

HARASSMENT, INTIMIDATION AND BULLYING

The board of education prohibits acts of harassment, intimidation, or bullying. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate in a safe environment. Since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

Definitions:

"Harassment, intimidation, or bullying" means any gesture, written, verbal or physical act, or technological threat whether it be a single incident or a series of incidents that takes place on school property, at any school sponsored function, going to and/or from school, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils and is reasonably perceived to be motivated by an actual or perceived characteristic, including but not limited to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical or sensory disability; social standing, or by any other distinguishing characteristic; and

- A. A reasonable person should know, under the circumstances, that the act(s) will have the effect physically or emotionally harming a pupil or damaging a pupil's property, or placing a pupil 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 pupil or group of pupils; or
- C. Creates a hostile "educational environment for the pupil by interfering with the pupil's education or by severely or pervasively causing physical or emotional harm to the pupil;
- D. "Technology threat" means threats or acts of harassment, intimidation or bullying, made using any modern or electronic forms of communication including but not limited to: cell phones, pagers, text messages, e-mails, chat rooms or blogs, websites, instant messengers, fax machines, voicemail or any other channel of communication.
- E. "Threat" means any communication in which the content or message is intended or may be perceived as jeopardizing the safety or physical and/or emotional integrity of a member of the school community.
- F. "Member of the school community" includes all pupils, teachers, school administrators, staff members, school board members, school employees and volunteers.

Acts of harassment, intimidation, or bullying may also involve a pupil exercising power and control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

Policy adoption and distribution

A policy on harassment, intimidation and bullying shall be adopted through a process that includes representation of parents/guardians, school employees, volunteers, pupils, administrators and community representatives. It shall be posted on the district's website as well as the website of each school with direct links on the school and district home pages to the policy. The policy shall be reviewed annually and shall be distributed annually to all school employees, contracted service providers who have contact with pupils, school volunteers, pupils and parents who have children enrolled in a school in the school district, along with a statement explaining that the policy applies to all acts of harassment, intimidation and bullying, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds.

Notice of the district's policy shall appear in the pupil handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district.

The name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the district's website. Each school's website home page shall list the name, school phone number, school address and school email address of the school anti-bullying specialist and the district's anti-bullying coordinator. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the department of education's website.

A copy of the policy on harassment, intimidation and bullying shall be transmitted to the executive county superintendent no later than September 1, 2011.

Training

The chief school administrator and the principals shall provide annual training on the school district's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with pupils. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in the statutes and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with pupils.

The chief school administrator shall develop and implement a process for annually discussing the school district policy on harassment, intimidation and bullying with pupils. The chief school administrator and the principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review. All policy revisions shall be transmitted to the executive county superintendent.

Expected Behavior

Consistent with their levels of development, maturity and demonstrated capabilities, pupils are expected to conduct themselves with a proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment, consistent with the student code of conduct.

Expected Behavior (continued)

Standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), and staff and community members, to produce an atmosphere that encourages pupil growth in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff, and community members.

Pupils are expected to behave in a manner that creates a supportive learning environment for themselves and others. The board believes the best discipline is self-imposed, and it is the responsibility of school district staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply the best practices designed to prevent discipline problems and to encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the chief school administrator, in conjunction with school staff, volunteers, and appropriate community organizations and approved by the board. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and the mission and physical facilities of the individual schools in the district. This policy requires all pupils in the district to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines. The district prohibits active and passive support of harassment, intimidation, or bullying. Pupils are encouraged to:

- A. Walk away from acts of harassment, intimidation and bullying when they see them;
- B. Constructively attempt to stop acts of harassment, intimidation and bullying;
- C. Provide support to pupils who have been subjected to harassment, intimidation and bullying;
- D. Report acts of harassment, intimidation and bullying to the designated school staff.

Pupils are required to conform to reasonable standards of socially acceptable behavior, respect the person, property and rights of others, obey constituted authority, and respond to school district teaching, support, and administrative staff. All relevant personal factors and environmental factors shall be considered in determining the appropriate remedial measures. Each principal will develop and provide a school-based program for appropriate recognition of positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

The chief school administrator will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the district regarding pupil conduct, pupils' due process and other rights. This policy will appear in all publications of the school district's comprehensive rules, procedures, and standards of conduct for schools within the district. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

Consequence and Appropriate Remedial Actions

The following factors will be considered in determining the appropriate response to pupils who commit one or more acts of harassment, intimidation, or bullying:

- 1. The developmental and maturity levels of the parties involved;
- 2. The levels of harm;

Consequence and Appropriate Remedial Actions (continued)

3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
7. The context in which the alleged incidents occurred.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. An appropriate consequence will be determined after meaningful consideration of these factors. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The appropriate consequence will be consistent with the case law, federal and state statutes, and district/school policies and regulations. Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation or bullying

Since bystander reaction toward harassment, intimidation or bullying can support or discourage these behaviors, the Demarest Board of Education prohibits active or inactive support for harassment, intimidation or bullying. The board encourages pupils to walk away from these when they see them occur, and/or to support fellow pupils who constructively attempt to stop these acts and/or report them to the designated school authority.

Anti-Bullying Personnel

Existing personnel and resources shall be used to fill these positions whenever possible.

The chief school administrator shall appoint an anti-bullying coordinator who shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of pupils;
- B. Collaborate with district school anti-bullying specialists, the board of education, and the chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of pupils in the district;
- C. Provide data, in collaboration with the chief school administrator, to the department of education regarding harassment, intimidation, and bullying of pupils;
- D. Meet at least twice annually with the individual school's anti-bullying specialists and
- E. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no such individual exists, the principal shall appoint a school anti-bullying specialist from currently employed school personnel.

The school anti-bullying specialist shall:

- A. Chair the school safety team;

Anti-Bullying Personnel (continued)

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

School Safety Teams

The district shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least twice a year and shall consist of the principal/designee who, if possible, shall be a senior administrator in the school and the following principal appointees:

- A. A teacher in the school;
- B. A school anti-bullying specialist;
- C. A parent of a pupil in the school; and
- D. 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 pupils that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of pupils in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and/or address harassment, intimidation, or bullying of pupils;
- E. Educate the community, including pupils, teachers, administrative staff, and parents, to prevent and/or address harassment, intimidation, or bullying of pupils;
- F. Participate in the required training and other training which the principal or the anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of pupils; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or the anti-bullying coordinator.

The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

School Safety Teams (continued)

A parent who is a member of the school safety team shall not participate in any activities of the team which may compromise the confidentiality of a pupil.

Reporting Procedure

All acts of harassment, intimidation, or bullying shall be reported verbally to the principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all pupils involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a pupil had been subject to harassment, intimidation, or bullying. Reports may be made anonymously, but formal disciplinary action shall not be based solely on the basis of an anonymous report.

A board member, school employee, contracted service provider with contact with pupils, pupil or volunteer who has who has witnessed or has reliable information about an act of harassment intimidation or bullying shall immediately report the incident to the individual designated by this policy or to any school administrator or safe schools resource officer who shall immediately institute the district's procedures concerning bullying. A school administrator who receives such a report, or should have known of such an incident, and fails to take sufficient action to minimize or eliminate the harassment, intimidation or bullying may be subject to disciplinary action.

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

Investigation

The Demarest Board of Education requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. 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 to assist in the investigation.

The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. The school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information received after the report has been submitted to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The results of the investigation shall be reported to the chief school administrator within two school days of the completion of the investigation. The chief school administrator shall assure the code of pupil conduct has been implemented and shall:

- A. Provide intervention services,
- B. Establish training programs to reduce harassment, intimidation, or bullying and enhance school climate,
- C. Impose discipline,

Investigation (continued)

D. Order counseling as a result of the findings of the investigation, or

E. Take or recommend other appropriate action.

The results of the investigation shall be reported to the board of education no later than the board meeting following the completion of the investigation, along with information on any consequences imposed under the code of pupil conduct, intervention services provided, counseling ordered, training established, or other action taken or recommended by the chief school administrator.

Parents/ guardians of the pupils who are parties to the investigation shall be entitled to receive information about the investigation in accordance with federal and state law and regulation, This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board, in accordance with federal and state law and regulation. The information shall include:

A. The nature of the investigation,

B. Whether the district found evidence of harassment, intimidation, or bullying, or

C. Whether discipline was imposed or services provided to address the incident

A parent or guardian may request a hearing before the board after receiving the information. 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 pupils. 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 prior to rendering a decision.

At the next regularly scheduled board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board's decision may be appealed to the commissioner of education, no later than the 90 days after the issuance of the board's decision; and a parent, pupil, 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.

The chief school administrator shall establish record-keeping practices that document the incidents reported and the resolution of those incidents and that create a defensible record which demonstrates the district's efforts of reduce harassment, intimidation and bullying.

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

Response to Incident of Harassment: Intimidation or Bullying

Some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation or bullying that require a response either at the classroom, school building, school district level, or by law enforcement officials.

The range of ways to respond to an incident shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling,

Response to Incident of Harassment: Intimidation or Bullying (continued)

support services, intervention services, and other programs, as defined by the commissioner. Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation, or bullying range from positive behavior interventions up to and including suspension or expulsion, as permitted under New Jersey statute and code.

Consequences and remedial measures for a pupil 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 pupil and the pupil's history of problem behaviors and performance. Consequences shall be consistent with the board approved code of pupil conduct and statute. Consequences and remedial measures shall be designed to

- Correct the behavior problem;
- Prevent another reoccurrence of the problem;
- Protect and provide support for the pupil; and
- Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

In considering whether a response beyond the individual is appropriate, school officials shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based HIB prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

This policy and the code of pupil conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:

- The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other pupils; and either
- A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his person or damage to his property; or
- The alleged behavior has the effect of insulting or demeaning any pupil or group of pupils; or
- The alleged behavior creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of Education's code of pupil conduct and other provisions of the board's policy on harassment, intimidation, or bullying.

Discipline of Pupils

For every incident of HIB, the school officials must respond appropriately to the individual or individuals who committed the act. The range of responses to confirmed harassment, intimidation and bullying acts should include individual, classroom, school or district responses, as appropriate to the findings from each incident.

- Individual responses may 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, law enforcement report or other legal action).
- Classroom responses may include class discussions about an incident of HIB, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.
- School responses may include theme days, learning station programs, parent programs and information disseminated to pupils and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected pupil behavior.
- District-wide responses may include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations) and disseminating information on the core ethical values adopted by the district board of education's code of pupil conduct.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred.

In all instances, the district shall respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. In providing support for the victims of harassment, intimidation and bullying the district may provide:

- Counseling;
- Teacher aides;
- Hallway and playground monitors;
- Schedule changes;
- Before- and after-school supervision;
- School transportation supervision;
- School transfers;
- Therapy.

Reprisal or Retaliation Prohibited

The district board of education prohibits a board of education member, school employee, contracted service provider who has contact with pupils, school volunteer or pupil from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable information or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures.

Reprisal or Retaliation Prohibited (continued)

Acts of reprisal or retaliation can have a chilling effect on a school environment and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain the norm that all suspected acts of reprisal or retaliation are taken seriously and appropriate responses are made, in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence that this policy is intended to prevent.

Consequences For False Accusation

Consequences and appropriate remedial action for a pupil found to have falsely accused another person as a means of harassment, intimidation, or bullying range from positive behavioral intervention up to and including suspension or expulsion, as permitted under New Jersey statute and code.

Consequences and appropriate remedial action for a school employee found to have falsely accused another person as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies and procedures.

Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another person as a means of harassment, intimidation, or bullying shall be determined by the principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Harassment, Intimidation and Bullying Prevention Programs

The chief school administrator shall develop an annual process for the principal(s) to discuss the school district's policy on harassment, intimidation, and bullying with pupils.

Pursuant to statute:

- A. Information regarding the district's harassment, intimidation, and bullying policy shall be incorporated into a school's employee training program.
- B. The district shall provide training on the school district's harassment, intimidation, and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.
- C. The school district may apply to the commissioner of education for additional costs due to the implementation of the relevant statutes.

Staff Development

Staff members are encouraged to become trained in skills and strategies for developing pupil self-discipline and to apply best practices for positive behavioral interventions. Therefore, this policy will serve as an opportunity to prepare staff to prevent and effectively intervene with instances of harassment, intimidation and bullying, as well as to use the policy as a prevention tool by explaining to pupils the district's expectations for their behavior, consistent with the provisions of the district's policy. For pupils to demonstrate preferred behaviors, it is important that they have a clear understanding of the district's expectations under the policy, the reasons for and benefits of the policy, as well as the consequences for violations of the policy.

It is mainly through explanation and dialogue with pupils, parents and staff that the district can clearly distinguish, for example, "friendly teasing" and "rough and tumble play" from harassment, intimidation and bullying. It is also through dialogue and discussion that the district can help

Staff Development (continued)

pupils and staff discern between “telling” or responsible “reporting” (which is intended to keep someone from getting hurt) of acts of harassment, intimidation and bullying from “ratting” or “tattling.” The employees of the Demarest School District are encouraged to use experiential learning techniques, such as role playing situations and other demonstration and modeling strategies in its information activities for pupils and staff.

School Reports on Harassment, Intimidation and Bullying

At a public board of education meeting once each semester, the chief school administrator shall report on acts of violence, vandalism, harassment, intimidation and bullying that occurred during the reporting period. The report shall include:

- 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,
- D. The names of the investigators, the type and nature of any discipline imposed on any pupil engaged in harassment, intimidation, or bullying, and
- E. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

The information shall also be reported once during each reporting period to the department of education. The report must include data broken down by the enumerated categories and data broken down by each school in the district, in addition to district-wide data.

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

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the Anti-Bullying Bill of Rights. . The district shall receive a grade determined by averaging the grades of all the schools in the district. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

Verification of the reports on violence vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the district, and the State board of education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. The board of education 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.

The state issue report card shall include data identifying the number and nature of all reports of harassment, intimidation and bullying.

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Policy**

Classified Pupils

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

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

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying.

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently, and that all disciplinary sanctions are carried out with necessary due process.

Legal References:

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1	Definition of assault
N.J.S.A. 2C:33-19	Paging devices, possession by pupils
N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 18A:6-1	Corporal punishment of pupils
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:36-19a	Newly enrolled pupils; records and identification
N.J.S.A. 18A:25-2	Authority over pupils
N.J.S.A. 18A:36-19a	Newly enrolled pupils; records and identification
N.J.S.A. 18A:37-1 et seq.	Discipline of Pupils
See particularly: <i>N.J.S.A. 18A:37-15</i>	
<i>N.J.A.C. 6A:14-2.8</i>	Discipline/suspension/expulsion
<i>N.J.A.C. 6A:16-1.1 et seq.</i>	Programs to support pupil development
See particularly: <i>N.J.A.C. 6A:16-1.4, -1.5, -4.1, -5.1, -6.1, -6.2</i>	
<i>N.J.A.C. 6A:32-12.1</i>	Reporting Requirements
<i>N.J.A.C. 6A:32-12.2</i>	School-level planning

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

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Legal References: (continued)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Cross References:

*1220	Ad hoc advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4148	Employee protection
4231/4231.1	Staff development; inservice education/visitation conferences
4248	Employee protection
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
5131	Conduct/discipline
5131.1	Sexual harassment
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	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.

Key Words

Conduct, Discipline, Pupil Conduct, Pupil Conduct, Weapons, Vandalism, Harassment, Intimidation, Bullying

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