

# **BOARD OF EDUCATION**

Cherry Hill, New Jersey

## **POLICY 5131**

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

The Cherry Hill Board of Education believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of the students. The emphasis on positive behaviors creates an atmosphere of mutual respect and the appreciation of individual differences among staff, students and parents for individuals as well as district and community property.

The Cherry Hill Board of Education expects students to conduct themselves, in keeping with their level of maturity, and in such a way as to demonstrate proper regard for the rights and welfare of other students. Students are expected to conduct themselves in keeping with the educational purpose underlying all school activities, including the care of school facilities and equipment. The Cherry Hill Board of Education believes that the standards of student behavior must be set cooperatively by interaction among students, parents/guardians, staff and community producing an atmosphere that encourages students to grow in self-discipline and character development.

1. The Superintendent of Schools shall develop general guidelines for student conduct on school property and shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.
2. The Superintendent of Schools or designee shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules.
3. All students shall adhere to the rules and regulations established by the Superintendent of Schools. Non-compliance will result in disciplinary action.
4. Disciplinary action shall be applied consistently and uniformly with necessary due process in accordance with the regulations of the New Jersey Administrative code. Staff shall comply with the regulations of the New Jersey Administrative code when dealing with discipline and/or suspension of classified pupils. For a complete list of disciplinary consequences see page 16.
5. Certain infractions shall be reported to the local law enforcement agency in accordance with the District's Memorandum of Agreement which is on file with the Director of Security. Student/Staff confidentiality shall be protected in accordance with federal and state law.

## **Harassment, Intimidation or Bullying**

The Cherry Hill Board of Education expects pupils, staff members and community to treat one another with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with an individual's ability to learn and a school's ability to educate its pupils in a safe environment.

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

The policy and procedures may address and impose consequences for acts of harassment, intimidation or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate or bully), to the extent that the policy comports with the provisions of N.J.A.C. 6A:16-7.6, Conduct away from school grounds, and the Cherry Hill Board of Education's Student Code of Conduct, pursuant to N.J.A.C. 6A:16:7.1. In all instances of HIB behavior occurring off school grounds, the consequences may be exercised when it is reasonably necessary for the victim and offending student's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of HIB that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A. 18A:37-14-15 and N.J.A.C. 6A:16-7.9, HIB, whether the subject or recipient of the bullying is on or off school property.

The Cherry Hill Board of Education prohibits acts of harassment, intimidation or bullying against any pupil on school property, at any school sponsored activity or while using district provided transportation.

Examples of bullying and harassment may include:

- Verbal abuse including name calling, racist remarks, teasing, etc.
- Physical attacks including pushing, hitting, punching, hair pulling, scratching, spitting, etc.
- Social exclusion including ostracism, ignoring, alienating, etc.
- Psychological abuse including acts that instill a sense of fear or anxiety
- Any other act that has the effect of insulting or demeaning any individual or group of individuals in such a way as to cause distress, a reluctance to attend school, a decline in work standards or problem behaviors
- The use of electronic communication devices that include, but are not limited to, a telephone, cellular phone (e.g. text), computer (e.g. Instant Messaging, email) to harass, intimidate or bully.

### **Reporting and Investigations**

All acts of harassment, intimidation and 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 on the incident report attached (form # **B-10.1**) 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) 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. 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;
- a) in the event that a staff member is the alleged offender, the investigation will be conducted by an administrator who has been trained in investigations and is not a member of the alleged offender's collective bargaining unit.

- b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with 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;
- c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent
- d) parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and 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 provided 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;
- e) 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 the procedures set forth in law and regulation, no later than 90 days after the issuance of the board’s decision, and;
- f) 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,” P.L. 1945, c.169 (C.10:5-1 et seq.)

Investigation Procedures and Timeline

**HIB Investigation Process**

<u>Step 1:</u>	<u>Day 1</u>	<u>Alleged Incident Occurs</u>
<u>Step 2:</u>	<u>Immediately following receipt of information about alleged incident</u>	<u>Individual reports incident to principal or designee</u> <u>Principal informs parents of students involved</u> <u>If the alleged offender is a staff member, then the Principal informs staff of allegation</u>
<u>Step 3:</u>	<u>Within 2 days of Day 1</u>	<u>Incident Report Form must be completed</u>
<u>Step 4:</u>	<u>Within 1 school date of step 3</u>	<u>For student-to-student incidents, the principal initiates the investigation which is conducted by Anti Bullying Specialist</u> <u>For staff-to-student incidents, the principal initiates and a trained administrator conducts the investigation</u>
<u>Step 5:</u>	<u>Within 10 school days of step 3</u>	<u>Investigation completed and report is filed with principal</u> <u>Principal forwards report and forms to DABC</u>
<u>Step 6:</u>	<u>Within 2 school days of step 5</u>	<u>DABC files report with Superintendent</u>
<u>Step 7:</u>	<u>Next regularly scheduled BOE Meeting</u>	<u>Results of the investigation are reported to the School Board</u>
<u>Step 8:</u>	<u>Within 5 school days of Step 7</u>	<u>Parents of alleged victim and offender are notified of results of investigations</u> <u>Parents of victim and/or offender may request a hearing before the BOE</u> <u>For staff-to-student incidents, the alleged offender is notified of the results of investigations</u> <u>For staff-to-student incidents, the alleged offender may request a hearing before the BOE</u>
<u>Step 9:</u>	<u>Within 10 days of request</u>	<u>Hearing, if requested, occurs</u>
<u>Step 10:</u>	<u>Next regularly scheduled Board of Education meeting</u>	<u>Board of Education issues a decision</u>
<u>Step 11:</u>	<u>With 90 days of step 10</u>	<u>Parents may file an appeal with the Commissioner of Education</u> <u>For staff-to-student incidents, the alleged offender may file an appeal with the Commissioner of Education</u>
<u>Step 12:</u>	<u>Within 180 days of date of incident</u>	<u>Parents, students, guardian or organization may file a complaint with the Division of Civil Rights based on membership in a protected group</u>

The Cherry Hill Board of Education recognizes that some acts of HIB may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of HIB that they require a response either at the classroom, school building, district level, 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 (counseling support or intervention services) up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils 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, 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 continuing patterns of behavior, and the context in which the alleged incident(s) occurred.

The Cherry Hill Board of Education prohibits reprisal or retaliation against any person 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 N.J.S.A 18A:37-15(3)(b)(8) and N.J.A.C. 6A:16-7.9(a)2x.

The Cherry Hill Board of Education requires school officials to annually disseminate the policy to all school staff, students and parents along with a statement explaining that it applies to all applicable acts of HIB that occur on school property, at school sponsored functions or on a school bus. The Superintendent of Schools shall develop an annual process for discussing the policy on HIB with students. The HIB policy and procedure will also be posted on the district and school's websites.

The Cherry Hill Board of Education requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of HIB. The following factors, at a minimum, shall be given full consideration by school administrators in conjunction with the school anti-bullying specialist in the development of the procedures for determining appropriate consequences and remedial measures for each act of HIB.

***Factors for Determining Consequences***

- Age, developmental and maturity levels of parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidents of past or continuing patterns of behavior;
- Relationships between the parties involved; and

***Factors for Determining Remedial Measures***

*Personal*

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

*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;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act, and accommodation plans under 29 U.S.C. 794 and 705 (20), the code of student conduct shall be implemented in accordance with the components of the applicable plans.

### **Implementation**

The Superintendent of Schools in conjunction with the district anti-bullying coordinator [specialist] shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The board shall review all related policies on a regular basis.

### **Appointment of school anti-bullying specialists, coordinator:**

- a. 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 this 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:
  1. Chair the school safety team as provided in section 18 of P.L. 2010, c.122(C.18A:37-21);
  2. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
  3. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.
- b. The superintendent of school 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:
  1. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
  2. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent of schools to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
  3. Provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students; and
  4. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent of schools.

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

**School safety teams:**

- a. A school district shall form a school safety team in each school in the district 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. A school safety team shall meet at least two times per school year.
- b. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a 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.
- c. The school safety team shall:
  - 1. Receive any complaints of harassment, intimidation, and bullying of students that have been reported to the principal
  - 2. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, and bullying;
  - 3. Identify and address patterns of harassment, intimidation, and bullying of students in the school;
  - 4. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, and bullying of students;
  - 5. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, and bullying of students;
  - 6. Participate in the training required pursuant to the provisions of P.L. 2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
  - 7. Collaborate with the district anti-bullying coordinator in the collection of district-wide data in the development of district policies to prevent and address harassment, intimidation, and bullying of students; and
  - 8. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.
- d. The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

- e. Notwithstanding any provision of this section 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 paragraph (1), (2), or (3) of subsection c. of this section of any other activities of the team which may compromise the confidentiality of a student.

### **In-Service Training for Pre-K – 12 School Staff:**

During the school year the superintendent, district anti-bullying specialist or building anti-bullying specialist shall arrange for HIB Training to be included as part of their In-service Training Program for school staff. HIB Training can be initiated through any of the following resources.

- ◆ Soliciting out of district resources who are qualified to present training material on the subject of Harassment, Intimidation and Bullying
- ◆ HIB Training may be introduced during the In-service training segment for Character Education.
- ◆ The services of qualified Cherry Hill School District staff can be recruited to conduct Training for school staff.

### **Harassment, Intimidation and Bullying Overview For Students:**

The principal and/or building anti-bullying specialist shall develop, through whatever means he or she deems appropriate for their school setting, a system for disseminating information to ensure that the student body is familiar with the district's HIB Policy and the process for reporting incidents related to HIB behavior. The following is a list of some suggested methods through which the information can be disseminated to students.

- ◆ General Assembly
- ◆ New Student Orientation
- ◆ Classroom Discussion
- ◆ Integrated with the Character Education Curriculum
- ◆ Health Classes
- ◆ Back to School Night Meeting
- ◆ School website
- ◆ Electronic notification within the first 7 days of school

Students shall also be made aware that a number of resources are available, on a daily basis to follow up on reported incidents of HIB.

Affirmative Action Officer	District School Advocate
Campus Police	Educational Assistant
Child Study Team	Nurse
Coach	Counselor
Teacher	School Administrators
Anti-bullying Specialist	Student Assistance Counselor

**Parent/Guardian Notification:**

In an effort to reinforce the school district's commitment to a safe and secure environment it is essential that parents/guardians share the responsibility to promote a harassment, intimidation and bullying free school environment. In order to foster the spirit of cooperation between parents/guardians and the school community, the principal/designee shall initiate measures to ensure that parents/guardians are familiar with the district's Policy and Procedures regarding HIB. The principal or building anti-bullying specialist shall also provide parents/guardians with information pertaining to HIB, Intervention Strategies that are age appropriate for Elementary, Middle and High Schools. Refer to attachments for literature regarding HIB Intervention Strategies for different grade levels.

Some suggested methods for disseminating information to parents/guardians are as follows:

School Handbooks	School's Web Site
District Web Site	PTA organizations
PTA Meetings	Student Carry Home Methods to parents/guardians

A school staff member may receive a report of HIB behavior directly from the victim or from another student who suspects that a fellow student is being subjected to some form of HIB behavior by another student or group of students. In circumstances whereby a student is reporting HIB behavior, acting in the best interest of a fellow student, the staff member shall exercise precautions to protect the identity of the source unless the student indicates that anonymity is not an issue of major concern.

The staff member shall also make a special effort to commend the student, whether he or she is a victim or witness, for bringing the matter to the attention of school staff. This approach tends to encourage students to report HIB behavior and serves to reinforce the schools' position regarding HIB behavior.

It is important to note that not all taunting, teasing or fighting constitute Harassment, Intimidation and Bullying. The Cherry Hill Board of Education shall distribute the policy by email to each student within seven days of the start of each semester and shall post the policy on its website.

Assessing whether or not the reported behavior falls within the realm of Harassment, Intimidation or Bullying the staff person should take into consideration the following factors:

- ◆ Verbal abuse including name calling, racist remarks, teasing, etc.
- ◆ Physical attacks including pushing, hitting, punching, hair pulling, scratching, spitting, etc.
- ◆ Social exclusion including ostracism, ignoring, alienating, etc.
- ◆ Psychological abuse including acts that instill a sense of fear or anxiety
- ◆ Any act that has the effect of insulting or demeaning any individual or group of individuals in such a way as to cause distress, reluctance to attend school, a decline in work standards or problem behaviors.
- ◆ Frequency or repetition of the HIB behavior directed at the victim or initiated by the offender.

**Actions Steps for Principals, and/or School Anti-Bullying Specialists:**

- ◆ Assess the awareness and the scope of the bullying problem at your school through student and staff surveys. (Refer to District Policy 5145.1 regarding student surveys)
- ◆ Closely supervise children on the playgrounds and in classrooms, hallway, rest rooms, cafeterias and other areas where HIB behavior is likely to occur.
- ◆ Conduct school wide assemblies that will enhance the school district's comprehensive program; conduct annual teacher/staff in-service training to raise awareness regarding the problem of HIB.
- ◆ Post and publicize clear behavior standards, including rules against HIB behavior, for all students. Consistently and fairly enforce such standards.
- ◆ Encourage parents/guardians participation by asking parents/guardians to reinforce the districts Harassment, Intimidation and Bullying Procedures at home.
- ◆ Establish a confidential reporting system that allows children to report victimization and Harassment, Intimidation and Bullying behavior. (Bullying Tip Box)
- ◆ Make sure Harassment, Intimidation and Bullying Procedures and Policies are known to Parents/guardians, students and school staff via the Board of Education's Student Code of Conduct. The Student Code of Conduct is distributed annually to each student. Signed verification of receipt by the parent/guardian is required and kept on file in the school office.

- ◆ Receive and listen receptively to parents and students who report bullying. Establish procedures whereby such reports are investigated and resolved expeditiously at the school level in order to avoid perpetuating HIB behavior, Refer to Offender HIB contract- Attachment 1.
- ◆ Develop strategies to reward students for positive, inclusive behavior and for reporting Harassment, Intimidation and Bullying behavior.
- ◆ Provide school wide and classroom activities that are designed to build self-esteem by spotlighting special talents, hobbies, interests and abilities of all students and that foster mutual understanding of and appreciation for differences in others.
- ◆ Confront bullies in private. Challenging a bully in front of his/her peers may actually enhance his/her status and lead to further aggression.
- ◆ Notify the parents of both victims and bullies when a confrontation occurs, and seek to resolve the problem expeditiously at school. Document notification to parents/guardians on the HIB Reporting Form and Offender HIB Contract- Attachment 1.
- ◆ Refer both victims and aggressors to counseling whenever appropriate.

**Strategies for Classroom Teachers:**

- ◆ Provide students with opportunities to talk about HIB behavior and enlist their support in defining HIB as unacceptable behavior.
- ◆ Involve students in establishing classroom rules against HIB. Such rules may include a commitment from the teacher to not “look the other way” when incidents involve HIB occur. (If a teacher/teachers choose to “look the other way” there could possibly be liability issues for those whom with-hold pertinent information.
- ◆ Provide classroom activities and discussions related to HIB and violence, including the harm that they cause and strategies to reduce them.
- ◆ Develop a classroom action plan to ensue that students know what to do when they observe a HIB/victim confrontation.
- ◆ Teach cooperation by assigning projects that require collaboration. Such cooperation teaches students how to compromise and how to assert without demanding. Take care to vary grouping of participants and monitor the treatment of participants in each group.
- ◆ Take immediate action when HIB is observed. All teachers and school staff must let children know that they care and will not allow anyone to be mistreated. By taking immediate action and dealing directly with the bully.
- ◆ Listen receptively to parents who report bullying and investigate reported circumstances so that immediate and appropriate school action may be taken.
- ◆ Confront bullies in private. Challenging a bully in front of his/her peers may actually enhance his/her status and lead to further aggression.
- ◆ Notify the parents of both victims and bullies when a confrontation occurs, and seek to resolve the problem expeditiously at school. Document notification to parents/guardians on the HIB Reporting Form and Offender HIB Contract.
- ◆ Refer both victims and aggressors to counseling for support programs separately, via the school counselor/SAC (where available) whenever appropriate.

### **Strategies for Students:**

Students may not know what to do when they observe a classmate being bullied or experience such victimization themselves. Classroom discussions and activities may help students develop a variety of appropriate actions that they can take when they witness or experience such victimization. For instance, depending on the situation and their own level of comfort, students can:

- ◆ Seek immediate help from an adult;
- ◆ Report HIB incidents to school personnel;
- ◆ Speak up and/or offer support to the victim when they see him/her being bullied-for example, picking up the victim's books and handing them to him or her;
- ◆ Privately support those being hurt with words of kindness;
- ◆ Express disapproval of HIB behavior by not joining in the laughter, teasing or spreading of rumors or gossip.
- ◆ Attempt to defuse problem situations either single handedly or in a group – for example, by taking the bully aside and asking him/her to “cool it.”

### **Reporting of certain acts by school employees**

Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L. 2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L. 2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

**“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. School districts, 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 in 2 of P.L. 2002, c.83 (C.. 18A:37-14). Throughout the school year the school district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

**Sources:**

P.L..2010, CHAPTER 122

Model Policy Development, Rutgers University Safe Schools Grant, 11/2008

Preventing Bullying: A Manual for School and Communities, U.S.D.O.E. 11/31/98

Bully Proofing Your School, Sopris West, 1994

Procedure Approved: August 24, 2004;

Revised 2/09, 11/24/09

**Policy References:**

<i>Legal References:</i>	<i>N.J.S.A. 2A:4A-60 et al.</i>	<i>Disclosure of juvenile information; penalties for disclosure</i>
	<i>N.J.S.A. 2C:12-1</i>	<i>Assault</i>
	<i>N.J.S.A. 2C:33-19</i>	<i>Paging devices, possession by students</i>
	<i>N.J.S.A. 2C:39-5</i>	<i>Unlawful possession of weapons</i>
	<i>N.J.S.A. 18A:6-1</i>	<i>Corporal punishment of pupils</i>
	<i>N.J.S.A. 18A:11-1</i>	<i>General mandatory powers and duties</i>
	<i>N.J.S.A. 18A:25-2</i>	<i>Authority over pupil, bus driver responsible for</i>
	<i>N.J.S.A. 18A:37-1 et seq.</i>	<i>Discipline of pupils</i>
	<i>N.J.S.A. 18A:37-14-15(3)(b)(1)</i>	
	<i>N.J.S.A. 18A:40A-1 et seq.</i>	<i>Substance abuse</i>
	<i>N.J.S.A. 18A:54-20</i>	<i>Powers of board (county vocational schools)</i>
	<i>N.J.A.C. 6:8-2.1</i>	<i>Reporting requirements</i>
	<i>N.J.A.C. 6:8-2.3</i>	<i>Quality assurance</i>
	<i>N.J.A.C. 6:8-2.4</i>	<i>School-level planning</i>
	<i>N.J.A.C. 6:29-6.1 et seq.</i>	<i>Substance abuse</i>
	<i>See particularly:</i>	
	<i>N.J.A.C. 6:29-6.3(c)</i>	
	<i>.J.A.C. 6:29-10.1 et seq.</i>	<i>Safe and drug free schools</i>
		<i>New Jersey State Board of Education Resolution, September 3, 1980, appropriate expectations of behavior for district pupils.</i>
	<i>N.J.A.C. 6A:14-2.8</i>	<i>Discipline/suspension/expulsion</i>
	<i>N.J.A.C. 6A:16-5.1</i>	<i>Code of student conduct</i>
	<i>N.J.A.C. 6A:16-1.1 et seq.</i>	<i>Programs to Support Student Development</i>
	<i>See particularly:</i>	
	<i>N.J.A.C. 6A:16-1.4, -1.5,</i>	
	<i>-4.1, -5.1, -6.1, -6.2 7.9(9)2i</i>	
	<i>N.J.A.C. 6A:16-7.1-1</i>	<i>Code of Student Conduct</i>

*Legal References continued:*

*N.J.A.C. 6A:24-4.1(i)7 Implementation of Whole School Reform Model*  
*20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997*  
*Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)*  
*Hazelwood v. Kuhlmeier, 56 108 S. Ct. 562 (1988)*  
*Honig v. Doe, 484 U.S. 305 (1988)*  
*Manual for the Evaluation of Local School Districts (June 1993)*

**Cross References:**

1410	Local units
3517	Electronic Surveillance
4131/4231	Staff development; in-service education/visitation conferences
5020	Role of parents/guardians
5113.1	Class cutting
5131.6	Substance Abuse
5131.7	Firearms, Weapons, and Dangerous Instruments
5114	Suspension and expulsion
5124	Reporting to parents/guardians
S-12	Administrative Procedure- Suicide/Homicide
B-10	Administrative Procedure- HIB
D-8`	Administrative Procedure- Substance Abuse

Policy Adopted: 12/21/99

Policy Revised: 8/26/03, 6/26/07, 2/24/09, 7/26/11, 12/17/13

Breaches of Code of Conduct  
Disciplinary Consequences

**High School Consequences (Grades 9-12)**

Unlawful Acts	First Offense	Second Offense	Third & Subsequent Offenses
<p style="text-align: center;"><b>Harassment/Intimidation/Bullying</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:33-4</p> <p style="text-align: center;">Level of Discipline based on the Severity of HIB Behavior</p>	<p style="text-align: center;">AD ISSP (1-5) - OSS (1-5) SRO - PCT SAC - AAO Verbal Warning Written Warning Community Service</p>	<p style="text-align: center;">AD ISSP (5-10) - SS (5-10) OSS (5) Days SAC - AAO  PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC LTS - AAO AEP PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Hazing</b></p> <p style="text-align: center;">Refer to Policy 5131.1 Refer to 2C:40-3</p> <p style="text-align: center;">Administrative Discretion: Student may be Suspended from School Program If Applicable</p>	<p style="text-align: center;">AD OSS (1-5) Days PCT - SRO - AAO ISSP (5) Days</p>	<p style="text-align: center;">AD OSS (10) Days AAO - LTS - AEP PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days AAO - LTS - EXP PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Racial Harassment -- Bias Incident/Stalking</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:12-10 Refer to 2C:16-1 Refer to 2C:33-4</p>	<p style="text-align: center;">AD ISSP (5) Days - SS (5) Days SAC - AAO OSS (1-5) Days PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO - PC PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO LTS PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Sexual Harassment</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:16-1 Refer to 2C:33-4 Refer to Procedure S-31 Refer to Policy 4111.1/4211.1</p>	<p style="text-align: center;">AD ISSP (1- 5) Days SAC - AAO SS (3-5) Days- OSS (3-5) Days PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO - LTS PL - PCT - PC - SRO</p>

Breaches of Code of Conduct  
Disciplinary Consequences

**Middle School Consequences (Grades 6-8)**

Unlawful Acts	First Offense	Second Offense	Third & Subsequent Offenses
<p style="text-align: center;"><b>Harassment/Intimidation/Bullying</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:33-4</p> <p style="text-align: center;">Level of Discipline based on the Severity of HIB Behavior</p>	<p style="text-align: center;">Refer to Policy 5131 AD ISSP (1-5) Days OSS (1-5) Days SRO -PCT SAC - AAO Verbal Warning Written Warning Community Service</p>	<p style="text-align: center;">AD ISSP (5-10) Days SS (5-10) Days OSS (5) Days SAC - AAO</p> <p style="text-align: center;">PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC LTS - AAO AEP PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Hazing/Aggressive Horseplay</b></p> <p style="text-align: center;">Refer to Policy 5131.1 Refer to 2C:40-3</p> <p style="text-align: center;">Administrative Discretion: Student may be Suspended from School Program if Applicable</p>	<p style="text-align: center;">AD OSS (1-5) Days PCT - SRO - AAO ISSP (5)</p>	<p style="text-align: center;">AD OSS (5-10) Days AAO - LTS - AEP PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days AAO - LTS - EXP PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Racial Harassment - Bias Incident/Stalking</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:12-10 Refer to 2C:16-1 Refer to 2C:33-4</p>	<p style="text-align: center;">AD ISSP (5) Days SS (5) Days SAC - AAO OSS (1-5) Days PL - PCT - PC - SRO</p>	<p style="text-align: center;">AD OSS (10) Days SAC - AAO - PC PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO LTS PL - PCT - PC - SRO</p>
<p style="text-align: center;"><b>Sexual Harassment</b></p> <p style="text-align: center;">Refer to Policy 5131 Refer to 2C:16-1 Refer to 2C:33-4 Refer to Procedure S-31 Refer to Policy 4111.1/4211.1</p>	<p style="text-align: center;">AD ISSP (1- 5) Days SAC - AAO SS (3-5) Days OSS (3-5) Days PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (5-10) Days SAC - AAO PL - PCT - PC - SRO</p>	<p style="text-align: center;">OSS (10) Days SAC - AAO - LTS PL - PCT - PC - SRO</p>

Breaches of Code of Conduct  
Disciplinary Consequences

<b>Elementary School Consequences (Grades K-6)</b>		
<b>Unlawful Acts</b>	<b>First Offense</b>	<b>Second Offense</b>
<b>Harassment/Intimidation/Bullying</b>  <b>Refer to Policy 5131</b> <b>Refer to 2C:33-4</b>  <b>Level of Discipline based on the Severity of HIB Behavior</b>	<b>AD</b> <b>ISSP</b> <b>OSS (1-5)</b> <b>SRO –PCT</b> <b>AAO</b> <b>PL – PCT – PC</b> <b>Verbal Warning</b> <b>Written Warning</b>	<b>AD</b> <b>OSS (3-5)</b> <b>PC - SAC – AAO –PCT - SRO</b>
<b>Hazing</b> <b>Refer to Policy 5131.1</b> <b>Refer to 2C:40-3</b> <b>Administrative Discretion: Student may be Suspended from School Program If Applicable</b>	<b>AD</b> <b>OSS (1-3)</b> <b>PCT – SRO – AAO</b> <b>ISSP</b> <b>PL – PCT – PC</b>	<b>AD</b> <b>OSS (3-5)</b> <b>PCT - SRO – PL - PC</b> <b>AAO - LTS</b>
<b>Racial Harassment - Bias Incident/Stalking</b>  <b>Refer to Policy 5131</b> <b>Refer to 2C:16-1</b> <b>Refer to 2C:33-4</b> <b>Refer to 2C:12-10</b>	<b>AD</b> <b>ISSP</b> <b>PCT - SRO – PL – SAC</b> <b>AAO – PC</b> <b>15 OSS (1-3)</b>	<b>AD</b> <b>OSS (3-5)</b> <b>PCT - SRO – SAC – PL</b> <b>AAO - PC</b>
<b>Sexual Harassment</b>  <b>Refer to Policy 5131</b> <b>Refer to 2C:16-1</b> <b>Refer to 2C:33-4</b> <b>Refer to Procedure S-31</b> <b>Refer to Policy 4111.1/4211.1</b>	<b>AD</b> <b>OSS (1-3)</b> <b>ISSP</b> <b>PCT - SRO – PL – SAC - PC</b> <b>AAO</b> <b>OSS (3-5) Days</b>	<b>AD</b> <b>OSS (5-10) Days</b> <b>LTS</b> <b>PCT - PC -SRO – SAC</b> <b>AAO</b>

# Glossary of Terms

**AAO: Affirmative Action Officer:**

Reports of sexual harassment shall be reported to the principal or designee. The Principal or designee shall make notification to the Building Affirmative Action Officer. The Affirmative Action Officer shall promptly investigate any complaints of harassment, intimidation, bullying and sexual harassment and shall initiate the appropriate corrective action when deemed necessary. **(Refer to Board Policy 5131, 5114, 4111.1/4211.1 and Administrative Procedure S-31 and B-10 located in the Appendix)**

**AD: Administrative Discretion:**

This category is the lowest degree of student discipline contained in the school district's Code of Conduct. Discretion is intended to allow School Administrators the latitude to impose reasonable disciplinary measures for minor infractions of school rules committed by students. Some suggested measures for elementary schools are Verbal or Written Warnings, After School Behavioral Program and Community Service performed within the scope of the school environment.

**AEP: Alternative Educational Program:**

School Administrators have the latitude to assess a student's academic performance and behavioral history in consultation with CST Staff, Counselors and the Director of Special Education to determine if an Alternative Educational Program will serve in the best interest of the student and school community.

**CST: Child Study Team: (Referral)**

The Child Study Team shall be consulted on all discipline matters involving students who are classified under the category of Special Education.

**DAO: District Attendance Officer:**

An intervention team consisting of Guidance Counselor, Child Study Team (if applicable) and the appropriate School Administrator shall make every effort to remedy cases involving student tardiness or absenteeism. The intervention process should include conferences with parents or guardians and well documented notices of excessive tardiness and unexcused absenteeism. If all preliminary measures to resolve a students' unexcused absenteeism have been exhausted, the principal or designee shall refer the matter to the District's Attendance Officer for follow-up. The Attendance Officer may initiate legal action, if applicable, under the provisions of the Compulsory Education Act. The Attendance Officer Referral Form shall be completed and submitted to the Attendance Officer for all follow-up investigations.

# Glossary of Terms

**EXP: Expulsion:**

The Board of Education may expel a student; that is, to discontinue educational services or discontinue payment for educational services, for a general education student from school only after the Board of Education has provided due process rights set forth in N.J.A.C. 6A-16-7.3 and 7.4 subsequent to long term suspension.

**ISSP: In School Suspension Program:**

The In School Suspension Program is a self-contained classroom environment. The intent is to provide students with an alternative to out of school suspension.

**LTS: Long Term Suspension (Recommendation): (Policy 5114)**

The Principal may make a recommendation to the Superintendent for a student to receive a long term suspension for committing an act of violent behavior, a serious violation of school regulations, and/or for an unlawful act which creates a dangerous or unsafe condition for students, guests/visitors or school staff. **(Refer to Board Policy 5114 Administrative Procedure S-16 entitled Guidelines for Suspension and Expulsion located in the Appendix)**

**MHE: Mental Health Evaluation:**

The Principal or designee has the discretion to require a student to make an appointment with a Mental Health Professional in those circumstances when the principal or designee deem the recommendation is appropriate for the safety and welfare of the student or other students or staff. This includes, but is not limited to, when a student demonstrates violent behavior in the form of verbal threats, physical confrontation or a weapons offense. The parent or guardian has the option to utilize the services provided by Steininger Crisis Center located at Kennedy Health Systems or choose their own Mental Health Professional. The family is required to produce written documentation from a Mental Health Professional that he or she poses no safety concerns to him or herself or to others. Parents or guardians are responsible for all costs for a Mental Health Evaluation. **Refer to draft Procedure S-12.**

**OD: Office Detention:**

An office detention is a self-contained classroom environment that is typically held after school. Administrators may, however, assign the OD at any time during the day at their discretion.

**OSS: Out of School Suspension:**

The Principal or designee has the authority to suspend a student for violation of school policies/regulations or for committing an unlawful act. Principals may suspend a regular education student for a maximum of ten (10) school days to include five (5) days home instruction. The Principal or designee should consult with the Child Study Team in all discipline matters involving Classified Students. All recommendations by the Principal to extend a suspension period beyond ten (10) days shall be referred to the Superintendent by the Principal.

# Glossary of Terms

**PC: Parent/Guardian Conference:**

When a student has been suspended, the Principal or designee may require the parent or guardian and the student to attend a re-admittance conference with the appropriate school administrator, as a condition for returning to school.

**PCT: Parent/Guardian Contact: (Telephone)**

The Principal or designee shall initiate a telephone contact to the parent/guardian of a student who has been suspended. The parent/guardian shall be informed of the reason for suspension as well as the terms for suspension. A letter documenting the reason for suspension and number of days suspended shall also be sent to the student's parent or guardian, in addition to the telephone contact..

**PE: Psychological Evaluation:**

The Principal or designee has the discretion to refer a student for a Psychological Evaluation in those circumstances when a student demonstrates physical threats to him or herself or others for the health and safety of the student and school. If the Principal or designee recommends a referral, for Psychological Evaluation, the student shall not return to school until the Principal receives a written report from a Licensed Mental Health Professional, usually a Psychiatrist, that the student poses no threat to him/herself or others within the school community. **Refer to Administrative Procedure S-12**

**PL: Parent/Guardian Letter:**

A letter from the appropriate school administrator shall be sent to the parent or guardian of the suspended student. The letter shall document the reason(s) for suspension and the number of days the student has been suspended. Recommendations for suspension beyond ten (10) days shall be referred to the Superintendent for review.

**SAC: Student Assistance Counselor (SAC): (Referral)**

The Principal may refer a student to a Student Assistance Counselor (SAC) as a condition of suspension or an alternative to suspension. The SAC may coordinate a support meeting with other members of the school staff to include School Counselors, Child Study Team, Psychologist, Mental Health Professional or I&RS Team

**SRO: School Resource Officer:**

The Director of Security should be notified in lieu of the School Resource Officer.