

R5512 HARASSMENT, INTIMIDATION AND BULLYING

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment.

A. Application - this Regulation shall apply to: all District students; all staff members, including contracted staff; any volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs.

B. Definitions

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents:

1. Is reasonably perceived as being motivated by either 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;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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, that the act(s) 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 a student's education or by severely or pervasively causing physical or emotional harm to the student.

The term "bullying" also includes unwanted, aggressive behavior that may involve a real or perceived power imbalance. The real or perceived imbalance of power shall not be based solely on a student's size, age, or relative group of friends. This policy does not apply to mutual peer conflict or disputes between students unless the incident clearly involves an imbalance of power or is motivated by a protected or distinguishing characteristic.

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

"Adult" means: all staff members, including contracted staff; volunteers, including appointed volunteers; contracted service providers; and members of any organizations, groups, associations, and clubs which are associated with the District, including but not limited to parent-teacher associations (PTAs), home-school associations (HSAs), and sports and music booster clubs.

C. Investigation - the following investigation procedure shall be used for all allegations of harassment, intimidation, or bullying:

1. An investigation shall be initiated by the Principal or the Principal's designee within one school day of the determination of the Principal that the incident is a report within the scope of N.J.S.A. 18A:37-14.
 - a. The investigation of any complaint alleging a violation by a District student shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialist to assist in the investigation.
 - b. The investigation of any complaint alleging a violation by an adult shall be conducted by a Central Office Administrator, or at the discretion of the Board of Education, a third-party investigator.
2. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying.
 - a. The school Anti-Bullying Specialist may amend the original report of the results of the investigation to include information received after the end of the ten-day investigation period.
3. Within two school days of completion of the investigation, the results shall be reported to the Superintendent of Schools.
4. The Superintendent of Schools 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.
5. The results of each investigation shall be reported to the Board of Education no later than the date of the next Board of Education Meeting following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent.

6. Within five school days of the investigation results being reported to the Board of Education, the Parents of involved student offenders and targets/victims shall be provided 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, and whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
7. Within sixty calendar days of receiving the investigation information, a parent may request a hearing before the Board of Education.
 - a. The hearing shall be held within ten school days of the request;
 - b. The Board shall meet in executive session for the hearing to protect the confidentiality of the students;
 - c. 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; and
 - d. At the hearing the Board may hear from the parent regarding the incident.
8. At the next regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of each investigation to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision.
 - a. Within ninety days of the issuance of the Board's decision, an appeal may be filed with the Commissioner of Education, in accordance with the procedures set forth in law and regulation.
9. A parent, student, or organization may file a complaint with the Division on Civil Rights within one hundred eighty 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.).

D. Investigation of District Students Attending State Approved Private Schools for Students with Disabilities - the Anti-Bullying Specialist shall investigate a report of harassment, intimidation, or bullying for a District student attending a State approved private school for students with disabilities through an IEP if the incident is reported to have occurred on a Board of Education school bus, at a Board of Education school-sponsored function, or off school grounds. If the report of harassment, intimidation, or bullying involves students from more than one school district, the district board(s) of education of the victim(s) involved shall initiate the investigation. The Anti-Bullying Specialist shall consult with the State approved private school for students with disabilities during the investigation. The State approved private school for students with disabilities is responsible for the investigation of a report of harassment, intimidation, or bullying occurring on its school grounds.

E. Student Expectations, Consequences & Remedial Measures - students are expected to conduct themselves in accordance with Board Policies 5500 (Expectations for Pupil Conduct) and 5600 (Code of Conduct). Following a thorough investigation, school administration shall respond to a finding of a harassment, intimidation, or bullying incident, through the use of consequences, remedial measures, and support for victims which may include, but are not limited to, the following examples:

1. Example of Consequences

- a. Admonishment;
- b. Temporary removal from the classroom;
- c. Deprivation of privileges;
- d. Classroom or administrative detention;
- e. Referral to disciplinarian;
- f. In-school suspension;
- g. Out-of-school suspension (short-term or long-term);
- h. Reports to law enforcement or other legal action; or
- i. Expulsion.

2. Examples of Remedial Measures

- a. Personal – Student Exhibiting Bullying Behavior
 - i. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
 - ii. Meet with parents to develop a family agreement to ensure the parent and the student understands school rules and expectations;
 - iii. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
 - iv. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
 - v. Meet with school counselor, school social worker, or school psychologist to explore mental health concerns (e.g., what is happening and why?);
 - vi. Develop a behavior modification plan that includes consequences and skill building;
 - vii. Consider wrap-around support services or after-school programs or services;
 - viii. Provide social skills training to gain tools in problem solving, impulse control, anger management, and building empathy;
 - ix. Arrange for an apology, preferably written;

- x. Require a reflective essay to ensure the student understands the impact of his or her actions on others;
 - xi. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
 - xii. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
 - xiii. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and
 - xiv. Schedule a follow-up conference with the student.
- b. Personal – Target/Victim
- i. Meet with a trusted staff member to explore the student’s feelings about the incident;
 - ii. Develop a plan to ensure the student’s emotional and physical safety at school;
 - iii. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;
 - iv. Ask students to log behaviors in the future;
 - v. Help the student develop skills and strategies for resisting bullying; and
 - vi. Schedule a follow-up conference with the student.
- c. Parents, Family, and Community
- i. Develop a family agreement;
 - ii. Refer the family for family counseling; and
 - iii. Offer parent education workshops related to bullying and social-emotional learning.

3. Examples of Remedial Measures – Environmental (Classroom, School Building or School District)

- a. Analysis of existing data to identify bullying issues and concerns;
- b. Use of findings from school surveys (e.g., school climate surveys);
- c. Focus groups;
- d. Mailings – postal and email;
- e. Cable access television;
- f. School culture change;
- g. School climate improvement;
- h. Increased supervision in “hot spots” (e.g. locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);

- i. Adoption of evidence-based systemic bullying prevention practices and programs;
- j. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
- k. Professional development plans for involved staff;
- l. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
- m. Formation of professional learning communities to address bullying problems;
- n. Small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions;
- o. School policy and procedure revisions;
- p. Modifications of schedules;
- q. Adjustments in hallway traffic;
- r. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
- s. Modifications in student routes or patterns traveling to and from school;
- t. Supervision of student victims before and after school, including school transportation;
- u. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- v. Targeted use of teacher aides;
- w. Disciplinary action, including dismissal, for school staff who contributed to the problem;
- x. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
- y. Parent conferences;
- z. Family counseling;
- aa. Development of a general harassment, intimidation, and bullying response plan;
- bb. Behavioral expectations communicated to students and parents;
- cc. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;
- dd. Recommendations of a student behavior or ethics council;

- ee. Participation in peer support groups;
- ff. School transfers; and
- gg. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

4. Examples of support for student victims of harassment, intimidation, and bullying include:

- a. Teacher aides;
- b. Hallway and playground monitors;
- c. Partnering with a school leader;
- d. Provision of an adult mentor;
- e. Assignment of an adult "shadow" to help protect the student;
- f. Seating changes;
- g. Schedule changes;
- h. School transfers;
- i. Before- and after-school supervision;
- j. School transportation supervision;
- k. Counseling; and
- l. Treatment or therapy.

D. In accordance with N.J.S.A. 18A:37-15 and Board Policy 5512 the Principal, in conjunction with the Anti-Bullying Specialist, is required to define a range of responses to a finding of a harassment, intimidation, or bullying. Examples of some responses are provided below:

- 5. Individual responses can include, but are not limited to, consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors
- 6. Classroom responses can include, but are not limited to, class discussions about an incident of harassment, intimidation or bullying, role plays, (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
- 7. Schoolwide responses can include, but are not limited to, theme days, learning station programs, "acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs, the dissemination of information to students and parents explaining acceptable uses of electronic

and wireless communication devices, and harassment, intimidation, and bullying prevention curricula or campaigns.

8. District-wide responses can comprise of adoption of school-wide programs, including, but not limited to, enhancing the school climate, involving the community in policy review and development, providing professional development, coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations), launching harassment, intimidation, and bullying prevention campaigns.

This Regulation must be read in conjunction with Policy 5512. The examples contained herein are not listed in any particular order and function to assist the administration in determining the actions to take to ensure students involved in a harassment, intimidation, or bullying incident are provided appropriate consequences, remedial measures, and support for victims. Administration shall ensure that consequences and remedial actions are graded according to the severity of the offense(s), consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, and align with the Code of Student Conduct and N.J.A.C. 6A:16-7.

Approved: December 17, 2018