

Policy Regarding Harassment, Intimidation and Bullying

1. The Institute for Educational Achievement (IEA) 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 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 or bullying.

2. IEA establishes that "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 is:
 - a. reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or
 - b. by any other distinguishing characteristic; and that
 - c. takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-15.3, that substantially

disrupts or interferes with the orderly operation of the school or the rights of other students; and that:

- d. a reasonable person should know, under the circumstances, that the act(s) will have the effect of 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
- e. has the effect of insulting or demeaning any student or group of students; 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

IEA recognizes that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

- 3. IEA 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.

IEA believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of IEA, 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 students, staff and community members.

Students are expected to behave in a way that creates a supportive learning environment. IEA believes that the best discipline is self-imposed, and that it is the responsibility of staff to help students learn to assume and accept responsibility for their behavior and the consequence 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. IEA expects that students will act in accordance with the student behavioral expectations described below.

IEA is committed to helping students acquire skills that allow them to exhibit behavior that demonstrates proper regard for the rights and welfare of other students, school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. Deficits displayed by children with autism include limited communication, impairments in social interaction skills and lack of awareness of others. Because of the deficits characteristic of autism, and the nature of the disability, it is difficult to establish specific student behavioral expectations or a description of the type of behavior expected from all students. However, it is important to help students acquire skills that allow them to interact appropriately in social situations, to develop social competency skills and to form positive relationships with others. Students are expected to conform to reasonable standards of socially acceptable behavior; to respect the person, property and rights of others; and

to respond appropriately to those in authority. Through individualized instruction and positive reinforcement, students are taught skills in each of these areas. In doing so, IEA is helping students acquire skills that allow them to exhibit behavior that demonstrates proper regard for the rights and welfare of other students, school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

4. IEA 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, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. In every incident found to be HIB, the school principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

The following factors, at minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying by students.

Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders, the nature of the student's disability to the extent relevant, and students' histories of inappropriate behaviors, per N.J.A.C 6A16-7.

The principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three HIB incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent or guardian, to satisfactorily complete a class or training program to reduce HIB behavior. Each student intervention plan must be approved by the Executive Director. Should a student be found to be an offender in an HIB incident, a copy of the results of the HIB investigation shall be included in the student's record pursuant to *N.J.A.C. 6A:16-32-7*.

While the majority of incidents may be addressed solely by school officials, the Executive Director or designee and the principal shall report an HIB incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

5. IEA requires the principal to be responsible for receiving all complaints alleging HIB committed by an adult or youth against a student. All members of the board of trustees, school employees, volunteers and contracted service providers who have contact with the students, are required to verbally report alleged acts of HIB 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 members of the board of trustees, school employees, volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the principal within two school days of the verbal report. The written report shall be completed on the HIB 338 Form and submitted to the principal. 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 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. When providing notification to the parents of all students involved, the principal shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The principal shall keep a written record of the date, time, and manner of notification to parents.

Students, parents, and visitors are encouraged to report alleged acts of HIB to the principal on the same day when the individual witnessed or received reliable information regarding any such incident. IEA shall provide a person with an online means to complete the HIP Form issued by the department to anonymously report acts of HIB. Formal action 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 IEA's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident. The principal shall promptly submit a copy of each completed official form to the Executive Director.

6. IEA requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. All details of an alleged incident will be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law. The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The investigation shall be initiated by the principal or the principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation.

Investigations of complaints concerning adult conduct shall not be investigated by a

member of the same bargaining unit as the individual who is the subject of the investigation.

The investigation shall be completed and the written findings submitted to the principal as soon as possible, but no later than 10 school days from the date of the written report of the alleged incident of harassment, intimidation or bullying or from the date of the written notification from the Executive Director to the principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the 10-day period, the school anti-bullying specialist or the principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The principal shall submit the report to the Executive Director within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq). As appropriate to the findings from the investigation, the Executive Director shall 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, including seeking further information as necessary.

The Executive Director shall report the results of each investigation to the Board of Trustees no later than the date of the regularly scheduled board meeting following the

completion of the investigation. The Executive Director's report also shall include information on any consequences imposed, intervention services provided, counseling ordered, training established or other action taken or recommended by the 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. The school district may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents or guardians being notified.

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

confidentially share a redacted copy of the official investigation form that removes all student identification information with the board of trustees. 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 meeting following its receipt of the report or following a hearing, the board shall issue a decision in writing to affirm, reject, or modify the Executive Director's decision. The board of trustees' decision may be appealed to the Commissioner of Education, in accordance with *N.J.A.C.* 6A:3, no later than 90 days after the issuance of the board's decision.

A school administrator who receives a report of harassment, intimidation or bullying from a school employee, assuming all facts presented are true, is a report within the scope of *N.J.S.A.* 18A:37-14 and fails to initiate or conduct an investigation, or who should have known of an incident or 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.

7. IEA authorizes the principal to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the Executive Director shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy. IEA recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom or school levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A16-7.2, 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, school officials shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research based HIB prevention program models, to training for certificated and non-certificated staff, to participation

of parents and other community members and organizations, to small or larger group presentations for fully addressing the actions and the school's responses to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers.

This policy 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.
8. IEA prohibits a member of the board of trustees, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable

information or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the principal and/or 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.

9. IEA prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. Consequences and appropriate remedial action for a person found to have falsely accused another are determined by the Executive Director and/or the principal on a case-by-case basis, after consideration of the nature, severity and circumstances of the act. Decisions about consequences and appropriate remedial actions will be consistent with existing case law, Federal and State statutes and regulations, and IEA policies and procedures. Examples of consequences and remedial actions include, but are not limited to:

For students: positive behavioral interventions, corrective instruction or other relevant learning experiences, and parent conferences.

For IEA employees: disciplinary measures in accordance with IEA's policies and procedures

For visitors and volunteers: prohibiting contact with students.

10. IEA requires the Executive Director to annually disseminate the harassment, intimidation and bullying policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have a child enrolled in IEA, along with a statement explaining that the policy applies to all acts of harassment, intimidation and bullying pursuant to N.J.S.A. 18A:37-14, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds. The Executive Director shall post a link to the policy that is prominently displayed on the home page of the school's website.

The Executive Director shall post the name, school phone number, school address and school email address of the school's anti-bullying specialist on the home page of the school's website. Additionally, the Executive Director shall post the contact information for the School Climate State Coordinator on the school's home page alongside the school district's HIB policy. The Executive Director shall post the Department of Education's Guidance for Parents on the *Anti-Bullying Bill of Rights Act* on the school's homepage.

The Executive Director and/or the principal shall provide training on the school's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A37-14 and other distinguishing characteristics

that may incite incidents of discrimination, harassment, intimidation or bullying. IEA's employee training program shall include information regarding the school district policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The Executive Director and the principal shall annually conduct a reevaluation, reassessment, and/or review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialist, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment and/or review.

Revised 1/2023