



STATE OF NEW JERSEY  
DEPARTMENT OF EDUCATION

# **N.J.A.C. 6A:16**

## **Programs to Support Student Development**

**First Discussion: April 6, 2016**

# Purpose of N.J.A.C. 6A:16

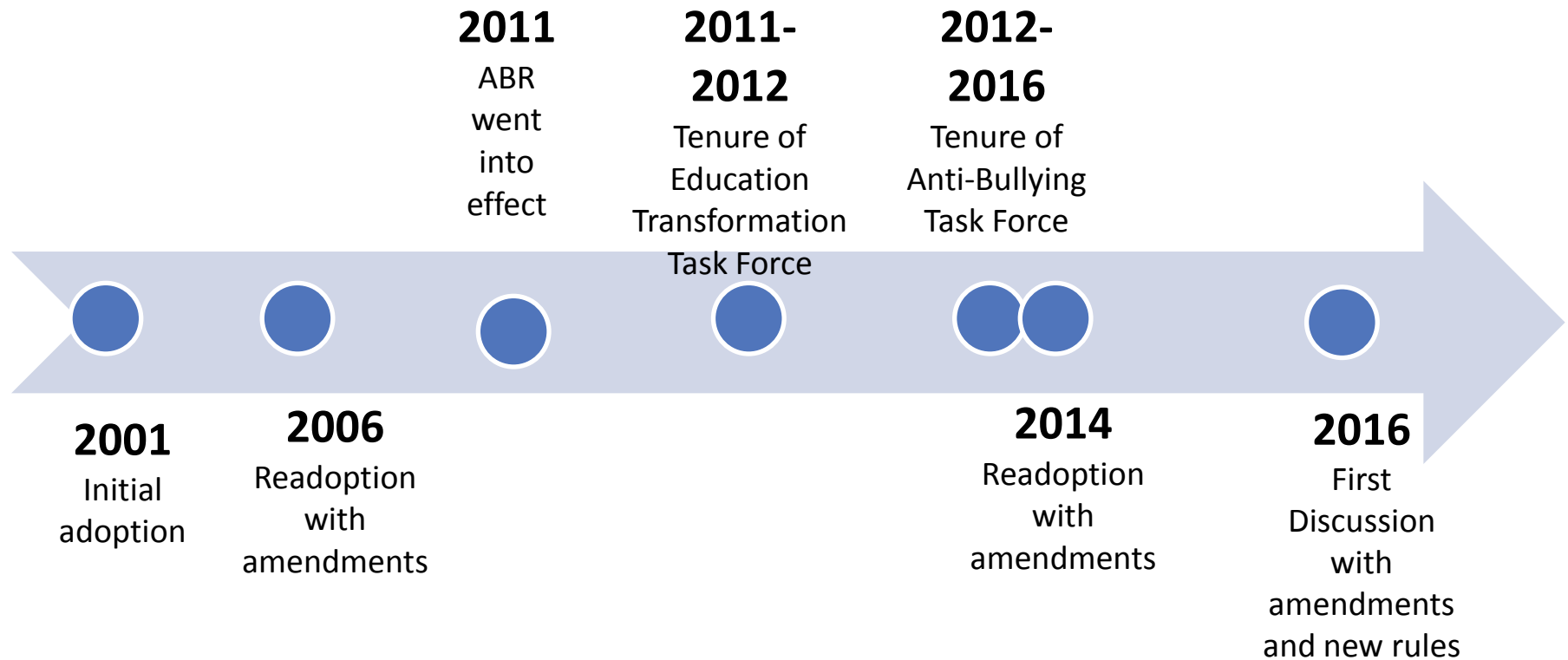
The rules provide minimum standards for programs and practices to support the health, safety and social-emotional needs of students.

## Proposed Amendments

<b>Subchapter 1. General Provisions</b>	<b>Subchapter 7. Student Conduct</b>
6A:16-1.2 Scope	6A:16-7.7 Harassment, intimidation, and bullying
6A:16-1.3 Definitions	6A:16-7.8 (New) Harassment, intimidation, and bullying in approved private schools for students with disabilities (approved PSSDs)

# Historical Context

## N.J.A.C. 6A:16



# Anti-Bullying Task Force (ABTF)

- Established in March 2012 as part of an amendment to the *Anti-Bullying Bill of Rights Act (ABR)* (P.L. 2010, c. 122).
- ABTF was established to:
  - Examine implementation of the ABR;
  - Provide guidance to school districts on resources;
  - Present recommendations;
  - Prepare annual reports; and
  - **Draft model regulations and submit them to the Commissioner of Education for use in promulgating regulations to implement provisions of the Act.**
- Star (★) indicates alignment to ABTF recommendations.

# Purpose of Proposed Rulemaking

- Respond to recommendations from the ABTF;
- Provide clarity regarding implementation of the ABR;
- Specify and clarify the responsibilities of school districts and the approved PSSDs for implementing, developing, and adopting policies to prohibit harassment, intimidation, and bullying on or off school grounds;
- Add new definitions, and;
- Make grammar and stylistic changes.


# Programs to Support Student Development

## **N.J.A.C. 6A:16-1.2 Scope**

- Establishes that the rules of the chapter apply to New Jersey public school districts, including educational services commissions, jointure commissions, charter schools and approved PSSDs.
- Existing code uses “district board of education” to refer to the governing authorities of all covered agencies.
- Adds language to qualify that “district boards of education” does not refer to approved PSSDs in subchapter 7.7 with the proposal of new 7.8.

# N.J.A.C. 6A:16-1.3

## Definitions

New Definitions	Proposed Rules
<b>Electronic Violence and Vandalism Reporting System</b>	The electronic system, or other similar system developed by the Department, used to collect information from school districts to fulfill requirements of N.J.S.A. 18A:17-46 and 48, as amended by P.L. 2010, c. 122.
<b>School safety/school climate team</b>	The team responsible in each school to develop, foster, and maintain a positive school environment by focusing on the on-going systemic process and practices in the school and to address school climate issues. 

# Programs to Support Student Development




## **N.J.A.C. 6A:16-7.7 Harassment, intimidation, and bullying**

- Establishes requirements for district boards of education (BOE) to develop, adopt, and implement policies prohibiting harassment, intimidation, and bullying (HIB) on or off school grounds.





# N.J.A.C. 6A:16-7.7 - HIB

## Amendments to HIB Policy

Proposed Rule	Summary
N.J.A.C. 6A:16-7.7(a)2iii	Add “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)2v and 2vi(1)	Require districts to takes into account “the nature of the student’s disability, if any, and to the extent relevant” when determining the appropriate remedial action and consequences for a student who commits HIB.
N.J.A.C. 6A:16-7.7(a)2viii	Add “committed by an adult or youth against a student” to clarify that all alleged acts of HIB against a student are to be reported. 
N.J.A.C. 6A:16-7.7(a)2ix(1)	Specify the district’s policy may include a process by which the principal, or his/her designee, in consultation with the ABS, makes a preliminary determination as to whether a reported incident or complaint is a report of an act of HIB prior to initiating an investigation. 


# N.J.A.C. 6A:16-7.7 - HIB

## Amendments to HIB Policy

Proposed Rule	Summary
N.J.A.C. 6A:16-7.7(a)2ix(2)	Prohibit the investigation of complaints concerning adult conduct by an individual who is a member of the same bargaining unit as the individual who is subject to the investigation. 
N.J.A.C. 6A:16-7.7(a)2xi, xi(1) and (2)	<p>Add statutory requirement that parents or guardians receive the required written information about the HIB investigation “within five school days” after the results are reported to the board.</p> <p>Establish that parents or guardians requesting a hearing before the district BOE must do so within 45 calendar days after receiving the written information about the investigation.</p> <p>Add statutory requirement that the BOE must hold a hearing within 10 business days of the request. </p>




# N.J.A.C. 6A:16-7.7 – HIB

## Amendments for Clarification

Proposed Rule	Summary
N.J.A.C. 6A:16-7.7(d)	Remove “school district employee” thereby requiring a school administrator to initiate or conduct investigations upon reports of HIB from any individual or may be subject to disciplinary action.
N.J.A.C. 6A:16-7.7(e)3	Include “any report(s) and/or findings of the school safety/school climate team(s)” in the district BOE’s required annual re-evaluation, reassessment, and review of its HIB policy. 
N.J.A.C. 6A:16-7.7(e)3i and (e)4i	Include “law enforcement” in the planning of programs or other responses to the annual review of the HIB policy and in the planning of programs, approaches, and initiatives designed to create school wide conditions to prevent HIB.
N.J.A.C. 6A:16-7.7(e)5	Include requirement that when a district BOE revises its HIB policy, a copy must be submitted to the executive county superintendent within 30 days.

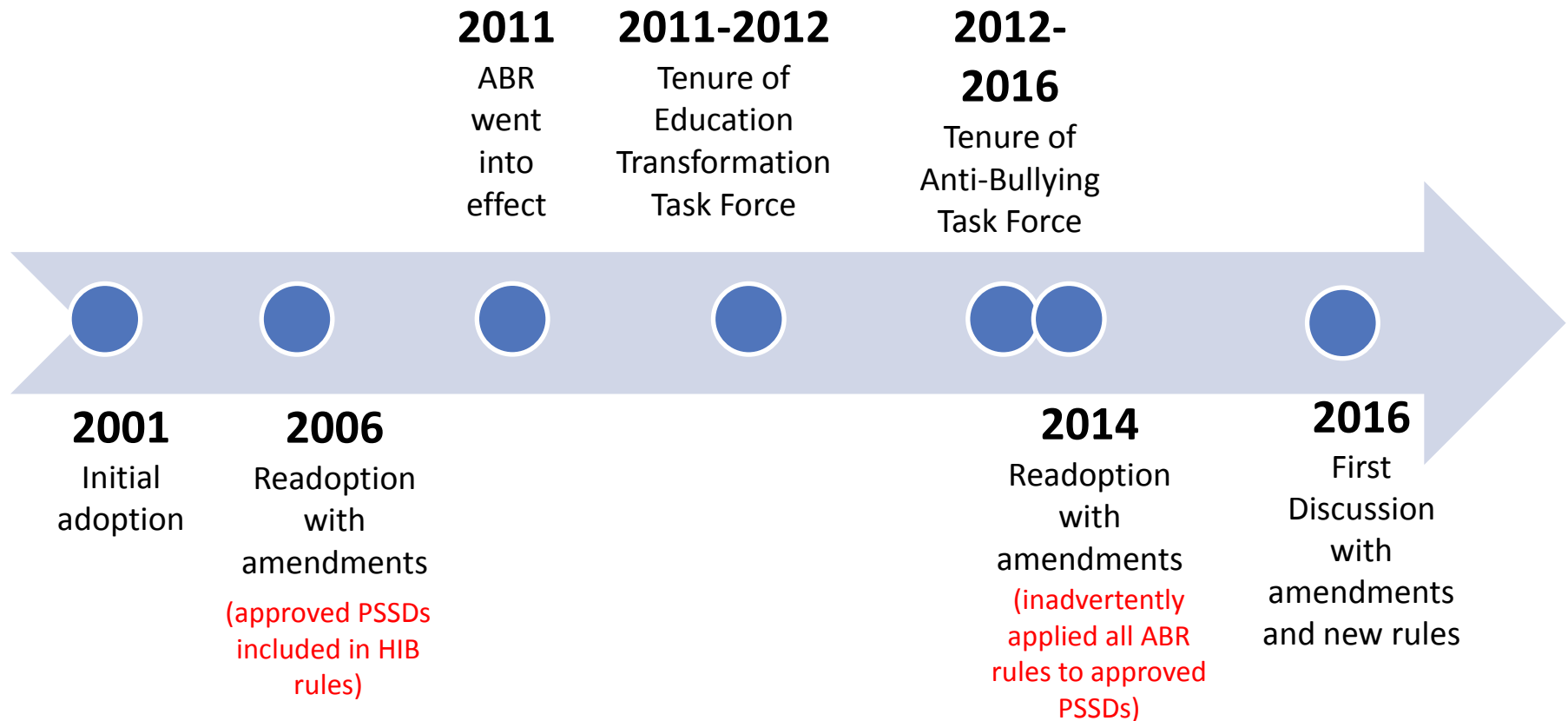
# N.J.A.C. 6A:16-7.7 – HIB

## Amendments to School Safety Team

Proposed Rule	Summary
N.J.A.C. 6A:16-7.7(h)	Replace the name of the school safety team with “school safety/school climate team” to reflect its intended role. 
N.J.A.C. 6A:16-7.7(h)1	Specify that the school safety/school climate team consist of the principal or his or her designee and the following members appointed by the principal: a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. Also, require the team shall be chaired by the school anti-bullying specialist. 
N.J.A.C. 6A:16-7.7(h)1i and ii	Add rule to specify that parent and other members of the school safety/school climate team, who are not authorized to access student records, are limited to general school climate issues and prohibit them from participating in activities that could compromise student confidentiality. 

# Historical Context

## N.J.A.C. 6A:16



# N.J.A.C. 6A:16-7.8

## Harassment, intimidation, and bullying (HIB) in approved PSSDs

### Proposed New Subchapter

N.J.A.C. 6A:16-7.8 Harassment, intimidation, and bullying in approved private schools for students with disabilities (approved PSSDs)

- Adds new rules to clearly delineate the ABR requirements that apply to approved PSSDs.

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Major Differences

N.J.A.C. 6A:16-7.7	N.J.A.C. 6A:16-7.8
References the ABR. (N.J.S.A. 18A:37-13 et. seq.)	No reference to the ABR.
Uses the term “district board of education.”	Uses the term “approved PSSDs.”
Uses the term “principal.”	Uses the term “full-time non-teaching principal.”

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## HIB Policy Requirements

Proposed Rule	Summary
N.J.A.C. 6A:16-7.8(a)1	<p>Requires the development, adoption and implementation of HIB policy on school grounds</p> <ul style="list-style-type: none"><li>• <b>Differentiation for approved PSSDs:</b><ul style="list-style-type: none"><li>– Policy does not include sending district board of education school-sponsored functions and school buses.</li><li>– Sending district remains responsible for incidents occurring off school grounds.</li></ul></li></ul>
N.J.A.C. 6A:16-7.8(a)2	<p>Requires HIB policy developed in consultation with parents, community members, school employees, school volunteers, students, and school administrators.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for approved PSSDs:</b><ul style="list-style-type: none"><li>– Provides flexibility by allowing approved PSSDs to decide appropriateness of including school volunteers and students in this process.</li></ul></li></ul>



# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Investigation Procedures

### N.J.A.C. 6A:16-7.8(a)3ix(1)

Full-time non-teaching **principal initiates the investigation** within one school day of the incident report.

Investigation **conducted by anti-bullying specialist.**

Investigation must be **completed within 10 school days.**

### N.J.A.C. 6A:16-7.8(a)3ix(2)

Anti-bullying specialist **reports results of investigation to full-time non-teaching principal.**

Must be done **within 2 school days** of the completion of the investigation.

### N.J.A.C. 6A:16-7.8(a)3ix(3)

Full-time non-teaching principal **may provide intervention services and establish training programs.**

In conjunction with sending district board of education, full-time non-teaching principal **may impose discipline, order counseling, or take other action.**

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Investigation Procedures

### N.J.A.C. 6A:16-7.8(a)3ix(4)

Full-time non-teaching principal must **report to sending district board of education the results of each investigation found to be HIB.**

Must be sent **within five school days** of investigation's completion.

Information on **services provided, training, discipline, or other action** must also be sent.

### N.J.A.C. 6A:16-7.8(a)3ix(5)

Full-time non-teaching principal must **provide parents or guardians** of students who are parties to HIB investigation with **information.**

Must be provided **within five school days** of the completion of the investigation.

### N.J.A.C. 6A:16-7.8(a)3ix(6)

Full-time non-teaching principal may be subject to **disciplinary action** if he or she **fails to act on report of HIB.**

Parents, adult students, school officials, and employees have **right to file a complaint** with the Department's **Office of Controversies and Disputes.**

### N.J.A.C. 6A:16-7.8(a)3ix(7)

Permits an **optional** statement in policy regarding **principal's authority.**

Full-time non-teaching principal, in consultation with the ABS, **may make a preliminary determination** whether reported incident is a report of an act of HIB **prior to initiating an investigation.**

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Policy Requirements

Proposed Rule	Summary
N.J.A.C. 6A:16-7.8(a)3x	<p>The principal and anti-bullying specialist must define the range of ways in which a school will respond once an incident of HIB is identified.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for Approved PSSDs:</b><ul style="list-style-type: none"><li>– The responses, including counseling, support services, intervention services, and other programs, must occur in consultation and conjunction with the sending district board of education.</li><li>– Services and programs must align with a student’s individualized education program.</li></ul></li></ul>

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Policy Requirements

Proposed Rule	Summary
N.J.A.C. 6A:16-7.8(a)3xi and xi(1)	<p>Allows parents or guardians of students to request a hearing concerning the information received about an HIB investigation. The request must be filed within 45 calendar days and the hearing must be held within 10 school days of the request.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for Approved PSSDs:</b><ul style="list-style-type: none"><li>– Hearing is held before the sending district board of education.</li></ul></li></ul>
N.J.A.C. 6A:16-7.8(a)3xiii	<p>Include consequences and appropriate remedial action for a student who falsely accuses another as a means of retaliation or HIB.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for Approved PSSDs:</b><ul style="list-style-type: none"><li>– Must be done in consultation and conjunction with sending district board of education.</li></ul></li></ul>

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

Proposed Rule	Summary
N.J.A.C. 6A:16-7.8(c)3i and 4i	<p>Consult with parents, community members, school employees, law enforcement, school administrators, school volunteers and students in the planning of programs, approaches, and initiatives designed to create schoolwide conditions to prevent HIB.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for Approved PSSDs:</b><ul style="list-style-type: none"><li>– Provide flexibility by allowing approved PSSDs to decide appropriateness of including school volunteers and students in this process.</li></ul></li></ul>
N.J.A.C. 6A:16-7.8(c)5	<p>Submit a copy of the HIB policy to the executive county superintendent.</p> <ul style="list-style-type: none"><li>• <b>Differentiation for Approved PSSDs:</b><ul style="list-style-type: none"><li>– Must be submitted in the first school year following the effective date of the amendments to the rules within 30 days of addition or revision.</li></ul></li></ul>

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Rules in N.J.A.C. 6A:16-7.7 Excluded in 7.8

Rule in N.J.A.C. 6A:16-7	Summary and Justification
N.J.A.C. 6A:16-7.7(a)2ix(2)	<p>Specifies who may investigate complaints regarding alleged adult-on-student HIB when the investigator and alleged offender are part of the same bargaining unit.</p> <ul style="list-style-type: none"><li>• <b>Justification for Exclusion:</b> Approved PSSDs are private entities that may or may not have collective bargaining units.</li></ul>
N.J.A.C. 6A:16-7.7(a)2[xv]xvii	<p>Requires the name and contact information for the district's anti-bullying coordinator (ABC) to be posted on the home page of the district's website.</p> <ul style="list-style-type: none"><li>• <b>Justification for Exclusion:</b> N.J.S.A. 18A:37-20.b does not require approved PSSDs to have an ABC and having an ABC may present undue financial burden on approved PSSDs if it is necessary to hire new staff to fulfill this role.</li></ul>

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Rules in N.J.A.C. 6A:16-7.7 Excluded in 7.8

Rule in N.J.A.C. 6A:16-7	Summary and Justification
N.J.A.C. 6A:16-7.7(a)2[xvii]xix and 2xix(1)	<p>Requires appropriate responses to HIB occurring off school grounds when a school employees is made aware of the actions or a school administrator should have known of an incident of HIB.</p> <ul style="list-style-type: none"> <li>• <b>Justification for Exclusion:</b> It is the responsibility of the sending district board of education to respond to reports of HIB that occur off school grounds.</li> </ul>
N.J.A.C. 6A:16-7.7(b)	<p>A district board of education cannot be prohibited from adopting an HIB policy that includes components more stringent than N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7(a)2.</p> <ul style="list-style-type: none"> <li>• <b>Justification for Exclusion:</b> Approved PSSDs are not required to have a governing body and therefore cannot be subject to a rule that governs district boards of education.</li> </ul>

# N.J.A.C. 6A:16-7.8 - HIB in approved PSSDs

## Rules in N.J.A.C. 6A:16-7.7 Excluded in 7.8

Rule in N.J.A.C. 6A:16-7	Summary and Justification
N.J.A.C. 6A:16-7.7(c)1	<p>Provides immunity to the district board of education member or school employee who reports an incident of HIB from cause of action for damages arising from a failure to remedy the reported incident.</p> <ul style="list-style-type: none"><li>• <b>Justification for Exclusion:</b> Department does not have authority to include immunity provision for an employee of an approved PSSD.</li></ul>