

## Anti-Bullying Policy

### I) Purpose

The Matheny School prohibits acts of bullying, harassment and intimidation of students and staff. The Matheny School has determined that a safe and civil environment in school is necessary for students to learn and achieve with high academic standards, and for staff to educate students effectively. 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.

All students and staff are expected to treat each other with civility and respect and not engage in behavior that is disruptive or violent. The Matheny School expects students to conform to reasonable standards of socially acceptable behavior, respect the person, property and rights of others, obey authority and respond to those who hold authority. Therefore, the Matheny School will not tolerate acts of harassment, intimidation or bullying against any students or staff.

The Matheny School provides positive reinforcement for good conduct, self discipline, good citizenship and academic success.

### II) Definition of "Harassment, Intimidation or Bullying"

"Harassment, intimidation or bullying" means any gesture or any written, verbal or physical act or electronic communication act, that is:

- A) Reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, a mental, physical or sensory disability, sexual orientation, gender identity or expression, national origin or ancestry, or by any other distinguishing characteristic; and
- B) Takes place on school property, at any school sponsored function, on school transportation, or off school grounds as provided for in section 16 of N.J.S.A. 18A:37-14 and 15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and
- C) A reasonable person should know under the circumstances that the acts will have the effect of physically or emotionally harming a person or damaging his or her property, or placing a person in reasonable fear of harm to his or her person or damage to his or her property; or
- D) Has the effect of insulting or demeaning any person or group of persons; or
- E) Creates a hostile educational environment for a student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student (or creates a hostile work environment for a staff member by interfering with the employee's duties or by severely or pervasively causing physical or emotional harm to the employee).

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

### III) Behavior Expected from Students and Staff

All students are expected to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities. Students are expected to have a proper regard for the rights and welfare of other students

and school staff and adhere to the educational purpose underlying all school activities with regard to school facilities and equipment. Such behavior must be consistent with Matheny School's code of conduct.

Similarly, staff members are expected to lead by example, by demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Staff members are expected to apply best practices designed to prevent student conduct problems and foster student's abilities to grow in self-discipline.

**Student Specific Behaviors (based upon the school as a no bullying-zone):**

- a) **Quiet Voices – Students will not shout or yell**
- b) **Ready to go Hands – No pulling or grabbing and ready for work.**
- c) **Listen to Teacher – Students will listen to Teachers and Staff**
- d) **Respect others – Turn taking and no hitting**
- e) **Have Fun – Students will enjoy class**

**IV) Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying Students:**

Consequences and remedial measures for a student who commits an act of harassment, intimidation 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 behavior and performance. Consequences shall be consistent with the code of conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A) Correct the problem behavior;
- B) Prevent another occurrence of the problem;
- C) Protect and provide support for the victim of the act; and
- D) Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

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 short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

**A) Consequences for a student who commits an act of harassment, intimidation or bullying:**

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. Classroom or administration detention;
- 5. Referral to school disciplinarian;
- 6. In-school suspensions during school week or the weekend;
- 7. and after-school programs;
- 8. Out-of-school suspension ( short-term or long-term);
- 9. Transfer to another school;
- 10. Legal action; and
- 11. Expulsion.

**B) Personal remedial measures for a student who commits an act of harassment, intimidation or bullying:**

- 1. Restitution and restoration;

2. Mediation;
3. Peer support group;
4. Recommendations of a student behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive student interventions, including participation of the intervention and referral services team;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
8. Behavior strategies with closely monitored benchmarks;
9. Assignment of leadership responsibilities;
10. Student counseling;
11. Parent Conferences;
12. Student treatment; and
13. Student therapy.

Matheny students are subject to the same discipline procedures as non-disabled students in accordance with their IEP, however, before disciplining a student it must be determined that:

- A) The student's behavior is not primarily caused by his/her disability; and
- B) The program that is being provided meets the student's needs.

### **Staff:**

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A) Consequences for a staff member who commits an act of harassment, intimidation or bullying:
  1. Admonishment;
  2. Temporary removal from the classroom;
  3. Deprivation of privileges;
  4. Referral to school disciplinarian;
  5. Withholding of Increment;
  6. Suspension;
  7. Legal action; and
  8. Termination
- B) Personal remedial measures for a staff member who commits an act of harassment, intimidation or bullying:
  1. Restitution and restoration;
  2. Mediation;
  3. Support group;
  4. Recommendations of behavior or ethics council;
  5. Corrective action plan;
  6. Behavioral assessment or evaluation;
  7. Behavioral strategies with closely monitored benchmarks;
  8. Counseling;
  9. Conferences;
  10. Treatment; and
  11. Therapy.

- C) Environmental remedial measures that may be undertaken on a classroom or school-wide basis ( such measures may focus on the victims of acts of harassment, intimidation, or bullying, and others affected by such acts):
1. Supportive institutional interventions, including participation of intervention and referral services team;
  2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  3. School culture change;
  4. School climate change;
  5. Adoption of research-based, systemic bullying prevention programs; which are incorporated into our six week health curriculum
  6. School policy and procedures revisions;
  7. Modifications of schedules;
  8. Supervision;
  9. Small or large group presentations for fully addressing the behaviors and the responses to the behavior;
  10. General professional development programs for certificated and non certificated staff;
  11. Professional development plans for involved staff;
  12. Disciplinary action;
  13. Conferences; and
  14. Counseling.

## V) Reporting Allegations of Harassment intimidation or bullying

The Principal and/or the designee shall be responsible for receiving complaints alleging violations of this policy.

Any school employee, board member, contracted service provider or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A) All acts of harassment, intimidation or bullying shall be reported verbally to the school principal on the same day when the school employee, board member, volunteer or contracted service provider witnessed or received reliable information;
- B) The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C) All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee, board member, volunteer or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

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 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 board member or school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator and makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from an 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.

## VI) School Anti-Bullying Specialist

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 these criteria 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:

- A) Chair the school safety team;
- B) Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C) Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation and bullying in the school.

## VII) School Safety Team

The Matheny School shall form a school safety team to develop, foster and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall be appointed by the principal and consist of the principal or his/her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

The school safety team shall:

- A) Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B) Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C) Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D) Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E) Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation or bullying of students;
- F) Participate in the training required pursuant to applicable law and other training which the principal may request;
- G) Execute such other duties related to harassment, intimidation, and bullying as requested by the principal;
- H) **Report to Somerset County Executive County Superintendent's Office and local school districts as required.**

No parent/guardian who is a member of the school safety team shall:

- A) Receive complaints of harassment, intimidation or bullying of students that have reported to the principal;
- B) Receive copies of reports prepared after an investigation of a harassment, intimidation, or bullying incident;
- C) Identify and address patterns of harassment, intimidation or bullying; or
- D) Participate in any other activities of the team which may compromise the confidentiality of a student.

A parent/guardian who is a member of the school safety team can:

- A) Review and strengthen the school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of the students;
- B) Educate the community, including students, teachers, administrative staff, and parents, to prevent and address the harassment, intimidation or bullying of students;
- C) Participate in the training required pursuant to applicable law and other training which the principal may request;
- D) Execute such other duties related to harassment, intimidation, and bullying as requested by the principal; or
- E) Report to the Somerset County Executive County Superintendent's Office and local school districts as required.

## **VIII) Investigating Reported Harassment, Intimidation and Bullying; Hearings; Appeals**

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A) All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  - 1. Taking of statements from victims, witnesses and accused;
  - 2. Careful examination of the facts;
  - 3. Support for the victim; and
  - 4. Determine if alleged act constitutes a violation of this policy.
- A) The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- B) The investigation shall be completed as soon as possible, but not later than 10 days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- C) The results of the investigation shall be reported to the principal and executive director within two school days of the completion of the investigation, and in accordance with the law and school policy. The principal may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- D) The results of each investigation shall be reported at the next school board committee meeting following the completion of the investigation, and include:
  - 1. Any services provided;
  - 2. Training established;
  - 3. Discipline imposed; or
  - 4. Other action taken or recommended by the principal.

- E) The principal or his or her designee shall ensure that the parents of the students who are parties to the investigation shall receive information about the investigation in accordance with applicable law. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
  2. Whether the Matheny School found evidence of harassment, intimidation, or bullying; or
  3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

A parent or guardian may request a hearing before the board of education after receiving the information. When a request for a hearing is granted, the hearing shall be held within 10 school days of the request. The board of education 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 education 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 education 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 chief school administrator's decision. The board of education's decision may be appealed to 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 education's decision and may be appealed to the Division of Civil Rights no later than 180 days after the occurrence of the incident if prohibited by the Law Against Discrimination.

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.

## **IX) Range of Ways to Respond to Harassment, Intimidation or Bullying**

The Matheny School 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 and provide support programs for victims. 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 or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom or school wide) responses include:

- A) School and community surveys;
- B) Mailings;
- C) Focus groups;
- D) Adoption of research-based bullying prevention program models
- E) Training for certified and non-certified staff;
- F) Participation of parents and other community members and organizations;
- G) Small or large group presentations for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H) The involvement of law enforcement officers, including school safety officers.



For every incident of harassment, intimidation or bullying, The Matheny School shall respond to the individual who committed the act.

Responses may include:

- A) Individual responses can include positive behavioral interventions (e.g. peer mentoring, short-term counseling, social skills groups) and punitive actions (e.g., detention, in school or out of school suspension, expulsion);
- B) 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;
- C) School responses can include theme days, learning station programs, parent programs and information disseminated to parents and students, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices; and
- D) Facility-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

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.

## **X) Retaliation and Reprisal Prohibited**

The Matheny School prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the executive director and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

### **A) 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 developmental 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 parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

#### B) 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 school policies, procedures and agreements, up to and including suspension or dismissal from service;

#### C) 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 as a means of harassment, intimidation or bullying shall be determined in accordance with the school's policies, procedures and agreements, up to an including a public sanction or filed ethics charges;

#### D) Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contacted 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 executive director and/or principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers engaging in retaliation and reprisal may include the consequences and remedial measures set forth in Section IV entitled "Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying."

## XI) Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards/Common Core Standards.

## XII) Training

#### A) School Leaders

Any school leader who holds a position that requires the possession of a principal or supervisor endorsement shall complete training on issues of school ethics, school law, and school governances as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

#### B) Teaching Staff Development

Each school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

#### C) Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the school board, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

#### D) Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

Information regarding the school policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the school shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards/Common Core Standards.

#### Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports 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, any written, verbal or physical act, or any electronic communication, whether it be a single or series of incidents)

The report shall be used to grade the school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.).

The school shall post the grade received by the school on the homepage of the school's website. The school shall post all the grades for the school on the homepage of the district's website. A link to the report shall be available on the school's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school.

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

The principal will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The principal shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school. Any allegations of falsification of data will be reviewed by the board of education using the 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 principal 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 requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

#### **XIV) Program Assessment and Review**

The school shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designated to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

#### **XV) Policy Development and Review**

The school harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The school shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The school shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision.

#### **XVI) Dissemination and Implementation**

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment, intimidation, and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The principal shall take the following steps to publicize this policy:

- A) Provide a link to this policy on a prominent place on each school's website;
- B) Distribute this policy annually to all staff, students and parents/guardians; and
- C) Print this policy in any school publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks.

The Matheny School shall notify students and parents/guardians that the policy is available on the school's website. Matheny School shall publish the name, school phone number, school address, and school email address of the anti-bullying specialist on the home page of the school's website.

Additionally, Matheny School shall make available, in an easily accessible location of its website, the Department of Education’s guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The principal shall ensure that the rules for this policy are applied consistently with the district’s code of student conduct, N.J.A.C. 6A:16-7 and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process. The school shall develop a process for discussion the school’s harassment, intimidation or bullying policy with students.

This and all related policies shall be reviewed on a regular basis.

**Date:**

**Legal References:**

<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 10:5-1 et seq.</u>	Law against discrimination
<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:26-8.2</u>	School leader defined; training as part of professional development
<u>N.J.S.A. 18A:36-19</u>	Pupil records; creation, maintenance and retention, security and access; regulations; non-liability
<u>N.J.S.A. 18A:36-19a</u>	Student records (newly enrolled students; transfers of records, identification)
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of pupils
<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
<u>N.J.A.C. 6A:14-2.8</u>	Discipline, suspension and expulsions
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development
<u>N.J.A.C. 6A:16-1.4, -2.4, -4.1, -5.1, -6.1, -6.2, -7.1, -7.9;</u>	Reporting requirements
<u>N.J.A.C. 6<sup>a</sup>:32-12.1</u>	
<u>N.J.A.C. 6<sup>a</sup>:32-12.2</u>	School-level planning

Gebser v. Lago vista Independent School District, 524 U.S. 278 (1989)  
 United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX—requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
 United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be “severe, pervasive and objectively offensive.”

Saxe v. State College Area School District, 240 F.3d 200 (3<sup>rd</sup> Cir 2001)

A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L.W. v. Toms River Regional Schools BOE, 189 N.J. 381 (2007)

The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventative and remedial actions are reasonable in light of the totality of the circumstances.