the district with a website.

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The school leaders shall provide training on the school district's HIB policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, HIB. The school district's employee training program shall include information regarding the school district policy against HIB, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The school leader shall develop and implement a process for annually discussing the school district policy on HIB with students. The school leaders shall annually conduct a re-evaluation, reassessment, and review of the HIB policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to HIB prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

Appendix A

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of HIB may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the board of education's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of HIB 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 developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district board of education's approved code of student conduct and N.J.A.C. 6A:16-7. Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to HIB.

Factors for Determining Consequences

- Age, disability (if any and to the extent relevant), developmental and maturity levels of the parties involved and their relationship to the school district;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and,
- Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal:

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;

- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance;
- Relationship to peers; and,
- Relationship between student/family and the school district.

Environmental:

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Availability of programs to address student behavior;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and,
- Family situation.

Examples of Consequences and Remedial Measures

The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences:

- Admonishment;
- Temporary removal from the classroom (any removal of .5 days or more must be reported in the Student Safety Data System);

- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Expulsion; and,

- Bans from receiving certain services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school “disciplinarian;”
- Student counseling;
- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; and,

- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to HIB;

- School culture change and school climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;
- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and,
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.