

ECLC OF NEW JERSEY

Policy: Harassment, Intimidation and Bullying

ECLC of New Jersey provides an educational setting with highly specialized programming to meet the needs of students with special needs. Our school is composed of students with severe learning disabilities and intellectual disabilities. There may be cases in which a behavior/action by a student appears to be an act of harassment, intimidation or bullying; however, the root core of the behavior is often the student's documented disability.

Before invoking the processes delineated in this policy, ECLC shall make a determination as to whether they believe that the student's reported behavior/actions result directly from the student's disability.

When a written harassment, intimidation or bullying complaint is lodged and received by the Principal, the Executive Director of ECLC of New Jersey will convene a meeting with the Anti-Bullying Coordinator (Consulting Behaviorist), school-based Anti-Bullying Specialist (Social Worker), the building-based School Safety Team, the school principal and the person making the complaint, to determine whether the student's disability is the cause of the reported action/behavior. If the outcome of this meeting is that the student's disability caused the action/behavior, the building-based Child Study Team will develop a behavior plan to address the behavior to correct the behavior. If the team deems that the behavior/action is not a result of the student's handicapping condition, this policy will be adhered to and all appropriate steps will be followed. If the team determines this the conduct does not involve harassment, intimidation or bullying, the parents will be notified of this determination; nevertheless, ECLC will undertake remedial measures to minimize the risk to victims of the student's behaviors.

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A. Definitions

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

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 pupil. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

B. Policy

The Board of Trustees 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.

B. Acts of Harassment, Intimidation, and Bullying

The Board of Trustees recognize that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

Acts of “harassment, intimidation, or bullying” or “HIB” include any gesture; written, verbal or physical act; or 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; or
2. By any other distinguishing characteristic; and that
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 pupils; and that
4. A reasonable person should know, under the circumstances, that the act(s) 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
5. Has the effect of insulting or demeaning any pupil or group of pupils; or
6. 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.

D. Expectations for Pupil 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 Student Code of Conduct.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents, school employees, school administrators, school volunteers, and community representatives, 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 and community property on the part of pupils, staff, and community members.

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 Student Code of 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.

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

1. Pupil responsibilities (e.g., requirements for 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. Pupil rights; and
4. Sanctions and due process for violations of the Student Code of Conduct.

Pursuant to N.J.A.C. 6A:16-7.8(a)3xvii, the Executive Director must annually provide to pupils and their parents or guardians the rules of ECLC of New Jersey regarding pupil conduct. Provisions shall be made for informing parents or guardians whose primary language is other than English.

ECLC of New Jersey prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other 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 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.

E. Consequences and Appropriate Remedial Actions

The Board of Trustees requires a range of ways school staff will respond once an incident of harassment, intimidation and bullying is confirmed.

The Board recognizes that some acts of harassment, intimidation and bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation and bullying that they require a response either in the classroom, school building or law enforcement officials.

Consequences and appropriate remedial actions for a student who commits an act of HIB may range from positive behavioral interventions up to and including suspension or termination of placement.

Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the Student Code of Conduct and N.J.A.C.6A:16-7. 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.

Factors for Determining Consequences

1. Age, disability, developmental and maturity levels of the parties involved and their relationship to the 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. After-school/Respite or extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationship to pupils/family and ECLC of New Jersey.

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. Availability of programs to address student behavior;
7. Social-emotional and behavioral supports;
8. Social relationships;
9. Community activities;
10. Neighborhood situation; and
11. Family situation.

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 Board's approved Student 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 (any removal of .5 days or more will be reported in the Student Safety Data System);
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to Behaviorist, Social Worker, Psychologist or disciplinarian, as appropriate;
6. In-school suspension during the school week;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Reports to law enforcement or other legal action; and
10. Termination of placement; and

11. Bans from receiving certain services, participating in school sponsored programs or being in school buildings or on school grounds.

Examples of Remedial Measures

Personal

1. Restitution and restoration;
2. Peer support group;
3. Recommendations of a pupil behavior or student government;
4. Corrective instruction or other relevant learning or service experience;
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 LEA 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 Behaviorist, Social Worker, Psychologist or disciplinarian, as appropriate;
10. Pupil counseling;
11. Parent conferences;
12. Referral to LEA for alternative placements (e.g., alternative education programs);
13. Pupil treatment; or
14. Pupil therapy.

Environmental (Classroom or School Building)

1. School and building 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. Recommend to LEA for modifications in pupil routes or patterns traveling to and from school;
9. Recommend to LEA of 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. Recommendation to LEA for alternative placements (e.g., alternative education programs);
25. Recommendation to LEA for change of placement; and
26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

N.J.A.C. 6A:16-7.7(a)2vii. requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying

of a pupil. 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.

F. Harassment, Intimidation, and Bullying Off School Grounds

This Policy and the Student Code of 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.

G. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Trustees 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 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 pupils, shall also submit a report in writing to the

Principal within two school days of the verbal report. The written report shall be completed on the HIB 338 Form prescribed by the New Jersey Department of Education. The HIB 338 Form shall be kept on file at the school but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be included in a student's educational record under state or federal law.

The Principal will inform the parents of all pupils involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.

In addition, the Principal will notify the Case Manager or other appropriate official from the sending school districts for each student involved in an alleged HIB act that occurs on a sending district school bus, a sending district school-sponsored event, or off school grounds. If the incident involves students from different sending districts, the investigations shall be initiated by the district(s) of the alleged victim(s) pursuant to N.J.A.C. 6A:16-7.8(a)3ix(9)(A).

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.

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. ECLC of New Jersey will provide such persons with the means to complete online and anonymously the HIB 338 Form prescribed by the New Jersey Department of Education.

Pursuant to N.J.A.C. 6A:16-7.8(a)3viii(1), formal action for violations of the Student Code of 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.

The Principal shall promptly submit a copy of each completed official form to the Executive Director.

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

H. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety Team

1. The Executive Director shall appoint a school Anti-Bullying Coordinator, who shall:

- a. Be responsible for coordinating and strengthening ECLC's policies to prevent, identify, and address harassment, intimidation, or bullying of pupils;
- b. Collaborate with school Anti-Bullying Specialists at ECLC, the Board of Trustees, and the Executive Director to prevent, identify, and respond to harassment, intimidation, or bullying of pupils;
- c. Provide data, in collaboration with the Executive Director, to the Department of Education regarding harassment, intimidation, or bullying of 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.

2. The Principal in each school shall appoint a school Anti-Bullying Specialist from among the school Social Worker, school Psychologist, or another individual similarly trained is currently employed in the school. 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 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 of ECLC 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. Each School Safety Team shall meet 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 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.

The School Safety Team shall:

a. Receive any complaints of harassment, intimidation, or bullying of pupils that have been reported to the Principal;

b. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

c. Identify and address patterns of harassment, intimidation, or bullying of pupils in the school;

d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of pupils;

e. Educate the community, including pupils, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of 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 school Anti-Bullying Coordinator may request;

g. Collaborate with ECLC's Anti-Bullying Coordinator in the collection of school-wide data and in the development of ECLC's policies to prevent and address harassment, intimidation, or bullying of pupils; and

h. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or school Anti-Bullying Coordinator. The members of a School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent and other members of the School Safety Team who are not authorized for access to student records shall participate only with regard to school climate issues and 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 pupil.

I. Harassment, Intimidation, and Bullying Investigation

Prior to initiating an investigation regarding a reported incident or complaint, the Principal, or his or her designee, in consultation with the Anti-Bullying Specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, constitutes HIB within the scope of *N.J.S.A.* 18A:37-14.

Should the Principal, or his or designee, in consultation with the Anti-Bullying Specialist determine that a reported incident or complaint, assuming all facts presented are true, is not HIB within the scope of *N.J.S.A.* 18A:37-14, the incident will be addressed through the Student Code of Conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of HIB because the reported incident or complaint falls outside the definition of HIB, and must be submitted to the Executive Director. The Principal will provide the parents of the alleged offender(s) and victim(s) with formal notice of the decision not to initiate an HIB investigation.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The Executive Director may direct the Principal in writing to conduct an HIB investigation of the incident if the Executive Director determines that the incident is within the scope of HIB. Should the Executive Director require the Principal to conduct an HIB investigation, the school Principal will immediately initiate an investigation of HIB by referring the matter to the school Anti-Bullying Specialist.

Additionally, any preliminary determination that finds the incident or complaint does not constitute HIB may be appealed to the sending district board of education pursuant to its policies and procedures governing pupil grievances, and thereafter to the Commissioner pursuant to N.J.A.C. 6A:16-7.8(a)3ix(8)(A). If the Principal's preliminary determination is overturned, the school Principal will immediately initiate an investigation of HIB by referring the matter to the school Anti-Bullying Specialist.

ECLC of New Jersey requires a thorough and complete investigation to be conducted for each reported incident or complaint, assuming all facts presented are true, that is HIB within the scope of *N.J.S.A.* 18A:37-14. 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 appointed by the Principal. The Principal may appoint additional personnel who are not school anti-bullying specialists to assist the school Anti-Bullying Specialist in the investigation. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of HIB or 10 school days from the date of the written notification from the Executive Director to the Principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the 10-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 Student Code of Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Executive Director within two school days of the completion of the investigation. As appropriate to the findings from the investigation, the Executive

Director shall ensure the Student Code of Conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce HIB and enhance school climate, or take or recommend other appropriate action, including seeking further information as necessary.

The Executive Director shall report the results of each investigation to the Board of Trustees no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Executive Director's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Executive Director.

The Principal shall report to the appropriate sending district board(s) of education personnel of the students who are parties to the harassment, intimidation, or bullying investigation the results of each investigation no later than five school days following the investigation's completion, along with information on any service(s) provided; training established; and, pursuant to N.J.A.C. 6A:14-7.6(f), discipline imposed or other action taken or recommended.

Parents of the 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 includes 1) the nature of the investigation, 2) whether the district found evidence of HIB, or 3) whether consequences were imposed or services provided to address the incident of HIB. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Trustees.

A parent or guardian may request a hearing before the sending district board of education after receiving the information. Any request by the parents or guardians for a hearing before the sending district board of education concerning the written information about a HIB investigation, pursuant to *N.J.S.A. 18A:37-15(b)(6)(d)*, must be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 business days of the request. Prior to the hearing, the Executive Director shall confidentially share a redacted copy of the official investigation form that removes all student identification information with the sending district board of education. 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. At the hearing, the sending district

board of education 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.

At the regularly 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 Executive Director's decision. The board of education's decision may be appealed to the Commissioner of Education, in accordance with [N.J.A.C. 6A:3](#), no later than 90 days after the issuance of the board of education's decision.

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

J. Reprisal or Retaliation Prohibited

The Board of Trustees prohibits a Board member, school employee, contracted service provider who has contact with pupils, school volunteer, or pupil from engaging in reprisal, retaliation, or false accusation against a victim, witness, one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Executive Director after consideration of the nature, severity and circumstances of the act, in accordance with case law, federal and state statutes and regulations and ECLC 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 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 pupils 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-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.

K. 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. Pupils - Consequences and appropriate remedial action for a 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 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 LEA referral for change of placement and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with 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 ECLC policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, or termination, and/or bans from providing services, participating in school-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 pupils or the provision of pupil services.

Remedial measures may include, but not be limited to: in or out-of school counseling, professional development programs, and work environment modifications.

L. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Executive Director to all school employees, contracted service providers who have contact with pupils, school volunteers, pupils, and parents who have children enrolled in a school in the organization, 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 Executive Director shall ensure that notice of this Policy appears in the parent/student handbook and referenced in all other publications of the school that set forth the comprehensive rules, procedures, and standards for schools within the organization.

The Executive Director shall post a link to the organization's Harassment, Intimidation and Bullying Policy that is prominently displayed on the home page of the school's website. ECLC will notify pupils and parents that the Harassment, Intimidation, and Bullying Policy is available on ECLC's website.

The Executive Director shall post the name, school phone number, school address, and school e-mail address of ECLC's Anti-Bullying Coordinator on the home page of ECLC's website. Each Principal shall post the name, school phone number, address, and school e-mail address of both the Anti-Bullying Specialist and ECLC's Anti-Bullying Coordinator on the home page of each school's website.

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

M. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Executive Director and Principal(s) shall provide training on ECLC's Harassment, Intimidation, and Bullying Policy to current and new school employees, contracted service providers, and volunteers who have significant contact with pupils. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. The ECLC employee training program shall include information regarding the school'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 school Teacher shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention in each professional development period (5 years) 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 in accordance with the provisions of N.J.S.A. 18A:6-112.

ECLC shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, ECLC 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 ECLC 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.

ECLC's schools will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, 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.*

N. Harassment, Intimidation, and Bullying Policy Re-evaluation, Reassessment and Review

The Executive Director shall develop and implement a process for annually discussing ECLC's Harassment, Intimidation, and Bullying Policy with pupils.

The Executive Director and the Principal(s) shall annually conduct a re-evaluation, 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.

O. Reports to Board of Trustees and New Jersey Department of Education

The Executive Director shall report to the Board all acts of harassment, intimidation, and bullying. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46. The information reported shall be used to grade each school in accordance with the provisions of N.J.S.A.18A:17-46. The grade received by the schools and the organization shall be posted on the home page of the school'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 Executive Director to the Department of Education shall also be available on the school's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the organization.

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.

Q. Employee Disqualification

The Board of Trustees 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. Pupils with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1, *et seq.* may alter or reduce the rights of a 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.

S. Other Remedies for Harassment, Intimidation or Bullying

This policy shall not prevent a victim of harassment, intimidation, or bullying from seeking redress under any applicable civil or criminal law.

A parent, student, guardian, or organization may file a complaint with the New Jersey Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the Law Against Discrimination, P.L.1945, c.169 (N.J.S.A. 10:5-1, *et seq.*).

Rev. 9/22