

PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING

Audubon District Policy for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses

1. It is the belief of the Audubon Public Schools that all students are capable of learning and achieving high academic standards. Learning and achievement best occur in a safe setting of mutual respect in order for students to develop into ethical, productive citizens who will be able to contribute to the local and global community. In order to do this we must create a school culture that is free from harassment, intimidation, bullying, hazing, or any other disruptive or violent behaviors that prevent a student's ability to learn or the school's ability to educate its students. It is also our strong belief that students learn by example so this policy extends to all those who are part of the school culture: students, faculty, administrators, staff, parents, volunteers, and Board of Education members. All members of our school culture shall demonstrate appropriate behavior by treating others respectfully and prohibiting harassment, intimidation, or bullying against students.

2. As addressed in the Audubon Code of Student Conduct, *"Harassment, intimidation or bullying" means 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 (handicap) disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function (or), on a school bus, or off school grounds as provided for in section of P.L.2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of a school or the right of other students and that :*

- *a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the students property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; (or)*
- *has the effect of insulting or demeaning any student or group of students (in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of a school); or*
- *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.*

Additionally, as also addressed in the Audubon Student Code of Conduct, the NJ Statutory definition of hazing is:

a. "A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. (N.J.S.A. 2C:40-3)

b. "A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.

c. "Consent shall not be available as a defense to a prosecution under this Act," (N.J.S.A. 2C:40-3)

3. The Audubon Public School District expects all students to exhibit conduct in keeping with their level of development, maturity, and demonstrated capabilities. In addition, they should have a proper regard for the rights and welfare of other students and staff and an understanding that the school's underlying purpose is education. These standards of behavior should be created cooperatively by students, parents and guardians, staff, and community members in order to develop the safe setting of mutual respect in which an atmosphere that encourages self discipline can grow. These standards will be included in the Student Code of Conduct, which is included in the district's Student Handbooks and located on the district and school websites. Self discipline should include respect for self and others as well as for district and community

property on the part of students, staff and community members. The staff, as part of the school culture, must use violations of conduct as opportunities for helping students learn to assume and accept responsibility not only for their behaviors, but also for the consequences. Best practices should be designed and applied to prevent problems from violations in conduct from occurring and to encourage students to grow in their own self discipline.

4. Statutory and Regulatory Requirement

The policy shall include the consequences and appropriate remedial actions for a person who commits an act of harassment, intimidation or bullying. N.J.S.A. 18A:37-15(3) (b) (4) and N.J.A.C. 6A:16-7.9 (a) 2iv.

The Audubon District Board of Education shall require its school administrators to develop and implement procedures that ensure delivery of both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment, intimidation or bullying. The school administration shall give full consideration to the following factors in the development of procedures for determining appropriate consequences and remedial measures for each act of harassment, intimidation or bullying.

The Audubon District Board of Education shall require its school administrators to develop and implement procedures that ensure delivery of both the appropriate consequences and remedial responses to a student or staff member who commits one or more acts of harassment, intimidation or bullying. The school administration shall give full consideration to the following factors in the development of procedures for determining appropriate consequences and remedial measures for each act of harassment, intimidation or bullying. Remedial actions shall be recognized as the most important response to instances of harassment, intimidation and bullying.

Factors for Determining Consequences:

- age and developmental/maturity levels
- degrees of harm
- surrounding circumstances
- nature and severity of the offense(s)
- relationships of parties involved
- context in which alleged incidents occurred
- incidences of past or continuing patterns of behavior

Factors for Determining Remedial Measures:

Personal:

- life skill deficiencies and strengths
- social relationships
- talents, hobbies, skills and interest
- traits
- past or present participation in extra curricular activities
- classroom participation and academic performance

Environmental:

- school culture and climate
- student/staff and peer relationships
- staff behavior toward student
- school culture and climate
- staff behavior toward the student
- general staff management of classrooms
- general staff management of other educational environments
- capacity of staff to manage and prevent difficult or inflammatory situations

- social/emotional supports available to the student
- community activities
- neighborhood situation
- family situation

Consequences and Remedial Measures:

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Audubon District Board of Education's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

Consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the Audubon District Board of Education's approved code of student conduct and N.J.A.C. 6A:16-7, Student Conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, and protect the victim of the act. The consequences and remedial measures can include but not be limited to:

Consequences for Students:

- admonishment
- temporary or permanent (if in an elective class) removal from class or other educational environment
- deprivation of privileges
- classroom or administrative detention
- referral to disciplinarian
- in-school suspension
- before or after school programs
- out-of-school suspension
- legal action
- expulsion
- verbal reprimand
- letter in personnel file
- increment withheld
- termination of employment

Consequences for Staff:

Remedial Measures for Students:

- restitution and restoration
- mediation
- peer-support group
- recommendations of the student behavior ethics council
- corrective instruction or other relevant learning service experience
- supportive student interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8
- corrective instruction or other relevant learning or service experience
- referral to Affirmative Action Officer
- behavioral assessment or evaluation, including but not limited to, a referral to the Child Study Team, as appropriate
- behavioral management plan, with closely monitored benchmarks
- assignment of contributory or leadership responsibilities
- involvement of the school disciplinarian

Remedial Measures for Staff:

- student counseling
- parent conferences
- treatment or therapy for the student
- mentoring
- targeted professional development in and out of district counseling

Environmental (Classroom, School Building or District):

- school and community surveys to determine school and community culture and conditions that may contribute to harassment, bullying or intimidation
- student/community focus and or task group
- school culture change
- school climate improvement
- on-going investigation of researched based, systemic bullying prevention programs and adoption of applicable programs
- ongoing revision of school policy and procedures, as well as schedules, adjustment of hallway traffic and targeted use of monitors
- modifications of student routes or patterns traveling to and from school
- small or large group presentations to address all related bullying, harassment and intimidation issues
- departmental and grade level collaborations
- professional development for certified, non-certified and involved staff
- disciplinary action for school staff who contributed to the problem
- supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8
- parent conferences
- referral to outside provider for family counseling
- involvement of parent-teacher and community based organizations
- development and update of bullying response plan
- recommendations of an ethics council
- peer support groups
- law enforcement

Issues for Consideration

Since N.J.S.A. 18A:37-15(3) (b) (4) and N.J.S.C. 6A:16-7.99 a02iv clearly establish that the responses to a person who commits an act of harassment, intimidation or bullying must include both consequences and appropriate remedial actions; school officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves more than traditional disciplinary actions. It is important to note that N.J.A.C. 6A:16-7.9(a) 2vi also requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation and bullying.

In regard to consequences, only after meaningful consideration of the factors for determining consequences, described above, can an appropriate consequence be determined, consistent with the case law, federal and state statutes, regulations and policies, and district policies, procedures and collective bargaining agreements. In regard to remediation, only after meaningful consideration of the factors for determining remedial measures can an appropriate remedial response be determined, consistent with the documented needs of the student and the unique characteristics of the student's situation. The overall school climate and school culture and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support harassment, intimidation or bullying behavior. These factors always should be considered in the response to an act of harassment, intimidation or bullying. Additionally, in all cases the district should attempt to actively involve parents in the remediation of the behavior(s) of concern. It is only after

meaningful consideration of the factors and examples described above that appropriate consequences and remedial responses can be determined, consistent with the documented needs of the student, the unique characteristics of the student's situation and the requirements under N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9.

5. The principal/school anti-bullying specialist at each school shall be responsible for receiving complaints alleging violation of this policy. All school employees as well as other members of the school community, including students, peers, volunteers and visitors are required to report alleged violations of this policy to the principal/anti-bullying specialist. A reporting form is used to document the information.

Oral and electronic reports shall also be considered official reports. Reports may be made anonymously, but formal action for violation of the code of student conduct may not be based solely on the basis of an anonymous report.

Information about the reporting process shall be included in all orientation programs for students, staff, volunteers, parents and community members.

6. The principal/anti-bullying specialist shall be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal/anti-bullying specialist shall conduct a prompt, thorough, and complete investigation of each alleged incident.

The principal/anti-bullying specialist shall keep records of reports of violations of this policy as well as records which demonstrate each school's efforts to reduce incidents of harassment, intimidation and bullying.

7. Response to an incident:

The Audubon Board of Education 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. Other acts may be so serious or parts of a larger pattern of HIB that they require a response of similar intensity on any of the levels listed below or by law enforcement officials. The Audubon School District MUST respond to every incident of harassment, intimidation or bullying. There are multiple indicators that the district must employ to respond to such actions. Responses

will include individual responses, classroom responses, school responses, district responses, as well as, community responses.

4 Levels of Response to a Bullying Incident for all Parties Involved will include:

Individual:

Positive Behavior Intervention for Both the Victim and the Perpetrator – Which may include, but not be limited to the following:

- mentoring
- counseling
- social skills instruction
- mediation
- peer support
- parent contact
- administrative follow-up

Punitive Actions – This may include, but not be limited to the following:

- detention
- in-school suspension
- Saturday detention

- out-of-school suspension
- expulsion

Classroom for Both the Victim and the Perpetrator:

1. class discussion of incident
2. role- play
3. research projects
4. observing/discussion through audio visual materials
5. skill building lessons on courtesy, tolerance, assertiveness, conflict management.

School:

1. theme days
2. learning station programs
3. Fact sheets
4. newsletter
5. parent programs
6. academic and positive character recognition programs

District:

1. community involvement
2. professional development
3. character education and social skills curriculum
4. coordination with community-based organizations
5. counseling

Section 8: The Audubon Board of Education prohibits the retaliation or reprisal against any person who reports an act of bullying, harassment, or intimidation. The consequence and appropriate remedial action for a person who engages in Retaliation or reprisal shall be determined by the appropriate administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, federal and state statutes and regulations, as well as Audubon School District policies and procedures. Consequences and remedial actions For students who engage in reprisals or retaliation will fall in the range of the consequences and remedial actions listed in section 7, as well as the possible involvement of law enforcement officials.

Section 9: The Audubon Board of Education prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. Decisions regarding the consequences and appropriate remedial action for an individual found to have falsely accused another as a means of harassment, intimidation, or bullying will be made considering the totality of the circumstances of an individual situation and in accord with existing case law, federal and state statutes and regulations and district policy and procedures.

The consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7., Long-term suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

The consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation, or bullying shall be according to district policies, procedures and agreements, and

may include: positive behavioral intervention or punitive action, such as a verbal reprimand, letter in the personnel file or termination of employment, as well as involvement of law enforcement.

The consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials, and may include: positive behavioral intervention or termination of permission to enter district property.

Section 10: In fostering a safe and disciplined environment that is conducive to learning where individuals treat one another with civility and respect, the Audubon Board of Education requires the following:

1. School officials will disseminate the policy annually to all school staff, students and parents, along with a statement explaining that it applies to all applicable acts of harassment, intimidation, and bullying that occur on school property, at school sponsored functions, or on a school bus and off school property when electronic devices or networks are involved and it interferes with school operations. All Stakeholders will be informed that the policy will be posted on the district website.
2. The chief school administrator will develop an annual process for discussing the school district policy on harassment, intimidation, and bullying with students.

Section 11: Staff members are expected to become trained in skills and strategies for developing student self-discipline and to apply best practices for positive behavioral interventions, including experiential learning techniques and modeling of strategies. The school district will provide opportunities for preparing staff to prevent and effectively intervene with instances of harassment, intimidation, and bullying. The district's policy on harassment, intimidation, or bullying is a prevention tool when used to explain to students the school district's expectations for their behavior, consistent with the provisions of the Audubon Board of Education's code of student conduct, including harassment, intimidation, and bullying, and N.J.A.C. 6A:16-7.1, Code of student conduct.

Pursuant to N.J.S.A.: 37-17(5) (c) N.J.A.C. 6A:16-7.9(d)1i, information regarding the district's policy against harassment, intimidation, and bullying is included in the district's employee training program.

Pursuant to N.J.A.C. 6A:16-7.9(d)3, the district will review the extent and characteristics of harassment, intimidation, and bullying behavior in the school buildings of the school district and implement locally determined programmatic or other responses as determined by the Audubon Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d) 1, the district will annually review the training needs of district staff for the effective implementation of the harassment, intimidation, and bullying policy, procedures, programs and initiatives of the Audubon Board of Education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the student code of conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined by the Audubon Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d) 2, the district will develop a process for annually discussing the school district's harassment, intimidation, and bullying policy with students.

Adopted: September 17, 2003

Reviewed and Revised: June 20, 2007, May 21, 2008, December 17, 2008, December 16, 2009,

March 16, 2011, August 23, 2011 - Revisions recommended by the Board of Education Policy Committee for approval at the September 21, 2011 meeting of the Audubon Board of Education

QSAC Monitored:

Section 3: Governance

Mandated:

P.L. 2010, c.122 concerning harassment, intimidation, and bullying in school settings, amended various parts of the statutory law and supplements N.J.S.A. 18A:37-13 et seq. and chapter 3B of Title 18A of the New Jersey Statutes. It created the "Anti-Bullying Bill of Rights Act" which is contained in N.J.S.A. 18A: 37-13 through N.J.S.A. 18A:37-32.

N.J.S.A. 18A:37-14, as amended by P.L. 2010, c.122 section 11, defines "harassment, intimidation or bullying" to include "any gesture, 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 property, at any school-sponsored function, 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 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 person or damage to his property;
- 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. "An "electronic communication is defined as "a communication transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager."

N.J.S.A. 18A:37-15 requires each school district to adopt a policy through a process that includes representation of parents/guardians, school employees, volunteers, students, administrators, and community representatives that:

- A. *Prohibits harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus;*
- B. *Contains a definition of harassment, intimidation and bullying no less inclusive as set forth in N.J.S.A. 18A:37-14;*
- C. *Describes the type of behavior expected from each student;*
- D. *Lists the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;*
- E. *Enumerates the time frames and statutory procedures for reporting and promptly investigating reports of violations and complaints of harassment, intimidation and bullying, as well as post-investigative reporting to the chief school administrator and the board and district response and disposition of reported incidents;*
- F. *Ensures that parents/guardians and students who are parties to an investigation receive written information within 5 days of the date the results of the investigation are reported to the board, regarding the nature of the investigation, evidence and actions taken, and are afforded an opportunity for a hearing before the board;*
- G. *Details and includes the legal time frames for the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;*
- H. *Details that the district response to harassment, intimidation and bullying shall be defined by the principal in conjunction with the anti-bullying specialist and include an appropriate combination of actions;*
- I. *Prohibits reprisal or retaliation for reporting harassment intimidation and bullying;*

- J. States the consequences and appropriate remedial action for a person who has been found to have falsely accused another person as a means of retaliation or as a means of harassment, intimidation and bullying;
- K. Includes a statement of how the policy will be publicized, including notification of the policy's application to school sponsored functions;
- L. Is distributed annually to parents and guardians who have children enrolled in a school in the school district; and is linked in a prominent location of the school and district website homepage, along with the identifying information regarding the district anti-bullying coordinator and the school anti-bullying specialist;
- M. Is annually re-evaluated, reassessed and reviewed with revisions transmitted to the executive county superintendent within 30 days of the revision (beginning September 1, 2011).

A district may adopt more stringent provisions than those required. A district is required to provide notice of its policy in any of its publications that contain school rules, and in any student handbook.

N.J.S.A. 18A:37-15.3 (P.L. 2010, c.122, Section 16) requires that district policy include provisions for appropriate responses to harassment, intimidation and bullying as defined in N.J.S.A. 18A:37-14, that occurs off school grounds, where a school employee is made aware of such actions. The responses must be consistent with the code of student conduct and the board policy on harassment, intimidation and bullying.

N.J.S.A. 18A:37-16 (see P.L. 2010, c.122, Section 13) prohibits retaliation and false accusations by a board member, school employee, student or volunteer against a victim, or person with reliable information about an act of harassment, intimidation or bullying. It also requires reporting of incidents by a board member, school employee, contracted service provider, student or volunteer with reliable information that a student has been subject to harassment, intimidation, or bullying. Reporting shall be to the designated school official, or any school administrator or safe schools resource officer.

A board member or school employee who promptly and properly reports an incident of harassment, intimidation or bullying, is protected from legal action for damages arising from any failure to remedy the incident. A school administrator who receives a report and fails to conduct an investigation, or who should have known of an incident but fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

N.J.S.A. 18A:37-17 (see P.L. 2010, c. 122, Section 14) requires the principal of each school to appoint from existing trained and qualified staff a school anti-bullying specialist and details the responsibilities of the anti-bullying specialist. Additionally, the law requires the chief school administrator to appoint a district anti-bullying coordinator and lists the responsibilities pertaining to the district's bullying policy and programs, and requires the anti-bullying coordinator to meet at least two times a year with the school anti-bullying specialists.

N.J.S.A. 18A:37-26 requires the Commissioner of Education to establish in-service workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists. (P.L. 2010, c. 122, Section 23)

N.J.S.A. 18A:37-21 (P.L. 2010, c. 122, Section 18) requires each school to form a school safety team which at a minimum includes the principal or his or her designee (who shall be a senior school administrator), a teacher, the anti-bullying specialist, a parent/guardian of a student in the school and other members as determined by the principal. The school safety team is required to meet at least twice a year, and its responsibilities are enumerated and include the review and analysis of bullying reports; investigations; school bullying program and policy assessment and revision; training and staff development programs; community education; and district data accumulation and reporting. Parents may not participate in certain activities, including those that would compromise student confidentiality.

N.J.S.A. 18A:37-18 provides that the school statutes involving harassment, bullying, and intimidation do not prevent a victim from seeking redress under any other available law.

N.J.S.A. 18A:37-19, adopted in 2002 (P.L. 2002, c.83, s.7.) provides for a school district that incurs additional costs to implement the bullying law, to apply to the Commissioner of Education for reimbursement.

N.J.S.A. 18A: 37-28 (P.L. 2010, c. 122, Section 25) establishes a “Bullying Prevention Fund” to be used for grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.

N.J.S.A. 18A:37-19 requires the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety to develop a guidance document and to maintain it on their respective websites.

N.J.A.C. 6A:16-1.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-7.1(a-d) requires district boards of education to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs the development, adoption and implementation of a policy prohibiting harassment, intimidation, and bullying pursuant to N.J.S.A. 18A:37-15.

Other Reasons:

Districts are reminded that they must develop a Code of Student Conduct in accordance with N.J.A.C. 6A:16-7.1. The range of school responses to harassment, intimidation and bullying shall be aligned with and not replace the district's Code of Student Conduct.

N.J.S.A. 18A:6-112 requires that teaching staff receive professional development on suicide prevention and instruction on the relationship between the risk of suicide and incidents of harassment, intimidation and bullying. In addition, staff shall receive information on reducing the risk of students who are identified as at high risk of suicide.

N.J.S.A. 18A:12-33 requires newly elected or appointed board of education members and charter school trustees to complete training on harassment intimidation and bullying within one year of being newly elected or appointed or being re-elected or re-appointed to the board. A board member shall be required to complete the program only once.

N.J.S.A. 18A:17-46 requires the chief school administrator to report two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, all acts of violence, vandalism and harassment, intimidation or bullying which occurred the previous reporting period. The elements of the report are enumerated such as the number, status and nature of the incidents. It also requires the board to report once each reporting period the information to the Department of Education. The DOE shall use the information to “grade” each school and the district. The grades must be posted on the homepage of the school's and district's websites.

N.J.S.A. 18A:26-8.2 requires “school leaders,” meaning a school district staff member who holds a position that requires the possession of a chief school administrator, principal or supervisor endorsement, complete training that includes information on the prevention of harassment, intimidation, and bullying.

N.J.S.A. 18A:37-17 requires that the district provide training to staff, students and volunteers who have significant contact with students, on the district harassment, intimidation and bullying policy; preventing bullying; and district reporting procedures.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 19) requires all candidates for teaching certification who have completed a teacher preparation program at a regionally accredited institution of higher education to have satisfactorily completed a program on harassment, intimidation and bullying training. Also, the State Board must require public school teachers to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period as part of the professional development requirement.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 20) requires all candidates for administrative and supervisory certification to have satisfactorily completed a program on harassment, intimidation and bullying training.

N.J.S.A. 18A:37-19 (P.L. 2010, c. 122, Section 26) requires all schools to observe a "Week of Respect" on the first Monday in October each year and provide age appropriate instruction focusing on preventing harassment, intimidation and bullying during that week, as well as throughout the school year.

Recommendation:

A policy that:

- A. Prohibits harassment, intimidation or bullying at a minimum for all circumstances allowed under the law N.J.S.A. 18A:37-13 et seq.;*
- B. Contains the definition of harassment, intimidation and bullying set forth in N.J.S.A. 18A:37-14;*
- C. Describes the type of behavior expected from each student;*
- D. Describes the appointment and responsibilities of the district anti-bullying coordinator, anti-bullying specialist, and the school safety team;*
- E. Lists the consequences and appropriate remedial action for any person who commits an act of harassment, intimidation or bullying;*
- F. Prohibits retaliation, reprisal for reporting harassment, intimidation and bullying and lists the consequences and appropriate remedial actions;*
- G. Prohibits false reporting of harassment, intimidation and bullying and enumerates consequences and appropriate remedial actions;*
- H. Describes the range of ways a district will respond to harassment; intimidation and bullying;*
- I. Lists a range of school responses to harassment, intimidation and bullying that are aligned with and do not replace the district's Code of Student Conduct;*
- J. Describes the school and/or district reporting and investigating procedures for violations and complaints;*
- K. Ensures that parents/guardians and students involved in an investigation receive the necessary information;*
- L. Details the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;*
- M. Covers the Week of Respect;*
- N. Includes all training requirements for board members, staff, volunteers and students;*
- O. Includes reporting requirements to the board and to the Department of Education;*
- P. Describes program assessment and review requirements;*
- Q. Describes policy development, adoption, review and revision requirements;*
- R. Describes district requirements for policy publication, dissemination and implementation.*

In developing policy, districts should review the Department of Education's Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying.

Legal References:

<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law against Discrimination
<u>N.J.S.A.</u> 18A:6-112	Instruction on suicide prevention for public school teaching staff
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-33	Training program; requirements
<u>N.J.S.A.</u> 18A:17-46	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
<u>N.J.S.A.</u> 18A:26-8.2	School leader defined; training as part of professional development
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; non-liability
<u>N.J.S.A.</u> 18A:36-19a	Student records (Newly enrolled students; transfers of records, identification)
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Submission of Pupils to Authority (Discipline)
<u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:37-14, -15, -17	Harassment, intimidation, and bullying
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions (students with disabilities)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to support student development (includes student conduct code)
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4, -7.1, -7.6, -7.9	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

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

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

Possible**Cross References:**

*1220	Ad hoc advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; in-service education/visitation conferences
4148/4248	Employee protection
*4231/4231.1	Staff development; in-service 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	Pupil grievance procedure
*5145.1	Questioning and apprehension
*5145.1	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

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