

The Midland School

Policy: Harassment, Intimidation and Bullying

Note: The Midland School is a highly unique educational setting with specialized programming to meet the needs of students with special needs. Our school is composed of students with severe learning disabilities and intellectual disabilities. There may be cases in which a behavior/action by a student appears to be an act of harassment, intimidation or bullying, however, the root core of the behavior is the student's documented disability.

Before invoking the process delineated in this policy, the Midland school shall make a determination as to whether they believe that the student's reported behavior/actions are directly the result of their disability.

When a written harassment, intimidation or bullying complaint is lodged and received by the Principal of The Midland School, he/she will convene a meeting with the Anti-Bullying Coordinator (Board Certified Behavior Analyst), school-based Anti-Bullying Specialist (School Supervisor), the building-based School Safety Team, the Principal and the person making the complaint, to determine whether the student's disability is the cause of the reported action/behavior. If the outcome of this meeting is that the student's disability caused the action/behavior, the building-based Child Study Team will develop a behavior plan to address and correct the behavior. If the team deems that the behavior/action is not a result of the student's handicapping condition, this policy will be adhered to and all appropriate steps will be followed. If the team determines that this is not a case of harassment, intimidation or bullying, the parents will be notified of this determination.

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Policy

A. Policy Statement

The Board of Trustees 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.

For the purposes of this Policy, the term "parent" pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

B. Harassment, Intimidation and Bullying Definition

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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 that
3. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils; and that
4. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

5. Has the effect of insulting or demeaning any pupil or group of pupils; or
6. Creates a hostile education environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

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

C. Pupil Expectations

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, parents, school employees, school administrators, school volunteers, and community representatives, 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 and community property on the part of pupils, staff, and community members.

Pupils are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violators 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.

The Board expects that pupils will act in accordance with the pupil behavioral expectations and standards regarding harassment, intimidations, and bullying, including:

1. Pupil responsibilities (e.g., requirements for pupils to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Pupil rights; and
4. Sanctions and due process for violations of the Code of Pupil Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, The Midland School of NJ has involved a broad base of school and community members, including parents, pupils, instructional staff, pupil support services staff, school administrators, and school volunteers, as well as community representatives, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for pupil conduct pursuant to N.J.A.C. 6A:16-7.1.

These guidelines for pupil conduct will take into consideration 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). This Policy requires all pupils in the school to adhere to the rules established by The Midland School and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Executive Director or Principal must annually provide to pupils and their parents or guardians the rules of The Midland School regarding pupil conduct. Provisions shall be made for informing parents or guardians whose primary language is other than English. The Midland School prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to pupils who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

D. Consequences and Appropriate Remedial Actions

The 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, intimidations, 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), consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the Code of Pupil Conduct and N.J.A.C.6A:16-7.

Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved and their relationship to the school;
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. After-school/Respite activities;
9. Classroom participation;
10. Academic performance; and
11. Relationship to pupils and The Midland School

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 a pupil or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or change of placement of pupils, as set forth in the Board's approved Code of Pupil 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 Board's approved Code of Pupil Conduct and N.J.A.C.6A:16-7, Student 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 or 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 Behaviorist/Social Worker/Psychologist;
6. In-School suspension during the school week;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Reports to law enforcement or other legal action; and
10. Change of placement.

Examples of Remedial Measures

Personal

1. Restitution and restoration;
2. Peer support group;
3. Recommendations of a pupil behavior or student government;
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 LEA 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 Behaviorist, Social Worker, Psychologist;
10. Pupil counseling;
11. Parent conferences;
12. Referral to LEA for alternative placements (e.g., alternative education programs);
13. Pupil treatment; or
14. Pupil therapy.

Environmental (Classroom, School Building or The Midland School)

1. School and building 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. Recommend to LEA modifications in pupil routes or patterns traveling to and from school;
9. Recommend to LEA supervision or pupil before and after school, including school transportation;
10. Targeted use of monitors (e.g; hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;
14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;
16. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A;16-8;
17. Parent conferences;
18. Family counseling;
19. Involvement of parent-teacher organizations;
20. Involvement of community-based organizations;
21. Development of a general bullying response plan;
22. Recommendations of a pupil behavior or ethics council;
23. Peer support groups;
24. Recommendation to LEA for alternative placements (e.g., alternative education programs);
25. Recommendation to LEA for change of placement; and
26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

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 of a pupil. 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.

E. Harassment, Intimidation and Bullying Off School Grounds

This Policy and the Code of Pupil Conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:

1. The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other pupils; and either

2. A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
3. The alleged behavior has the effect of insulting or demeaning any pupil or group of pupils; or
4. The alleged behavior creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

F. Harassment, Intimidation and Bullying Reporting Procedure

The Board of Trustees requires the Principal to be responsible for receiving complaints alleging violations of this Policy. All Board members, school employees, and volunteers and contracted service providers who have contact with pupils are required to verbally report alleged violations of this policy to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and volunteers and contracted services providers who have contact with pupils, also shall submit a report in writing to the Principal within two school days of the verbal report. The Principal will inform the parents of all pupils involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health and welfare of all parties pending the findings of the investigation.

Pupils, 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. Pupils, parents and visitors may report an act of harassment, intimidation or bullying anonymously. Formal action for violations of the Code of Pupil 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 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.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The Midland School may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms.

A school administrator who receives a report of harassment, intimidation, and bullying from a school employee, and fails to initiate or conduct an investigations, 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.

G. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety Team(s)

1. The Executive Director shall appoint a school Anti-Bullying Coordinator. The Executive Director shall make every effort to appoint an employee of The Midland School to this position.

The Midland School's Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening The Midland School's policies to prevent, identify, and address harassment, intimidation or bullying of pupils;
 - b. Collaborate with school Anti-Bullying Specialists at The Midland School, the Board of Trustees, and the Executive Director to prevent, identify and respond to harassment, intimidation or bullying of pupils;
 - c. Provide data, in collaboration with the Executive Director, to the Department of Education regarding harassment, intimidation or bullying of pupils;
 - d. Execute such other duties related to school harassment, intimidation or bullying as requested by the Executive Director; and
 - e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify and address harassment, intimidation and bullying.
2. The Principal shall appoint a school Anti-Bullying Specialist. When a school social worker, 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 this 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 as provided in N.J.S.A. 18A:37-21;
- b. Lead the investigation of incidents of harassment, intimidation or bullying in the school; and
- c. Act as the primary school official responsible for preventing, identifying and addressing incidents of harassment, intimidation or bullying 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 pupils;
- e. Educate the community, including pupils, teachers, administrative staff, and parents, to prevent and address harassment, intimidation or bullying of pupils;

- f. Participate in the training required pursuant to the provisions of N.J.S.A.18A:37-13 et seq. and other training which the Principal or the school Anti-Bullying Coordinator may request;
- g. Collaborate with The Midland School's Anti-Bullying Coordinator in the collection of school-wide data and in the development The Midland School's policies to prevent and address harassment, intimidation or bullying of pupils; and
- h. Execute such other duties related to harassment, intimidation or bullying as requested by the Principal or school Anti-Bullying Coordinator. The members of a School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches. Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety Team shall not participate in the activities of the team set forth in 3.a., b., or c. above or any other activities of the team which may compromise the confidentiality of a pupil.

H. Harassment, Intimidation and Bullying Investigation

The Midland School requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist. The Principal may appoint personnel who are not school Anti-Bullying Specialists to assist the school Anti-Bullying Specialist in the investigation.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten day period, the school Anti-Bullying Specialist or the Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Pupil Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Executive Director within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Executive Director shall ensure the Code of Pupil Conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

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

completion of the investigation. The Executive Director report also shall include information on any consequences imposed under the Code of Pupil Conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Executive Director.

Parents of the pupils who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents and guardians shall include the nature of the investigation, whether The Midland School found evidence of harassment, intimidation or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Trustees.

A parent or guardian may request a hearing before the Executive Director after receiving the information. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. The Executive Director 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 pupils. At the hearing the Executive Director 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 Trustees meeting, following its receipt of the report from the Executive Director or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject or modify the Executive Director's decision. The Board'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 ninety days after issuance of the Board of Education's decision.

I. Range of Responses to an Incident of Harassment, Intimidation or Bullying

A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty 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 (C.10:5-1 et seq.).I. Range of Responses to an Incident of Harassment, Intimidation or Bullying.

The Board of Trustees authorizes the Principal of each school, in conjunction with the Anti-Bullying Specialist, to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the Executive Director shall respond to confirmed harassment, intimidation and bullying according to the parameters described in this policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other

programs. The Board recognizes that some acts of harassment, intimidation or bullying might be isolated incidents requiring the school officials 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 they require a response either at the classroom, school building or organization level or by law enforcement officials.

Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or referral to LEA for change of placement, 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 and N.J.A.C. 6A:16-7.3, Long-term Suspensions.

In considering whether a response beyond the individual level is appropriate, school officials shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, organization) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research based harassment, intimidation or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation or bullying acts should include individual, classroom, school or organization's responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, referral to LEA, law enforcement report, or other legal action).
2. 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.
3. School responses can include theme days, learning station programs, parent programs, and information disseminated to pupils and parents or guardians, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected pupil behavior.

4. Organization-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations), and disseminating information on the core ethical values adopted by the Board of Trustees' Code of Pupil Conduct, per N.J.A.C. 6A:16-7.1(a)2.

The organization will identify a range of strategies and resources, which could include, but not be limited to, the following actions for individual victims: counseling; teacher aides; hallway and playground monitors; schedule changes; before and after school supervision; school transportation supervision; school transfers; and therapy.

J. Reprisal or Retaliation Prohibited

The Board of Trustees prohibits a Board member, school employee, contracted service provider who has contact with pupils, school volunteer, or pupil from engaging in reprisal, retaliation, or false accusation against a victim, witness, one with reliable information, or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and The Midland School policies and procedures.

All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures for pupils who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

Examples of consequences for a school employee or a contracted service provider who has contact with pupils that engages in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

K. Consequences and Appropriate Remedial Action for False Accusation

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

1. Pupils- Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying or as a means of retaliation 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 LEA referral for change of placement and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.
2. School Employees – Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with pupils found to have falsely accused another as a means of harassment, intimidation or bullying or as a means of retaliation could entail discipline in accordance with The Midland School policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding or termination, and/or bans from providing services, participating in school-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with pupils or the provision of pupil services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

L. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Executive Director to all school employees, contracted service providers who have contact with pupils, school volunteers, pupils, and parents who have children enrolled at The Midland School, along with a statement explaining the Policy applies to all acts of harassment, intimidation or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Executive Director shall ensure that notice of this Policy appears in the employee handbook, parent/student handbook and all other publications of the school that set forth the comprehensive rules, procedures and standards for The Midland School.

The Executive Director shall post a link to The Midland School's Harassment, Intimidation and Bullying Policy that is prominently displayed on the home page of the school's website. The Midland School will notify pupils and parents that the Harassment, Intimidation and Bullying Policy is available on The Midland School's website.

The Executive Director shall post the name, school phone number, school address, and school e-mail address of The Midland School's Anti-Bullying Coordinator and the Anti-Bullying Specialist on the home page of The Midland School's website.

M. Harassment, Intimidation and Bullying Training and Prevention Programs

The Executive Director and Principal shall provide training on The Midland School's Harassment, Intimidation and Bullying Policy to current and new school employees, contracted service providers, and volunteers who have significant contact with pupils. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The Midland School's employee training program shall include information regarding the school's Policy against harassment, intimidation or bullying, which shall be provided to full time and part time staff members, contracted service providers and school volunteers who have significant contact with pupils.

Each school teacher shall be required to complete at least two hours of instruction in harassment, intimidation and bullying prevention in each professional development period (5 years) as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d.

Board members shall be required to complete a training program on harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The Midland School shall annually observe the "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, The Midland School will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year The Midland School will provide ongoing age-appropriate instruction on preventing harassment, intimidation or bullying in accordance with the New Jersey Student Learning Standards.

The Midland School will annually establish implement, document and assess harassment, intimidation and bullying prevention programs or approaches, and other initiatives in consultation with school staff, pupils, administrators, volunteers, parents or guardians, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

N. Harassment, Intimidation and Bullying Policy Re-evaluation, Reassessment and Review

The Executive Director and Principal shall annually conduct a re-evaluation, reassessment and review of the Harassment, Intimidation and Bullying Policy, with input from the school's Anti-Bullying Specialist and recommend revisions and additions to the Policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment and review.

O. Reports to Board of Trustees and New Jersey Department of Education

The Executive Director shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46. The information reported shall be used to grade each school in accordance with the provisions of N.J.S.A.18A:17-46. The grade received by the school and the organization shall be posted on the home page of the school's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Executive Director to the Department of Education shall also be available on the school's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the organization.

P. Reports to Law Enforcement

Some acts of harassment, intimidation and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement between Education and Law Enforcement Officials.

Q. Employee Contracts

The Board of Trustees prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

R. Pupils with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a pupil with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

The Midland School shall submit all subsequent amended Harassment, Intimidation and Bullying Policies to the appropriate Executive County Superintendent of Schools within thirty days of Board adoption.