

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

Prohibition of Harassment, Intimidation and Bullying (HIB)

The Board of Trustees and the administration of St. Joseph's School for the Blind prohibit acts of harassment, intimidation or bullying of a student. The Board of Trustees has determined that 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 environment. Since students learn by example, school administrators, faculty, staff and volunteers will be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

Definition of Harassment

St. Joseph's School for the Blind establishes that "harassment, intimidation or bullying" (HIB) means any gesture, any written, verbal or physical act, or any electronic communication (communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager), as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents, that is:

- a) reasonably perceived as being motivated either 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
- b) by any other distinguishing characteristic; and that
- c) 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; and that
- d) a reasonable person should know, under the circumstances, that the act(s) will have the effect of physical or emotional harm to his person or damage to his property; or place a student in a reasonable fear of physical or emotional harm to his person or damage to his property; or
- e) has the effect of insulting or demeaning any student or group of students; or
- f) creates a hostile educational environment for the student interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Student Behavior

St. Joseph's School for the Blind expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a 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. St. Joseph's School for the Blind believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff, and community members, 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 School community property on the part of student's staff and community members.

St. Joseph's School for the Blind believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations 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 discipline problems and encourage students' abilities to grow in self-discipline. Board 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.

The Principal or his designee shall provide to students and their parents/guardians the rules of the School regarding student conduct, and the policy shall appear in all publications of the school's comprehensive rules, procedures and standards of conduct.

Consequences and Remedial Actions

St. Joseph's School for the Blind 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 student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying (HIB). 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 offenses, 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

- Age, developmental and maturity levels of the parties involved and their relationship to the school district;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;

- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance; and
- Relationship to students and the school district.

Environmental

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of HIB may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board of Trustees' approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of HIB 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 of Trustees' approved code of student 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

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;

- Classroom or administrative detention;
- Referral to Principal;
- In-school suspension;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Removal from St. Joseph's School for the Blind.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Districts' Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school "disciplinarian;"
- Student counseling;
- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; or
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- School culture change;
- School climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;

- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher Aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

Procedures for Reporting and Investigating

St. Joseph's School for the Blind requires the Principal to be responsible for receiving all complaints alleging violations of this policy. St. Joseph's School for the Blind's education 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 or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All St. Joseph's School for the Blind Board of Trustees 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 within two school days of the verbal report. The Principal is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.

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

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

The Board of Trustees requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the Social Worker/Anti-Bullying Specialist. The Principal may appoint additional personnel to assist the Social Worker/Anti-Bullying Specialist in 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 harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the 10-day period, the Social Worker/Anti-Bullying Specialist or Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the code of student 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 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 Executive Director 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 Executive Director shall report the results of each investigation to the Board of Trustees no later than the date of the regularly scheduled Board of Trustees 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 Executive Director will inform, in writing, the sending district of all allegations and the findings and determination of all investigations.

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 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 Trustees.

A parent or guardian may request a hearing before the Board of Trustees 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 Board of Trustees 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 Trustees may hear testimony from and consider information provided by the school's Social Worker 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 Trustees 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 Trustees' 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 Trustees' decision.

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

Response to Identified Incidents

The Board of Trustees authorizes the Principal of the school to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the Executive Director shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy. St. Joseph's School for the Blind 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. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom or school building or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or removal from St. Joseph's School for the Blind, as permitted under N.J.S.A. 6A:14-7.7 Termination or withdrawal from a receiving school and N.J.S.A. 6A:14-2.8 Discipline/suspension/expulsions.

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

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

- The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either
- A reasonable person should know, under the circumstances, that the alleged behavior 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 person or damage to his property; or
- has the effect of insulting or demeaning any student or group of students; or
- The alleged behavior 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.

Retaliation

St. Joseph's School for the Blind prohibits a Board of Trustees member, school employee, contracted service provider who has contact with students, school volunteer or student 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 administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

False Accusations

Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying 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. 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 disciplined in accordance with School 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 school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Dissemination of Policy

The Board of Trustees requires the Executive Director to annually disseminate the harassment, intimidation and bullying policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled at St. Joseph's School for the Blind, along with a statement explaining that the policy applies to all acts of harassment, intimidation and 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 post a link to the policy that is prominently displayed on the home page of the school's Website. The Executive Director shall ensure that notice of the school's policy appears in the student handbook and all other publications of the school that set forth the comprehensive rules, procedures and standards for schools within the school.

The Executive Director and the Principal shall provide training on the school's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The school's 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, contracted service providers and school volunteers who have significant contact with students.

The Executive Director shall develop and implement a process for annually discussing the school district policy on harassment, intimidation and bullying with students. The Executive Director and the Principal shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the Social Worker/Anti-Bullying Specialist, 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.