



Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School Sponsored Functions and on School Buses (Revised August 2022)

Introduction

This document is designed to provide guidance to local educational agencies (LEAs) in the development, establishment and implementation of policies, procedures and programs for the prevention, intervention and remediation of harassment, intimidation and bullying (HIB) behavior in schools, in accordance with the *Anti-Bullying Bill of Rights Act* (ABR) (N.J.S.A. 18A:37-13 *et seq.*) and N.J.A.C. 6A:16-7.7, Harassment, Intimidation and Bullying.

The language used in this document aligns to the language included in the ABR and the New Jersey Administrative Code. LEAs may choose to use terms like “families and caregivers” in place of “parents or guardians” in their local policies if determined that those terms are more inclusive of the local community. Similarly, an LEA may choose to utilize terms like “aggressor” and “harmed community member” instead of “offender and victim” if the LEA determines that language is more responsive to local community circumstances.

The document is divided into three parts, as described below:

- **Part 1: Background** includes information on the legal context and key points for HIB policies and procedures.
- **Part 2: Use of the Model Policy and Guidance** includes an explanation of this document and guidance for appropriate uses of the document.
- **Part 3: Model Policy Development: Issues for Consideration, Sample Policy Language and Requirements** contains 10 specific sections, each providing statutory and regulatory requirements, sample or suggested model policy language where appropriate, and issues for district boards of education to consider in the development of their locally determined HIB policies and procedures.

Part 1: Background

On January 5, 2011, the *Anti-Bullying Bill of Rights Act* (ABR) was signed into law, an act concerning HIB in school settings that amended various parts of the statutory law. In particular for school policies and procedures, the act amended *N.J.S.A. 18A:37-13 et seq.*, which includes the requirements for the prevention and intervention of HIB on and off school grounds¹, at school-sponsored functions and on school buses.

In December 2017, the State Board of Education adopted amendments to the regulations related to HIB at *N.J.A.C. 6A:16-7.7* and new rules at *N.J.A.C. 6A:16-7.8* which went into effect beginning July 1, 2018.

On January 10, 2022, Governor Murphy signed into law amendments to the ABR which required school districts to revise their HIB policies and implement the policies beginning with the 2022-2023 school year. This document includes revisions based on the regulatory and statutory amendments. Additional resources to support the implementation of the ABR and to prevent HIB in schools can be found on the New Jersey Department of Education's (Department) HIB website.

Under *N.J.S.A. 18A:37-15*, each district board of education continues to be granted local control over the contents of the HIB policy, but, at a minimum, the components listed in the amended statute *must* be included in the school district's policies and procedures prohibiting HIB. Additionally, district policy must continue to conform to all applicable case law, statutes and regulations.

¹ The term "school grounds," pursuant to *N.J.A.C. 6A:16-1.3*, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities, including but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in *N.J.A.C. 6A:26-1.2*, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

Part 2: Use of the Model Policy and Guidance

District boards of education should take careful consideration of all issues when developing and adopting a revised HIB policy for the school district. The model policy language in [Part 3](#) of this document provides only general points for the district board of education's policy, rather than all-inclusive policy language that addresses local values, issues and priorities. As a result of the local consultation requirements and the impracticality of anticipating the divergent and changing values, needs, priorities and practices of each school district in New Jersey, this document is presented as a **summary guide** and model and is **not a complete and final policy to be adopted by the district board of education**.

The information provided in Part 3 includes the following:

- The statutory and regulatory provisions that district policies and procedures must include;
- Suggested or sample model policy language, where appropriate; and
- Issues for the district to consider in developing policies and procedures that fit its own unique situation and that are consistent with existing district board of education policies.

Nothing in the model policy language or in the legislation and regulations is meant to preclude a school district from including additional provisions, or from using language and formats that are consistent with the district board of education's approved policies and procedures.

Part 3: Model Policy Development—Issues for Consideration, Sample Policy Language and Requirements

Prohibiting HIB

Statutory Requirement

The policy shall contain a statement prohibiting harassment, intimidation or bullying of a student (*N.J.S.A. 18A:37-15(b)(1)*).

Minimum Model Policy Language

The district board of education prohibits acts of HIB of a student. The district board of education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; HIB, 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 HIB.

Issues for Consideration in Local Model Policy Development

Although not required, a statement of purpose is helpful to clearly establish the goal of the policy. The district board of education may consider parallel expectations against HIB to include employees, visitors and volunteers; however, care should be taken to ensure that policies for these groups are consistent with the case law, Federal and State laws, regulations and policies, including, but not limited to, those against hazing, bias crimes and assaults, as well as the district's board-approved policies, procedures and agreements.

Definition of HIB

Statutory Requirement

The policy shall contain a definition of harassment, intimidation or bullying no less inclusive than the requirements in *N.J.S.A. 18A:37-14*, *N.J.S.A. 18A:37-15(b)(2)* and *N.J.S.A. 18A:37-15.3*.

Regulatory Requirement

The policy shall contain a statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance (*N.J.A.C. 6A:16-7.7(a)2iii*).

Minimum Policy Language

The district board of education establishes that "HIB" means any gesture, any written, verbal or physical act, or any electronic communication², as defined in *N.J.S.A. 18A:37-14*, whether it be a single incident or a series of incidents, that is:

- a) reasonably perceived as being motivated either 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
- b) by any other distinguishing characteristic; and that
- c) 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 students; and that
- d) 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 person or damage to his property; or
- e) has the effect of insulting or demeaning any student or group of students; or
- f) 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.

The district board of education recognizes that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

Issues for Consideration in Local Model Policy Development

The district board of education should make clear that the policy includes the motivating factors set forth in the authorizing statute (*N.J.S.A. 18A:37-14*). Not all acts of HIB against students, however, are motivated by characteristics such as the target's race, color, religion, gender or sexual orientation. Some acts of HIB are motivated by another distinguishing characteristic.

It is important to understand that the policy statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance is not an additional criteria that school districts must fulfill when determining whether an incident meets the criteria of HIB. However, recognizing "a real or perceived power imbalance" may assist school officials in identifying HIB within the context and relative positions of the alleged aggressor and target, rather than focusing solely on the real or perceived characteristics of the target. District boards of education should take care to clarify how the

² "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device (*N.J.A.C. 6A:16-1.3*).

presence of a power imbalance will be considered in determining whether a distinguishing characteristic is a motivating factor.

The policy and procedures must address and impose consequences, in accordance with the district board of education's code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*, for acts of HIB that occur off school grounds, such as "cyber-bullying" (e.g., the use of electronic means to harass, intimidate or bully), when the HIB substantially disrupts or interferes with the orderly operation of the school or the rights of other students, consistent with *N.J.S.A. 18A:37-14* and *15.3*.

Student Behavior

Statutory Requirement

The policy shall include a description of the type of behavior expected from each student (*N.J.S.A. 18A:37-15(b)(3)*).

Minimum Model Policy Language

The district board of education expects students 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 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.

The district board of education believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

Students are expected to behave in a way that creates a supportive learning environment. The district board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The district board of education expects that students will act in accordance with the student behavioral expectations described below.

The district board of education should insert, at a minimum, its specific student behavioral expectations and standards regarding HIB, including:

- 1) Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially acceptable 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) Student rights; and
- 4) Sanctions and due process for violations of the code of student conduct.

Issues for Consideration in Local Policy Development

The goal of this section is to explain global expectations for student conduct while providing school administrators with the flexibility to address developmental ages and abilities of students and the unique characteristics of the schools, as is intended in *N.J.A.C. 6A:16-7.1(b)6*. Per the provisions of the authorizing statute, the procedures should be included as a part of the district board of education's approved policy and consistent with the code of student conduct.

Pursuant to *N.J.S.A. 18A:37-15(a)* and *N.J.A.C. 6A:16-7.1(a)1*, the district must involve a broad-base of school and community members, including parents, school employees, volunteers, students, and community representatives, in the development of the policy.

Pursuant to *N.J.A.C. 6A:16-7.1*, the district board of education must develop guidelines for student conduct, taking into consideration the nature of the behavior; the nature of a student's disability, if any and to the extent relevant; the developmental ages of students, severity of offenses and students' histories of inappropriate behaviors; and the mission and physical facilities of the individual schools. Board policy must require all students in the district to adhere to the rules established by the school district 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 chief school administrator must annually provide to students and their parents the rules of the district regarding student conduct. Provisions should be made for informing parents whose primary language is other than English.

Since bystander support of HIB can reinforce these behaviors, district boards of education should consider including a statement prohibiting active or passive support for acts of HIB. The district should support students who:

- Walk away from acts of HIB when they see them;
- Constructively attempt to stop acts of HIB;
- Provide support to students who have been subjected to HIB; and,
- Report acts of HIB to the designated school staff.

The district might consider adopting a policy prohibiting HIB of school employees, visitors or volunteers as a safety measure and to foster a climate of civility and respect among all members of and participants in the educational community.

Consequences and Remedial Actions

Statutory Requirement (amended January 2022)

The policy shall include the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying (*N.J.S.A. 18A:37-15(b)(4)*).

Regulatory Requirement

The consequences and remedial action shall take into account the nature of the student's disability, if any and to the extent relevant *N.J.A.C. 6A:16-7.7(a)2v*, and, 2vi.

Minimum Model Policy Language

The district board of education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of HIB, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of HIB.

In every incident found to be HIB, the school principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

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 HIB by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders, the nature of the student's disability, if any and to the extent relevant, and students' histories of inappropriate behaviors, per the code of student conduct and *N.J.A.C. 6A:16-7*.

The principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three HIB incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent or guardian, to satisfactorily complete a class or training program to reduce HIB behavior. Each student intervention plan must be approved by the district chief school administrator.

Should a student be found to be an offender in an HIB incident, a copy of the results of the HIB investigation shall be included in the student's record pursuant to *N.J.A.C. 6A:16-32-7*.

While the majority of incidents may be addressed solely by school officials, the chief school administrator or designee and the principal shall report an HIB incident to law enforcement officials if

the conduct rises to the level of a mandatory report as outlined in the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

Issues for Consideration in Local Policy Development

Since *N.J.S.A. 18A:37-15(b)(4)* clearly establishes that the responses to a person (not only a student) who commits an act of HIB must include *both consequences and appropriate remedial action*, school officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves *more than traditional punitive actions*.

Consequences

In regard to *consequences*, only after meaningful consideration of the factors for determining consequences, described above, can an appropriate consequence be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies, procedures, collective bargaining agreements and employee contracts.

Remediation

In regard to *remediation*, only after meaningful consideration of the factors for determining remedial measures can an appropriate remedial response be determined, consistent with the documented needs of the student or staff member and the unique characteristics of the situation.

The overall school climate and school culture and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support HIB behavior. These factors always should be considered in the response to an act of HIB. Additionally, in all cases the district should attempt to actively involve parents in the remediation of the behavior(s) of concern. It is only after meaningful consideration of the factors and examples described above that appropriate consequences and remedial responses can be determined, consistent with the documented needs of the student or staff member, the unique characteristics of the student's or staff member's situation and the requirements under *N.J.S.A. 18A:37-13 et seq.*

School districts should employ a comprehensive approach to addressing student behavior and may find it helpful to implement a multi-tiered system of support (i.e. [New Jersey Tiered System of Supports](#), [New Jersey Positive Behavior Support in Schools](#)).

The Department recognizes that decisions about consequences and actions to be taken in response to violations of policies prohibiting HIB should take into account, for offenders and victims, the circumstances of an HIB incident, as well as the unique conditions in and characteristics of each school district. Each district board of education's policy, however, must align with existing school district policies, including those that address the provisions of [N.J.A.C. 6A:16, Programs to Support Student Development](#), related district performance review indicators in the [New Jersey Quality Single Accountability Continuum](#) (*N.J.A.C. 6A:30*), and the [Memorandum of Agreement Between Education and Law Enforcement Officials](#). School officials should be aware that certain HIB acts may also rise to the level of a criminal offense if they constitute bias intimidation, hazing, and cyber-harassment or if

they violate another provision of the Code of Criminal Justice, such as those addressing assault, harassment, threats, robbery, and sexual offenses.

See Appendix A for a list of factors to take into consideration when determining consequences and remedial actions as well as a list of example consequences and remedial actions.

Reporting HIB

Statutory Requirements (amended January 2022)

The policy shall include a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report (*N.J.S.A. 18A:37-15(b)(5)*).

Regulatory Requirement

The procedure shall make clear that an act of harassment, intimidation or bullying can be committed by an adult or a youth against a student (*N.J.A.C. 6A:16-7.7(a)2viii*).

Regulatory Requirement

The procedure must also stipulate that the school district official shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation or bullying incident and when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense (*N.J.A.C. 6A:16-7.7(a)2viii(2)*).

Minimum Model Policy Language

The district board of education requires the principal at each school to be responsible for receiving all complaints alleging HIB committed by an adult or youth against a student. All board of education members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of HIB 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 of education members, school employees, and contracted service providers who have contact with students, also shall submit a report in writing to the school principal within two school days of the verbal report. The written report shall be completed on the HIB 338 Form and submitted to the principal. The HIB 338 Form shall be kept on file at the school but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal law.

The principal is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. When providing notification to the parents of all students involved, the principal shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or

perceived category motivating the alleged offense. The principal shall keep a written record of the date, time, and manner of notification to parents.

Students, parents, and visitors are encouraged to report alleged acts of HIB to the principal on the same day when the individual witnessed or received reliable information regarding any such incident. The school district shall provide a person an online means to complete the HIB 338 Form issued by the Department to anonymously report an act of HIB. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report.

A member of a board of education or a school employee who promptly reports an incident of HIB and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The principal shall promptly submit a copy of each completed official form to the chief school administrator.

Issues for Consideration in Local Policy Development

The regulations stipulate that an act of HIB can be committed by an adult against a student; however, although a student, parent, staff member or other individual may commit HIB against an adult, an adult cannot be a victim of HIB under the ABR. When developing procedures for reporting and investigating, district boards of education should determine how to address allegations against adults.

The goal of a reporting procedure is to facilitate the identification, investigation and response to alleged violations of HIB by making the reporting process prompt, simple and non-threatening. The district should consider every mechanism available to make staff and parents aware of how to easily access and submit the HIB 338 Form. While a school district's policy may include the requirement to obtain written information about an allegation from parents or students, the district may not fail to initiate an investigation of HIB solely because written documentation was not provided to them. Failing to conduct an HIB investigation solely because a parent or student did not submit written documentation may violate the ABR's requirement that the district's policy includes a procedure for prompt investigation of reports of violations and complaints. If a parent makes a verbal allegation of HIB to a district staff member, the staff member or a designee must complete and submit the HIB 338 Form.

For anonymous reporting, in addition to making the HIB 338 Form available online, schools should consider locked boxes located in areas of the school where reports can be submitted without fear of being observed.

The district should consider establishing procedures and disciplinary action for a school administrator who receives a report of HIB or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of *N.J.S.A. 18A:37-14* and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB. The district also should consider procedures and disciplinary action

when it is found that someone had information regarding an HIB incident, but did not make the required report(s).

It is essential that schools take into account the circumstances surrounding an allegation of HIB when conducting an investigation and notifying parents. The conditions surrounding an incident of HIB may be sensitive and may create implications for students involved. For example, it may be harmful if a student's sexual orientation or gender identity or expression was revealed to others during the course of an HIB investigation (i.e. school staff, peers, parents). Furthermore, any distinguishing characteristic that motivated HIB might be embarrassing or stigmatizing for the targeted student (e.g., LGBT status, disability, social weakness), and other circumstances may also cause negative implications for students (i.e. disputes related to religion or relationships). It is important that school staff respond considerately to all HIB incidents, provide appropriate supports for all students, and avoid implementing HIB procedures in ways that would stigmatize, embarrass, and reveal private or sensitive information about, or cause collateral risk to, a student who is an alleged target of HIB.

School districts may consider detailing procedures for the ways school staff convey information to parents during the course of an investigation in order to protect students. For example, a district may add a step, at the beginning of an HIB investigation, in which the anti-bullying specialist may ask the targeted student if the district should be made aware of any possible issues that may arise when interviewing other students and when notifying parents that the student would like to share. If so, the ABS should request permission to relay this information to the staff member responsible for providing parental notification, in order to help protect the student. As another example, districts may offer the alleged targeted student the option of being present when notifications are made to parents by phone.

Pursuant to the ABR, the principal must notify parents of all students involved in the alleged incident. However, a school district is not required to reveal personal information about the targeted student, such as a student's actual sexual orientation, gender identity or gender expression as part of the parental notice nor is a district required to reveal information about perceived distinguishing characteristics. To protect students, school district staff should only convey the facts regarding the alleged conduct (i.e. name calling) when communicating with parents, and advise the parents that the district is not concerned with nor will decide whether the basis for the conduct is true or not but is only reporting what occurred and investigating if it meets the legal definition of HIB under the ABR.

Districts are encouraged to seek additional information on the ways in which required reporting and investigation procedures might be implemented to avoid collateral risk to students involved in allegations of HIB, and to provide staff training on concerns related to the sensitivity of information about a student's sexual orientation, gender identity, or gender expression.

School districts may also wish to consider outlining the different types of support available for students who are involved in an HIB investigation (i.e. speaking with a trusted adult).

Investigating Allegations of HIB

Statutory Requirements (amended January 2022)

The policy shall include a procedure for prompt investigation of reports of violations and complaints (*N.J.S.A. 18A:37-15(b)(6)* and *N.J.S.A. 18A:37-16(d)*).

Statutory Requirements (amended January 2022)

The principal shall report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and the superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent shall notify the principal of this determination in writing (*N.J.S.A. 18A:37-15(b)(5)*).

Regulatory Requirements

The procedure shall also include a process by which the district board of education will investigate a complaint or report of harassment, intimidation or bullying, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities (APSSD). The investigation conducted by the district board of education's anti-bullying specialist shall be in consultation with the APSSD (*N.J.A.C. 6A:16-7.7(a)2ix(2)* and *a2ix(2)(A)*).³

Regulatory Requirement

Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation (*N.J.A.C. 6A:16-7.7(a)2ix(4)*).

Regulatory Requirements

Any request by the parents or guardians for a hearing before the district board of education concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to *N.J.S.A. 18A:37-15(b)(6)(d)*, shall be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 business days of receipt of the request (*N.J.A.C. 6A:16-7.7(a)xi(1)* and *7.7(a)xi(2)*).

³ Incidents beginning at or occurring on the grounds of APSSDs shall be investigated according to the provisions of *N.J.A.C. 6A:16-7.8*.

Optional Provision

(see Minimum Model Policy Language Option 2)

The district board of education may choose to adopt the rules at *N.J.A.C. 6A:16-7.7(a)ix(1)* and (a)ix(1)(A). If the district board of education chooses to adopt these rules, the procedure set forth in the district board of education policy may include a process prior to initiating an investigation by which the principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, is a report within the scope of *N.J.S.A. 18A:37-14*. If a preliminary determination finds the incident or complaint is a report outside the scope of *N.J.S.A. 18A:37-14*, the determination may be appealed to the district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner (*N.J.A.C. 6A:16-7.7(a)ix(1)* and (a)ix(1)(A)).

Minimum Model Policy Language—Option 1

The district board of education requires a thorough and complete investigation to be conducted for each report of an alleged incident of HIB. All details of an alleged incident must be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

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 appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

The investigation shall be completed, and the written findings submitted to the principal as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of HIB or from the date of the written notification from the chief school administrator to the principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the 10-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 student conduct, as appropriate, based on the investigation findings. The principal shall submit the report to the chief school administrator 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

chief school administrator shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce HIB and enhance school climate, or take or recommend other appropriate action, including seeking further information as necessary.

The chief school administrator shall report the results of each investigation to the board of education no later than the date of the regularly scheduled board of education meeting following the completion of the investigation. The chief school administrator's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established, or other action taken or recommended by the chief school administrator.

Parents of the students 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 includes the nature of the investigation, whether the district found evidence of HIB, or whether consequences were imposed or services provided to address the incident of HIB. This information shall be provided in writing within five school days after the results of the investigation are reported to the board of education. The school district may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents or guardians being notified.

A parent or guardian may request a hearing before the board of education after receiving the information. Any request by the parents or guardians for a hearing before the district board of education concerning the written information about an HIB investigation, pursuant to *N.J.S.A. 18A:37-15b(6)(d)*, must be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 business days of the request. Prior to the hearing, the chief school administrator shall confidentially share a redacted copy of the official investigation form that removes all student identification information with the board of education. The board of education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (*N.J.S.A. 10:4-1 et seq.*), to protect the confidentiality of the students. At the hearing, the board of education may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled board of education meeting following its receipt of the report or following a hearing in executive session, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board of education's decision may be appealed to the Commissioner of Education, in accordance with [*N.J.A.C. 6A:3*](#), no later than 90 days after the issuance of the board of education's decision.

A school administrator who receives a report of HIB, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of *N.J.S.A. 18A:37-14* and

fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

The district board of education also requires the thorough investigation of complaints or reports of HIB, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the district board of education's anti-bullying specialist in consultation with the approved private school for students with disabilities.

Minimum Model Policy Language—Option 2

Prior to initiating an investigation regarding a reported incident or complaint, the principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, is a report within the scope of *N.J.S.A. 18A:37-14*.

Should the principal, or his or designee, in consultation with the anti-bullying specialist determine that a reported incident or complaint, assuming all facts presented are true, is not a report within the scope of *N.J.S.A. 18A:37-14*, the incident will be addressed through the district board of education's code of student conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of HIB because the reported incident or complaint is a report outside the scope of the definition of HIB, and must be submitted to the chief school administrator. The principal will provide the parents of the alleged offender(s) and victim(s) with formal notice of the decision not to initiate an HIB investigation.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The chief school administrator may require the principal to conduct an HIB investigation of the incident if the chief school administrator determines that the incident is within the scope of HIB and shall notify the principal of this determination in writing. Should the chief school administrator require the principal to conduct an HIB investigation, the school principal will immediately initiate an investigation of HIB by referring the matter to the school anti-bullying specialist.

Additionally, any preliminary determination that finds the incident or complaint is a report outside the scope of *N.J.S.A. 18A:37-14* may be appealed to the district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner (*N.J.A.C. 6A:16-7.7(a)ix(1)* and *(a)ix(1)(A)*). Should the preliminary determination not to conduct an investigation of HIB be overturned, the school principal will immediately initiate an investigation of HIB by referring the matter to the school anti-bullying specialist.

The district board of education requires a thorough and complete investigation to be conducted for each reported incident or complaint, assuming all facts presented are true, that is determined to be a

report within the scope of *N.J.S.A. 18A:37-14*. 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 appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

The investigation shall be completed, and the written findings submitted to the principal as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of HIB or 10 school days from the date of the written notification from the chief school administrator to the principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the 10-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 student conduct, as appropriate, based on the investigation findings. The principal shall submit the report to the chief school administrator 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 chief school administrator shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce HIB and enhance school climate, or take or recommend other appropriate action, including seeking further information as necessary.

The chief school administrator shall report the results of each investigation to the board of education no later than the date of the regularly scheduled board of education meeting following the completion of the investigation. The chief school administrator's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the chief school administrator.

Parents of the students 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 includes the nature of the investigation, whether the district found evidence of HIB, or whether consequences were imposed or services provided to address the incident of HIB. This information shall be provided in writing within five school days after the results of the investigation are reported to the board of education.

A parent or guardian may request a hearing before the board of education after receiving the information. Any request by the parents or guardians for a hearing before the district board of education concerning the written information about a HIB investigation, pursuant to *N.J.S.A. 18A:37-15(b)(6)(d)*, must be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within

10 business days of the request. Prior to the hearing, the chief school administrator shall confidentially share a redacted copy of the official investigation form that removes all student identification information with the board of education. The board of education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (*N.J.S.A. 10:4-1 et seq.*), to protect the confidentiality of the students. At the hearing, the board of education may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled board of education meeting following its receipt of the report or following a hearing in executive session, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board of education's decision may be appealed to the Commissioner of Education, in accordance with [*N.J.A.C. 6A:3*](#), no later than 90 days after the issuance of the board of education's decision.

A school administrator who receives a report of HIB and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

The district board of education also requires the thorough investigation of complaints or reports of HIB, occurring on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the district board of education's anti-bullying specialist in consultation with the approved private school for students with disabilities.

Issues for Consideration in Local Policy Development for Options 1 and 2

Options 1 and 2

The school district is encouraged to use existing policies and procedures, including those used to investigate allegations of violations of the district board of education's code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*, as appropriate, to supplement the investigation procedures prescribed in the ABR and *N.J.A.C. 6A:16-7.7*. The school district is encouraged to establish record keeping policies and procedures that create a defensible record which demonstrates the district's efforts to remediate and reduce incidents of HIB, and that facilitate the evaluation of the district's efforts to reduce incidents of HIB. The school district also is encouraged to ensure that its investigation procedures support the provision of consistent, timely assistance to individuals who raise concerns about HIB, the promotion of a quick resolution of HIB behavior, the implementation of policies and practices that fulfill statutory and regulatory requirements, and student safety and well-being.

Since investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation, district procedures should outline who will conduct these investigations.

Districts may also wish to state in their policies whether the anti-bullying specialist may participate in an investigation regarding his or her supervisor or staff at a higher administrative level, or to establish procedures to determine on a case-by-case basis whether such participation is appropriate or advisable.

District boards of education are responsible for investigating complaints of HIB that occur on district board of education school buses, at district board of education school-sponsored functions, and off school grounds involving a student who attends an APSSD.⁴ It is critical that the district anti-bullying specialist and staff at the APSSD work together to ensure the safety of all students and conduct the investigation. District boards of education should determine the procedures for these occurrences and how they will fulfill the requirement that the investigation be conducted “in consultation” with the APSSD. For example, district boards of education may want to require appropriate personnel from APSSDs to be present when the district anti-bullying specialist is conducting an investigation or to participate in the questioning of students. When questions exist as to the location where the alleged HIB occurred, the district board of education and APSSD may want to consider conducting a joint investigation.

Only Option 2

Should a district choose to include the rules at *N.J.A.C. 6A:16-7.7(a)ix(1)* and *(a)ix(1)(A)* (Option 2 above) in the district board of education’s policy, the district should determine the procedures for this process. The district may find it helpful to require the principal or designee, in consultation with the anti-bullying specialist, to utilize an assessment checklist to evaluate whether a report or complaint is within the scope of *N.J.S.A. 18A:37-14*. In addition to completing the HIB 338 Form, the principal may want to record any initial allegations prior to making a decision as to whether or not to initiate an investigation of HIB and record the principal’s determination for each allegation.

Please note that the regulation pertaining to preliminary investigations does not modify the statutory requirement that an investigation be initiated within one school day of the report of the incident. Accordingly, district boards of education may wish to consider including provisions to fulfill this requirement in the section of their policy establishing the preliminary determination process.

District boards of education may find it helpful to review and revise (as necessary) their policies and procedures governing pupil grievances. The new rule at *N.J.A.C. 6A:7.7(a)2ix(1)(A)* does not alter current rules regarding pupil grievances, nor does it require that a parent’s appeal of the principal’s preliminary determination go directly to the district board of education. For example, a district board of education’s policy regarding pupil grievances may direct the appeal first to the chief school

⁴ Incidents of HIB that occur on APSSD school grounds, pursuant to *N.J.A.C. 6A:16-7.8(a)1*, are the responsibility of the APSSD.

administrator for consideration and then to the district board of education. Should the chief school administrator or district board of education overturn the principal's determination, the school principal would be required to immediately initiate an investigation of HIB by referring the matter to the school anti-bullying specialist.

Responding to HIB

Statutory Requirements

The policy shall contain the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner (*N.J.S.A. 18A:37-15(b)(7)*).

The policy shall include provisions for appropriate responses to harassment, intimidation, or bullying, pursuant to *N.J.S.A. 18A:37-14* that occurs off school grounds, in cases in which a school employee is made aware of such actions. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*, and other provisions of the board of education's policy on harassment, intimidation, or bullying (*N.J.S.A. 18A:37-15.3*).

Minimum Model Policy Language

The district board of education authorizes the principal of each school to define the range of ways in which school staff will respond once an incident of HIB is confirmed, and the chief school administrator shall respond to confirmed HIB, according to the parameters described below and in this policy. The district board of education recognizes that some acts of HIB may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of HIB that they require a response either at the classroom, school building or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of HIB 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 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, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based HIB 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

student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged HIB occurring off school grounds.

Issues for Consideration in Local Policy Development

For every incident of HIB, the school officials must respond appropriately to the individual who committed the act. The district board of education is encouraged to set the parameters for the range of responses to be established by the principal and for the chief school administrator to follow. The range of responses to confirmed HIB acts should include individual, classroom, school or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each these categories are provided below:

1. Individual Responses

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, expulsion, law enforcement report or other legal action).

2. Classroom Responses

Classroom responses can include class discussions about an incident of HIB, 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

School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior.

4. District-wide Responses

District-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 district board of education's code of student conduct, per N.J.A.C. 6A:16-7.1(a)2.

In providing support for victims of HIB, the district should identify a range of strategies and resources, which may include, but is not 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.

In all instances, the district should respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. For example, while well-intentioned, **mediation is an inappropriate strategy** because it is designed to help resolve conflict; however, HIB is not a conflict, and it may be a form of abuse. As a result, the use of mediation to address HIB only serves to further victimize the target of the HIB, rather than provide relief from HIB for the victim. In terms of prevention, systemic social and emotional learning skills training provided to all students or a data-driven school climate improvement process are examples of a school or a school district-wide response for addressing victimization.

The school district is reminded that the required [*Memorandum of Agreement Between Education and Law Enforcement Officials*](#) (*N.J.A.C. 6A:16-6.2(b)13*) defines the conditions under which school officials are required to report suspected bias-related acts to law enforcement authorities. Some acts of HIB may be bias-related acts and potentially bias crimes. Additionally, all incidents of HIB, including related offender and victim information, must be reported in the Department's [*Student Safety Data System*](#), pursuant to *N.J.S.A. 18A:17-46* and *N.J.A.C. 6A:16-5.3*.

School districts are responsible for addressing HIB that occurs off school grounds when a school employee is made aware of the HIB, and the HIB substantially disrupts or interferes with the orderly operation of the school or the rights of other students. The responses to HIB that occurs off school grounds shall be consistent with the board of education's code of student conduct, and with other provisions of the board of education's HIB policy.

Reprisal and Retaliation

Statutory Requirements

The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation (*N.J.S.A. 18A:37-15(b)(8)*).

A member of a board of education, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying (*N.J.S.A. 18A:37-16(a)*).

Minimum Model Policy Language

The district board of education prohibits a board of education member, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, or any other person who has reliable information about an act of HIB or who reports an act of HIB. 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 district policies and procedures.

Issues for Consideration in Local Policy Development

Acts of reprisal or retaliation can have a chilling effect on a school environment and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain a school culture that supports the norm that all suspected acts of reprisal or retaliation are taken seriously, and appropriate responses are made in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence and abuse that this policy is intended to prevent.

False Accusations of HIB

Statutory Requirement

The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation or bullying (*N.J.S.A. 18A:37-15(b)(9)*).

Minimum Model Policy Language

The district board of education prohibits any person from falsely accusing another as a means of HIB.

The district board of education should insert, at a minimum, its specific consequences and remedial actions regarding any person found to have falsely accused another as a means of HIB, for:

- 1) **Students:** Consequences and appropriate remedial action for a student could 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:16-7.4, Expulsions;
- 2) **School Employees:** Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures and agreements; and
- 3) **Visitors or Volunteers:** Consequences and appropriate remedial action for a visitor or volunteer 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 building or grounds privileges, or prohibiting contact with students or the provision of student services.

Issues for Consideration in Local Policy Development

The school district is encouraged to consider the totality of the circumstances surrounding individuals who falsely accuse others as a means of HIB. Decisions about consequences and appropriate remedial actions should be consistent with existing case law, Federal and State statutes and regulations and district policies and procedures.

Additional Policy Requirements

Statutory Requirements

The policy shall contain a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions (*N.J.S.A. 18A:37-15(b)(10)*).

The policy shall contain a requirement that a link to the policy be prominently posted on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district (*N.J.S.A. 18A:37-15(b)(11)*).

The policy shall contain a requirement that the contact information for the School Climate State Coordinator be posted on the home page of the school district's website alongside the district's HIB policy (*N.J.S.A. 18A:37-37.3*).

The policy shall contain a requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website (*N.J.S.A. 18A:37-15(b)(12)*).

The policy shall contain a requirement that the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed on the home page of each school's website (*N.J.S.A. 18A:37-15(b)(12)*).

The policy shall require that the school district and each school in the district with a website post on its homepage the current version of the Guidance for Parents on the Anti-Bullying Bill of Rights Act developed by the Department of Education (*N.J.S.A. 18A:37-15(b)(13)*).

The chief school administrator shall ensure that notice of the district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards for schools within the school district, and in any student handbook (*N.J.S.A. 18A:37-15.1(a)*).

The school district shall transmit a copy of the revised harassment, intimidation and bullying policy to the appropriate executive county superintendent of schools within 30 school days of each revision (*N.J.S.A. 18A:37-15(c)*).

The school district shall annually conduct a re-evaluation, reassessment, and review of its policy, and any report(s) and/or finding(s) of the school safety/school climate team. The district board of education shall make any necessary revisions and additions to its policy. The board shall include input

from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review (*N.J.S.A. 18A:37-15(b)(12)* and *N.J.A.C. 6A:16-7.7(e)3*).

The school district shall provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students, and ensure that the training includes 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 (*N.J.S.A. 18A:37-17(b)*).

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students (*N.J.S.A. 18A:37-17(c)*).

The school district shall develop a process for discussing the district's harassment, intimidation or bullying policy with students (*N.J.S.A. 18A:37-17(b)*).

Minimum Model Policy Language

The district board of education requires the chief school administrator to annually disseminate the HIB policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that the policy applies to all acts of HIB, 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 chief school administrator shall post a link to the policy that is prominently displayed on the home page of the school district's website. The chief school administrator shall ensure that notice of the district's policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district.

The chief school administrator shall post the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the school district's website. Additionally, the chief school administrator shall post the contact information for the School Climate State Coordinator on the school district home page alongside the school district's HIB policy.

Each principal shall post the name, school phone number, school address and school email address of the both the school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's website.

The chief school administrator shall post the Department of Education's Guidance for Parents on the *Anti-Bullying Bill of Rights Act* on the district homepage and on the homepage for each school in the district with a website.

The chief school administrator and the principals shall provide training on the school district's HIB policies to school employees, contracted service providers and volunteers who have significant contact

with students. 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, HIB. The school district's employee training program shall include information regarding the school district policy against HIB, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The chief school administrator shall develop and implement a process for annually discussing the school district policy on HIB with students. The chief school administrator and the principals shall annually conduct a re-evaluation, reassessment, and review of the HIB policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to HIB prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

Issues for Consideration in Local Policy Development

The goal of this policy is to foster a safe and disciplined environment that is conducive to learning, where individuals treat one another with civility and respect. To accomplish this goal, the policy must be widely disseminated to inform everyone in the school, particularly those who have contact with students, and the community of its provisions. Districts are required to include a link to the policy that is prominently displayed on the home page of the district's website and include notice of the policy in the district's publications on student conduct. Additionally, a range of options are available to school districts for publicizing the policy, including posting the policy in public buildings or in publications (e.g., newsletters, newspapers, list serves, e-mail), utilization of audio-visual media (e.g., public cable access, radio, public television), mailing copies, requiring all employees, students and parents to sign a written statement indicating that they have received and read the policy and agree to abide by the provisions of the policy, and reviewing the policy at public meetings. While multiple methods for publicizing the policy can increase the chances of public awareness, support and compliance, the school district is encouraged to use the strategies that fit its unique situation.

Acts of HIB can pose serious threats to the physical and emotional safety of victims and warrants swift action. HIB interventions are facilitated when the members of the school community are aware of the appropriate school resources. Posting the contact information for the district anti-bullying coordinator and the school anti-bullying specialist will help school and community members easily identify and seek assistance from these staff for HIB issues.

Similarly, school staff only can be expected to fulfill their obligations in preventing and intervening with HIB when they are adequately trained in the expectations and required procedures under the HIB policy. Existing school staff must receive training at regular intervals, and information on the HIB policy must be included in the school district's employee training program in order to effectively prevent and intervene with HIB.

Engaging students in discussions regarding their responsibilities and expectations increases the chances that they will fulfill their responsibilities and act in accordance with the expectations. Helping

students understand the district's policies and procedures, and the reasons for them, increases the chances that they will act on the procedures, particularly when they understand that the actions will help their friends and classmates, without undue personal consequences, and increase student's sense of responsibility for the school climate and culture.

Just as the characteristics of each student, each class and each school differ, the characteristics of HIB will change from year to year, location to location and student to student. Research on HIB practices will continue to emerge, and the data on the nature of HIB behaviors will continuously change. It is essential that school district and school officials regularly review available HIB data, including for HIB incidents reported on the Student Safety Data System, to assist in assessing the nature of the problem to aid in matching appropriate prevention and intervention responses. Information also should be gathered on the effects of the district's efforts to address HIB, to determine the need for changes to policies and procedures and to institute improvements to prevention and intervention programs and approaches.

Additional Resources

The New Jersey Department of Education maintains webpages dedicated to resources related to [Harassment, Intimidation and Bullying](#); [School Climate](#); and [Social and Emotional Learning](#). School district staff may find these pages to be helpful as they develop, review and revise district policies on HIB. Inclusion of these resources is not an explicit or implied endorsement of the materials or organizations, nor does it signify verification or agreement with the information contained in the materials or the positions or practices of the organizations. These resources are presented only to provide school officials with perspectives, options and contacts to assist with local decision making.

Information on the Law, Regulation and Policy

- [Anti-Bullying Bill of Rights Act \(ABR\)](#)
- [January 2022 Amendments to the ABR](#)
- N.J.A.C. 6A:16, [Programs to Support Student Development](#)

Additional questions may be emailed to the Office of Student Support Services at hib@doe.nj.gov.

Appendix A

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of HIB may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the board of education's approved code of student conduct, pursuant to *N.J.A.C. 6A:16-7.1*. Consequences for a student who commits an act of HIB shall be varied and graded according to the nature of the behavior, the nature of the student's disability, if any and to the extent relevant, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district board of education's approved code of student conduct and *N.J.A.C. 6A:16-7*. 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 HIB.

Factors for Determining Consequences

- Age, disability (if any and to the extent relevant), developmental and maturity levels of the parties involved and their relationship to the school district;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and,
- Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal:

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;

- Academic performance;
- Relationship to peers; and,
- Relationship between student/family and the school district.

Environmental:

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Availability of programs to address student behavior;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and,
- Family situation.

Examples of Consequences and Remedial Measures

The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences:

- Admonishment;
- Temporary removal from the classroom (any removal of .5 days or more must be reported in the [Student Safety Data System](#));
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Expulsion; and,

- Bans from receiving certain services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school “disciplinarian;”
- Student counseling;
- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; and,
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to HIB;
- School culture change and school climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;

- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;
- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and,
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.