

HARASSMENT, INTIMIDATION AND BULLYING

The Thomas Edison Energysmart Charter School Board of Trustees believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school will not tolerate acts of harassment, intimidation or bullying.

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

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

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The lead person shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the lead person shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The lead person has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

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

"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:

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

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

Consequences and Remedial Measures for Acts of Harassment, Intimidation or BullyingStudents

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
  - 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. Legal action; and
  - 10. Expulsion.
- B. Remedial Measures
  - 1. Personal
    - a. Restitution and restoration;
    - b. Mediation;
    - c. Peer support group;

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- d. Recommendations of a student behavior or ethics council;
  - e. Corrective instruction or other relevant learning or service experience;
  - f. Supportive student interventions, including participation of the intervention and referral services team;
  - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - h. Behavioral management plan, with benchmarks that are closely monitored;
  - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - j. Involvement of school disciplinarian;
  - k. Student counseling;
  - l. Parent conferences;
  - m. Student treatment; or
  - n. Student therapy.
2. Environmental (Classroom, School Building or School System)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  - b. School culture change;
  - c. School climate improvement;
  - d. Adoption of research-based, systemic bullying prevention programs;
  - e. School policy and procedures revisions;
  - f. Modifications of schedules;
  - g. Adjustments in hallway traffic;
  - h. Modifications in student routes or patterns traveling to and from school;
  - i. Supervision of students before and after school, including school transportation;
  - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
  - k. Teacher aides;
  - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  - m. General professional development programs for certificated and non-certificated staff;
  - n. Professional development plans for involved staff;
  - o. Disciplinary action for school staff who contributed to the problem;
  - p. Supportive institutional interventions, including participation of the intervention and referral services team;
  - q. Parent conferences;
  - r. Family counseling;
  - s. Involvement of parent-teacher organizations;

Classified Students

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

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

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not

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limited to:

A. Consequences may include

1. Conference with the supervisor and the victim if appropriate;
2. Corrective action plan;
3. Admonishment such as a letter in the personnel file;
4. Temporary removal from the classroom;
5. Discipline measures such as:
  - a. Withholding of increment;
  - b. Suspension without pay;
6. Legal action; and
7. Termination.

B. Remedial Measures: Personal

1. Letter of apology;
2. Restitution and restoration;
3. Mediation;
4. Support group;
5. Probationary period in which the supervisor in conjunction with the employee may develop and implement the following:
  - a. Corrective action plan;
  - b. Behavioral assessment or evaluation;
  - c. Behavioral management plan, with benchmarks that are closely monitored.
6. Referral for a psychiatric examination (see policy 4112.4/4212.4 Employee Health); and
7. Referral for counseling, treatment or therapy.

C. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling.

Victim Support

When a student is a victim of harassment, intimidation and/or bullying a range of strategies and resources

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shall be developed and made available to the victim. As appropriate, the student, parents/guardians and staff members shall be involved in the development of strategies to prevent recurring incidences of bullying. The objectives of the strategies shall be to provide relief to the victim, minimize any stigma that may be associated with the victim, and/or eliminate the risk of further persecution. The type, diversity, location, and degree of support shall be directly related to the student's perception of safety.

Sufficient safety measures shall be considered and implemented where appropriate to ensure the victims' physical and social-emotional well-being and protect the student's capacity to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying may include but are not limited to:

- A. Teacher aides, hallway and playground monitors;
- B. Assignment of an adult "shadow" to help protect the student;
- C. Seating and schedule changes;
- D. School transfers;
- E. Before- and after-school supervision;
- F. Changes in transportation routes and/or increased supervision during transport;
- G. Counseling, treatment or therapy.

Reporting Harassment, Intimidation and Bullying Behavior

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

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

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

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

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school's procedures concerning school bullying.

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

A school administrator who receives a report of harassment, intimidation, or bullying from a school employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

School Anti-Bullying Coordinator and Anti-Bullying Specialist

The lead person shall appoint a school anti-bullying coordinator and an anti-bullying specialist. The lead person shall make every effort to appoint an employee of the school to the position of anti-bullying coordinator. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the lead person shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the lead person shall appoint a school anti-bullying specialist from currently employed school personnel.

A. The school anti-bullying coordinator shall:

1. Be responsible for coordinating and strengthening the school's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
2. Collaborate with the board of trustees, and the lead person to prevent, identify, and respond to harassment, intimidation, and bullying of students in the school;
3. Provide data, in collaboration with the lead person, 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 lead person.

B. The school anti-bullying specialist shall:

1. Chair the school safety team;
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.

School Safety Team

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

The school safety team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;

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- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A. 18A:37-13 et seq.) and other training which the principal or the school anti-bullying coordinator may request;
- G. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or school anti-bullying coordinator.

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

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

Investigating Reported Harassment, Intimidation and Bullying

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

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  1. Taking of statements from victims, witnesses and accused;
  2. Careful examination of the facts;
  3. Support for the victim; and
  4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the lead person within two school days of the completion of the investigation, and in accordance with law and board policy. The lead person may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying

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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 trustees 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 lead person.
- F. The lead person 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 school 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.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The board of trustees recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school 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 system) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the school shall respond to the individual who committed the act. Responses may include:



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- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. School responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

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

Retaliation and Reprisal Prohibited

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

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

## A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

## B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including suspension or dismissal from service;

## C. Board Members

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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 board policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

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

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

Consequences and Remediation

Consequences and remediation for students and employees engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations shall be the consistent with the consequences for committing acts of harassment, intimidation and bullying as stated above in the Student and Staff sections of this policy.

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

## A. Consequences

1. Removal from the classroom or school;
2. The visitor or volunteer may be banned from school buildings and grounds;
3. Immediate suspension and/or expulsion from classrooms or school property;
4. Termination of volunteer privileges;
5. Legal action.

## B. Remedial measures to reestablish visitor, volunteer, contracted service providers, assembly/board members or all other persons, privileges may include:

1. Conference with the lead person executive director;
2. Personal action such as a letter of apology;
3. Restitution and restoration.

Visitors, volunteers, contracted service providers, board members or all other persons in violation of this policy shall not be permitted on school property without the approval of the chief school administrator (school director).

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the lead person 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 trustees meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the lead person'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

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board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The school, 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 school shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

Training

## A. School Leaders

Any school leader who holds a position that requires the possession of a lead person, 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 trustees, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school'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 shall:

1. Provide training on the school'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 school's harassment, intimidation or bullying policy with students.

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Information regarding the school 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 school to provide services to students.

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

Reporting to the Board

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

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall have the data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and

The report shall be used to grade the 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 school shall post the grade received by the school on the homepage of the school's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school.

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

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

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

Program Assessment and Review

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

Policy Development and Review

The school 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 school 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 school shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

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

The lead person shall take the following steps to publicize this policy:

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

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

Additionally, the school 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 staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The lead person shall ensure that the rules for this policy are applied consistently with the school's code of

HARASSMENT, INTIMIDATION AND BULLYING (continued)

student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

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

Adopted: June 4, 2012  
 NJSBA Review/Update: August 2016  
 Readopted:

Key Words

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

**Legal References:** N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:6-112 Instruction on suicide prevention for public school teaching staff  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:12-33 Training program; requirements  
N.J.S.A. 18A:17-46 Reporting of certain acts by school employee; annual report; public hearing (acts of violence)  
N.J.S.A. 18A:25-2 Authority over students  
N.J.S.A. 18A:26-8.2 School leader defined; training as part of professional development  
N.J.S.A. 18A:36-19 Student records; creation, maintenance and retention, security and access; regulations; nonliability  
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. Submission of Students to Authority (Discipline)  
N.J.S.A. 18A:37-13 et seq. Anti-Bullying Bill of Rights Act  
See particularly:  
N.J.S.A. 18A:37-14, -15, -17 Harassment, intimidation, and bullying  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions (students with disabilities)  
N.J.A.C. 6A:16-1.1 et seq. Programs to support student development (includes student conduct code)  
See particularly:  
N.J.A.C. 6A:16-7.1, -7.5, -7.7

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."

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

**Possible**

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

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