



Empowerment Academy's Policy for Prohibiting Harassment, Intimidation and Bullying (HIB) on School Property, at School Sponsored Functions, and on School Buses (Revised September 2022)

Introduction

This document is designed to provide all stakeholders of policies, procedures and programs for the prevention, intervention and remediation of harassment, intimidation and bullying (HIB) behavior at Empowerment Academy, 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.

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

- **Part 1: Background** includes information on the legal context and key points for HIB policies and procedures.
- **Part 2: Policy** includes information about Empowerment Academy's HIB policies and procedures in accordance with federal and New Jersey State law and statutes.
- **Appendix A** includes information pertaining to factors for determining consequences and remedial measures as well as examples.

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. 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: Policy

Prohibiting HIB

Empowerment Academy prohibits harassment, intimidation, or bullying of a student on school grounds or a school bus. (*N.J.S.A. 18A:37-15(b)(1)*).

Empowerment Academy Board of Trustees (“Board”) prohibits acts of HIB of a student. The board 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.

The goal of Empowerment Academy’s HIB Policy is to provide clear communication about how HIB investigations and determinations will be handled, New Jersey state statutes and laws.

Definition of HIB

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.

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*).

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

Student Behavior

Empowerment Academy district 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 Board 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 Board 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 Board expects that students will act in accordance with the student behavioral expectations described below.

The Board will, at minimum, require/implement the following behavioral expectations and standards regarding HIB, including:

- 1) Adherence to the school Code of Conduct (e.g., 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) Exhibit Empowerment Academy's Core Values when making daily decisions;
- 3) Receive appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
- 4) Respect and uphold Student rights; and
- 5) Issue appropriate consequences as well as afford students and families due process for violations of the code of student conduct.

In Empowerment Academy's Family Handbooks (LES and UES/MS), expectations for student conduct is explicitly and well detailed. Each year, we revise our Family Handbooks to ensure that we are remaining abreast of our students' needs and how to meet them.

Since bystander support of HIB can reinforce these behaviors, Empowerment prohibits active and passive support for acts of HIB. As a result, Empowerment Academy will strive to 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.

Consequences and Remedial Actions

When an act of bullying is reported to Empowerment Academy and deemed as such, appropriate consequences and remedial responses will be implemented for all students and staff who commit one or more acts of HIB. The consequences and remedial responses will be consistent with our code of student conduct.

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.

Appropriate consequences and remedial actions will take several factors into consideration according to but not limited to the severity of the offenses, considerate of 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 our code of student conduct and *N.J.A.C. 6A:16-7*.

The principal, in consultation with appropriate school staff, will 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 will 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*.

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.

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.*

Communication and partnership is important to Empowerment Academy. Therefore, we will always actively involve parents in remediation of behavior(s) of concern. In turn, we expect that parents will actively respond to concerns expressed about their student's behavior.

Please note 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

When there is a complaint alleging that HIB has been committed, the designated HIB Coordinator must be noted immediately via verbal communication. The principal at each school must, also be notified of 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 and/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 respective HIB 338 Form and submitted to the HIB Coordinator and 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 HIB Coordinator 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 HIB Coordinator 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 HIB Coordinator 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 and/or HIB Coordinator 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 respective 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 and/or HIB Coordinator shall promptly submit a copy of each completed official form to the chief school administrator.

Investigating Allegations of HIB

In accordance with New Jersey state law, the Board 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 respective 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 and/or HIB Coordinator within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist/coordinator 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 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. Empowerment Academy 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 after receiving the information. Any request by the parents or guardians for a hearing before the Board 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 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 Board 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.

Please note that Empowerment Academy is entitled to question all students involved in the alleged HIB complaint. Neither parent presence nor permission is required during the investigative process.

Responding to HIB

In accordance with New Jersey state law, the Board 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 Board 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.

The range of responses to confirmed HIB acts could 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 Empowerment Academy will 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 Empowerment Academy's code of student conduct, and with other provisions of the HIB policy.

Reprisal and Retaliation

The Board prohibits a board 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.

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 Empowerment Academy 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.

False Accusations of HIB

The Board prohibits any person from falsely accusing another as a means of HIB.

If it is determined that a student, parent/guardian, staff, or other has made a false HIB claim, Empowerment Academy may implement including but not limited to the following:

- 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) **Parent/Guardian, Visitors, 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.

Additional Policy Requirements

In accordance with New Jersey State law, the Board 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.

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.