

Englewood on the Palisades Charter School

Prohibiting Harassment, Intimidation and Bullying Policy

Statutory Requirements

Prohibiting the Harassment, Intimidation or Bullying of a Student.

N.J.S. A. 18A:37-15 (3) (b) (1) and N.J.A.C. 6A: 16-7.9(a)2i

Policy Statement

The Englewood on the Palisades Charter School (EPCS) Board of Trustees 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 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.

Statutory Requirements

N.J.S.A. 18A:37-14, N.J.S.A. 18A:37-15 (3)(b)(2), N.J.S.A.18A:37-15.1(2)(b) and N.J.A.C.6A:16-7.9(a)2ii.

Definition of Harassment, Intimidation or Bullying.

“Harassment, intimidation or bullying” means any gesture or 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 an actual or 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 mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus, or off school grounds as provided for in section 16 of P.L. 2010, CHAPTER 122, 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 or 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.

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

Statutory Requirements

N.J.S.A.18A:37-14(3) (b) (3) and N.J.A.C. 6A:16-7.9

Description of The Type of Behavior Expected from Each Student.

The EPCS Board of Trustees 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.

The EPCS Board of Trustees 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 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. The EPCS Board of Trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage the students' abilities to grow in self-discipline.

The EPCS Board of Trustees expects the students to act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying.

The Englewood on the Palisades Charter School shall develop general guidelines for student conduct and shall direct development of detailed regulations suited to the age levels of the students and the mission and physical facilities of the school. EPCS Board of Trustees policy requires all students in the school to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

The Director/Principal shall provide annually to students and their parents/guardians the rules of the district regarding student conduct, and the policy shall appear in all publications of the schools within the school district, including the student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The policy 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 to those who hold that authority;
- B. Address appropriate recognition for positive reinforcement or good conduct, self-discipline, good citizenship and academic success.
- C. Explain student rights; and
- D. Identify disciplinary sanctions and due process for violations of the code of student conduct.

Active or passive support for acts of harassment, intimidation or bullying will not be tolerated on or off of school property. The Englewood on the Palisades Charter School will support students who:

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

The achievement of discipline and a positive learning environment in our school begins with all involved-students, parents and staff-having knowledge and understanding of the standard for acceptable conduct and procedures for dealing with disciplinary problems.

Students who wish to learn should be able to do so in an environment that is positive for learning.

Statutory Requirement

The policy shall include the consequences and appropriate remedial actions for a person who commits an act of harassment, intimidation or bullying. N.J.S.A. 18A:37-15 (3) (b) (4), N.J.A.C. 6A:16-7.9(a)2iv and N.J.A.C. 6A:16-7.9(a)vi

The EPCS 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, or bullying, consistent with the Code of Student Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of

appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct.

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the Director/Principal should consider the following factors:

1. Age, developmental and maturity levels of the parties involved, and their relationship to the school district;
2. Degree harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

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. It is only after meaningful consideration of the factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Remedial measures shall be designed to correct the problem and/or 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 not limited to the following examples below:

Factors for determining Remedial Measures

Personal

- Life skills deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance;
- Relationship of student and the school district; and
- General staff management of classrooms or other educational environments.

Environmental

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

Examples of Consequences

Consequences

- Temporary removal from the classroom;
- Deprivation of privileges;
- Out of school suspension (short-term or long-term);
- Temporary or permanent removal from After-school program;
- Reports to law enforcement or other Legal action;
- Expulsion; and
- Bans from providing services, participating in school-district-sponsored programs, or being in school building or on school grounds.

Examples of Remedial Measures

Remedial Measures

- Restitution and restoration;
- Mediation
- 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 Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Parent conferences;
- Student treatment; or
- Student therapy.

Positive School Environment

A positive school environment is one which consists of order and discipline. As a working definition, order and discipline may be described as the absence of distractions, frictions and disturbances which interfere with the optimum functioning of the student, class and the school. It is also the presence of a friendly, yet businesslike rapport in which students and school personnel work cooperatively toward recognized and accepted goals.

Order and discipline are best thought of as being positive, not negative; of helping a student to adjust; of turning unacceptable conduct into acceptable conduct.

The EPCS recognizes the need for cooperation among students, parents and educators. This cooperative relationship is exemplified by the following:

A responsible student who...

- Respects constituted authority, which includes obedience to school rules and regulations.
- Shows respect and consideration for the personal and property rights of others and has an understanding of the need for cooperation with all members of the school community.

A responsible school is one in which the professional staff...

- Exhibits an attitude of respect for students that has a positive influence in helping students develop good citizenship traits.
- Maintains an atmosphere conducive to good behavior.
- Promotes effective teaching and learning of discipline based upon fair treatment of all students.
- Develop a satisfactory working relationship among staff and with students.

A home condition which ...

- Assumes the primary responsibility for the discipline of the child.
- Acknowledges the child's responsibilities and obligation in the school as well as in the community.
- Recognizes that school personnel must concern themselves primarily with the education of their child(ren).
- Encourages the cooperation of parents with school authorities, and the participation of parents in conferences regarding the behavior, and academic progress of their children.

Categories of behavior that have a disruptive effect on the educational environment, especially when repeated includes, but are not limited to:

- Physical misconduct and /or fighting
- Use of profanity or obscene language/gestures

- Insolence to staff members
- Interfering with the health and safety of others
- Continuous disruption of the educational process
- Open defiance of any staff member or other person having authority over students
- Disruptive behavior towards a substitute

The EPCS personnel strives to use a variety of measures which are informal disciplinary/guidance steps prior to formal disciplinary action. Some of these strategies are the following:

- Teacher-student conferences
- Teacher-parent conferences and/or formal telephone contacts
- Administrator-student-parent conferences

Formal Disciplinary Actions

In order to maintain effective learning conditions, the EPCS recognizes that it may be necessary to deny a students' educational participation for varying periods of time due to conduct which seriously disrupts the educational environment of the class or school. There are two types of denial of educational participation: suspension and expulsion.

Suspension is a denial of participation in the educational process for a period of time as a result of a violation(s) of school rules and/or regulations.

Expulsion is the permanent denial of school attendance, due to serious violation(s) of school rules and/or regulations.

Formal strategies that can be implemented when applicable are:

When dealing with a disciplinary problem, the Director/Principal notifies the student of the charge(s). The administrator(s) will investigate the charge(s) and will determine the appropriate disciplinary action to be taken.

In the case of suspension, the Director/Principal will inform the student of the suspension and the reason(s) for it. The Director/Principal will notify the parent of the suspension and the reason(s) for it. The parent/guardian will be provided an opportunity for a conference with the Director/Principal and appropriate personnel if needed following the initiation of the suspension.

VIOLATION	FIRST OFFENSE /MINOR	REPEATED OFFENSE	PATTERN OF REPEAT
Inappropriate Language	Warning by Teacher Depending on severity of offense	Teacher Initiated Telephone Conference	In-School Conference With Parents/Guardian

Offensive Language and language that has sexual orientation	Loss of Recess 1 to 2 days Parent Notification	In-School Conference With Parents/Guardian	Parent Notification and 1 to 3 days Suspension
Harassment of Another Student/Bullying	Warning by Teacher Depending on severity of offense	Teacher Initiated Telephone Conference	In-School Conference with Parent/Guardian
	Loss of Recess 1 to 3 days Parent Notification	Loss of Recess-2 to 4 days Parent Notification	Parent Notification and Out-School Suspension up to 10 days
			Parent Notification Expulsion
Extreme Disruptive Behavior In Class	Warning by Teacher Depending on severity of offense.	Teacher Initiated Telephone Conference	In-School Conference with Parent/ Guardian
	Teacher Initiated Telephone Conference	Loss of Recess- up to one Week	Out-School Suspension up to 10 days
	Loss of Recess 2 to 3 days. Parent Notification	Parent Notification	Parent Notification Expulsion

Section 5.

Statutory Requirement

The policy shall include a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment intimidation or bullying anonymously; however, this shall not be constructed to permit formal disciplinary action solely on the basis of an anonymous report. N.J.S.A. 18A:37-15 (3)(b)(6) and N.J.A.C.6A:16-7.9(a)2ix

At the school, the Director/Principal is responsible for receiving complaints alleging violations of this policy. All school employees as well as other members of the school community, including students, parents, volunteers and visitors, are required to report alleged violations of this policy to the Director/Principal. The reporting party is encouraged to report

any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the Director/Principal. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Section 6.

Statutory Requirement

The policy shall include a procedure for prompt investigation of reports of violations and complaints, identifying the director/principal as the persons responsible for the investigation. N.J.S.A. 18A:37-15(3)(b)(6) and N.J.A.C.6A:16-7.9(a)2viii

The Director/Principal is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Director/Principal shall conduct a prompt, thorough and complete investigation of the alleged incident.

Section 7.

Statutory Requirement

The policy shall contain the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. N.J.S.A. 18A:37-15 (3) (b) (7) and N.J.A.C.6A: 16-7.9(a)2ix

Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school to 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, school building or school district levels 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 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 level is appropriate, the Director/Principal 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. Institutional (i.e., classroom, school building, school district) 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 context of the acceptable

student behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

Section 8.

Statutory Requirement

The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.

N.J.S.A.18A:37-15(3)(b)(8) and N.J.A.C.6A:16-7.9(a)2x

The school district prohibits reprisal or retaliation against any person 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 Director/Principal after consideration of the nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations and district policies and procedures.

Section 9.

Statutory Requirements

The policy shall contain the consequence 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) and N.J.A.C.6A16-7.9(a)2xi

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

Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district 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 Director/Principal after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Section 10.

Statutory Requirement

The policy shall contain a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. N.J.S.A.18A:37-

15(3)(b)(10) and N.J.A.C.6A:16-7.9(a)2xii

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 harassment, intimidation and bullying that

occur on school property, at school-sponsored functions or on a school bus. The Director/Principal shall develop an annual process for discussing the school district policy on harassment, intimidation and bullying with students.

Implementation of Bullying Prevention Policies and Procedures

Statutory Requirement

Information regarding the district's policy against harassment, intimidation and bullying must be incorporated into a school's employee training program. N.J.S.A.:37-17(5)(c) and N.J.A.C.6A:16-7.9(d)1i

Establishment of Bullying Prevention Programs

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

Pursuant to N.J.S.A.: 37-17(5)(a), the district and its school(s) are encouraged to establish bullying prevention programs, and other initiative involving school staff, students, administrators, volunteers, parents law enforcement and community members.

Pursuant to N.J.S.A.: 37-17(5) (b), the school district is encouraged to, and if funds are appropriated for these purposes are required to:

- 1) review intimidation and bullying policies with school employees and volunteers who have significant contact with students; and
- 2) develop a process for discussing the school district's harassment, intimidation and bullying policies with students.

Victims of Violent Criminal Offenses

The Unsafe School Choice Option provision (Section 955532 of Title IX) under the No Child Left Behind Act (NCLB) of 2001 sets forth, in part, the following which applies to all school buildings that are part of an LEA:

“...a student...who becomes a victim of a violent criminal offense, as determined by State Law, while in or on the grounds of a public elementary school or secondary school that the student attends. Be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”

The following criteria must be used to determine when an enrolled student has become a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends. These criteria only apply to a student who has become a victim on one or more of the violent criminal offenses enumerated below:

A student is considered a victim of a violent criminal offense when:

1. A referral has been made to law enforcement officials for suspicion that one of the violent criminal offenses enumerated below has occurred; and
2. One or more of the following applies:
 - Law enforcement officials have filed formal charges against the perpetrator(s) for commission of the violent crime; or
 - The perpetrator(s) of the violent crime has received sanctions in accordance with the district board of education's code of student conduct, pursuant to N. J. A.C.6A:16-7; or
 - The perpetrator(s) of the violent crime either has not been identified or is not an enrolled student(s), but it is clear that the student(victim) has become a victim of a violent criminal offense based on objective indicators such as physical evidence, eyewitness testimony, and/or circumstantial evidence; or
 - The pre-existence of a restraining order against the perpetrator(s) of the violent crime.

The violent criminal offenses under New Jersey statutes apply only to acts or attempts that are directed at a person (victim) or a group of specified individuals (victims), rather than acts that indiscriminately affect the entire school population or non-specified individual groups. For the purpose of the Unsafe School Choice Option policy, the term victim shall not include a student who purposely, knowingly or recklessly provokes the conduct constituting the criminal incident against him or her.

Violent criminal offenses that are based upon New Jersey statutes and referenced by statutory citations are:

Homicide [N.J.S.A.2C:11-2]
Assault [N.J.S.A.2C:12-1(a)(1) and 2C:1(b)(1)]
Sexual Assault [N.J.S.A.2C:14-2]
Bias Intimidation [N.J.S.A.2C:16-1(a)]
Terroristic Threat [N.J.S.A.2C:12-3(a) and 2C:12-3(b)]
Robbery [N.J.S.A.2C:15-1]
Kidnapping [N.J.S.A.2c:13-1]
Arson [N.J.S.A.2C:17-1]