

POLICY

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Policy Statement

The Marion P. Thomas Board prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. 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.

"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; or
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 harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
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 or the rights of other students.

"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/or control over another pupil, either in isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

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This policy may impose consequences for acts of harassment, intimidation, or bullying that occur in school or off school grounds, such as cyber-bullying (e.g., the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone, communications, internet blogs, internet chat rooms, internet postings, and defamatory websites ,that: deliberately threatens, harasses, intimidates an individual or group of individuals; places an individual in reasonable fear of harm to the individual or damage to the individual's property; or has the effect of substantially disrupting the orderly operation of the school) 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 district's code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1. The Board prohibits acts of cyber-bullying by Marion P. Thomas Charter School ("MPTCS") pupils through the use of any school owned, operated, and supervised technologies. "School owned, operated, or supervised technologies" is any computer, networking system, electronic equipment, or any other equipment or device that may be used by a person to communicate to another which is owned, leased, operated, or under the control or supervision of the MPTCS and/or school staff) The Building Principal or designee may report allegations of cyber-bullying to law enforcement authorities. Any pupil or school staff member who believes he/she has or is being subjected to cyber bullying, as well as any person who has reason to believe a pupil or school staff member has knowledge or reason to believe another pupil or school staff member is being subjected to or has been subjected to cyber-bullying shall immediately make a report to the Building Principal or designee. 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 pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being 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.

Expected Behavior

The Board 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.

The Board 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.

The Board believes the best discipline is self-imposed, and it is the responsibility of MPTCS 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 best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

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General guidelines for pupil conduct will be developed by the School Leadership Team, in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from a 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 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 district. This policy requires all pupils in the district to adhere to these rules and guidelines and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules and guidelines.

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The Board prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other staff members who constructively get involved in an attempt to end harassment, 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 MPTCS teaching, support and administrative staff. Each Building 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.

Consequences and Appropriate Remedial Actions

The Marion P. Thomas Board of Trustees 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, consistent with the code of pupil 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 pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(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;

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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;

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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 pupils 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 Board adopted Pupil Discipline/Code of Conduct pursuant to 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 developmental age of the pupil and the pupil's history of problem behaviors and performance, and must be consistent with the district's code of pupil conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, 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. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school detention
8. Out-of-school suspension (short-term or long-term);

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9. Legal action; and
10. Expulsion.

Examples of Remedial Measures - Personal

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

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Examples of Remedial Measures - Environmental (Classroom or School Buildings)

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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 certificated and non-certificated 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;

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19. Development of a general bullying response plan;
20. Recommendations of a peer mediation council;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (e.g., school resource officer, juvenile officer) involvement

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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

All acts of harassment, intimidation or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in any such incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying shall be reported in writing, on the Incident Report form available from the building principal, to the school principal within two days of when the school employee or contracted service provider witnessed or received reliable information that a student has been subject to harassment, intimidation or bullying. . All school employees as well as all other members of the school community including pupils, parents (s) or legal guardian (s), volunteers, and visitors are required to report alleged violations of this policy to the Principal or designee. All reports must be placed on incident report forms, oral reports will not be accepted. Reports must be made by individuals; anonymous reports will not be accepted. 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.

Two times each year between September 1 and January 1 and between January 1 and June 30, at a public hearing the Chief Operating Officer ("CEO") shall report to the board all acts of violence, vandalism, and harassment, intimidation or bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83)C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying, and any other measures imposed, training conducted or programs implemented to reduce harassment, intimidation and bullying. This information shall also be reported once during each reporting period to the Department of Education.

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Investigation

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 the school's anti-bullying specialist. The Principal or designee is responsible for determining whether an alleged act constitutes a violation of this policy. The Principal or designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The investigation shall be completed as soon as possible but no later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. The Principal or designee will maintain a record of each investigation regarding allegations of harassment, intimidation, or bullying. These documents will be kept in the individual who does the investigations office, feedback will be provided within 5 days of the investigation. In accordance with C.18A:17-46, any school employee observing or having direct knowledge from a participant or victim of an act of violence shall file a report describing the incident and a copy of the same should be forwarded to the CEO by the principals and the principal shall notify the CEO of the action taken regarding the incident within two school days of the completion of the investigation. The results of the investigation shall be reported to the Board no later than the date of the Board's meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed or other action taken or recommended by the CEO.

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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 respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that require a response either at the classroom, school buildings or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 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 shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. The Boards 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. The Board's responses may also include participation of parent(s) or legal guardian(s) and other community members and organizations, small or large group presentations for fully addressing the actions and the MPTCS's response to the actions, in the context of acceptable pupil and staff member behavior and the consequences of such actions, and the involvement of law enforcement officers, including school resource officers. The Board will also make resources available to individual victims of harassment, intimidation, and bullying, including, but not limited to, school counseling services and environmental modifications.

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Reprisal or Retaliation Prohibited

The Board 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 Principal or designee after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures. The consequences and appropriate remedial action for pupils will range from positive behavior interventions up to and including suspension or expulsion. The consequences and appropriate remedial action for employees will range from an admonishment to termination of employment.

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The consequences and appropriate remedial action for a volunteer will range from an admonishment to dismissal from the volunteer position. The consequences for visitors will range from an admonishment to loss of visitation privileges. Examples of consequences and remedial measures are listed in the Consequences and Appropriate Remedial Actions section of this policy.

Consequences for False Accusation

The Board 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 may 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 in accordance with Board 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 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 reviewed and disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the policy applies to all applicable acts of harassment, intimidation, or bullying that occur on school property, utilizing school property rather on the premises or elsewhere, at school-sponsored functions, or on a school bus. The Chief Executive Officer shall ensure notice of this policy appears in any publication of MPTCS that sets forth the comprehensive rules, procedures, and standards for schools within, and in any pupil handbook that includes the pupil code of conduct. MPTCS's policy on Harassment, Intimidation, and Bullying is also available on the MPTCS's website.

Harassment, Intimidation, and Bullying Prevention Programs

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Training

C.18A:6-112 Instruction in Suicide Prevention for Public School Teaching Staff

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As mandated by the State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), and as part of the professional development requirement established by the State board for public school teaching staff members, MPTCS shall require its teaching staff members to complete at least two hours of instruction in suicide prevention. This instruction will 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.

C.18A:37-26 In-service Workshops, Training Programs for District Anti-bullying Coordinators & School Bullying Specialists

The Commissioner of Education, in consultation with recognized experts in school bullying from across section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies, shall establish in-service workshops and training programs to train selected public employees to act as district anti-bullying coordinators and school anti-bullying specialists in accordance with the provisions of P.L.20010, c.122 (C.18A:37-13.1 et al.). The commissioner shall seek to make the workshops and training programs available and administered online through the department's website or other existing online resources. The commissioner shall evaluate the effectiveness of the consulting group on an annual basis. The in-service programs may utilize the offices of the executive county superintendent of schools, or such other institutions, agencies, or persons as the commissioner deems appropriate. Each board of education shall provide time for the in-service training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in the district as district anti-bullying coordinators and school anti-bullying specialists.

Upon completion of the initial in-service training program, he commissioner shall ensure that programs and workshops that reflect the most current information on harassment, intimidation, and bullying in schools are prepared and made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals.

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Training Continued

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C. 18A:26-8.3 “School Leader” Define; Training As Part of Professional Development

“School leader” means a MPTCS staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement.

A school leader shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required pursuant to State Board of Education regulations. Information on the prevention of harassment, intimidation, and bullying shall also be included in the training. The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory Committee of Professional Development for School Leaders

C. 18A:37-23 Program Requirement For Administrative and Supervisor Certification

Beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification shall have satisfactorily completed a program on harassment, intimidation, and bullying prevention.

C. 18A:12-33 Each Newly Elected or Appointed Board Member

Within one year after being newly elected or appointed or being re-elected or reappointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, which shall include the school's responsibilities under P.L.2002, c.38 (C.18A:37-13 et seq.). All board members shall be required to complete the program only once.

Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

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Training Continued

C.52:17B-718.8 Training Course for Safe Schools Resource Officers, Liaisons to Law Enforcement

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The police training Commission in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Attorney General, shall develop a training course for safe schools resource officers and public school employees assigned to the board of education to serve as school liaison to law enforcement. The Attorney General, in conjunction with the Police Training Commission, shall ensure that the training course is developed within 180 days of the effective date of this act. The course shall at a minimum provide comprehensive and consistent training in current school resource officer practices and concepts. The course shall include training in the protection of students from harassment, intimidation, and bullying, including incidents which occur through electronic communication. The course shall be made available to:

1. Any law enforcement officer or public employee referred by the board of education of the public school to which assignment as a safe school resource officer or school liaison to law enforcement is sought; and
2. Any safe schools resource officer or school liaison to law enforcement assigned to a public school prior to the effective date P.L.2005, c.276 (C.52:17B-71.8 et al.).

The training course developed by the commission pursuant to subsection a. of this section shall be offered at each school approved by the commission to provide police training courses pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.). The commission shall ensure that an individual assigned to instruct the course is proficient and experienced in current school resource officer practices and concerns.

The commission shall award a certificate to each individual who successfully completes the course.

The police training commission, in consultation with the Commissioner of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

C.18A:37-29 "Week of Respect"; Designated

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. School districts, 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 in section 2 of P.L.2002, c.83 (C.18A:37-14). Throughout the school year MPTCS shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

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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 MPTCS'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 district is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the schools of the district and implement locally determined programmatic or other responses, if determined appropriate by the district Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d)1, the school district is required to annually review the training needs of district staff for the effective implementation of the Harassment, Intimidation, and Bullying Policy, procedures, programs, and initiatives of the district Board of Education 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 district Board of Education.

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

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.

N.J.S.A. 18A:37-13 through 18A:37-19
N.J.A.C. 6A:16-7.9 etseq.

Adopted: **August 22, 2011**