

**NEW JERSEY ADMINISTRATIVE CODE**  
**CHAPTER 16**  
**PROGRAMS TO SUPPORT STUDENT DEVELOPMENT**

**6A:16-7.9 Intimidation, harassment and bullying**

- (a) Each district board of education shall develop, adopt and implement a policy prohibiting harassment, intimidation or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15.
1. Each district board of education shall develop the policy in consultation with parents and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees,
  2. A district board of education shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components:
    - i. A statement prohibiting harassment, intimidation or bullying of a student;
    - ii. A definition of harassment, intimidation or bullying no less inclusive than that set forth in the definition at N.J.S.A. 18A:37-14 and N.J.A.C. 6A:16-1.3;
    - iii. A description of the type of behavior expected from each student;
    - iv. Appropriate remedial action for a student who commits an act of harassment, intimidation or bullying that takes into account the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance and that may include the following:
      - (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
      - (2) Supportive interventions and referral services, including those at N.J.A.C. 6A: 16-8;
    - v. Consequences for a student who commits an act of harassment, intimidation or bullying that is:
      - (1) Varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance; and
      - (2) Consistent with the provisions of N.J.A.C. 6A:16-7, as appropriate;
    - vi. Appropriate consequences and remedial action for any staff member who commits an act of harassment, intimidation or bullying;
    - vii. A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report anonymously an act of harassment, intimidation or bullying;
      - (1) The district board of education shall not take formal disciplinary action based solely on the anonymous report;
    - viii. A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;
      - (1) Reports and complaints include, but are not limited to, oral reports, written reports or electronic reports;
    - ix. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified.

- (1) The responses, at a minimum, shall include support for victims of harassment, intimidation or bullying and corrective actions for documented systemic problems related to harassment, intimidation or bullying;
  - x. A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.
    - (1) The statement shall include the consequence(s) and appropriate remedial action(s) for a person who engages in reprisal or retaliation;
  - xi. Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and
  - xii. A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.
    - (1) Notice of the district board of education's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of student conduct, pursuant to N.J.A.C. 6A:16-7.1, for schools within the school district.
- (b) A 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.
- (c) A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the district board of education's policy, pursuant to N.J.S.A. 18A:37-15 and (a) above.
1. A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the district board of education's policy, and who makes this report in compliance with the procedures set forth in the district board of education's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16(4)c.
- (d) The district board of education shall:
1. Annually review the training needs of school district staff for the effective implementation of the harassment, intimidation and bullying policies, procedures, programs and initiatives of the district board of education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of student conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the district board of education.
    - i. Information regarding the district board of education's policy against harassment, intimidation, or bullying shall be incorporated into the school district's employee training program;

2. Develop a process for annually discussing the school district's harassment, intimidation or bullying policy with students; and
  3. Annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings of the school district and implement locally determined programmatic or other responses, if determined appropriate by the district board of education.
    - i. The programs or other services shall be planned in consultation with parents, students and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students and school administrators, as appropriate.
- (e) These requirements are promulgated pursuant to N.J.S.A. 18A:37-13 through 18 and shall not be interpreted to prevent a victim from seeking redress under any other available law either civil or criminal.