

TITLE 18A DEFINITION OF HARASSMENT, INTIMIDATION OR BULLYING

“Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is 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 by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in [this statute], that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that

- a. a reasonable person should know, under the circumstances, 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;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

TIMELINE FOR INVESTIGATION OF REPORTS OF HARASSMENT, INTIMIDATION AND BULLYING

based on 2011 Anti-Bullying Bill of Rights Act

School day 1. HIB occurs and/or employee learns of HIB.

Verbal report to be made to principal.

Principal must inform parents/guardians "of all students involved"

By school day 2. Principal must initiate investigation by Anti-Bullying Specialist within one school day of report; may appoint others to assist.

By school day 3. Written report to principal to be made within 2 days of when employee witnessed or received reliable information that a student experienced HIB.

By school day 11. Investigation complete (by 10 school days from written report).

By school day 13. Results of investigation must be given to superintendent within 2 school days of completing investigation. Superintendent may decide to take action (e.g., intervention services, training, discipline, counseling, etc.)

Report to board. Superintendent must report to board of education at next board meeting following completion of investigation.

Report to parent/guardian. District must provide "information about the investigation" to parents/guardians of "students who are parties to the investigation" about investigation and findings within 5 school days after investigation results given to board. Information to include: nature of investigation, whether evidence of HIB was found, whether discipline imposed or services provided to address the HIB

Board hearing. Parent may request confidential hearing before board of education, which must occur within 10 calendar days of request.

Board decision. Board must issue decision, in writing, to affirm, reject or modify superintendent's decision, at next board meeting following receipt of report. Board's decision may be appealed to Commissioner of Education within 90 calendar days.

Civil rights complaint. Parents may file a complaint with the NJ Division on Civil Rights within 180 calendar days of incident, or in state or federal court

ECS investigation. Executive county superintendent shall investigate a complaint of a violation by a school district when the complaint is not adequately addressed on the local level.