

POLICY

ST. JOSEPH'S SCHOOL FOR THE BLIND

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Harassment, Intimidation, and Bullying - APSSD

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5512P HARASSMENT, INTIMIDATION, AND BULLYING - APSSD

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The Approved Private School for Students with Disabilities (APSSD) prohibits acts of harassment, intimidation, or 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 an APSSD's ability to educate its students in a safe and disciplined environment. Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Since students 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.

Sending district Board of Education personnel are required to address harassment, intimidation, and bullying occurring on a sending district Board of Education bus, at a sending district Board of Education school-sponsored function, and off school grounds.

The APSSD shall address harassment, intimidation, and bullying on the APSSD's property, at any APSSD's school-sponsored function, or on an APSSD's school bus.

B. Harassment, Intimidation, and Bullying 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.

"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, or by any other distinguishing characteristic;
2. Takes place on APSSD property, at any APSSD-sponsored function, on an APPSD bus;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that



- a. 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 their person or damage to their property; or
- b. Has the effect of insulting or demeaning any student or group of students; or
- c. 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.

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

C. Student Expectations

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

The APSSD believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, and school volunteers, 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 APSSD property on the part of students and staff.

Students are expected to behave in a way that creates a supportive learning environment. The APSSD believes 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.



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

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

Pursuant to N.J.S.A. 18A:37-15a. and N.J.A.C. 6A:16-7.8(a)2, the APSSD has developed this Policy in consultation with, at a minimum, parents, school employees, school administrators, and, as appropriate, school volunteers and students.

Based on locally determined and accepted core ethical values adopted by the APSSD, pursuant to N.J.A.C. 6A:16-7.1(a)2, the APSSD must develop guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the APSSD. This Policy requires all students to adhere to the rules established by the APSSD and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the APSSD must annually provide the APSSD's Code of Student Conduct to school staff, students, and parents. Provisions shall be made for informing parents whose primary language is other than English.

D. Consequences and Appropriate Remedial Actions

Consequences and Appropriate Remedial Actions – Students

The APSSD 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. The following factors, at a minimum, shall be given full consideration by the APSSD administrators in the implementation of appropriate



consequences and remedial measures for each act of harassment, intimidation, or bullying by students.

Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying takes into account the nature of the behavior; the nature of the student's disability; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the individualized education program (IEP) team of the sending district Board of Education, as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

Factors for Determining Consequences – Student Considerations

Factors may include, but are not limited to, the following:

1. Age, and 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/or
7. Context in which the alleged incidents occurred.

Factors for Determining Consequences – APSSD Considerations

Factors may include, but are not limited to, the following:

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student; and/or
4. Alignment with APSSD policy and regulations/procedures.

Factors for Determining Remedial Measures

Factors may include, but are not limited to, the following:

Personal

1. Life skill deficiencies;



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2. Social relationships;
3. Strengths;
4. Talents;
5. Interests;
6. Hobbies;
7. Classroom participation;
8. Academic performance; and/or
9. Relationship to other students and the school.

Environmental

1. School culture;
2. School climate;
3. General staff management of classrooms or other educational environments;
4. Staff ability to prevent and manage difficult or inflammatory situations;
5. Social-emotional and behavioral supports;
6. Social relationships; and/or
7. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension of students, as set forth in the APSSD'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 nature of the student's disability to the extent relevant; the developmental age of the student; the student's history of problem behaviors and performance; and consistent with the provisions of N.J.A.C. 6A:7, as appropriate, and N.J.A.C. 6A:14-7.6(f). The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

The APSSD shall ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for the victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, 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, as determined to be appropriate for the APSSD and the student population.

Examples of Consequences

Examples may include, but are not limited to, the following:



1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges; and/or
4. Reports to law enforcement or other legal action.

Examples of Remedial Measures

Examples may include, but are not limited to, the following:

Personal – Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Develop a learning plan that includes consequences and skill building;
6. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
7. Arrange for an apology, preferably written;
8. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
9. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and/or
10. Schedule a follow-up conference with the student.

Personal – Target/Victim

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

Parents and Family



1. Develop a family agreement; and/or
2. Refer the family for family counseling.

Examples of Remedial Measures – Environmental (Classroom or School Building)

Examples may include, but are not limited to, the following:

1. Analysis of existing data to identify bullying issues and concerns;
2. School culture change;
3. School climate improvement;
4. Increased supervision in “hot spots” (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters);
5. Adoption of evidence-based systemic bullying prevention practices and programs;
6. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
7. Professional development plans for involved staff;
8. The APSSD’s policy and procedure revisions;
9. Adjustments in hallway traffic;
10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter);
11. Targeted use of teacher aides;
12. Parent conferences;
13. Family counseling;
14. Development of a general harassment, intimidation, and bullying response plan;
15. Behavioral expectations communicated to students and parents; and/or
16. Involvement of law enforcement officers or other appropriate legal action.

Consequences and Appropriate Remedial Actions – Staff Member

The APSSD will also impose appropriate consequences and remedial actions to a staff member who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but are not limited to, verbal or written reprimand, legal action, disciplinary action, and/or termination. Remedial measures may include, but are not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support



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

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

Examples of support for student victims of harassment, intimidation, and bullying may include, but are not limited to, the following:

1. Teacher aides;
2. Adult mentor;
3. Seating changes;
4. Counseling; and/or
5. Treatment or therapy.

E. Harassment, Intimidation, and Bullying Reporting Procedure

The APSSD requires the full-time non-teaching Principal to be responsible for receiving complaints alleging violations of this Policy.

An APSSD employee, contracted service provider, student, or volunteer who has witnessed an incident of harassment, intimidation, or bullying, or who has reliable information that a student has been subject to harassment, intimidation, or bullying, shall report, verbally or in writing, the incident to the full-time non-teaching Principal, to any school administrator, or safe schools resource officer who shall immediately report it to the full-time non-teaching Principal. If the initial report was a verbal report, the APSSD employee, contracted service provider, student, or volunteer also shall submit a New Jersey Department of Education-approved HIB 338 Form to the full-time non-teaching Principal within two school days of the verbal report. The full-time non-teaching Principal shall initiate a harassment, intimidation, and bullying investigation within one school day of the initial report of the incident.

If a parent makes a verbal allegation of harassment, intimidation, or bullying to a staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

The full-time non-teaching Principal shall promptly submit a copy of each completed HIB 338 Form to the Executive Director.



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 contained in a student's record under State or Federal Law.

The full-time non-teaching Principal will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The full-time non-teaching Principal shall take into account the circumstances of the incident when providing the notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The full-time non-teaching 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.

The full-time non-teaching Principal shall report to the appropriate sending district Board of Education personnel any complaint or report of harassment,

intimidation, or bullying pursuant to N.J.A.C. 6A:16-7.7(a)2.ix, occurring on sending district Board of Education school buses, at sending district Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD. These complaints or reports shall be investigated by the appropriate sending district personnel, in consultation with the APSSD. When a complaint or report of harassment, intimidation, or bullying involves students from more than one sending school district, the sending district Board(s) of Education of the victim(s) involved shall initiate the investigation.

A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The APSSD will not take formal disciplinary action based solely on the anonymous report.

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

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

A full-time non-teaching Principal who receives a report of harassment, intimidation, and bullying, or who determines a reported incident or complaint, assuming all the



facts are true, is a report of an act of harassment, intimidation, or bullying pursuant to N.J.A.C. 6A:16-7.8(a)3.ix(8), and fails to initiate or conduct an investigation, or has reason to believe an incident of harassment, intimidation, or bullying occurred and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

F. Anti-Bullying Specialist and School Safety/School Climate Team(s)

1. The full-time non-teaching Principal shall appoint an Anti-Bullying Specialist from currently employed APSSD staff to act as the primary official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the APSSD and the functions identified pursuant to N.J.A.C. 6A:16-7.8(a)3.ix, ix(1), and x.

The Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team(s) as provided in N.J.S.A. 18A:37-21; and
 - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the APSSD.
2. The APSSD shall form a School Safety/School Climate Team(s) to develop, foster, and maintain a positive school climate by focusing on the on-going systemic processes and practices in the APSSD and to address school climate issues, such as harassment, intimidation, or bullying and perform the following functions:
 - a. Meet two times per school year;
 - b. Receive any complaint(s) of harassment, intimidation, or bullying of students that has been reported to the full-time non-teaching Principal;
 - c. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
 - d. Identify and address patterns of harassment, intimidation, or bullying of students in the APSSD;
 - e. Review and strengthen school climate and APSSD policies to prevent and address harassment, intimidation, or bullying of students;



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- f. Educate the APSSD community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students; and
 - g. Execute other duties related to harassment, intimidation, and bullying as requested by the full-time non-teaching Principal.
- 3. The School Safety/School Climate Team(s) shall consist of the full-time non-teaching Principal or designee, and the following members appointed by the full-time non-teaching Principal: a teacher in the APSSD; the Anti-Bullying Specialist; a parent of a student in the APSSD; and other members determined by the full-time non-teaching Principal. The team shall be chaired by the Anti-Bullying Specialist.
 - a. A parent shall be on the School Safety/School Climate Team(s) only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.
 - b. Other members of the School Safety/School Climate Team(s) who are not authorized to access student records pursuant to N.J.A.C. 6A:32-7.5 shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.
 - c. The APSSD shall provide School Safety/School Climate Team(s) members with development opportunities that address effective practices of successful school climate programs or approaches.

G. Harassment, Intimidation, and Bullying Investigation

The APSSD requires a prompt investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying. All details of an alleged incident must be populated into the HIB 338 Form.

However, prior to initiating the investigation and before notifying the parents of the students involved in the incident, the full-time non-teaching Principal or designee, in consultation with the Anti-Bullying Specialist, may make a preliminary determination as to whether the reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, and bullying pursuant to N.J.A.C. 6A:16-7.8(a)3.ii.



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If a preliminary determination finds the incident or complaint is a report outside the scope of the harassment, intimidation, and bullying definition set forth at N.J.A.C. 6A:16-7.8(a)3.ii., the preliminary determination may be appealed to the student's sending district Board of Education pursuant to the sending district Board of Education policies and procedures governing student grievances, and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of harassment, intimidation, or bullying

because the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and must be submitted to the Executive Director. The full-time non-teaching Principal or designee will inform the parents of all students involved in the reported harassment, intimidation, or bullying incident if the preliminary determination found the complaint is a report outside the scope of the harassment, intimidation, and bullying definition set forth in N.J.A.C. 6A:16-7.8(a)3.ii. The full-time non-teaching Principal or designee will inform the parents of their right to appeal the determination to their sending district Board of Education by submitting a letter to the sending district Board Secretary requesting a hearing within sixty calendar days of receiving notice of the preliminary determination.

A hearing before the sending district Board of Education shall be scheduled in collaboration with the APSSD and held by the sending district Board of Education within ten business days of receipt of the request. The APSSD and the sending district Board of Education shall coordinate the policies and procedures for conducting the hearing. If the preliminary determination, upon review of the facts presented in the reported incident or complaint, is to continue with the harassment, intimidation, and bullying investigation, the investigation shall be completed in accordance with N.J.S.A. 18A:37-15.b.(6) and this Policy.

The investigation shall be initiated by the full-time non-teaching Principal or designee within one school day of the initial report of the incident. The Anti-Bullying Specialist shall conduct the investigation and the full-time non-teaching Principal may appoint additional personnel who are not the Anti-Bullying Specialist to assist with the investigation.

Investigations or 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. An investigation concerning a staff member shall not be conducted by a staff member who is supervised by the staff member being investigated. The full-time non-teaching Principal or designee will appoint a staff member to complete these investigations.



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The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying. If information relevant to the investigation is anticipated, but not yet received by the end of the ten school-day period, the Anti-Bullying Specialist may amend the initial report of the investigation results to reflect the information.

The Anti-Bullying Specialist shall report the investigation results to the full-time non-teaching Principal within two school days of the investigation's completion. The full-time non-teaching Principal may provide intervention services; establish training programs to reduce harassment, intimidation, or bullying and to enhance school climate; and in consultation and conjunction with the sending district Board of Education pursuant to N.J.A.C. 6A:14-7.6(f), impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.

The APSSD will ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for a victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying.

The full-time non-teaching 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 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 by the full-time non-teaching Principal.

In accordance with Federal and State law and regulation, the full-time non-teaching Principal shall provide parents of students who are parties to the harassment, intimidation, or bullying investigation with information about the investigation, including the nature of the investigation, the findings, and whether discipline was imposed or services were provided, as appropriate to address the incident of harassment, intimidation, or bullying. The full-time non-teaching Principal shall provide the investigation information in writing within five school days following the investigation's completion. To protect the victim, the full-time non-teaching Principal shall take into account the circumstances of the incident when communicating with parents.

Parents of students who are parties to a harassment, intimidation, or bullying investigation may request a hearing before their sending district Board of Education concerning the information received about the investigation. Any request for a



hearing before the sending district Board of Education shall be filed with the sending district Board Secretary within sixty calendar days after the written information about the investigation is received by the sending district

Board of Education and the parents. The hearing before the sending district Board of Education shall be scheduled in collaboration with the APSSD and held by the sending district Board of Education within ten business days of the request. The APSSD and the sending district Board of Education shall coordinate the policies and procedures for conducting such hearings. Prior to the hearing, the Executive Director shall confidentially share a redacted copy of the HIB 338 Form that removes all student identification information with the sending district Board of Education.

In accordance with N.J.S.A. 18A:37-15e, the sending district Board of Education shall affirm, reject, or modify the investigation results upon conclusion of the appeal hearing and the decision shall be provided in writing to the parents of the students involved in the investigation. The sending district 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 ninety days after issuance of the sending district Board of Education's decision.

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

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

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



For every incident of harassment, intimidation, or bullying, the APSSD officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, or APSSD responses, as appropriate to the findings from each incident.

Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors.
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying; role plays (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying); research projects; observing and discussing audio-visual materials on these subjects; skill-building lessons in courtesy, tolerance, and assertiveness; and conflict management.
3. The APSSD responses can include theme days; learning station programs; "acts of kindness" programs or awards; use of student survey data to plan prevention and intervention programs and activities; social norms campaigns, posters, public service announcements; "natural helper" or peer leadership programs; "upstander" programs; parent programs; the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices; and harassment, intimidation, and bullying prevention curricula or campaigns.
4. The APSSD school-wide responses can be comprised of the adoption of school-wide programs, including enhancing the school climate; involving the school community in policy review and development; providing professional development; coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations); and launching harassment, intimidation, and bullying prevention campaigns.

I. Reprisal or Retaliation Prohibited

The APSSD prohibits a school employee, student, contracted service provider, or volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any person who reports or who has reliable information about



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 full-time non-teaching Principal after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and the APSSD's 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.

J. Consequences and Appropriate Remedial Action for False Accusation

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

1. Students - Consequences and appropriate remedial action for a student 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, as permitted under N.J.S.A. 18A:37 - Discipline of Students; as set forth in N.J.A.C. 6A:16-7.2 - Short-term Suspensions; N.J.A.C. 6A:16-7.3 - Long-term Suspensions; and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy. These consequences and appropriate remedial actions shall be identified in consultation and conjunction with the sending district Board of Education and pursuant to N.J.A.C. 6A:14-7.6.(f).
2. APSSD Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students 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 APSSD policies, procedures, and agreements which may include, but are not limited to, reprimand, suspension, and/or termination. Remedial measures may include, but are not 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 APSSD administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions. Consequences and remedial measures may include, but not be limited to, removal of buildings or grounds privileges or prohibiting contact with students.



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

This APSSD Policy will be disseminated annually by the full-time non-teaching Principal to all school employees, contracted service providers, school volunteers, students, and parents who have children enrolled in the APSSD, 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 APSSD property, at approved APSSD-sponsored functions, and on school buses operated by the APSSD.

The sending district Board of Education HIB Policy applies to acts of harassment, intimidation, or bullying occurring on sending district Board of Education buses, at sending district Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD.

The full-time non-teaching Principal shall ensure that notice of this Policy appears in the student handbook and all other publications of the APSSD that set forth the Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

The APSSD shall post a link to the Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the APSSD website. The APSSD will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the APSSD website.

The APSSD shall post the name of the Anti-Bullying Specialist and their school telephone number, school address, and school email address on the home page of the APSSD website.

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

The APSSD shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the Harassment, Intimidation, and Bullying Policy, procedures, programs, and initiatives and implement training programs for school employees and volunteers who have significant contact with students. The annual

examination of training needs shall take into consideration the findings of the annual review and update of the Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.(a)2. Information regarding this Policy shall be incorporated into the APSSD training program which shall be provided to full- and part-time staff, volunteers who have significant contact with students, and persons contracted by the APSSD to provide services to students.



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The APSSD shall provide time during the usual school schedule for administrative staff members and the Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

The APSSD shall recognize the importance of character education by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14 and as required by the New Jersey Department of Education.

The APSSD will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives shall be planned in consultation with, at a minimum, parents, school employees, law enforcement, school administrators, and, as appropriate, school volunteers and students. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent or intervene in harassment, intimidation, and bullying in the APSSD.

M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment, and Review

The full-time non-teaching Principal shall develop and implement a process for annually discussing the Harassment, Intimidation, and Bullying Policy with students.

The APSSD shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The APSSD shall make any necessary revisions to the Policy, consistent with N.J.A.C. 6A:14-7.3(a), to strengthen the Policy to prevent, identify, and address harassment, intimidation, and bullying of students. The programs or other responses shall be planned in consultation with, at a minimum, parents, school employees, law enforcement, school administrators, and as appropriate, school volunteers and students.

N. Reporting Requirements

The APSSD shall report all acts of violence, vandalism, and harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:17-46 and as required by the New Jersey Department of Education.

O. Reports to Law Enforcement

The Executive Director or designee and the Principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of



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Agreement Between Education and Law Enforcement Officials (MOA), if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.

Law enforcement officials may request a suspension or stay of the school's harassment, intimidation, or bullying investigation if the conduct is being investigated by law enforcement. If law enforcement officials request a suspension or stay of a harassment, intimidation, or bullying investigation, school officials will follow the provisions of the MOA regardless of where the school is in the harassment, intimidation, or bullying investigation timeline.

School officials will immediately memorialize the request, in writing, from law enforcement and advise the parent(s) of the alleged perpetrator(s) and alleged victim(s) of law enforcement's request. The notice to parents must include notice that the school is obligated under New Jersey's Law Against Discrimination to address student-on-student bias-based harassment and the statute of limitations for filing a complaint in the Division of Civil Rights will not be extended due to law enforcement's request.

If law enforcement has not affirmatively requested a stay or suspension of a harassment, intimidation, or bullying investigation, but the school believes the action(s) involved may constitute a criminal offense(s), school officials will contact law enforcement to inquire as to whether law enforcement may want to investigate the matter.

Some acts of harassment, intimidation, or bullying may be bias-related acts and school officials must report to law enforcement officials any bias-related acts, in accordance with N.J.A.C. 6A:16-6.3.(e), and pursuant to the provisions of the MOA.

N.J.A.C. 6A:16-7.1 through 6A:16-7.8

A Uniform State Memorandum of Agreement Between Education and Law
Enforcement Officials – 2023 Revisions

Adopted: 01 December 2021

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