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POLICY PROHIBITING HARRASSMENT, INTIMIDATION and BULLYING

**Washington Academy prohibits all acts of harassment, intimidation, or bullying N.J.S.A. 18A:37-15 (3) (b) (1).** A safe and civil environment 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; and since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstration appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying.

In addition, the Executive Director shall ensure that this policy is applied to incidents of harrassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The Executive Director has the right and authority to impose consequences, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.

The Executive Director shall direct the Principal to appoint school employees to the School Safety Team and designate one person as a Coordinator.

**Definition of Harassment, Intimidation and Bullying**

"Harassment, intimidation or bullying" hereafter referred to as ("H.I.B.") means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is 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 by any other distinguishing characteristic, that takes place on school property, at any school sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L. 2010 c.122 (C.18A:37-14 and 37-15.3), that 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, 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;
- 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.

"Peer Conflict" means a minimum of two students who engage in behavior that would otherwise be deemed harassment, intimidation and bullying if it involved a non-disabled peer, but since both or all students involved were classified with a disability, the potential incident shall be considered "peer conflict" if the following criteria are met:

- A. based on the individual student's classified disability the student may be prevented from the cognitive, neurological or emotional understanding of the behavior or interaction;
- B. the incident that is reported and then investigated shows a pattern of social conflict behavior between the two classified students, in which both students participate in any act that would meet the definition of HIB.

If either of the preceding criteria is met, both students shall be referred to their individually assigned social worker or school counselor for additional counseling, further remedial interventions and possibly participate in classroom character education studies. It is at the discretion of the Executive Director if both students should also complete an assignment related to anti-bullying.

### **Student Behavioral Expectations**

Washington Academy expects students to conduct themselves in an appropriate manner at all times with regard and respect for the rights and welfare of their fellow students and school staff. Student Behavioral expectations must be maintained through a cooperative effort and 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 district and community property on the part of the students, staff and community members.

The Principal and Anti-Bullying Coordinator shall provide annually to students and their parents/guardians the rules of the school regarding student conduct, and the policy shall appear in the school's student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The Student Handbook shall:

- A. Describe student responsibilities, including the requirements for students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority
- B. Address appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.
- C. Explain student rights; and
- D. Identify disciplinary sanctions and due process.

### **Appropriate Actions for Persons Involved in act of H.I.B. (Consequences/Remedial)**

In determining the appropriate response to students who commit one or more acts of H.I.B., school administrators should consider the following factors:

- the developmental and maturity levels of the parties involved;
- the levels of harm;
- the surrounding circumstances;
- the nature of the behaviors;
- past incidences or past or continuing patterns of behavior;
- the relationships between the parties involved and the context in which the alleged incidents occurred.
- classification of special education students.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. Application of the definitions of H.I.B. and "Peer Conflict" should be carefully considered before a final determination is made.

It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and school policies and procedures.

Consequences and appropriate remedial action for students who commit acts of H.I.B. 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. Consequences may range from positive behavioral interventions up to an including suspension or termination from program.

In Accordance with Section 3 of P.L.2002, c.83 (C.18A:37-15), in cases in which a potential incident of H.I.B. occurs exclusively among or between special education students or students with developmental disabilities, in the context of a separate program for special education students within a school district, the school employee who witnesses such an incident of HIB is still required to report the potential incident.

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After the potential incident has been reported, the Safety Team investigating the incident have discretion to determine whether the incident may be considered an act of H.I.B. or “Peer Conflict” based on disabling conditions of the students involved and an alternative approach more appropriate in the special education context. (Amended August 2016).

A final determination of “Peer conflict” shall not preclude students from either facing consequences or receiving remedial services.

Consequences:

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 disciplinarian;
- Referral to sending district after-school programs;
- In-school suspension during the school week
- Out-of-school suspension (short-term );
- Reports to law enforcement or other legal action;
- Recommendation for termination (*follows State guidelines for IEP rules*)
- Short and long term prohibition from participating in Washington Academy sponsored programs, events and activities both on school grounds and off-campus

Remedial Measures:

*Personal*

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics counsel;
- Corrective instruction or other relevant learning or service experience;
- Individual learning lesson related to incident;
- Recommending the need for One-to-One Teacher aides;
- 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;
- Counseling;
- Parent conferences;
- Student treatment; or
- Student therapy;
- *Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;*

*Environmental (Classroom, School Building)*

- School and community surveys or other strategies for determining conditions contributing to H.I.B.;
- 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;
- Recommend modifications in pupil routes or patterns traveling to and from school;
- Provide positive reinforced guidance toward the supervision of students on school transportation;
- Targeted use of monitors (e.g. hallway, school perimeter)
- Recommending the need for One-to-One Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- Re-training staff on antecedents to bullying behavior;

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- 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;
- Development of a general bullying response plan;
- Peer support groups;
- Law enforcement involvement or other legal action.
- *Supportive institutional interventions, including participation or the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;*<sup>1</sup>

Factors for determining remedial measures:

*Personal*

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academy performance; and
- Relationship to students and Washington Academy.

*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.

**SCHOOL SAFETY TEAM**

Washington Academy shall form a school safety team to ensure compliance with this policy and training of all staff and students about bullying in schools and off-school grounds. In addition, the Team shall be responsible to provide annual training in accordance with state code related to suicide prevention. The Safety Team shall have a minimum of three members, one being the Anti-bully coordinator or specialist(s), a full-time Teaching Staff Member and a Full-Time Staff Member designated by the Principal. All members of the Safety Team must complete specific HIB training, as outlined by the Principal. The Principal's role with the Safety Team shall be advisory. The Safety Team must meet collectively to discuss any and conclusions to HIB investigations, and quarterly to collect, review and analyze HIB related information, data and outcomes to Safety Team trainings, reporting, remediation and/or consequences. The Safety Team should generate a written quarterly report, which includes the following information: Total # of potential HIB incidents reported, Total # of actual HIB incidents, Total # of Peer Conflicts, a summary of investigation techniques that work and/or do not work, a summary of how to decrease unreported potential HIB incidents, how much total time Safety Team spends on; HIB investigations, HIB interventions, HIB Staff Trainings, HIB remediation. <sup>1</sup> The quarterly reports shall be filed with the Principal. (Amended August 2016)

Anti-Bully Coordinator shall: (Amended August 2016)

- Be responsible to oversee the Safety Team and ensure its adequate and proper procedures to follow and abide by this policy.
- Collaborate with Safety team, and the Principal to prevent, identify and respond to HIB;

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<sup>1</sup> (N.J.S.A. 18A:37-20 (b))

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- Provide data to the Principal and Executive Director, if requested regarding HIB;
- Ensure clerical staff accurately enter data into the official State EVVRS report annually by July 15.
- Ensure proper forms are used to report potential HIB incidents, investigation forms, parent notifications and other forms necessary to abide by this Policy
- Execute such other duties related to HIB as requested by Principal or Assistant Director.

**REPORTING PROCEDURES**

The following procedures have been established for reporting incidents of H.I.B. in the school. All school employees are required to report alleged violations of this policy to the Principal. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The following reporting timelines and requirements must be followed:

Step 1: On campus, the day an incident occurs, a written report must be made utilizing a behavior incident report submitted to the Principal. Off-campus, alleged victim, witness or bystander file a written report to Principal, (if verbal, a written report must be filed within 2 days)

Day 2: Principal informs parents/guardians of alleged victim(s) and Bully. The Principal refers the written report to the Safety Team.

Day 3 – 10: The Safety team conducts an investigation. The investigation should be concluded as quickly as permissible and outcome discussed with Principal. (no more than 10 days from original filing) <sup>2</sup>

Day 11: The Safety team concludes its investigation and submits all documentation to the Principal, who makes a determination of H.I.B. violation, or “Peer Conflict”.

Day 12 – 13: The Principal shall determine all remedial services, or consequences for each student, and may consult the Safety Team for recommendations for appropriate counseling or interventions.

Day 14-19: The Principal shall write a final report of H.I.B. or “peer conflict” to the Executive Director (H.I.B. Report Form or Peer Conflict Form) for signature, which shall conclude the proceedings.

Day 20: The Principal shall contact the Parent/Guardians of the victim(s) and bully(s) or students involved in “peer conflict” to notify them of the final determination. A written letter shall also be sent to the address indicated on the IEP, indicating the final determination and the appeal process.

Day 21-30: Parent/Guardian may appeal the final determination by requesting a hearing with the Executive Director in writing within 10 days.

A H.I.B. review report shall be submitted to the Executive Director to be presented to the Board of Directors on a monthly basis.

The school shall report regularly to the State Department of Education, in accordance with state law. <sup>3</sup>

**INVESTIGATION PROCEDURES**

All reports of H.I.B. shall be investigated promptly and in accordance with law. The investigation process shall be initiated by the Principal who shall refer a H.I.B. report to the Safety Team within 1 day of receiving a

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<sup>2</sup> Investigation timeline may be extended if through investigation, key information cannot be ascertained within the 10 days reporting schedule; a written request for extension may be submitted to the Principal with rationale and must be attached to the report findings.

<sup>3</sup> Between September 1 and January 1 and between January 1 and June 30, the school shall report all acts of violence, vandalism and H.I.B. which occurred during the reporting period to the NJ DOE. The report must include data broken down by the enumerated categories listed in section 2 of P.L.2002, c.83 (N.J.S.A. 18A:37-14).

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written report. All personnel appointed to investigate shall have undergone H.I.B. investigation training provided by the school. The Principal shall provide a list of all “approved” H.I.B. investigators to the Safety Team and the Assistant Director and Executive Director at the beginning of the school year. Any changes to the “approved” H.I.B. investigator list shall be communicated in writing to the Assistant Director and Executive Director within five (5) days of the update.

Investigations shall be completed as soon as possible, but no later than 10 school days from the date of the initial written report. An investigation may be extended beyond the 10 days, if through investigation, key information cannot be ascertained within the 10 days reporting schedule; a written request for extension must be submitted by the H.I.B. investigator assigned to the Principal with a rationale.

All statements and documents gathered, collected during the H.I.B. investigation shall be submitted to the Principal for review. The Safety Team and the H.I.B. investigators may not make any final determinations or prejudice the investigation in any manner. The Principal solely will make a final determination based on a reasonable person’s knowledge of the facts ascertained through investigation, whether the incident violated the H.I.B. policy, there was a victim and/or bully or was determined to be “peer conflict.”

Pursuant to “Administrative Procedure Act,” P.L. 1968 c.410 (C.52:14B-1 et seq.), the Executive Director may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.

After the results of the investigation have concluded, all parents/guardians shall be notified by phone by the Principal of the final determinations and within five school days receive a final determination in writing. The final determination shall include the following: the nature of the investigation, whether the school found evidence of H.I.B. or “Peer Conflict”, whether discipline was imposed or services provided to address the incident of H.I.B. or “Peer Conflict.”

If a meeting takes place related to H.I.B., it is recommended by Washington Academy that all parent or guardian meetings take place at the school, unless determined by the Executive Director or designee to find an alternative location. A representative from the Safety Team, the Principal, and/or the Assistant Director may be present at a parent/guardian meeting related to H.I.B. The meeting shall be conducted in a manner that ensures the confidentiality of the student. A written summary of the meeting shall be typed and included in the official H.I.B. file.

If the parent/guardian wishes to appeal the Principal’s final determination, they may do so in writing to the Executive Director within 10 days of the date of the final determination letter to the parent. All appeal hearings shall take place at Washington Academy and within 15 days of the written appeal request. A final decision shall be made up to 15 days from the date of the appeal hearing, as new information may have been introduced at the appeal hearing and a new investigation may need to occur. A written letter shall be mailed to the address on the IEP, with the final decision of the Executive Director and be included in the official H.I.B. file.

The parent/guardian may appeal the Executive Director’s final decision by appealing to the Commissioner of Education, in accordance with law, no later than 90 days after the issuance of the school’s decision. A parent, student, guardian or organization may file a complaint with the 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 enumerated in the “Law Against Discrimination” (P.L.1945, c.169; N.J.S.A. 10:5-1 et seq.)

**SCHOOL RESPONSE TO IDENTIFIED INCIDENTS OF BULLYING, INTIMIDATION, OR HARASSMENT**

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of

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harassment, intimidation or bullying that they require a response either at the classroom, school building or by law enforcement officials.

Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or termination from program, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils.

In considering whether a response beyond the individual level is appropriate, the Principal and anti-bully coordinator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. And also the nature of a student's known disability classification.

Institutional (i.e., classroom, school building, school) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, 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 behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

**PROHIBITION OF REPRISAL OR RETALIATION AND CONSEQUENCES AND APPROPRIATE REMEDIATION FOR A PERSON WHO ENGAGES IN SAME**

Washington Academy prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations and school policies and procedures.

**CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION FOR A PERSON FOUND TO HAVE FALSELY ACCUSED ANOTHER AS A MEANS OF HARASSMENT, INTIMIDATION, OR BULLYING. N.J.S.A. 18A:37-15 (3)(B)(9)**

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 termination from program, 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.

**ANNUAL POLICY PUBLICATION AND DISSEMINATION**

The policy shall be disseminated annually to all school staff, students and parents, along with a statement explaining that it applies to all acts of H.I.B. that occur on school property, at school-sponsored functions or on a school bus. The Executive Director shall direct the Principal to appoint a School Safety Team to develop an annual process for discussing the school policy on harassment, intimidation and bullying with students. This policy shall be published on the school's website, in the annual Student Handbook (which outlines the rules, procedures and standards of student conduct) and in the School Policy Manual.

**POLICY DEVELOPMENT AND REVIEW (N.J.S.A. 18A:37-15(c) )**

The Executive Director shall direct the Principal to annually review the policy and to gather input from parents/guardians, school employees, students, and administrators in coordination with the Safety Team through at least a survey to gather data and/or suggested issues for review. The school shall transmit a copy of

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the revised policy to the appropriate executive county superintendent within 30 days of the revision (beginning September 1, 2011).

**“Week of Respect” (Month of October)**

The school shall recognize the State of New Jersey’s “week of respect”, providing age-appropriate character education instruction focusing on preventing H.I.B. and promotes a positive school climate.<sup>4</sup>

**ESTABLISHMENT OF BULLYING PREVENTION TRAINING PROGRAMS**

Pursuant to N.J.S.A.: 37-17(5)(c), information regarding the school’s policy against harassment, intimidation and bullying shall be incorporated into the school’s employee training program.

**Training (N.J.S.A.: 37-17(5)(a))**

The School Safety Team shall be responsible under the supervision and guidance of the Executive Director and Principal, to develop a HIB training packet to be distributed to all school employees, volunteers, interns/externs at minimum at the beginning of their employment with the school. It is also available to parents/guardians and other members of the community through the school’s website.

All school employees, volunteers, interns/externs shall receive training in the following areas:

- Preventing HIB incidents that are based in the protected categories enumerated in section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. (N.J.S.A. 18A:37-17b) ;
- Develop a process for discussing the school’s HIB policies with students (N.J.S.A. 18A:37-17(5) (b))
- Two hours of training in suicide prevention that includes information on the relationship between the risk of suicide and incidents of H.I.B. that is provided by a licensed health care professional with training and experience in mental health issues, in a five-year cycle;
- Two hours of instruction on H.I.B. as part of the school’s annual Professional Development. (N.J.S.A. 18A:37-22d)

At least one Administrator shall complete a training involving information on school ethics, school law, and governance, which includes HIB regulations and compliance (N.J.S.A. 18A:26-8.2)

**SCHOOL PRINCIPAL CONTACT INFORMATION (Anti-Bully Team)**

Mr. David Schwartz 973-759-6555 ext. 210

**DEIGNATED SCHOOL ANTI-BULLYING COORDINATOR INFORMATION**

Ms. Coralie Peary (ph) 973-759-6555 ext. 206

**DEIGNATED SCHOOL ANTI-BULLYING SPECIALIST INFORMATION**

Ms. Mark Monteyne (ph) 973-759-6555 ext. 202

Re-Adopted: August 28, 2015

Re-Adopted: August 29, 2016

Re-Adopted: August 21, 2017

*<sup>1</sup> Washington Academy is an approved Private School for Disabled Students in the State of New Jersey by the Department of Education, therefore due to the nature of the students that attend some State Law provisions would not apply due to the de facto enrollment of the student.*

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<sup>4</sup> The week beginning with the first Monday in October is designated as “Week of Respect” in New Jersey as defined in section 2 of P.L.2002, c.83 (N.J.S.A. 18A:37-14)