

BLOOMINGDALE BOARD OF EDUCATION

POLICY NUMBER 5512.01

HARASSMENT, INTIMIDATION AND BULLYING

Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil. 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 its pupils in a safe and disciplined 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.

"Harassment, intimidation, or bullying" means any gesture, written, verbal or physical act, or any electronic communication, that takes place on school property, at any school-sponsored function or on a school bus and that:

1. Is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or
2. By any other distinguishing characteristic; and
3. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
4. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

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

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

This Policy may impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate, or bully), to the extent this Policy complies with the provisions of N.J.A.C. 6A:16-7.6, Conduct Away from School Grounds, and the district's code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the

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consequences only may be exercised when it is reasonably necessary for the pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the bullying is on or off school property.

Expected Behavior

The Board expects 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 pupils and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the code of pupil conduct.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages 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 pupils, staff and community members.

The Board believes the best discipline is self-imposed, and it is the responsibility of school district staff to use instances of violations of the code of pupil conduct 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 best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Superintendent, in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from a 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 developmental ages of pupils, the severity of the offenses and pupils' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all pupils in the district to adhere to these rules and guidelines and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules and guidelines.

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The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Principal or designee.

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. Each Building Principal will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

Consequences and Appropriate Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils and staff members who commit one or more acts of harassment, intimidation, or bullying, consistent with the code of pupil conduct. 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 pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the code of pupil conduct.

Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved;
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 Remedial Measures

Personal

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1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation; and
10. Academic performance.

Environmental

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the 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 pupils who commit acts of harassment, intimidation, or bullying may range from positive behavioral interventions up

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to and including suspension or expulsion, as set forth in the Board adopted Pupil Discipline/Code of Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences 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, and must be consistent with the district's code of pupil conduct. 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, and 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;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

Examples of Remedial Measures - Personal

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

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

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;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Targeted use of monitors (e.g., hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;

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11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
15. Parent conferences;
16. Family counseling;
17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of a pupil behavior or ethics council;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (e.g., school resource office, juvenile officer) involvement.

N.J.A.C. 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying. The consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Reporting Procedure

Complaints alleging violations of this Policy shall be reported to the Principal or designee. All school employees as well as all other members of the school community including pupils, parent(s) or legal guardian(s), volunteers, and visitors are required to report alleged violations of this Policy to the Principal or designee. While submission of an Incident Report Form to the Principal or designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Building Principal or available at the school district's administrative offices or the reporting party may use a

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district's web-based reporting system. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

A school employee who promptly reports an incident of harassment, intimidation, or bullying in accordance with this Policy, 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, as set forth in N.J.S.A. 18A:37-16.c.

Investigation

The Principal or designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Principal or designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Principal or designee will maintain a record of each investigation regarding allegations of harassment, intimidation, or bullying.

Response to an Incident of Harassment, Intimidation, or Bullying

An appropriate response will be provided to the individual who commits any incident of harassment, intimidation, or bullying. Some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school to 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 require a response either at the classroom, school building or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit 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.

In considering whether a response beyond the individual level is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. The school district's responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff. The district's responses may also include participation of parent(s) or legal guardian(s) and other community members and organizations, small or large group presentations for fully addressing the actions and the school district's response to the actions, in the context of acceptable pupil and staff member behavior and the consequences of such actions, and the involvement of law enforcement officers, including school resource officers. The district will also make

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resources available to individual victims of harassment, intimidation, and bullying, including, but not limited to, school counseling services and environmental modifications.

Reprisal or Retaliation Prohibited

The Board prohibits reprisal or retaliation against any person 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 designee 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. The consequences for pupils will range from positive behavior interventions up to and including suspension or expulsion. The consequences for employees will range from an admonishment to termination of employment. The consequences for a volunteer will range from an admonishment to dismissal from the volunteer position.

Consequences for False Accusation

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

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

Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the Principal or designee, after consideration of the nature, severity and circumstances of the act, which may include a report to appropriate law enforcement officials.

Policy Publication

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the Policy applies to all applicable acts of harassment, intimidation, or bullying that occur on school property, at school-sponsored functions, or on a school bus. The Superintendent shall ensure notice of this Policy appears in any publication of the school district that sets forth the comprehensive rules, procedures, and standards for schools within the district, and in any pupil handbook that

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includes the pupil code of conduct. This notice shall also indicate the district's Harassment, Intimidation, and Bullying Policy is available on the district's website.

Harassment, Intimidation, and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17(5)(c) and N.J.A.C. 6A:16-7.9(d)1.i, information regarding the district's Harassment, Intimidation, and Bullying Policy shall be incorporated into a school's employee training program.

Pursuant to N.J.A.C. 6A:16-7.9(d)3, the district is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the schools of the district and implement locally determined programmatic or other responses, if determined appropriate by the district Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d)1, the school district is required to annually review the training needs of district staff for the effective implementation of the Harassment, Intimidation, and Bullying Policy, procedures, programs, and initiatives of the district Board of Education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the district Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d)2, the school district is required to develop a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with pupils.

Pursuant to N.J.S.A. 18A:37-15.1, this Policy shall be transmitted to the Executive County Superintendent of Schools.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

N.J.S.A. 18A:37-13 through 18A:37-19
N.J.A.C. 6A:16-7.9 et seq.

Other Reasons:

The weight of court and commissioner decisions, added to the possibly damaging consequences to the district of a lack of clear policy, makes it a critical policy topic for behavior other than substance abuse or weapons possession.

N.J.S.A. 2A:4A-60 allows the principal to request information from law enforcement authorities on a juvenile charged with an offense, including the identity of the juvenile,

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the offense charged and the adjudication and disposition of the case. Law enforcement or the prosecuting agency must inform the principal under all circumstances.

- Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information;
Penalties for disclosure
- N.J.S.A. 2C:33-19 Paging devices, possession by students
- N.J.S.A. 18A:37-1 et seq. Discipline of pupils
See particularly:
N.J.S.A. 18A:37-15
- N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1 et seq. Programs to Support Student
Development
- See particularly:
N.J.A.C. 6A:16-1.4,-2.4, 4.1, -5.1, -6.1, -6.2, -7.1
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-12.2 School-level planning

P.L. 2007, C. 129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying.

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

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.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.