



**Policy Prohibiting
Harassment, Intimidation, and Bullying on
School Property, at School-Sponsored Functions, and on
School Vehicles**

Revised: September 2014

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Contact Information

The MLVR Charter School has implemented an Anti-bullying Taskforce which is comprised of an Anti-bullying Coordinator, Anti-bullying Specialist, and a School Safety Team. Below is the contact information for pertinent members of the Anti-Bullying Taskforce:

Please Note:

- The phone number for all Taskforce members is 973-484-3130, below is their respective extension number.
- The physical address for all Taskforce members is 233 Woodside Ave. Newark, NJ 07104

Title	Name	Extension	E-mail Address
Anti-Bullying Coordinator	Anne Heyward, Principal	212	aheyward@mlvracs.org
Anti-Bullying Specialist	John Villada, Social Worker	230	jvillada@mlvracs.org
School Safety Team	Kelly Mitchell, Lead Teacher		kmitchell@mlvracs.org
School Safety Team	Jessica Ortiz, Parent		jortiz@proponentfcu.org

Statement of Purpose

The Maria L. Varisco-Rogers Charter School (MLVR Charter School) prohibits acts of harassment, intimidation, or bullying of students, faculty/staff, parents, volunteers, and community members. MLVR Charter School has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation, and bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, and bullying.

Policy

The Maria L. Varisco-Rogers Charter School has established that "harassment, intimidation, and/or bullying" means, as per N.J.S.A. 18A:37-14, any intentional gesture; any written, verbal, or physical act; or any electronic communication** that:

- a. Is motivated 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 physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- e. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or
- f. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

** Electronic Communication is any communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

This policy may impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate, or bully), to the extent this policy complies with the provisions of N.J.A.C. 6A:16-7.6, Conduct Away From School Grounds, and MLVR's Student Code of Conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C.6A:16-7.6. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the student's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject

of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A 18A:37-15 and N.J.A.C. 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the harassment, intimidation, or bullying is on or off school property.

Behavior Expectations

MLVR Charter School 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, consistent with the code of student conduct.

MLVR Charter School also 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 and community property on the part of students, staff and community members.

Students are expected to behave in a way that creates a supportive learning environment. The MLVR Charter School board of trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping 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.

MLVR Charter School prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

- Walk away from acts of harassment, intimidation, and bullying when they see them;
- Constructively attempt to stop acts of harassment, intimidation, or bullying;
- Provide support to pupils who have been subjected to harassment, intimidation, or bullying; and
- Report acts of harassment, intimidation, and bullying to the designated school staff member.

Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to MLVR teaching, support and administrative staff. MLVR Charter School will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

MLVR Charter School administrators, staff, faculty, parents, volunteers, and community members have participated in the development of this policy to ensure that the general guidelines for student conduct take into consideration the developmental ages of students, the severity of offenses and students' histories of inappropriate behaviors, and the mission and physical

facilities of the MLVR Charter School. This policy requires all students in the school to adhere to the rules and regulations established by MLVR Charter School and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

The Lead Person/Executive Director or designee shall provide, annually, to students and their parents/guardians the rules of the district regarding student conduct. As per N.J.A.C.6A:16-7.9(a) 1xii (1), the policy shall appear in all publications of the school's comprehensive rules, procedures and standards of conduct for schools within the school, including the student handbook. MLVR Charter School will make provisions for informing parents/guardians whose primary language is other than English.

Student Responsibilities

MLVR Charter School expects that:

- Student behavior in the classroom will be appropriate and conducive to the maintenance of an orderly learning environment;
- Students are expected to treat all school staff, visitors to the school and fellow students with courtesy and respect at all times;
- Students are expected to treat the physical environment of the school and its grounds with pride and respect;
- Students are expected to use appropriate strategies to deal with situations of conflict and disputes. Resorting to physical or verbal violence, intimidation, teasing, put downs, or foul language is never appropriate and is to be avoided. If there is a problem that a student needs help with, he/she should tell a teacher, a staff member, a social worker, or an administrator; and
- The property of others will be respected.

Appropriate Consequences and Appropriate Remedial Action

MLVR Charter School Board of Trustees 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, and/or bullying, consistent with the code of student conducts, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, and/or bullying. The following factors, at a minimum, shall be given full consideration by MLVR Charter School administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, and/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 parties involved and their relationship to MLVR Charter School
- Degree(s) of harm
- Surrounding circumstances
- Nature of severity of the behaviors
- Incidences of past or continuing patterns of behavior
- Relationships between the parties involved
- 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
- Relationship to the students and the MLVR Charter School

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
- Family Situation

Types of Consequences and Remedial Action

Appropriate consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation, and bullying 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. N.J.A.C. 6A: 16-7.9 requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying of a student.

The consequences may include, but not limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Consequences for a student who commits an act of harassment, intimidation, and/or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district's board of education's 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:

Consequences:

- Admonishment
- Temporary removal from the classroom
- Deprivation of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend
- After school programs, such as after school detention, counseling group, intervention, etc.
- Out of school suspension (short-term or long-term)
- Expulsion
- Ban from providing services, participating in school sponsored programs or being in school buildings or on school grounds

Remedial Measures

Personal

- Restitution and restoration
- Peer support group
- Recommendations of a student behavior or ethics council
- Corrective instruction or other relevant learning or service experience
- Supportive student interventions, including participation of the Intervention and Referral services team, pursuant to N.J.A.C. 6A:16-8
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Case Manager, 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
- Student therapy

Environmental (Classroom, school building, or school district)

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, and bullying.
- School culture change
- School climate improvement
- Adoption of research-based, systemic bullying prevention programs
- School policy and procedures revisions
- Modification 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, playground areas, school perimeter, school operated vehicles)
- 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
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8.
- Parent conferences
- Family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Recommendations of a student behavior or ethics council
- Peer support groups
- Alternative placements (e.g., alternative education programs)
- School transfers
- Law enforcement (e.g. safe schools resource offices, juvenile officer) involvement or other legal action

Levels of Intervention

The following Levels of Intervention will be used as a guideline for implementing the appropriate consequences and remedial actions.

Level 1 Intervention:

Level 1 intervention is generally utilized for first offenses of harassment, intimidation, and bullying which occur within the school environment. Level one intervention may involve: talking to the student to reinforce the school expectations, providing strategies to address the behavior and having the student complete a **Behavior Incident Report Form**. When possible, the student will be given an opportunity to address the behavior before moving to Level 2.

Step 1: Students will be given verbal warning(s). Staff discretion will be used as to the number of warnings issued (within reasonable limits) before proceeding to Step 2.

Step 2: Student completes a “What Happened Letter” and a copy is given to the student as a written warning.

Consequences and Remedial Actions

The following consequences and remedial actions are not intended to be all inclusive or necessarily in an increasing order of severity. Appropriate consequences must be determined by school staff to fit the unique circumstances of each incident.

- Verbal Warning- a reminder that a behavior is inappropriate and an alternate strategy is agreed upon for future incidents
- Verbal Reprimand- a more serious verbal reminder with further consequences outlined in relation to mutually agreed upon alternative strategies for use by the student or the teacher.
- Minor/ Lunch Detention- loss of recess or part of a noon-hour privilege with small work assignment related to the effects of inappropriate behavior on others
- Phone call home- used in conjunction with most consequences to ensure parents are informed and involved.

Level 2 Intervention

Definition: Level two behaviors are more serious and may involve repeated patterns of behavior or specific incidents where the staff member makes a parental contact. Staff will report such behavior to the office using the Behavior Incident Report Form. A record of the incident will be kept in the office as well as the student’s file.

Step 1: Student issued “What Happened Letter” for a required parent signature.

Step 2: “A Zero Day Notice” issued, which requires parent/guardian’s attendance to a conference on the following school day with the student. The student must return accompanied by an adult.

Step 3: Conference to be scheduled with school administration, teacher, student, and parent(s) to determine resolution.

Step 4: Parents will be responsible to arrange for prompt student pick-up after the student engages in behavior that jeopardizes the safety of him or herself or the safety of a classmate or school member. Parents may also communicate in writing if the student can be dismissed by him/herself as during normal school dismissal.

Consequences and Remedial Actions

The following consequences and remedial actions are not intended to be all inclusive or necessarily in an increasing order of severity. Appropriate consequences must be determined by each school staff to fit the unique circumstances of representatives.

- Major detention- detained after school or over noon hour for one or more days, or loss of other free-time privileges for one or more occasions with larger relevant work assignment related to developing more effective alternative strategies for use by the student.
- Phone call home- used in conjunction with most consequences to ensure parents are informed and involved
- Formal interview with student- a scheduled private meeting to discuss issues with notes taken; may involve ongoing teacher, student, social worker, and/or appropriate administrative staff (i.e. principal, Executive Director/Lead Person, designee).
- Relocation- Student temporarily relocated to a supervised location to complete specific course assignment.
- Direct counseling- student is required to learn anger/behavior management strategies and develop a behavioral plan with a designated person or behavior support team to assist in implementation and assessment of progress.
- Assigning restitution- removing graffiti, repairing or replacing damaged property, etc. caused as a result of student behavior
- Removal of privileges- ineligible for extra-curricular groups, field trips, etc. until behavior shows consistent improvement

Level 3 Intervention

Definition: Level three intervention is utilized for what is considered to be very serious behavioral incidents and concerns. Staff will immediately report and bring the student to the office for administrative follow-up. Appropriate documentation will be completed by faculty and administration. Parents will be contacted and the Principal will issue an appropriate consequence in relation to the seriousness of the behavior. This could include application of the school's suspension policy. School consequences may include in-school suspension, behavior contract, a meeting with parents, out-of school suspension, or police involvement.

Consequences and Remedial Actions

The following list of consequences and remedial actions are not intended to be all inclusive or necessarily in an increasing order of severity. Appropriate consequences and remedial actions must be determined by school staff to fit the unique circumstances of each behavioral incident.

- Those listed for Level two intervention
- Out-of-School Suspension- temporary removal from school for a specified time; terms for appropriate behavior and /or contract are developed upon re-admittance
- Suspension with recommendation for expulsion. This means student is suspended and may lose the privilege of attending MVR School; alternative arrangements for the child's education will be the responsibility of the school and parent, subject to term of re-enrollment between the student, parent and board of trustees.

Procedure for Reporting

MLVR Charter School Board of Trustees requires the principal and/or designee to be responsible for receiving all complaints alleging violations of this policy. All board of trustee members, school employees, 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 board of trustee members, school employees, 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, and/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 MLVR Charter School policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

Anonymous reports may be made utilizing our Anonymous Bullying Report Form. This report form shall be made available on the school's website, at the main office, in the case manager's office, and at the administration building. Anonymous Reports may be hand-delivered or mailed to the Principal's office, the schools reporting box, or the School's Case Manager. Anonymous tips may also be provided via phone to the Principal or School's Case Manager. Formal disciplinary action shall NOT be based solely on the basis of an anonymous report or tip.

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

The MLVR Charter School Board of Trustees shall appoint an Anti-Bullying Coordinator. The Anti-Bullying Coordinator shall:

- Be responsible for coordinating and strengthening the school's policies to prevent, identify, and address harassment, intimidation, or bullying of students
- Collaborate with the school Anti-Bullying Specialist(s), the Board of Trustees, and staff to prevent, identify, and respond to harassment, intimidation, or bullying of students at the school
- Provide data to the Department of Education regarding harassment, intimidation, or bullying of students
- Execute such other duties related to school harassment, intimidation, or bullying as requested by the board
- Meet at least twice a school year with the Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying at the school

The Principal shall appoint a school Anti-Bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the Principal shall appoint that individual to be the school Anti-Bullying Specialist. If no individual meeting this criterion is currently employed in the school, the Principal shall appoint a school Anti-Bullying Specialist from currently employed school personnel.

The school Anti-Bullying Specialist shall:

- Chair the School Safety Team as provided in N.J.S.A. 18A: 37-21
- Lead the investigation of incidents of harassment, intimidation, or bullying in the school
- Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school

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

A School Safety Team shall:

- Consist of a school administrator, a teacher, school Anti-Bullying Specialist, a parent or guardian of a student in the school, and/or other members determined by the Principal, as appropriate
- Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the Principal
- Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying
- Identify and address patterns of harassment, intimidation or bullying of students in the school
- Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students
- Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students
- Participate in training required pursuant to the provisions of N.J.S.A. 18A: 37-13 et seq. and other training which the Principal or the Anti-Bullying Coordinator may request
- Collaborate with the Anti-Bullying Coordinator in the collection of school data and in the development of school policies to prevent harassment, intimidation, or bullying of students
- Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or Anti-Bullying Coordinator

The members of the School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches. Notwithstanding, any provision of N.J.S.A. 18A: 37-21 to the contrary, a parent or guardian who is a member of the School Safety Team shall not participate in the activities of the team set forth in School Safety Team which may compromise the confidentiality of a student.

Procedures for Prompt Investigation of Reports of Violations and Complaints

The MLVR Charter School 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 designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. All reported incidents of harassment, intimidation, and bullying shall be investigated promptly and in accordance with law. All investigations shall be thorough and complete, and documented in writing, and shall include, but not limited to:

- Taking of statements from victims, witnesses, and accused
- Careful examination of the facts
- Support for the victim
- Determination if alleged act constitutes a violation of this policy.

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 school anti-bullying specialist or the principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. The principal shall submit the report to the chief school administrator within two school days of the completion of the investigation in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.) As appropriate to the findings from the investigation, the chief school administrator shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying, and enhance school climate, or take or recommend other appropriate action, as necessary.

The Lead Person/Executive Director/Principal 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 Lead Person/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 Lead Person/Executive Director.

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 of 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 ten 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 anti-bullying specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled board of 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 Lead Person/Executive Director's decision. The board of trustees' decision may be appealed by 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 district 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 of Harassment, Intimidation, and Bullying

The MLVR Charter School Board of Trustees authorizes the Lead Person/Executive Director to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed. The Lead Person/Executive Director will respond to confirmed harassment, intimidation, and bullying according to the parameters described below and in this policy. MLVR Charter School board of trustees recognizes that some acts of harassment, intimidation, and bullying may be isolated incidents requiring that school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation and bullying that they require a response either at the classroom level, school level, or by law enforcement officials. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation and bullying may 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 and 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 N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual is appropriate, the Lead Person/Executive Director will consider the nature and circumstances of the act, the level 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 level, etc.) responses will range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation, and bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, too 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.

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
- The alleged behavior 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.

Types of Responses

- *Individual responses* can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school suspension, out-of-school suspension, expulsion, law enforcement report, or other legal action).
- *Classroom responses* can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.
- *School responses* can include theme days, learning station programs, parent programs and information disseminated to students and parents such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior. It may also include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, and faith-based organizations) and disseminating information on the core ethical values adopted by the board of trustees' code of student conduct, per N.J.A.C 6A:16-7.1(a)2.

In providing support for victims of HIB, the school has identified a range of strategies and resources, which include but are not limited to the following actions for individual victims:

- Counseling
- Teacher assistants
- Hallway and playground monitors
- Schedule changes
- Before- and after- school supervision
- School transportation supervision
- School transfers
- Therapy

Prohibition of Reprisal or Retaliation against Reporters of Harassment, Intimidation, and Bullying

School administration understands that fear of reprisal or retaliation is a deterrent for many which hinder them from reporting acts of harassment, intimidation, and bullying. MLVR Charter School recognizes the importance of maintaining a normal response to all suspected acts of reprisal or retaliation. Therefore, MLVR Charter School Board of Trustees prohibits a board member, school employee, contracted service provider who has contact with the 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 consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Lead Person/Executive Director after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes, and regulations and district policies and procedures.

1. *Students*

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the development age of the student and the student's history of problem behaviors and performance, and shall be consistent with this Policy. Consequences may include positive behavioral interventions, notification of the parent(s)/guardian(s), up to and including short or long-term suspension or expulsion, as permitted by law;

2. *School Employees*

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation, or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including suspension or dismissal from service;

3. *Board Members*

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another person as a means of harassment, intimidation, or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

4. *Visitors, Volunteers, Contracted Service Providers, and All Other Persons*

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation, or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

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.

Appropriate Consequences and Remedial Action for a Persons found to have falsely accused other(s)

MLVR Charter School prohibits any person from falsely accusing another as a means of harassment, intimidation, and bullying. Appropriate consequences and appropriate remedial action are as follows:

- Students- The appropriate consequences and remedial action for a student found to have falsely accused another as a means of harassment, intimidation, and bullying may range from positive behavior interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set for in N.J.A.C. 6A:16-7.2, short-term suspensions, N.J.A.C. 6A:16-7, Long-term suspensions, and N.J.A.C. 6A:16-7.5, Expulsions.
- School Employees- Appropriate consequences and remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with MLVR Charter School policies, procedures, and agreements.
- Visitors or Volunteers- Appropriate consequences and remedial action for a visitor or volunteer, could be determined by the Lead Person/Executive Director after consideration of the nature, severity, and circumstance of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

The Lead Person/Executive Director will consider the totality of the circumstances surrounding individuals who falsely accuse others as a means of harassment, intimidation or bullying. Decisions about consequences and appropriate remedial action should be consistent with existing case law, federal and state statutes and regulations and district policies and procedures.

How This Policy will be Publicized

The MLVR Charter School Board of Trustees requires the Lead Person/Executive Director to annually disseminate the harassment, intimidation, and bullying policy to all school employees, contracted service providers who have contract with students, school volunteers, students, and parents who have children enrolled in the school, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying pursuant to N.J.S.A. 18A-37-14, that occur on school property, at school-sponsored functions and events, and/or on a school-operated vehicle, and, as appropriate, acts that occur off school grounds.

The Lead Person/Executive Director shall take the following steps to publicize this policy:

1. Provide a link to this policy on a prominent place on the school website
2. Distribute this policy annually to all staff, students, and parents, guardians; and
3. Print this policy in any school publication that sets forth the comprehensive rules, procedures and standards of student conduct and in the student handbook.

4. Post the name, school phone number, school address, and school email address of the school's anti-bullying coordinator and anti-bullying specialist on the home page of the school's website.

The Lead Person/Executive Director and the Principal shall provide training on the school's harassment, intimidation, and/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 policy against harassment, intimidation, and/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 Lead Person/Executive Director shall develop and implement a process for annually discussing the school's policy on harassment, intimidation, and bullying with students. The Lead Person/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 school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

Establishment of Harassment, Intimidation, and Bullying Prevention Programs and Statutory Provisions

The following will be conducted in order to ensure the establishment, comprehension, and compliance of the Harassment, Intimidation and Bullying Prevention Programs and statutory provisions, as set forth by the Maria L. Varisco-Rogers Charter School administration:

- Pursuant to N.J.S.A.:37-17(5) (c) and N.J.A.C. 6A:16-7.9(d) 1i, information regarding the district's policy against harassment, intimidation and bullying shall be incorporated into the school's employee training program.
- Pursuant to N.J.A.C. 6A:16-7.9(d)3, MLVR Charter School will annually review the extent and characteristics of harassment, intimidation and bullying behavior within the school and implements locally determined programmatic and other responses.
- Pursuant to N.J.A.C. 6A:16-7.1(a) 3 and N.J.A.C. 6A:16-7.9(d) 1, MLVR Charter School is required to annually review the training needs of the school staff for the effective implementation of the harassment, intimidation and bullying policy, procedures, programs, and initiatives as well as the implementation of appropriately determined staff training programs which are consistent with the findings of the annual review of training needs and the update of the code of student conduct.
- In accordance with N.J.A.C. 6A:16-7.9(d) 2, MLVR Charter School will develop a process for annually discussing the school's harassment, intimidation and bullying policy with the students.

Staff members will be encouraged to become trained in skills and strategies for developing student self-discipline and to apply best practices for positive behavioral interventions. MLVR Charter School will use the policy as an opportunity to prepare staff to prevent and effectively intervene with instances of harassment, intimidation and bullying, as well as use the policy as a prevention tool by explaining to students the school's expectations for their behavior, consistent with the provisions of the school's policy.

The School is also aware that for students to demonstrate preferred behaviors, it is important that they have a clear understanding of the school's expectations under the policy, the reasons for and benefits of the policy, as well as the consequences for violation of the policy. Therefore, students will be informed of the code of student conduct and the provisions of the harassment, intimidation, and bullying policy on an annual basis and as deemed needed throughout the school year.

The Maria L. Varisco-Rogers Charter School is aware that through explanation and dialogue with students and staff, it can clearly distinguish, for example, "friendly teasing" and "rough and tumble play" from harassment, intimidation and bullying as well as the difference between "telling" or responsible "reporting" (which is intended to keep someone from getting hurt) of acts of harassment, intimidation and bullying from "ratting" or "tattling."

The Charter School will use experiential learning techniques, such as role play situations and other demonstration and modeling strategies in its information activities for students and staff.

Reports to Board of Trustees and New Jersey Department of Education

The Lead Person/Executive Director shall report two times a year between September 1 and January 1 and between January 1 and June 30. The report will include all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying
- B. The status of all investigations
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability, or by any other distinguishing characteristic
- D. The names of the investigators
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying

The information, including but not limited to, oral reports, written or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include data broken down by the enumerated categories including the protected categories as listed above and the

type of harassment, intimidation, and bullying (any gesture; written, verbal, or physical act; or any electronic communication, whether it be single or a series of incidents).

The information shall be used to grade the school in accordance with the provisions of N.J.S.A. 18A:17-46. The grade received by the school will be posted on the website in accordance with the provisions of N.J.S.A 18A:17-46. A link to the report that was submitted by the Lead Person/Executive Officer to the Board of Education shall also be available on the school's website. The information shall be posted on the websites within ten days of receipt of the grade.

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

The Lead Person/Executive Director will annually report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting System (EVVRS). The Lead Person/Executive Director shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment, intimidation, and bullying within each school. Any allegations of falsification of data will be reviewed by the Board of Trustees using requirements and procedures set forth in N.J.A.C. 6A: 16-5.3 (g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the Lead Person/Executive Director shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirement.

Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32. Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

1. The student's behavior is not primarily caused by his/her educational disability
2. The program that is being provided meets the student's needs.

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

Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement between Education and Law Enforcement Officials.

RESOURCES ON HARASSMENT, INTIMIDATION AND BULLYING

Books and Programs

A Guide to Effective Statewide Laws/Policies: Preventing Discrimination against LGBT Students in K-12. GLSEN and Lambda Legal Defense and Education Fund. 2001.

A School-Based Anti-violence Program. Sudermann, M., Jaffe, P., Schiek, E. et al. (1996). London, ON: London Family Court Clinic.

Blueprint for Violence Prevention – Book 9, Bullying Prevention Program. United States Department of Justice, Office of Justice Programs, Juvenile Justice Delinquency Prevention.

Bullying at School: What We Know and What We Can Do. Olweus, D. 1993. Cambridge, MA: Blackwell.

Bullying Behavior: Current Issues, Research and Interventions. Geffner, R.A., Loring, M. and Young, C. (Eds.) 2001. Haworth Press, New York.

Bully proof: A Teachers Guide to Teasing and Bullying for Use with Fourth and Fifth Grade Students. Sjostrom, Lisa, & Stein, Nan. (1996). Boston, MA: Wellesley College Center for Research on Women and the NEA Professional Library.

Keys to Dealing With Bullies (Barron's Parenting Keys). Barry Edwards McNamara, Francine McNamara (Contributor). Keys Hauppauge, N.Y. : Barron's Educational Series, 1997.

Protecting Students from Harassment and Hate Crime: A Guide for Schools. United States Department of Education. 1999.

School Bullying: Insights and Perspectives. Smith, P. K., & Sharp, S. (1994). London : Routledge.

The Bullying Prevention Handbook: A Guide for Principals, Teachers and Counselors. Hoover, J.H. and Oliver, R. 1996. National Educational Service, Bloomington, IN.

Articles

Ahmad, Y., & Smith, P. K. (1994). Bullying in schools and the issue of sex differences. In John Archer (Ed.), *Male violence*. London: Routledge.

Batsche, G. M., & Knoff, H. M. (1994). Bullies and their victims: Understanding a pervasive problem in the schools. *School Psychology Review*, 23(2), 165-174.

Charach, A., Pepler, D., & Ziegler, S. (1995). Bullying at school--a Canadian perspective: A survey of problems and suggestions for intervention. *Education Canada*, 35(1), 12-18.

Loeber, R. and Dishion, T. (1983). Early Predictors of Male Delinquency: A Review. *Psychological Bulletin*, 94, 69-99.

McCoy, E. What to Do... When Kids Are Mean to Your Child (What to Do Parenting Guides, Vol. 1). Pleasantville, N.Y. : Reader's Digest, c1997. 96 p. : col. ill. ; 21 cm.

Nolin, M. J., Davies, E., & Chandler, K. (1995). Student victimization at school. *National Center for Education Statistics/4Statistics in Brief (NCES 95-204)*.

Olweus, D. (1993b). Victimization by Peers: Antecedents and Long-term Consequences. In K.H. Rubin and J.B. Asendorff (eds.), *Social Withdrawal, InHarassment, Intimidation and Bullying* and Shyness in Childhood. Hillsdale NJ: Erlbaum.

Patterson, G.R., DeBaryshe, B.D. and Ramsey, E. (1989). A Developmental Perspective on Antisocial Behaviour. *American Psychologist*, 44, 329-35.

Whitney, I., & Smith, P. K. (1993). A survey of the nature and extent of bullying in junior/middle and secondary schools. *Educational Research*, 35(1), 3-25.

Maria L. Varisco-Rogers Charter School
HIB (Harassment, Intimidation, and Bullying) Awareness Sign-off Form

On January 6, 2011, Governor Christie signed the Anti-Bullying Bill of Rights. This law goes into effect on September 1, 2011. The new law prohibits harassment, intimidation, and bullying. It defines bullying, clarifies responsibility for conduct away from school grounds, creates a school safety team and requires that each school have an Anti-Bullying Specialist and an Anti-Bullying Coordinator. The new law requires procedures for an investigation, reporting, discipline and any appeals. The law addresses the following types of behavior including; any type of gesture, any written, verbal or physical act, or any electronic communication. They can be a single incident or a series of incidents.

The definition-HIB means any gesture, any written, verbal, or physical act, or any electronic communication that is reasonable 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 handicap, or by any other distinguishing characteristic, that takes place on school property, at any school –sponsored function, or on a school bus and that:

- a. A reasonable person should know, under the circumstances, that the act(s) of HIB will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- b. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in or substantial interference with, the orderly operation of the school.

HIB will be reported if it causes a substantial disruption or interference and has the effect of insulting or demeaning a student or group or creates a hostile educational environment by interfering with a student's education or severely or pervasively causing physical or emotional harm to a student.

If a staff member, coach, volunteer or employee of the MLVR Charter School witnesses an act that is considered HIB, he/she shall report it to the principal on the same day that it occurs. The principal will inform all parents involved. An investigation will occur one day after the verbal disclosure. The Anti-bullying Specialist will perform an investigation (others may assist) and a report will be presented to the principal within 10 days from the reported date. Once the investigation is completed, the principal will forward a report to the Lead Person/Executive Director within 2 days. The Lead Person/Executive Director may recommend intervention services, training programs, impose discipline and order counseling. After the completion of the investigation, the Lead Person/Executive Director will report to the board of trustees at the next board meeting.

The new law provides due process for both the alleged accused and the alleged victim(s). Parents of all parties have the right to receiving information within 5 days after the results of the investigation are given to the board. After receiving the information, parents may request a hearing within 10 days.

A detailed HIB policy may be viewed on the school website.

In signing the MLVR Charter School Policy, I understand the definition of Harassment, Intimidation, and Bullying (HIB) and the new procedures and consequences as outlined in the new Anti-bullying Bill of Rights.

Print Student's Name

Grade

Student Signature

Date

Parent/Guardian Signature

Date