



## **PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING ON SCHOOL PROPERTY, SCHOOL-SPONSORED FUNCTIONS AND ON SCHOOL BUSES**

### **Policy Statement**

The Board of Directors and administration of Fedcap School prohibit any acts of harassment, intimidation and bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

### **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:

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



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

### **Student Behavior Expectations**

The Fedcap School expects students to conduct themselves in keeping with their levels of development and maturity. They are expected to demonstrate proper regard for the rights and welfare of other students and school staff. The educational purpose underlying all school activities and the care of school facilities and equipment should be consistent with the School Code of Conduct.

The Fedcap School believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for The Fedcap School and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Fedcap School believes that the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students’ abilities to grow in self-discipline. School policy requires all students in the school to adhere to the rules and regulations established by the school and to submit to such disciplinary measure as are appropriately assigned for infraction of these rules.

### **Consequences and Remedial Actions**

The Fedcap School requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the Code of 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 students.



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 offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

#### *Factors for Determining Consequences*

1. Age, developmental and maturity levels of the parties involved and their relationship to The Fedcap School;
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

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

##### Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
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.

#### *Examples of Consequences and Remedial Measures*

Consequences and appropriate remedial action for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension and sending district intervention, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Conduct and N.J.A.C. 6A:16-7, Student Conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, 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 principal/school administrator;
6. Bans from participating in school sponsored programs;
7. In-school separation;
8. Out-of-school suspension (short-term or long-term);
9. Reports to law enforcement or other legal action; and
10. Sending district reevaluation of student placement.



### *Examples of Remedial Measures*

#### Personal

1. Restitution and restoration;
2. Peer support group;
3. Corrective instruction or other relevant learning or service experience;
4. Behavioral assessment or evaluation, including, but not limited to, a referral to the Districts' Child Study Team, as appropriate;
5. Behavioral management plan, with benchmarks that are closely monitored;
6. Assignment of leadership responsibilities;
7. Involvement of school "disciplinarian";
8. Student counseling;
9. Parent conferences;
10. Alternative placements; or
11. Student therapy referral.

#### 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 student routes or patterns traveling to and from school;
9. Supervision of student before and after school, including school transportation;
10. Addition of teacher aides;
11. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
12. General professional development programs for certificated and non-certificated staff;
13. Professional development plans for involved staff;
14. Disciplinary Action;



15. Parent conferences;
16. Family counseling;
17. Involvement of community-based organizations;
18. Development of a general bullying response plan;
19. Peer support groups; and
20. Law enforcement involvement or other legal action.

#### *Reporting Harassment, Intimidation and Bullying Behavior*

The Fedcap School requires the principal/school administrator to be responsible for receiving all complaints alleging violations of this policy. The Fedcap School Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged violations of this policy to the principal/school administrator on the same day when the individual witnessed or received reliable information regarding any such incident. All Fedcap School Board members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the school principal/school administrator within two school days of the verbal report. The principal/school administrator is required to inform the parents of all students involved in alleged incident(s) of harassment, intimidation and bullying, and may discuss, as appropriate, the availability of counseling and other intervention services.

Students, parents, and visitors may report alleged violations of this policy to the principal/school administrator on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment, intimidation or bullying anonymously. Formal action for violations of the Code of Conduct may not be taken solely on the basis of an anonymous report.

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

#### *School Anti-Bullying Coordinator*

The Anti-Bullying Coordinator shall:



1. Be responsible for coordinating and strengthening the school's policy to prevent, identify, and address harassment, intimidation, and bullying of students;
2. Collaborate with school anti-bullying specialist to prevent, identify and respond to harassment, intimidation, and bullying of students; and
3. Provide data to the Department of Education regarding harassment, intimidation, and bullying of students.

The Anti-Bullying Coordinator shall meet at least twice during the school year in January and June with the School Anti-Bullying Specialist to discuss and strengthen procedures and policies to prevent, identify and address harassment, intimidation, and bullying of students in the school.

#### *School Anti-bullying Specialist*

The principal/school administrator of the school shall appoint the social worker as the School Anti-Bullying Specialist. The School Anti-Bullying Specialist shall:

1. Lead the investigation of incidents of harassment, intimidation, and bullying in the school;
2. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school; and
3. Chair the School Safety Team.

#### *School Safety Team*

The School Safety Team shall form to develop, foster and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The School Safety Team shall meet at least twice during the school year.

The School Safety Team shall be appointed by the principal/school administrator and consist of the principal/school administrator or her designee; a teacher in the school; the School Anti-Bullying Specialist; the School Anti-Bullying Coordinator; a parent of a student in the school; and other members to be determined by the principal/school administrator. The School Anti-Bullying Specialist shall serve as the chair of the school safety team.

The School Safety Team shall:

1. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal/school administrator; retain documentation;



2. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
3. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
4. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
5. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; conduct student assemblies, teacher faculty meetings and parent meetings;
6. 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/school administrator or the School Anti-Bullying Coordinator may request;
7. Collaborate with the Anti-Bullying Coordinator in the collection of data and in the development of policies to prevent and address harassment, intimidation, or bullying of students; and
8. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal/school administrator or School Anti-Bullying Coordinator.

No parent/guardian who is a member of the school safety team shall:

1. Receive complaints of harassment, intimidation, or bullying of students that have been reported to the principal/school administrator;
2. Receive copies of reports prepared after an investigation of a harassment, intimidation, or bullying incident; and
3. Participate in any other activities of the team which may compromise the confidentiality of a student.

### *Investigating Harassment, Intimidation and Bullying*

The law requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the principal/school administrator or the principal/school administrator's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the social worker. The principal/school administrator may appoint additional personnel to assist the social worker in the investigation. The investigation shall be completed and the findings submitted to the principal/school administrator as soon as possible, but not later than 10 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/school administrator 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/school administrator shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The principal/school administrator shall submit the report to The Chief School Administrator 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 Chief School Administrator shall ensure the Code of Student Conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

The Chief School Administrator shall report the results of each investigation to the Board of Directors no later than the date of the regularly scheduled Board of Directors meeting following the completion of the investigation. The Chief School Administrator's report also shall include information on any consequences imposed under the Code of Conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by The Chief School Administrator. The Chief School Administrator will inform, in writing, the sending district of all allegations and the findings and determination of all investigations.

Parents of students 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, 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 Directors.

#### *Range of Ways to Respond to Harassment, Intimidation or Bullying*

The Fedcap School recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims.

In considering whether a response beyond the individual is appropriate, the principal/school administrator will take into consideration the nature and circumstances of the act, the degree of harm, the nature and



severity of the behavior, past incidents or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred.

For every incident of harassment, intimidation or bullying, the school shall respond to the individual who committed the act. Responses may include:

1. Individual responses can include behavioral interventions (i.e., short-term counseling, life skills groups) and punitive actions (i.e., in-school or out-of-school suspension);
2. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance and conflict management;
3. School responses can include theme days, learning stations programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices. School may also include professional development programs and coordination with community-based organizations (i.e., mental health; health services; health facilities; law enforcement; faith-based).

### *Appeal Process*

The Fedcap School works in conjunction with all of the students sending districts in regards to HIB investigations. A parent or guardian may request a hearing before the sending district Board of Education after receiving the information. When a request for a hearing is granted, the hearing shall be held within 10 school days of the request. The appropriate 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. At the hearing, the Board of Education may hear testimony from and consider information provided by the school's social worker and others, as appropriate. Additional findings from the investigation of the alleged incident, recommendations for consequences or services, and any program instituted to reduce incidents, prior to rendering a determination will also be heard.

At the regular scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify The Chief School Administrator's decision. The Board of Education decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than 90 days after the issuance of the Board of Education decision.



### *Week of Respect*

The week beginning with the first Monday in October of each year is designated as a “Week of Respect” in the State of New Jersey. The Fedcap School, in order to recognize the importance of character education, shall observe the week by providing appropriate instruction focusing on preventing harassment, intimidation or bullying as defined by law (N.J.S.A. 18A:37-14). The Fedcap School shall provide ongoing instruction focusing on preventing harassment, intimidation and bullying in accordance with the Core Curriculum Content Standards.

### *Training*

1. The Fedcap School’s principal/school administrator shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2)
2. Each teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation and 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 (N.J.S.A. 18A:6-112)
3. Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Directors, a member shall complete a training program on harassment, intimidation and bullying in schools, including the school’s responsibilities as required by law (N.J.S.A. 18A:37-13). A Board member shall be required to complete the program only once (N.J.S.A. 18A:12-33)

### *Reporting to the Department of Education*

The information, including but not limited to, verbal reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include data broken down by the enumerated categories including the protected categories (identified in N.J.S.A 18A:37-14 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) and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents).

The report shall be used to grade Fedcap School for the purpose of assessing its effort to implement policies and programs consistent with N.J.S.A. 18A:37-13. The Fedcap School shall post the grade received by the school on the homepage of the school's website. A link to the report shall be available on the school's website. The information shall be posted on the website within 10 days of the receipt of a grade by the school.

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

The Fedcap School shall submit an annual report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting System (EVVRS).

#### *Program Assessment and Review*

The Fedcap School shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation and bullying.

#### *Policy Development and Review*

The Fedcap School shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The school shall include input from the School Anti-Bullying Specialist in conducting its re-evaluation, reassessment, and review.