

## LADACIN Network

Administration Procedure: **PC-31**

Revised: **September, 2018**

References: **N.J.A.C. 6A:16-1.3; N.J.A.C. 6A:16-7.1; N.J.A.C. 6A:14; N.J.S.A. 18A:37-18; N.J.S.A. 52:14B-1 et seq.; P.L.1945, c.169 (C.10:5-1 et seq.);**

**Code of Student Conduct**

Effective Date: **February 27, 2018**

Revised: **September, 2018; October, 2019**

Reviewed: **December, 2020**

**SUBJECT: Harassment, Intimidation and Bullying**

**POLICY:** LADACIN Network School Programs prohibit acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. 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 and disciplined environment. Since students 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.

Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

**Definition:** Bullying is unwanted aggressive behavior that may involve a real or perceived power imbalance. "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 by any other distinguishing characteristic;
2. 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;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
  - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
  - b. Has the effect of insulting or demeaning any student or group of students; or
  - c. 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.

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

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 student. Where parents are separated or divorced, “parent” means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

## **I. Student Expectations**

LADACIN Network expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.

LADACIN Network believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives.

Students are expected to behave in a way that creates a supportive learning environment. LADACIN Network supports the students in being respectful as individuals and being treated courteously, fairly and respectfully by other students and school staff. The students are encouraged to treat teachers, staff, other students, themselves and property with respect. The students take part in all school activities on an equal basis regardless of race, religion, religious practices, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status or disability.

LADACIN Network developed guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the manifestation of students’ disabilities and the history of student behaviors. This policy requires all students at LADACIN Network to adhere to the rules established by the Agency and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

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Pursuant to N.J.A.C. 6A:16-7.1, LADACIN School Administrators must annually provide the rules of the Agency regarding student conduct to students and their parents. Provisions shall be made for informing parents whose primary language is other than English.

## **II. Consequences and Appropriate Remedial Actions**

Any disruptive/maladaptive behavior on the part of the student is handled promptly in consultation with the Principal and the student’s transdisciplinary team, which includes the

student's parent(s) and/or guardians. The Principal will ensure the incident is documented on the designated Incident Report form (AD-11:1) in accordance with LADACIN Network's Incident Report Policy (AD-11).

The purpose of the incident report policy is to ensure the prompt and complete reporting of serious adverse events and incidents involving health and/or safety of students. Incident Reports (Ad-11:1) are internal documents utilized to transmit information between programs/services and administration.

All reported incidents are reviewed by Administration, recorded, and, if necessary, receive direct follow-up. Once recorded, monthly reports will be provided to be used as management and training tools. Directors will report follow-up measures and trends to the Executive Director for all incidents with a Severity Level of 1 or 2. If necessary, specific incidents will be reviewed by the Health and Safety Committees.

The student's transdisciplinary team will follow LADACIN Network's Treatment of Maladaptive Behaviors Policy (AD-36). The definition of Maladaptive Behaviors includes behaviors harmful to the individual or others, interfere with learning or living, are socially stigmatizing, and restrict access to the community.

The Treatment of Maladaptive Behaviors Policy includes coordination, documentation and development of behavior reduction plans based on the student's individual needs. The team will collaboratively explore behavior reduction options and regularly review and evaluate the behavior plans as delineated in Ad- 36, Appendix A. Ad-36 Appendix B (Informed Consent) will be implemented at the onset of plan execution.

If the maladaptive/disruptive behavior persists, the student's district case manager will be notified and a meeting will be scheduled with the parent(s) or guardian(s) and in accordance N.J.A.C. 6A:14, Special Education Code. Meeting outcomes will determine if placement in LADACIN Network's school program continues to be the student's least restrictive environment.

### **III. Harassment, Intimidation and Bullying Reporting Procedure**

LADACIN Network requires the Principal or designee at each school to be responsible for receiving complaints alleging violations of this Policy. All school employees, volunteers and contracted service providers who have contact with students are required to verbally report alleged violations of this Policy to the Principal or designee on the same day that the individual witnessed or received reliable information regarding any such incident. All school employees, volunteers and contracted service providers who have contact with students also shall submit an incident report in writing to the Principal within 24 hours of the verbal report. The Principal will inform the parents of all students 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.

A 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 compensation under any other available law, either civil or criminal, nor does it create or alter any tort liability.

For anonymous reporting, LADACIN Network will provide locked boxes located in areas of a school where reports can be submitted without fear of being observed.

The Principal or designee who receives a report of harassment, intimidation or bullying from an employee and fails to initiate or conduct an investigation, or who knows 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.

#### IV. Harassment, Intimidation or Bullying Investigation

LADACIN Network requires a thorough and complete investigation to be conducted for each report of a violation or complaint which either identifies harassment, intimidation or bullying or describes behaviors that indicate harassment, intimidation or bullying. The Principal will determine whether the incident is a conflict or a HIB violation. If it is determined to be a HIB violation and occurs on a sending school district board of education school bus, at a sending district sponsored function or off school grounds, LADACIN Network will notify the respective sending district(s) within five (5) days. The victim's sending district will initiate the investigation. The LADACIN Network Principal may in consultation and conjunction with the sending district board of education pursuant to NJAC 6A:14-7.6(f), impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.

If the HIB violation occurs on LADACIN property, at any LADACIN school sponsored function, or on a LADACIN operated bus, the investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident and conducted by the Principal. The Principal may appoint additional personnel to assist with the investigation.

The incident report and any related written reports will be completed within two (2) days. The investigation shall be completed and the written findings submitted to the Director of Children's Programs, who is the Anti-Bullying Coordinator, as soon as possible but not later than ten (10) school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten day period, the Principal shall amend the original report of the results of the investigation to ensure an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Director 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 Student Conduct has been implemented and may decide to provide intervention services, order counseling, establish training programs to reduce harassment, intimidation or bullying, and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

Based on the severity of the incident, the Executive Director shall report the results of each investigation to the Board of Trustees.

Parents of student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents shall include the nature of the investigation, whether the Agency found evidence of harassment, intimidation or bullying, and 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.

A parent may request a meeting regarding the incident. At the meeting, the Principal and Director will report information provided by the Principal and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

A parent or student may request a hearing before the sending district's board of education and may appeal to the Commissioner of Education.

A parent, student or LADACIN Network may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

V. Consequences and Appropriate Remedial Action for False Accusation

LADACIN Network prohibits any student, school employee, visitor or volunteer from falsely accusing another as a means of retaliation or as a means of harassment, intimidation or bullying. Any case of false accusation will be investigated and addressed accordingly based on the findings.

VI. Harassment, Intimidation and Bullying Policy Publication and Dissemination

This Policy will be disseminated by the Principals to all school employees, contracted service providers who have contact with students and school volunteers annually. Students and parents will receive the policy upon admission to the school program.

VII. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)

A. The Executive Director shall appoint an Anti-Bullying Coordinator. The Executive Director shall make every effort to appoint an employee of LADACIN Network to this position.

The Anti-Bullying Coordinator shall:

1. Be responsible for coordinating and strengthening LADACIN Network's policies to prevent, identify, and address harassment, intimidation or bullying of students;

2. Collaborate with the School Principals, the Board of Trustees and the Executive Director to prevent, identify and respond to harassment, intimidation, or bullying of students.
  3. Provide data, in collaboration with the Executive Director, to the Department of Education regarding harassment, intimidation or bullying of students.
  4. Execute such other duties related to school harassment, intimidation or bullying as requested by the Executive Director.
  5. Meet at least twice per school year with the Principals to discuss and strengthen procedures and policies to prevent, identify and address harassment, intimidation and bullying.
- B. The Principal in each school shall be the Anti-Bullying Specialist. The school Anti-Bullying Specialist shall:
1. Serve on the Health and/or Safety Committee.
  2. Lead investigations of incidents of harassment, intimidation or bullying in the school.
  3. Act as the primary school official responsible for preventing, identifying and addressing incidents of harassment, intimidation or bullying in the school.
- C. The Health and Safety Committees will support the School Programs in fostering and maintaining a positive school climate by focusing on the ongoing operational procedures in the school, and to address issues such as harassment, intimidation or bullying that affect school climate and culture. The Health and Safety Committees meet a minimum of two times per year.

The Health and Safety Committees shall:

1. Receive notice of all complaints of harassment, intimidation or bullying of students that have been reported to the Principal.
2. Identify and address patterns of harassment, intimidation or bullying of students in the school.
3. Execute such other duties related to harassment, intimidation, or bullying as requested by LADACIN's Anti-Bullying Coordinator.

#### VIII. Reports to Law Enforcement

- A. Some acts of harassment, intimidation and bullying may be bias-related acts and potentially bias crimes. 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.



Patricia Carlesimo  
Executive Director

December 2020  
Date