

# POLICY GUIDE

TEACHING STAFF MEMBERS

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Certification of Tenure Charges - Inefficiency

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## 3144.12 CERTIFICATION OF TENURE CHARGES - INEFFICIENCY

In accordance with the provisions of N.J.S.A. 18A:6-17.3 and notwithstanding the provisions of N.J.S.A. 18A:6-11 or any other section of law to the contrary, in the case of a teacher, Principal, Assistant Principal, and Vice Principal, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency whenever the employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation.

If the teacher, Principal, Assistant Principal, or Vice Principal is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation and the following year is rated partially effective in the annual summative evaluation, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency, except that the Superintendent upon a written finding of exceptional circumstances may defer the filing of tenure charges until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this next annual summative evaluation, the Superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the Board of Education shall forward a written charge to the Commissioner of Education, unless the Board of Education determines the evaluation process has not been followed.

Notwithstanding the provisions of N.J.S.A. 18A:6-16 or any other section of law to the contrary, upon receipt of a charge pursuant to N.J.S.A. 18A:6-17.3.a, and this Policy, the Commissioner of Education shall examine the charge. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the Commissioner of Education. The Commissioner of Education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the Commissioner determines the evaluation process has not been followed.



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The only evaluations which may be used for purposes of N.J.S.A. 18A:6-17.3 are those evaluations conducted in accordance with a rubric adopted by the Board of Education and approved by the Commissioner of Education pursuant to P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:6-11; 18A:6-17.3

Adopted:



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Teaching Staff Member Tenure Acquisition

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### 3372 TEACHING STAFF MEMBER TENURE ACQUISITION

In accordance with the provisions of N.J.S.A. 18A:28-5.a, teaching staff members employed prior to August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the positions of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the Board of Examiners, serving in any school district or under any Board of Education, except those who are not the holders of proper certificates in full force and effect and School Business Administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A. 18A, after employment in the district or by the Board of Education for:

1. Three consecutive calendar years, or any shorter period which may be fixed by the employing Board for such purpose; or
2. Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
3. The equivalent of more than three academic years within a period of any four consecutive academic years.

In accordance with the provisions of N.J.S.A. 18A:28-5.b, teaching staff members employed on or after August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the position of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses, including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates



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### Teaching Staff Member Tenure Acquisition

issued by the Board of Examiners, serving in any school district or under any Board of Education, excepting those who are not the holders of proper certificates in full force and effect, and School Business Administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A. 18A, after employment in the district or by the Board of Education for:

1. Four consecutive calendar years; or
2. Four consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
3. The equivalent of more than four academic years within a period of any five consecutive academic years.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a teacher shall also complete a district mentorship program during the initial year of employment and receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment after the initial year of employment in which the teacher completes the district mentorship program.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a Principal, Assistant Principal, and Vice Principal shall also receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment with the first effective rating being received on or after the completion of the second year of employment.

"Effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the Commissioner of Education.





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Tenure in any of the administrative or supervisory positions enumerated in N.J.S.A. 18A:28-5 et seq. shall accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing in N.J.S.A. 18A:28-5 shall limit or restrict tenure rights which were or may be acquired, pursuant to N.J.S.A. 18A:28-6 – Tenure Upon Transfer or Promotion, in a position in which the individual actually served.

N.J.S.A. 18A:28-5

Adopted:



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[See POLICY ALERT Nos. 163, 179, 180, 181, 182, 183, 188, 193, 194 and 200]

## 5512 HARASSMENT, INTIMIDATION, AND BULLYING

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A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a **student pupil**. A safe and civil environment in school is necessary for **students pupils** 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 pupil's** ability to learn and a school's ability to educate its **students pupils** in a safe and disciplined environment. Since **students 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.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a **student pupil**. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the **student pupil**, as well as the natural or adoptive parent(s) of the **student pupil**, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

B. Harassment, Intimidation, and Bullying Definition

"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 that:



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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. ~~By any other distinguishing characteristic; and that~~
23. 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; ~~that~~
3. ~~S~~substantially disrupts or interferes with the orderly operation of the school or the rights of other **students** ~~pupils~~; and that
  - a4. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a **student** ~~pupil~~ or damaging the **student's** ~~pupil's~~ property, or placing a **student** ~~pupil~~ in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
  - b5. Has the effect of insulting or demeaning any **student** ~~pupil~~ or group of **students** ~~pupils~~; or
  - c6. Creates a hostile educational environment for the **student** ~~pupil~~ by interfering with a **student's** ~~pupil's~~ education or by severely or pervasively causing physical or emotional harm to the **student** ~~pupil~~.

**Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).**

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



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## C. **Student Pupil** Expectations

The Board expects **students pupils** to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other **students pupils** and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of **Student Pupil** Conduct.

The Board believes that standards for **student pupil** behavior must be set cooperatively through interaction among the **students pupils**, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages **students pupils** to grow 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 **students pupils**, staff, and community members.

**Students Pupils** are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of **Student Pupil** Conduct as opportunities to help **students pupils** learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with **students pupils** shall apply best practices designed to prevent **student pupil** conduct problems and foster **students' pupils'** abilities to grow in self-discipline.

The Board expects that **students pupils** will act in accordance with the **student pupil** behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. **Student Pupil** responsibilities (e.g., requirements for **students pupils** to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. **Student Pupil** rights; and
4. Sanctions and due process for violations of the Code of **Student Pupil** Conduct.



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Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, **students** ~~pupils~~, instructional staff, **student** ~~pupil~~ support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for **student** ~~pupil~~ conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for **student** ~~pupil~~ conduct will take into consideration the developmental ages of **students** ~~pupils~~, the severity of the offenses and **students'** ~~pupils'~~ histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all **students** ~~pupils~~ in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to **students** ~~pupils~~ and their parents ~~or guardians~~ the rules of the district regarding **student** ~~pupil~~ conduct. Provisions shall be made for informing parents ~~or guardians~~ whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. **Students** ~~Pupils~~ are encouraged to support other **students** ~~pupils~~ who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to **students** ~~pupils~~ who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.



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## D. Consequences and Appropriate Remedial Actions

### **Consequences and Appropriate Remedial Actions – Students**

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for **students** ~~pupils~~ who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of **Student Pupil** ~~Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying.~~ The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by **students** ~~pupils~~. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the **student** ~~pupil~~ offenders and **students'** ~~pupils'~~ histories of inappropriate behaviors, per the Code of **Student Pupil** ~~Conduct~~ and N.J.A.C. 6A:16-7.

### **Factors for Determining Consequences – Student Considerations**

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

### **Factors for Determining Consequences – School Considerations**

1. **School culture, climate, and general staff management of the learning environment;**
2. **Social, emotional, and behavioral supports;**
3. **Student-staff relationships and staff behavior toward the student;**
4. **Family, community, and neighborhood situation; and**
5. **Alignment with Board policy and regulations/procedures.**





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## Factors for Determining Remedial Measures

### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. ~~Traits;~~
56. Interests;
67. Hobbies;
78. Extra-curricular activities;
89. Classroom participation;
940. Academic performance; and
1044. Relationship to **students** ~~pupils~~ and the school district.

### Environmental

1. School culture;
2. School climate;
3. **Student- Pupil** staff relationships and staff behavior toward the **student pupil**;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and ~~appropriate remedial action~~ for a **student pupil** 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 of **students** ~~pupils~~, as set forth in the Board's approved Code of **Student Pupil** Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a **student pupil** who commits an act of harassment, intimidation, or bullying **are those that are** ~~shall be varied and graded according to the severity of the offenses nature of the behavior,~~ **consider** the developmental age of the **student offenders** ~~pupil~~



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and the **students' histories** ~~pupil's history of inappropriate problem behaviors and performance, and must be~~ consistent with the Board's approved Code of **Student Pupil** Conduct and N.J.A.C. 6A:16-7, Student Conduct. **The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.**

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. The consequences and remedial measures may include, but are not limited to, the examples listed below:

## Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension ~~during the school week or the weekend;~~
7. ~~After-school programs;~~
78. Out-of-school suspension (short-term or long-term);
89. Reports to law enforcement or other legal action; **or**
940. Expulsion; **and.**
11. ~~Bans from providing services, participating in school-district-sponsored programs, or being in school buildings or on school grounds.~~

## Examples of Remedial Measures —Personal

### Personal – Student Exhibiting Bullying Behavior

1. ~~Restitution and restoration;~~
2. ~~Peer support group;~~
3. ~~Recommendations of a pupil behavior or ethics council;~~
4. ~~Corrective instruction or other relevant learning or service experience;~~



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- ~~5. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;~~
- ~~6. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;~~
- ~~7. Behavioral management plan, with benchmarks that are closely monitored;~~
- ~~8. Assignment of leadership responsibilities (e.g., hallway or bus monitor);~~
- ~~9. Involvement of school disciplinarian;~~
- ~~10. Pupil counseling;~~
- ~~11. Parent conferences;~~
- ~~12. Alternative placements (e.g., alternative education programs);~~
- ~~13. Pupil treatment; or~~
- ~~14. Pupil therapy.~~

- 1. 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;**
- 2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;**
- 3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;**
- 4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;**
- 5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);**
- 6. Develop a learning plan that includes consequences and skill building;**
- 7. Consider wrap-around support services or after-school programs or services;**
- 8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;**
- 9. Arrange for an apology, preferably written;**
- 10. Require a reflective essay to ensure the student understands the impact of his or her actions on others;**
- 11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;**



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12. **Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;**
13. **Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and**
14. **Schedule a follow-up conference with the student.**

## **Personal – Target/Victim**

1. **Meet with a trusted staff member to explore the student's feelings about the incident;**
2. **Develop a plan to ensure the student's emotional and physical safety at school;**
3. **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;**
4. **Ask students to log behaviors in the future;**
5. **Help the student develop skills and strategies for resisting bullying; and**
6. **Schedule a follow-up conference with the student.**

## **Parents, Family, and Community**

1. **Develop a family agreement;**
2. **Refer the family for family counseling; and**
3. **Offer parent education workshops related to bullying and social-emotional learning.**

## **Examples of Remedial Measures – Environmental (Classroom, School Building, or School District)**

1. ~~School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;~~
2. ~~School culture change;~~
3. ~~School climate improvement;~~
4. ~~Adoption of research-based, systemic bullying prevention programs;~~
5. ~~School policy and procedures revisions;~~
6. ~~Modifications of schedules;~~



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- ~~7. Adjustments in hallway traffic;~~
- ~~8. Modifications in pupil routes or patterns traveling to and from school;~~
- ~~9. Supervision of pupil before and after school, including school transportation;~~
- ~~10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);~~
- ~~11. Teacher aides;~~
- ~~12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;~~
- ~~13. General professional development programs for certificated and non-certificated staff;~~
- ~~14. Professional development plans for involved staff;~~
- ~~15. Disciplinary action for school staff who contributed to the problem;~~
- ~~16. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;~~
- ~~17. Parent conferences;~~
- ~~18. Family counseling;~~
- ~~19. Involvement of parent teacher organizations;~~
- ~~20. Involvement of community-based organizations;~~
- ~~21. Development of a general bullying response plan;~~
- ~~22. Recommendations of a pupil behavior or ethics council;~~
- ~~23. Peer support groups;~~
- ~~24. Alternative placements (e.g., alternative education programs);~~
- ~~25. School transfers; and~~
- ~~26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.~~

- 1. Analysis of existing data to identify bullying issues and concerns;**
- 2. Use of findings from school surveys (e.g., school climate surveys);**
- 3. Focus groups;**
- 4. Mailings – postal and email;**
- 5. Cable access television;**
- 6. School culture change;**
- 7. School climate improvement;**



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8. Increased supervision in “hot spots” (e.g. locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. Adoption of evidence-based systemic bullying prevention practices and programs;
10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. Professional development plans for involved staff;
12. 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;
13. Formation of professional learning communities to address bullying problems;
14. 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;
15. School policy and procedure revisions;
16. Modifications of schedules;
17. Adjustments in hallway traffic;
18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
19. Modifications in student routes or patterns traveling to and from school;
20. Supervision of student victims before and after school, including school transportation;
21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
22. Targeted use of teacher aides;
23. Disciplinary action, including dismissal, for school staff who contributed to the problem;
24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
25. Parent conferences;
26. Family counseling;
27. Development of a general harassment, intimidation, and bullying response plan;



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28. Behavioral expectations communicated to students and parents;
29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;
30. Recommendations of a student behavior or ethics council;
31. Participation in peer support groups;
32. School transfers; and
33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

## Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an **adult** ~~person~~ who commits an act of harassment, intimidation, or bullying of a **student** ~~pupil~~. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

## Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.





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

- 1. Teacher aides;**
- 2. Hallway and playground monitors;**
- 3. Partnering with a school leader;**
- 4. Provision of an adult mentor;**
- 5. Assignment of an adult “shadow” to help protect the student;**
- 6. Seating changes;**
- 7. Schedule changes;**
- 8. School transfers;**
- 9. Before- and after-school supervision;**
- 10. School transportation supervision;**
- 11. Counseling; and**
- 12. Treatment or therapy.**

**E. Harassment, Intimidation, and Bullying Off School Grounds**

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:

1. 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
2. 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/her person or damage to his/her property; or
3. The alleged behavior has the effect of insulting or demeaning any pupil or group of pupils; or
4. 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.



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## EF. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving complaints alleging violations of this Policy. All Board members, school employees, and volunteers and contracted service providers who have contact with **students pupils** are required to verbally report alleged violations of this Policy to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and volunteers and contracted service providers who have contact with **students pupils**, also shall submit a report in writing to the Principal within two school days of the verbal report. The Principal will inform the parents of all **students pupils** involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

**Students Pupils**, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident. **Students Pupils**, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of **Student Pupil** Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.



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A school administrator who receives a report of harassment, intimidation, and 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.

**FG. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety Team(s)**

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of **students** ~~pupils~~;
- b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of **students** ~~pupils~~ in the district;
- c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of **students** ~~pupils~~;
- d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
- e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.



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2. The Principal in each school shall appoint a school Anti-Bullying Specialist. ~~When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the Principal shall appoint that individual to be the school Anti-Bullying Specialist. If no individual meeting this criteria is currently employed in the school, the Principal shall appoint a school Anti-Bullying Specialist from currently employed school personnel.~~ **The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.**

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety Team as provided in N.J.S.A. 18A:37-21;
  - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
  - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic **operational procedures** ~~process~~ and **educational** practices in the school, and to address ~~school climate~~ issues such as harassment, intimidation, or bullying **that affect school climate and culture**. Each School Safety Team shall meet, **at a minimum**, ~~at least~~ two times per school year. The School Safety Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a **student** ~~pupil~~ in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety Team.



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The School Safety Team shall:

- a. Receive **records** ~~any of all~~ complaints of harassment, intimidation, or bullying of **students** ~~pupils~~ that have been reported to the Principal;
- b. Receive copies of ~~any all~~ reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of **students** ~~pupils~~ in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of **students** ~~pupils~~;
- e. Educate the community, including **students** ~~pupils~~, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of **students** ~~pupils~~;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. **The School Safety Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and**
- ~~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~~
- gh. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.



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~~The members of a School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.~~ Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a **student pupil, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.**

## GH. Harassment, Intimidation, and Bullying Investigation

The Board requires a thorough and complete investigation to be conducted for each report of **violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate 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 verbal report of the incident. The investigation 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 Specialists to assist ~~the school Anti-Bullying Specialist in~~ **with** the investigation.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the ~~alleged incident of harassment, intimidation, or bullying.~~ Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist ~~or the Principal~~ shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of **Student Pupil** Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall





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ensure the Code of **Student Pupil** Conduct has been implemented and **may decide to** provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, **impose discipline**, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report ~~also~~ shall include information on any consequences imposed under the Code of **Student Pupil** Conduct, **any** ~~intervention~~ services provided, ~~counseling ordered~~, training established, or other action taken or recommended by the Superintendent.

Parents of **involved student offenders and targets/victims** ~~the pupils who are parties to the investigation~~ shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents ~~or guardians~~ shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, **and** ~~or~~ whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

A parent ~~or guardian~~ may request a hearing before the Board of Education after receiving the information **about the investigation**. ~~When a request for a hearing is granted,~~ **The** hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the **students pupils**. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the ~~alleged~~ incident, the findings from the investigation of the ~~alleged~~ incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.





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At the regularly scheduled Board of Education meeting following its receipt of the **Superintendent's report on the results of the investigations 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. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, **student pupil**, ~~legal guardian~~, 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.).

## III. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board **shall establish a range of responses to harassment, intimidation, and bullying incidents and** ~~authorizes the Principal of each school, in conjunction with~~ **and the Anti-Bullying Specialist shall appropriately apply these responses,** ~~to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed, and the~~ **The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school district level or by law enforcement officials.**

~~Consequences and appropriate remedial actions for a pupil who commits an act 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:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.~~



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~~In considering whether a response beyond the individual level 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 harassment, intimidation, or bullying 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.~~

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. ~~The Board is encouraged to set the parameters for the range of responses to be established by the Principal, in conjunction with the Anti-Bullying Specialist, and for the Superintendent to follow.~~ The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include **consistent and appropriate** 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)~~ **intended to remediate the problem behaviors.**
2. Classroom responses can include 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.



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3. School responses can include theme days, learning station programs, ~~parent programs, and information disseminated to pupils and parents or guardians, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected pupil behavior~~ **“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.**
4. District-wide responses can **comprise of adoption of school-wide programs, including enhancing the school climate, involving the** ~~include community involvement in policy review and development, providing professional development programs, adoption of curricula and school-wide programs, coordination~~ **coordinating** 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, per N.J.A.C. 6A:16-7.1(a)2~~ **launching harassment, intimidation, and bullying prevention campaigns.**

~~The district will identify a range of strategies and resources, which could include, but not be limited to, the following actions for individual victims: counseling; teacher aides; hallway and playground monitors; schedule changes; before and after school supervision; school transportation supervision; school transfers; and therapy.~~

## II. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with **students** ~~pupils~~, school volunteer, or **student** ~~pupil~~ from engaging in reprisal, retaliation, or false accusation against a victim, witness, **or** 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



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person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.

Examples of consequences and remedial measures for **students** ~~pupils~~ who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

Examples of consequences for a school employee or a contracted service provider who has contact with **students** ~~pupils~~ **who** ~~that~~ engages in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

## JK. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. **Students** ~~Pupils~~ - Consequences and appropriate remedial action for a **student** ~~pupil~~ found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of **Students** ~~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 and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.



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2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with **students** ~~pupils~~ found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with **students** ~~pupils~~ or the provision of **student** ~~pupil~~ services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

## **KL.** Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with **students** ~~pupils~~, school volunteers, **students** ~~pupils~~, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure that notice of this Policy appears in the **student** ~~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.





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The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify **students** ~~pupils~~ and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

## LM. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; **including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance;** contracted service providers; and volunteers who have significant contact with **students** ~~pupils~~; **and persons contracted by the district to provide services to students.** The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 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's Policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff members, contracted service providers, and school volunteers who have significant contact with pupils.~~

Each public school teacher **and educational services professional** shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention ~~in~~ **within** each **five year** professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction ~~for teaching staff members~~ shall include information on the ~~relationship between the~~ risk of suicide and incidents of harassment, intimidation, or bullying **and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide** ~~in accordance with the provisions of N.J.S.A. 18A:6-112.~~



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Harassment, Intimidation, and Bullying

**Each newly elected or appointed** Board members ~~must shall be required~~ to complete, **during the first year of the member's first term**, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, ~~students~~ **pupils**, administrators, volunteers, parents or guardians, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

## **MN.** Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent shall develop and implement a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with ~~students~~ **pupils**.





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The Superintendent and the Principal(s) shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the schools' 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.

**NØ. Reports to Board of Education and New Jersey Department of Education**

The Superintendent shall 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, and bullying **which occurred during the previous reporting period** in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

**O. School and District Grading Requirements**

**Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq.** ~~The information reported shall be used to grade each school and each district in accordance with the provisions of N.J.S.A. 18A:17-46.~~ The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

**P. Reports to Law Enforcement**

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.



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Q. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

R. **Students** ~~Pupils~~ with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a **student** ~~pupil~~ with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the ~~appropriate~~ Executive County Superintendent of Schools within thirty days of Board adoption.

N.J.S.A. 18A:37-13 through 18A:37-32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011 – **New Jersey Department of Education**

**Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011**

Adopted:



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Harassment, Intimidation, or Bullying  
Investigation Procedure

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[See POLICY ALERT Nos. 151, 162, 163, 183, 193 and 200]

## R 5512 HARASSMENT, INTIMIDATION, OR BULLYING INVESTIGATION PROCEDURE

The Board of Education authorizes a prompt investigation of reports and violations and complaints of harassment, intimidation, **or** ~~and~~ bullying in accordance with the provisions of N.J.S.A. 18A:37-15(b)6.

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 **verbal** report of the incident and shall be conducted by a school's Anti-Bullying Specialist, **in coordination with the Principal**.
  - a. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist in the investigation.
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. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the ten-day period, the school Anti-Bullying Specialist may amend the original report of the results of the investigation to reflect the information.
3. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).



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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. Parents ~~or legal guardians~~ of **individual student offenders and targets/victims** ~~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, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.
7. A parent ~~or legal guardian~~ may request a hearing before the Board of Education after receiving the information.
  - a. This 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** ~~pupils~~; and
  - 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.



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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 of Education shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than ninety days after the issuance of the Board's decision.
9. A parent, **student pupil**, ~~legal guardian~~, 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.).

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Advertising on School Buses

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## 6164 ADVERTISING ON SCHOOL BUSES

The Board of Education authorizes the sale of advertising space on the exterior of school buses that are owned or leased by the Board in accordance with the provisions of N.J.S.A. 18A:39-31 and N.J.A.C. 6A:27-7.10, 7.11, and 7.12.

The Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., shall apply to any contract or agreement entered into by the Board for the purpose of placing advertisements on school buses.

All advertisements shall require the prior approval of the Board of Education. The advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the Board. In the event the advertiser fails to provide service in accordance with the bid specifications and contract for advertisements, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of advertiser's performance bond may result.

The Board of Education reserves the right, at its discretion and at any time, to reject any advertising copy, whether or not it has previously acknowledged and/or advertised the exact or similar copy. No advertising space may be used or re-sold by the advertiser for the promotion, either directly or indirectly, of any business, organization, or enterprise other than the one defined in the original contract for advertisement. The advertiser will protect, defend, and save harmless the Board of Education from any suits or actions of every nature and description brought against it by reason of the advertisement. Acceptance of the ad in no way implies endorsement of the service/product by the Board of Education or the district.

Fifty percent of the funds generated from the placement of advertisements on the outside of school buses shall be used to offset fuel costs associated with the provision of pupil transportation services and fifty percent shall be used to support any programs or services deemed appropriate by the Board.

The Board of Education will approve the specifications for advertisements on school buses that will include: advertisement material, including paint, decals, or magnetic material; approved advertisement colors; advertisement mounting procedures, if applicable; location of advertisements on school buses; advertisement size(s); duration of advertisement contracts; and any other





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### Advertising on School Buses

specifications for advertisements the Board deems appropriate. All advertisements shall be in accordance with New Jersey Motor Vehicle Commission (NJMVC) regulations and shall not prevent the school bus from passing the NJMVC required inspections for school buses.

In accordance with the provisions of N.J.A.C. 6A:27-7.11, the Board will not accept advertisements to be displayed or maintained on school buses if the advertisement or information contained in the advertisement:

1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
2. Contains material or language that is obscene, profane, vulgar, offensive, or reasonably determined not to be in good taste;
3. Promotes unlawful or illegal goods, services, or activities;
4. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
5. Promotes the sale or use of products designed for use in connection with sexual activity;
6. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
7. Resembles a traffic control device;
8. Declares or implies an endorsement by the Board of Education; or
9. Is political, religious, issue-related, controversial in nature, or not age appropriate.

The Board of Education will not allow any of its school buses to become a public forum for dissemination, debate, or discussion of public issues. The Board has the authority to reject any and all advertising that it deems to be inappropriate or not in the best interest of the Board of Education, the school district, or pupils.



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Advertising on School Buses

A Board of Education that permits advertisements on school buses shall submit a report to the Commissioner of Education no later than June 30 each year. The report shall include the number of district-owned school buses upon which advertising has been placed, the length of time the advertisements have been on the school buses; and the total revenue earned by the school district as a result of the advertisements.

N.J.S.A. 18A:39-31

N.J.A.C. 6A:27-7.10; 6A:27-7.11; 6A:27-7.12

Adopted:

