

Montclair Public Schools Anti-Bullying Bill of Rights

Prohibiting Harassment, Intimidation and Bullying on School Property, at any School-Sponsored Event, on School Buses, or off School Grounds

Conduct Expectations

The Board expects pupils to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. The Board believes that standards of 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. All acts of misconduct (behavior that violates school and/or District Codes of Conduct) shall result in consequences set forth in such Codes of Conduct. Examples of behavior toward a student that is violative of the Codes of Conduct include; demeaning, insulting, threatening, assaultive behavior, and behavior that is damaging to a student's property (P-5131).

Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying or 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.

Definition

"Harassment, Intimidation or Bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single or a series of incidents that 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 by any other distinguishing characteristic, that takes place on school property, at a school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.

2010, Chapter 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

1. A reasonable person should know under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage his property;
2. Has the effect of insulting or demeaning any student or group of students;
3. 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.

Harassment, Intimidation, or Bullying can be*:

- **Physical:** Kicking, biting, scratching, tripping, hitting, slapping, pushing/shoving
- **Verbal:** Hurtful teasing, name calling, gossiping, insults, teasing about clothes or looks, spreading rumors, or making threats to secure silence "If you tell, I will..."
- **Non-verbal:** Defacing damaging or destroying personal property, making threatening gestures, taking small items from others/stealing, playing mean tricks
- **Emotional:** Intentional exclusion or spreading rumors, hate notes
- **Cyber-bullying:** Spreading hurtful information through email, on-line chats, social networking sites or text and picture messages
- **Sexual:** Unwarranted touching, obscene gestures or comments, exposing oneself

*The above described behavior, while violative of the Codes of Conduct, constitutes Harassment, Intimidation, or Bullying only when all of the elements contained in the definition of Harassment, Intimidation, and Bullying exist; however, misconduct not found to be HIB will still result in consequences pursuant to the Codes of Conduct.

Reporting Procedures

A procedure is in place to promptly investigate reports of violations and complaints related harassment, intimidation or bullying. Montclair School District employees are required to report violations of this policy to the principal. It must be done verbally on the same day of the alleged incident, and in writing within 24 hours of the incident. Parents/ guardians, students, and any school employee or volunteer who comes in contact with students on a regular basis may also report an incident of harassment, intimidation or bullying. Copies of the reporting form shall be placed in a central location that is accessible to everyone (i.e. main office, teacher's lounge). Reports may also be submitted anonymously, however, formal disciplinary action will not solely be made on the basis of an anonymous report. re required to report violations of this policy to the principal. It must be done verbally on the same day of the alleged incident, and in writing within 24 hours of the incident. Parents/guardians, students, and any school employee or volunteer who comes in contact with students on a regular basis may also report an incident of harassment, intimidation or bullying. Copies of the reporting form shall be placed in a central

location that is accessible to everyone (i.e. main office, teacher's lounge). The investigation will be initiated by the principal or the principal's designee within one day of the report of the incident and shall be conducted by the school anti-bullying specialist. The principal may appoint additional personnel to assist in the investigation.

Consequences of Harassment, Intimidation and Bullying

The Montclair Board of Education has developed a set of consequences that matches disciplinary and/or remedial actions to specific unacceptable behaviors. These guidelines will be used to determine appropriate actions if any harassment, intimidation or bullying incidents occur. A range of methods will be incorporated to respond to incidents of harassment, intimidation and bullying which shall include an appropriate combination of counseling, support services, intervention services and other programs.

Prevention

A School Safety Team will be established at each school to develop, foster, and maintain a positive school climate and to also address issues related to harassment, intimidation and bullying. The School Safety Team will be lead by the school Anti-Bullying Specialist, principal, a teacher in the school, a parent of a pupil in the school and other members to be determined by the principal. The School Safety Team will receive complaints of harassment, intimidation, or bullying of pupils that have been reported to the principal, and also receive reports after an investigation has been completed. The team will identify and address patterns of harassment, intimidation, or bullying of pupils in the school, and work to educate the community, including pupils, teachers, administrative staff, and parents to prevent and address harassment, intimidation, or bullying of pupils.

***Parental Rights**

Copy of Investigation: In accordance with Federal and State law regulation, parents of students who are parties to the investigation are entitled to receive information about the investigation, including the nature of the investigation, whether the district found any evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five (5) days after the results of the investigation are reported to the board.

Request for Hearing: A parent or guardian may request a hearing before the board after receiving information. When a request for a hearing is granted, the hearing shall be held within ten (10) days of the request. The board will meet 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 may hear from 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 superintendent's decision.

Appeal Process

Parents may contact:

Essex County Office of Education
60 Nelson Place, 1st Floor South
Newark, NJ, 07102
(973) 621-2750

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 ninety (90) days after the issuance of the board of education's decision. A parent/guardian, student, or organization may file a complaint with the Division of Civil Rights within 180 days of the occurrence of an incident of Harassment, Intimidation or Bullying.