

BelovED Community Charter School, Jersey City, NJ

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Action Plan

Harassment, Intimidation, and Bullying in compliance with
New Jersey Anti-Bullying Bill of Rights Act P.L 2010, Chapter 122

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Harassment, Intimidation, and Bullying Reporting and Procedural Requirements

The Anti-Bullying Bill of Rights provides detailed procedures and timelines for reporting incidents of bullying. All school employees and contracted service providers are required to report such incidents.

- All acts of harassment, intimidation, or bullying must be reported verbally to the school principal on the same day when the school employee or contracted service provider witnesses or receives reliable information regarding any such incident.
- The principal, along with the HIB coordinator, makes a preliminary determination as to whether the reported incident or complaint, in assumption that all facts presented are true, is a report which meets the requirements to initiate an HIB investigation.
- A school employee must submit a written report of the incident to the principal within two days of the initial verbal report.
- If the principal and HIB coordinator determine that the report will require an investigation, the principal must inform the parents or guardians of all students

involved in the alleged incident and may discuss the availability of counseling and other intervention services.

- The principal or principal's designee must initiate an investigation of the incident within one school day of the report.
- The school HIB Coordinator conducts the investigation.
- The investigation must be completed as soon as possible, but no later than 10 days after the principal had received the initial written report of the incident.
- The school board must receive the report at its first meeting following the investigation along with information on actions taken to address the incident or incidents.
- Parents of student involved in the incident are entitled to information about the investigation and may request a hearing with the school board in its executive session.
- The board may also hear from the HIB Coordinator at the hearing.
- At its next meeting, the board must issue a written decision affirming, rejecting, or modifying the principal's decision. The board's decision may be appealed to the commissioner of education.

BCCS 2019-2020

Harassment, Intimidation, and Bullying Policy

I. HARASSMENT, INTIMIDATION, and BULLYING POLICY STATEMENT

BelovED Community Charter School (BCCS) prohibits acts of harassment, intimidation, or bullying.

BelovED Community Charter School seeks to create and maintain a fair, safe, and nurturing environment that is accepting to all school community members.

Members of BCCS community will be expected to behave appropriately to their level of development, to respect the rights and welfare of others and to actively participate in the process of learning.

Since pupils 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.

II. Definition N.J.S.A 18A:37-14

"Harassment, intimidation, or bullying" means any gesture, written, verbal, or physical act, or any electronic communication, that takes place on school property, at any school-sponsored function or on a school bus and that:

1. 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.
2. By any other distinguishing characteristic; and
3. 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 a student's property, or placing a student in reasonable fear of physically or emotionally harm to his/her person or reasonable fear of damage to his/her property; or interfering with a

student's education or severely or pervasively causing physical or emotional harm to the student.

4. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

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

Acts of harassment, intimidation, or bullying may also be a pupil exercising power and control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

The definition will apply to single and series of incidents of "harassment, intimidation, or bullying."

This Policy will 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 the school's pupil code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

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 offending pupil's physical or emotional safety and well-being or for reasons relating to the safety and wellbeing of other pupils, 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 bullying is on or off school property.

III. Expected Behavior

BCCS expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment consistent with the code of pupil conduct.

BCCS believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff and community members.

BCCS believes the best discipline is self-imposed, and it is the responsibility of school district staff to use instances of violations of the code of pupil conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply the

best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Principal in conjunction with school staff, and approved by the school. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the developmental ages of the pupils, the severity of the offenses and pupils' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the school. This Policy requires all pupils in the school to adhere to these rules and guidelines and to submit to the remedial and consequential measures that are appropriately assigned for infraction of these rules and guidelines.

BCCS prohibits active and passive support for harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Principal or designee. Pupils 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 school district teaching, support and administrative staff. The Principal will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

The Principal will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the school regarding pupil conduct, pupil's due process and other rights. This Policy will appear in all publications of BCCS' comprehensive rules, procedures and standards of conduct for school(s) within the school, including pupil handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

IV. Consequences and Appropriate Remedial Actions

BCCS requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils 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 pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offence(s), and consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the code of pupil conduct.

Factors for Determining Consequences:

1. Age, developmental and maturity levels of the parties involved;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and Severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and

7. Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures: Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation; and
10. Academic performance.

Environmental

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and appropriate remedial action for pupil, school staff who commit acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the School adopted Pupil Discipline/Code of Conduct pursuant to the N.J.A.C. 6A:16-7.1. Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the problem behaviors and performance, and must be consistent with the school's code of pupil conduct. Remedial measures shall be designed to correct the problem, protect and provide support for the victim of the act and take corrective action for documented systemic problems related to harassment, intimidation, and bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Classroom or administrative detention;
4. Referral to Dean of Students
5. In-school suspension
6. After-school programs;
7. Out-of-school suspension; and
8. Expulsion.

Examples of Remedial Measures - Personal

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Corrective instruction or other relevant learning or service experience;
5. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
6. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
9. Involvement of school disciplinarian;
10. Pupil counseling; or
11. Parent conferences;

Examples of Remedial Measures - Environmental (Classroom, School Building or School District)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Targeted use of monitors (e.g., hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
11. General professional development programs for certified and non-certified staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
15. Parent conferences;
16. Family counseling;
17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of a pupil behavior or ethics council;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (e.g., school resource officer, juvenile officer) involvement.

N.J.A.C. 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying. The consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and or termination. Remedial measures

may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Reporting Procedure

Complaints alleging violations of this Policy shall be reported to the Principal or his/her designee. All school employees as well as all other members of the school community including pupils, parent(s) or legal guardian(s), volunteers, and visitors are required to report alleged violations of this Policy to the Principal or designee. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal or available at the school's administrative offices. Oral reports shall also 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.

When the school staff witnesses or receives reliable information regarding any incidence of harassment, intimidation or bullying, a verbal report is to be made to the school principal on the same day. Within two days a written report must be submitted to the school principal.

The principal, along with the HIB coordinator, will make a preliminary determination as to whether the reported incident or complaint, in assumption that all facts presented are true, is a report which meets the requirements to initiate an HIB investigation. If the principal and HIB coordinator determine that the report does not fall into the scope of the HIB laws, the report may be transferred to the Dean's Office to be addressed by the Dean of Students of the appropriate Academy.

If it is determined that an HIB investigation is required, the principal, or HIB coordinator, is to inform the parents of all students involved in the alleged incident. The principal may discuss with parents, as he/she deems appropriate, the availability of counseling and other intervention services. The parents of the students who are parties (i.e. offenders, victims) to the investigation must receive information about the investigation, in accordance with Federal and State law and regulations. The investigation information will be provided to the parents as required in written form; and must be submitted within 5 school days after the results have been reported to the School Board. The policy shall permit a parent to request a hearing before the board after receiving the information about the investigation. The policy stipulates that the hearing must be held within 10 days of the request.

The policy will require for each investigation to be reported to the School Board. The policy stipulates that the board must meet in executive session for the hearing, to protect the confidentiality of the students. The policy stipulates that, at the hearing, the board may hear from the school HIB Coordinator about the incident, recommendations for discipline, recommendations for services and any programs instituted to reduce such incidents.

The policy requires that at the next regularly scheduled School Board meeting following its receipt of the report, the board must issue a decision to affirm, reject, or modify the principal decision. The policy requires that the board's decision to affirm, reject, or modify the principal's decision must be issued in writing. The policy explains that the board's decision may be appealed to the Commissioner of Education no later than 90 days after the issuance of the board's decision. The policy explain that a parent, student

or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group, as enumerated in the “Law Against Discrimination” (P.L. 1945,c.169;N.J.S.A.10:5-1et seq.).

A school employee who promptly reports an incident of harassment, intimidation, or bullying in accordance with this Policy, and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

Investigation

The HIB Coordinator is responsible for determining whether an alleged act constitutes a violation to this Policy. The HIB Coordinator shall conduct a prompt, thorough and complete investigation of the alleged incident within 10 school days, and complete /submit the required reports. The HIB Coordinator will maintain a record of each investigation regarding allegations of harassment, intimidation, and bullying.

In the event there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the HIB Coordinator may amend the original report of the results of the investigation to reflect the information.

Response to an Incident of Harassment, Intimidation, or Bullying

An appropriate response will be provided to the individual who commits any incident of harassment, intimidation, or bullying. Some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, or bullying that require a response either at the classroom, school building or school district level or by law enforcement officials.

The policy describes the range of ways in which a school responds once an incident of harassment, intimidation, or bullying is identified. The policy establish that the range of responses must include an appropriate combination of: counseling, support services, intervention services and other programs.

The policy requires the principal, in conjunction with the school anti-bullying specialist, to appropriately apply the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is identified.

Consequences and appropriate remedial actions for pupils 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 administrator will 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.

BCCS' response 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. The school's responses may also include participation of parent(s) or legal guardian (s) and other community members and organizations, to small or large group presentations for fully addressing the actions and BCCS' response to the actions in the context of acceptable pupil and staff member behavior and the consequences of such actions and involvement of law enforcement officers, including school resource officers. The school will also make resources available to individual victims of harassment, intimidation, and bullying, including but not limited to school counseling services and environmental modifications.

Reprisal or Retaliation Prohibited

BCCS prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying. The Principal or designee shall determine the consequence and appropriate remedial action for a person who engages in reprisal or retaliation 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. The consequences for employees will range from an admonishment to termination of employment.

The consequences for a volunteer will range from an admonishment to dismissal from the volunteer position.

Consequences for False Accusation

BCCS prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. Consequences and appropriate remedial action for a pupil 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 et seq., 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, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

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 and 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 Principal or designee, after consideration of the nature, severity, and circumstances of the act, which may include a report to appropriate law enforcement officials.

Policy Publication

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining that the Policy applies to all applicable acts of harassment, intimidation, and bullying that occur on school property, at

school-sponsored functions or on a school bus. The Principal shall ensure notice of this policy appears in any publication of the school that sets forth the comprehensive rules, procedures, and standards for schools within the school, and in any pupil handbook that includes the pupil code of conduct. This notice shall also indicate the school's Harassment, Intimidation, and Bullying Policy is available on the school's website. The policy requires the name, school phone number, school address and school email address of both the school anti-bullying specialist and the school district coordinator to be listed on the home page of the school's website.

Harassment, Intimidation, and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17. (5) c, and N.J.A.C. 6A:16-7.9(d) 1.i, information regarding the school's Harassment, Intimidation, and Bullying Policy shall be incorporated into a school's employee training program.

Pursuant to N.J.A.C. 6A:16-7.9(d)3, the school is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the schools of the school and implement locally determined programmatic or other responses, if determined appropriate by the school

Pursuant to N.J.A.C. 6A:16-7.9(d)1, the school is required to annually review the training needs of staff for the effective implementation of the harassment, intimidation, and bullying policy, procedures, programs, and initiatives of the school and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the School Board

Pursuant to N.J.A.C. 6A:16-7.9(d)2, the school is required to develop a process for annually discussing BCCS' Harassment, Intimidation, and Bullying Policy with pupils.

Pursuant to N.J.S.A. 18A:37-15.1, this Policy shall be transmitted to the Executive County Chief School Administrator.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.