

---

## **HARASSMENT, INTIMIDATION AND BULLYING POLICY**

### **1. Purpose**

The board of education prohibits acts of bullying, harassment and intimidation of students and staff. The board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards, and for staff to educate students effectively. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its pupils in a safe environment. This same conduct also disrupts and negatively impacts a staff member's work environment and potentially leads to, in some cases, a hostile work environment. All members of the Jersey City public schools community have a right to live and work in an environment that is safe.

Harassment and bullying will not be tolerated because it can lead to more serious violence, and because such behavior is gravely inconsistent with district efforts to improve academic performance, improve school attendance, reduce the drop-out rate, and improve employee performance and attendance. Students and staff who are intimidated and fearful cannot give the single-minded attention they need for success.

All students and staff are expected to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying against any students or staff.

### **2. Definition of "Harassment, Intimidation or Bullying"**

"Harassment, intimidation or bullying" means any gesture or written, verbal, physical act, or any electronic communication that is

- (a) reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, a mental, physical or sensory disability, sexual orientation, gender identity or expression, national origin or ancestry, or by any other distinguishing characteristic; and
- (b) takes place on school property, at any school sponsored function, on a school bus, or off school grounds as provided for in section 16 of N.J.S.A. 18A:37-5.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and

- (1) a reasonable person under the circumstances should know that the acts will have the effect of harming a person or damaging his or her property, or placing a person in reasonable fear of harm to his or her person or damage to his or her property; or

- (2) has the effect of insulting or demeaning any person or group of persons; or
- (3) 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 (or creates a hostile work environment for a staff member by interfering with the employee's duties or by severely or pervasively causing physical or emotional harm to the employee).

"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, that takes place on school grounds, at any school-sponsored function or on a school bus.

### **5. Behavior Expected from Students and Staff**

All students are expected 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. Such behavior must be consistent with the code of student conduct.

Similarly, staff members are expected to lead by example, by demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Staff members are expected to apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The board believes that standards for student behavior must be set cooperatively through interaction among the students, parents, staff and community members 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.

### **6. 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:

- A. Consequences for a student who commits an act of harassment, intimidation or bullying
  - 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. After-school programs;
  - 8. Out-of-school suspension (short-term or long-term);
  - 9. Transfer to another school;
  - 10. Legal action; and
  - 11. Expulsion.
  
- B. Personal remedial measures for a student who commits an act of harassment, intimidation or bullying
  - 1. Restitution and restoration;
  - 2. Mediation;
  - 3. Peer support group;
  - 4. Recommendations of a student behavior or ethics council;
  - 5. Corrective instruction or other relevant learning or service experience;
  - 6. Supportive student interventions, including participation of the intervention and referral services team;
  - 7. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - 8. Behavioral management plan with benchmarks that are closely monitored such as zero tolerance;
  - 9. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - 10. Involvement of school disciplinarian;
  - 11. Student counseling;
  - 12. Parent conferences;
  - 13. Student treatment; and
  - 14. Student therapy.

- C. Environmental remedial measures that may be undertaken on a classroom, school building or school district basis (such measures may focus on the victim(s) of acts of harassment, intimidation or bullying, and others affected by such acts)
1. Supportive institutional interventions, including participation of the intervention and referral services team;
  2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  3. School culture change;
  4. School climate improvement;
  5. Adoption of research-based, systemic bullying prevention programs;
  6. School policy and procedures revisions;
  7. Modifications of schedules;
  8. Adjustments in hallway traffic;
  9. Modifications in student routes or patterns traveling to and from school;
  10. Supervision of students before and after school, including school transportation;
  11. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
  12. Teacher aides;
  13. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  14. General professional development programs for certificated and non-certificated staff;
  15. Professional development plans for involved staff;
  16. Disciplinary action for school staff who contributed to the problem;
  17. Parent conferences;
  18. Family counseling; and
  19. Involvement of parent-teacher organizations.

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

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

**Staff:**

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 for a staff member who commits an act of harassment, intimidation or bullying

1. Admonishment;
  2. Temporary removal from the classroom;
  3. Deprivation of privileges;
  4. Referral to disciplinarian;
  5. Withholding of Increment
  6. Suspension;
  7. Legal action; and
  8. Termination
- B. Personal remedial measures for a staff member who commits an act of harassment, intimidation or bullying
1. Restitution and restoration;
  2. Mediation;
  3. Support group;
  4. Recommendations of behavior or ethics council;
  5. Corrective action plan;
  6. Behavioral assessment or evaluation;
  7. Behavioral management plan, with benchmarks that are closely monitored;
  8. Involvement of school disciplinarian;
  9. Counseling;
  10. Conferences;
  11. Treatment; and
  12. Therapy.
- C. Environmental remedial measures that may be undertaken on a classroom, school building or school district basis (such measures may focus on the victim(s) of acts of harassment, intimidation or bullying, and others affected by such acts)
1. Supportive institutional interventions, including participation of the intervention and referral services team;
  2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  3. School culture change;
  4. School climate improvement;
  5. Adoption of research-based, systemic bullying prevention programs;
  6. School policy and procedures revisions;
  7. Modifications of schedules;
  8. Supervision;
  9. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  10. General professional development programs for certificated and non-certificated staff;
  11. Professional development plans for involved staff;

- 12. Disciplinary action;
- 13. Conferences; and
- 14. Counseling.

**7. Reporting and Investigating Allegations of Harassment, intimidation or Bullying of Students**

The superintendent, principal, affirmative action officer and/or their designee shall be responsible for receiving complaints alleging violations of this policy where the student is the alleged victim. Complaints of staff members alleging they are victims of harassment, intimidation, or bullying shall follow the complaint and investigation procedures set forth in Administrative Regulation 2224 – AR – 1 (Grievance Procedure: Discrimination and Harassment 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 of students:

- 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 involving a student, 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 involving a student 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 involving a student and fails to take sufficient action to minimize or eliminate such harassment, intimidation, or bullying, may be subject to disciplinary action.

### **8. District Anti-Bullying Coordinator**

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

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the superintendent, 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 of students in the district.

### **9. 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 of students in the school; and

- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying of students in the school.

### **10. 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 of students. 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 involving a student;
- 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 involving a student;
- 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.

### **11. Investigating Reported Harassment, Intimidation and Bullying of Students**

All reported incidents of harassment, intimidation and bullying of students shall be investigated promptly and in accordance with law and the following procedures set forth below. Complaints of staff members alleging they are victims of harassment, intimidation, or bullying shall follow the complaint and investigation procedures set forth in Administrative Regulation 2224 – AR – 1 (Grievance Procedure: Discrimination and Harassment Policy).

- 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 superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent 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 superintendent.

Confidential student information not authorized by federal or State law for release to a local board of education will not be provided to the board.

- F. The superintendent 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 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 or services provided to address the incident of harassment, intimidation, or bullying.

## **12. Range of Ways to Respond to Harassment, Intimidation or Bullying of Students**

The board of education recognizes that some acts of harassment, intimidation or bullying of students 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 an positive school climate and culture as well as the issues surround 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 of students, 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; and
- 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 involving a student 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.

### **13. Retaliation and Reprisal Prohibited**

The board prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the superintendent 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 against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, 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, contacted 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 superintendent 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 retaliation and reprisal may include the consequences and remedial measures set forth in paragraph 6 entitled "Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying."

#### **14. Appeal Process for Harassment, Intimidation and Bullying Decisions Involving Students**

With respect to decisions relating to harassment, intimidation, and bullying of students, the parent or guardian may request a hearing before the board after receiving the information from the superintendent 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 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 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 involving a student based on membership in a protected group as enumerated in the "Law Against Discrimination."

#### **15. 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.

## 16. Training

### A. School Leaders

Any school leader who holds a position that requires the possession of a superintendent, 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.

### **17. 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 superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) involving students 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. Confidential student information not authorized by federal or State law for release to the board will not be included in the report.

- A. The number of reports of harassment, intimidation, or bullying involving students;
- 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.

### **18. Reporting to the Department of Education**

The information, including but not limited to, oral reports, written reports or electronic

reports related to the students 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 involving a student (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.

Confidential student information not authorized by federal or State law shall not be released in reports to the Department of Education.

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 superintendent will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The superintendent 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). Confidential student information not authorized by federal or State law shall not be released in reports utilizing EVVRS.

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the superintendent 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.

### **19. 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. The District's initiatives shall continue to include, among other things, character education as part of the curriculum.

### **20. 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).

### **21. 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 superintendent 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 superintendent 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 and that all disciplinary sanctions are carried out with necessary due process.

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

**Date:**

**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 pupils
N.J.S.A. 18A:26-8.2	School leader defined; training as part of professional development
N.J.S.A. 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
N.J.S.A. 18A:36-19a	Student records (Newly enrolled students; transfers of records, identification)
N.J.S.A. 18A:37-1 et seq.	Discipline of pupils
N.J.S.A. 18A:37 -14, -15, -17	Harassment, intimidation, and bullying
N.J.A.C. 6A:14-2.8	Discipline, suspension

N.J.A.C. 6A:16-1.1 <i>et seq.</i>	and expulsions Programs to support student development
N.J.A.C. 6A:16-1.4, -2.4, -4.1, -5.1, -6.1, -6.2, -7.1, -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 (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.

**Policy Cross References:**

1410	Local units
3541.33	Transportation safety
4131/4131.1	Staff development; inservice education/visitation conferences

4231/4231.1	Staff development; inservice education/ visitation conferences
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
5142	Student safety
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