
HARASSMENT, INTIMIDATION AND BULLYING

Statement prohibiting harassment, intimidation, or bullying of a student. N.J.S.A. 18A:37-15 (b) (1)

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

Definition of harassment, intimidation, and bullying no less inclusive than the requirements in N.J.S.A. 18A:37-14. N.J.S.A. 18A:37-15 (b)(2) and N.J.S.A.18A: 37-15.3 Harassment, intimidation or “bullying” means any gesture or written, verbal or physical act, or any electronic communication, ether is be a single incident or a series of incidents, that is reasonable perceived as being 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, by any other distinguishing characteristic, **and** that takes place on school property, at any school-sponsored function or on a school bus or off school grounds as provided for in section 16 of P.L.2010,c.122 (C.18A:37-15.3) **and** that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

DEFINITION CHANGED

- 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 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.

Description of the type of behavior expected from each student N.J.S.A.18A:37-15(b) (3)

The district board of education 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 student code of conduct.

The district board of education believes that standards for student behavior must be set cooperatively through interaction among the parents and other community members, 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 leaning environment. The district board of education believes that the best discipline is self-imposed, and that it is the responsibility of the 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 district board of education expects that students will act in accordance with the student behavioral expectations described below:

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

**HIB Off School Grounds- provisions for appropriate responses to HIB that occurs off school grounds in cases in which a school employee is made aware of such actions.
N.J.S.A.18A:37-15.3**

The responses to HIB that occurs off school grounds shall be consistent with the board of education's code of conduct and other provisions of the Board's HIB policy. For school staff to address HIB that occurs off school grounds, at a minimum, two criteria must apply to report HIB acts, as described below:

- 1) Substantial Disruption-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; and
- 2) At a minimum, one of the following criteria must apply:
 - Physical or Emotional Harm—A reasonable person should know, under the circumstances that the behavior would 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;
 - Insulting or Demeaning—The behavior had the effect of insulting or demeaning any student or group of students; or
 - Hostile Educational Environment—The behavior created 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.

Once a determination has been made that these criteria apply, school staff must implement the

BOE's HIB policy and code of student conduct for the reported HIB

Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, or bullying. N.J.S.A.18A:37-15 (b) (4)

The board of education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying. The following factors, at a minimum, shall be given full consideration by school administration, in cooperation with the ABS, the implementation of appropriate consequence and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offender and student histories of inappropriate behaviors, per the code of student conduct and N.J.A.C.6A:16-7

Factors for determining Consequences

- Age, developmental and maturity levels of parties involved and their relationship to the school district;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of behaviors;
- Incidence of past or continued patterns of behavior;
- Relationships between parties involved; and
- Context in which the alleged incidents occurred

Factors for determining Remedial Measures

Personal

- Life skills deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance; and
- Relationship to the students and the school district

Environmental

- School culture

- School climate
- Student-staff relationships and staff behaviors toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and manage difficult or inflammatory situations
- Social- emotional and behavioral supports
- Social relationships
- Community situation; and
- Family situations

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the board 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 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 must be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7, Student Conduct. Remedial measures shall be designed to correct the problem behavior; prevent another reoccurrence of the problem; and protect and provide support for the victim of the act; and take corrective action for the documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Consequences

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- After-school programs;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Expulsion; and
- Bans from providing services, participating in school- district-sponsored programs or being in school buildings or on school grounds

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 educational programs)
- Student treatment; or
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- School culture change;
- 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 students 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 general response bullying 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 officers, juvenile officer) involvement or other legal actions.

Procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report an act of harassment, intimidation Or bullying anonymously; however, this shall not be construed to permit for formal disciplinary action solely on the basis of an anonymous report. N.J.S.A.18A:37-15 (b) (5)

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. 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. 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. N.J.S.A. 18A:37-15(b) (5)

A member of the board of education, 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. N.J.S.A. 18A:37-16(b) 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. N.J.S.A. 18A:37-16(c)

Procedure for Prompt investigation of reports of violations and complaints, which procedure shall, at a minimum, provide that N.J.S.A. 18A:37-15(b) (6) and N.J.S.A. 18A:37-16(a)

- 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 Anti-bullying specialist (ABS) conducts HIB investigations in coordination with the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. 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.

- Amended Report- 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 ABS may amend the original report of the results of the investigation to reflect the information.- N.J.S.A.18A:37-15b(6)(a) and (b)
- 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 regulations promulgated by the State Board of Education pursuant to the “Administrative Procedure Act,” P.L. 1968 c.410 (C.52:14B-1 et. Seq.), the superintendent may decide to provide 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.
- 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, along with information on Any services provided, Training established, Discipline imposed; or Other action taken or recommended by the superintendent;
- Parents or guardians of the students who are parties to the investigation shall receive information about the investigation, in accordance with State and Federal Law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying; or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be reported in writing within 5 school days after the results of the investigation are reported to the board.
- A parent or guardian may request a hearing before the board after receiving the information, and 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 superintendent’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 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. .J.S.A.18A:37-16 (d)
- 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.”

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. N.J.S.A. 18A:37-15 (b)(7)

The policy shall include provisions reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying and the consequences and appropriate remedial action for a person who engages in reprisal or retaliation N.J.S.A. 18A:37-15 (b)(8)

This policy prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and The consequences and appropriate remedial action for a person who engages in reprisal or retaliation N.J.S.A. 18A:37-15 (b) (8)

A member of a board of education, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation, or bullying. N.J.S.A. 18A:37-16 (a)

The district board of education 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, one with reliable information or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administration after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulation and district policies and procedures.

Consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation, or bullying N.J.S.A. 18A:37-15 (b) (9)

The district board of education prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying.

1) Student- Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including short or long-term suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth on N.J.A.C. 6A:16-7.2. Short term suspensions, N.J.A.C. 6A:16-7., Long-term suspensions and N.J.A.C. 6A:16-7.5, Expulsions;

2) School employees- Consequences and appropriate remedial action for a visitor or volunteer could be determined by the 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 contacts with students or provision of student services.

3) Visitors or Volunteers- Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including short or long-term suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth on N.J.A.C. 6A:16-7.2. Short term suspensions, N.J.A.C. 6A:16-7., Long-term suspensions and N.J.A.C. 6A:16-7.5, Expulsions;

Statutory Requirements

This policy shall contain a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. N.J.S.A. 18A:37-15

(b) (10)

The policy will be publicized on a link to the school website and will be located in Main Offices for both schools.

The Policy shall contain a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled on a school in the school district. N.J.S.A. 18A:37-15

(b) (12)

The Policy shall contain a requirement that the name school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed on the home page of each school's home page of the school district's website N.J.S.A. 18A:37-15 (b)(12)

The policy shall contain a requirement that the name, school phone number, school address, and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed on the homepage of each school's website. N.J.S.A. 18A:37-15 (b) (12)

The chief school administrator shall ensure that the notice of the district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures, and standards for schools with the school district, and in any student handbook. N.J.S.A. 18A:37-15.1 (a)

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.

The school district shall transmit a copy of the revised harassment, intimidation, and bullying policy to the appropriate executive county superintendent of schools within 30 school days of each revision. The first revised policy following the effective date of N.J.S.A. 18A:37-13.1 et seq shall be transmitted to the executive county of superintendent of schools by September 1, 2011. The board shall include input from the school anti-bullying specialist, parents, school employees, volunteers, students, administrators, and community representatives while revising this policy. N.J.S.A. 18A:37-15 (c)

The school district shall annually conduct a re-evaluations, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialist in conducting its re-evaluations, reassessment, and review. N.J.S.A. 18A:37-15 (b) (12)

The school district shall provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students and ensures that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A.18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. N.J.S.A.18A:37-17 (b)

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. N.J.S.A.18A:37-17 (c)

The school district shall develop a process for discussing the district's harassment, intimidation, or bullying policy with students. N.J.S.A.18A:37-17 (b)

Students will receive age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying at student assemblies and on other

appropriate occasions. The information will include a copy of the Incident Reporting Form.

District Anti-Bullying Coordinator

The Superintendent of Schools shall appoint a district anti-bullying coordinator. Superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, 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 Superintendent.

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.(N.J.S.A.18A:37-20b & c)

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; Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- B. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school. . (N.J.S.A.18A:37-20a)

The Board of Education shall provide time for in-service workshops and training programs during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.(N.J.S.A.18A:37-26a)

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.

Notwithstanding any provision to the contrary, a parent who is a member of the school safety team shall not participate in the activities of the team set forth in the first three bullets above or any other activities of the team which may compromise the confidentiality of a student.
(N.J.S.A.18A:37-21)

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.

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.

Training

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 which includes information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

Teaching Staff Development

In addition to the school district’s in-service training requirements, during each five-year staff development period, teachers and educational services professionals must complete the following PD, at a minimum:

HIB Prevention-Two hours of instruction on HIB prevention; and Suicide and HIB Prevention-Two hours of instruction on suicide prevention that includes information on the relationship between the risk of suicide and incidents of HIB 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).

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).

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

Two times each school year (between 9/1 and 1/1 and between 1/1 and 6/30), at a public hearing, the CSA must report to the BOE all acts of violence, vandalism and HIB that occurred during the previous reporting period, including the:

- Number of reports of HIB;
- Status of all HIB investigations;
- Nature of the HIB based on the protected categories identified in N.J.S.A.18A:37-14;
- Names of investigators;
- Type nature of any discipline imposed; and
- Any other measures imposed, training conducted or programs implemented to reduce HIB.

A link to the district's reports to the BOE must be posted on the district's website. The data identified above also must be reported once during each reporting period to the NJ DOE.

Requirements for the "grade" that we will receive from the NJ DOE

Purpose-The purpose of the grade is to assess each school's effort to implement policies and programs consistent with the ABR.

Grade Determination—•

The grade will be determined according to the guidelines established by the Commissioner of Education.

- The information reported twice each school year to the NJ DOE (identified on the previous slide) will be used in determining the grade for each school.
- The grade for the school district will be determined by averaging the grades of all schools in the district.

Web Posting–The grade for each school and the school district must be posted on the homepage of the district’s website within 10 days of assignment.

An individual shall be permanently disqualified from employment or service that involves regular contact with pupils if the individual’s criminal history record check reveals a record of conviction for a crime or bias intimidation or conspiracy to commit or an attempt to commit [a crime of bias intimidation] (N.J.S.A. 18A:6-7.1)

Nothing contained in the “Anti-Bullying Bill of Rights Act” P.L. (N.J.S.A. 18A:37-13 et seq) shall alter or reduce the rights of a student with a disability with regards to disciplinary actions or to general or special educational services and supports (P.L. 2010 c. 122)

Adopted:

NJSBA Review/Update: May 22, 2013

Readopted: June 26, 2013

Key Words

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

Legal References:

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:6-112	Instruction on suicide prevention for public school teaching staff
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:12-33	Training program; requirements
N.J.S.A. 18A:17-46	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:26-8.2	School leader defined; training as part of professional development
N.J.S.A. 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfers of records, identification)
<u>N.J.S.A. 18A:37-1 et seq</u>	Submission of Students to Authority (Discipline)
<u>N.J.S.A. 18A:37-13 et seq.</u>	Anti-Bullying Bill of Rights Act

See particularly:

N.J.S.A. 18A:37-14, -15, -17

N.J.S.A. 18A:54-20

N.J.A.C. 6A:14-2.8

N.J.A.C. 6A:16-1.1 et seq.

Harassment, intimidation, and bullying

Powers of board (county vocational schools)

Discipline/suspension/expulsions (students with disabilities)

Programs to support student development (includes student conduct code)

See particularly:

N.J.A.C. 6A:16-1.4, -7.1,

-7.6, -7.9

N.J.A.C. 6A:32-12.1

N.J.A.C. 6A:32-12.2

Reporting requirements

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 (3rd 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

Cross References:

*1220

Ad hoc advisory committees

*1410

Local units

3517

Security

*3541.33

Transportation safety

*4131/4131.1 Staff development; in-service education/visitation conferences
4148/4248 Employee protection
*4231/4231.1 Staff development; ins-ervice 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 Student 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.