SUBCHAPTER 7. STUDENT CONDUCT

6A:16-7.1 Code of student conduct

(a) Each district board of education shall develop, adopt and implement a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on school buses or at school-sponsored functions, and, as appropriate, for conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.2 through 7.5, 7.8 and 7.9.

1. The code of student conduct shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community.

2. The code of student conduct shall be based on locally determined and accepted core ethical values adopted by the district board of education.

3. The district board of education shall establish a process for the annual review and update of the code of student conduct that provides for:
   i. Parent, student and community involvement which represents, where possible, the composition of the schools and community; and
   ii. Consideration of the findings of the annual reports of student conduct, including suspensions and expulsions, pursuant to (a)5 and 6 below, and the incidences reported under the Electronic Violence and Vandalism Reporting System, in accordance with N.J.A.C. 6A:16-5.3.

4. The code of student conduct shall be disseminated annually to all school staff, students and parents;

5. The chief school administrator shall report annually on the implementation of the code of student conduct to the district board of education at a public meeting. The annual summary shall contain, at a minimum:
   i. A numerical inventory of all violations of the student behavioral expectations in the code of student conduct;
   ii. Associated school responses to the violations of the student behavioral expectations;
   iii. An explanation and evidence of the effectiveness of the code of student conduct. The explanation and evidence, at a minimum, shall address:
      (1) The degree of effectiveness of the school district’s activities in achieving the purposes of the code of student conduct, pursuant to (b) below; and
      (2) The degree of implementation and effectiveness of the implementation of the contents of the code of student conduct, pursuant to (c) below; and
   iv. Any proposed changes to the school district’s current policies, procedures, programs or initiatives, based on the report pursuant to (a)5 above.

6. The chief school administrator shall submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the code of student conduct, pursuant to this section, in accordance with the format prescribed by the Commissioner of
Education and the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e).

7. For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), the code of student conduct shall be implemented in accordance with the components of the applicable plans.

(b) The code of student conduct shall be established to achieve the following purposes:
1. Foster the health, safety and social and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students’ histories of inappropriate behaviors in accordance with 7.2 through 7.5, and 7.6 as appropriate.

(c) The code of student conduct, at a minimum, shall include:
1. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1;
2. A description of the behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2;
3. A description of students’ rights to:
   i. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
   ii. Education that supports students’ development into productive citizens;
   iii. Attendance in safe and secure school environments;
   iv. Attendance at school irrespective of students’ marriage, pregnancy or parenthood;
   v. Due process appeal procedures and policies, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and 7.2 through 7.6;
   vi. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3, 7.2, 7.3 and 7.8; and

4. A description of comprehensive behavioral supports that promote positive student development and the students’ abilities to fulfill the behavioral expectations established by the district board of education, including:
   i. Positive reinforcement for good conduct and academic success;
   ii. Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8;
   iii. Remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the students and the student’s histories of problem behaviors and performance; and
   iv. For students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14;

5. A description of school responses to violations of the behavioral expectations established by the district board of education that, at a minimum, are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students’ histories of inappropriate behaviors that shall:
   i. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
   ii. Be consistent with other responses, pursuant to N.J.A.C. 6A: 16-5.5, N.J.A.C. 6A:16-5.6 and N.J.A.C. 6A:16-5.7 above;
   iii. Provide for the equitable application of the code of student conduct without regard to 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, pursuant to N.J.S.A. 10:5; and
   iv. Be consistent with the provisions of N.J.S.A. 18A:6-1, Corporal punishment of pupils;


7. A policy and procedures regarding intimidation, harassment and bullying in accordance with N.J.S.A. 18A:37-13 et seq. and N.J.A.C. 6A:16-7.9; and

8. A current list of community-based health and social service provider agencies available to support a student and the student’s family, as appropriate, and a list of legal resources available to serve the community.

(d) The code of student conduct shall include the due process procedures and policies for students and their families and shall include the provisions set forth at N.J.A.C. 6A:16-7.2 through 7.6.
A district board of education may deny participation in extracurricular activities, school functions, sports or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.

6A:16-7.2 Short-term suspensions

(a) In each instance of a short-term suspension, a district board of education shall assure the rights of a student suspended for 10 consecutive school days or fewer by providing for the following:

1. As soon as practicable, oral or written notice of charges to the student.
   i. When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided;

2. An informal hearing prior to the suspension in which the student is given the opportunity to present the student’s version of events regarding the student’s actions leading to the short-term suspension and provided notice of the school district’s actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5:
   i. The informal hearing shall be conducted by a school administrator or his or her designee;
   ii. To the extent that a student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student’s educational program and the informal hearing shall be held as soon as practical after the suspension;
   iii. The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
   iv. The informal hearing and the notice given may take place at the same time;

3. Oral or written notification to the student’s parents of the student’s removal from the student’s educational program prior to the end of the school day on which the school administrator makes the decision to suspend the student, which shall include an explanation of:
   i. The specific charges;
   ii. The facts on which the charges are based;
   iii. The provision(s) of the code of student conduct the student is accused of violating;
   iv. The student’s due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3, and 7.2 through 7.6; and
   v. The terms and conditions of the suspension.

4. Appropriate supervision of the student while waiting for the student’s parent to remove the student from school during the school day; and

5. Academic instruction either in school or out of school that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
   i. The instruction shall be provided within five school days of the suspension.
ii. Educational services provided to a student with a disability shall be provided consistent with the student’s Individualized Education Program in accordance with N.J.A.C. 6A:14.

iii. At the completion of a short-term suspension, the district board of education shall return the general education student to the general education program.

(b) The suspending principal shall immediately report the suspension to the chief school administrator, who is required to report it to the district board of education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

(c) For a student with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

6A:16-7.3 Long-term suspensions

(a) In each instance of a long-term suspension, the district board of education shall assure the rights of a student suspended for more than 10 consecutive school days by providing the following:

1. Immediate notification to the student of the charges, prior to the student’s removal from school;

2. An informal hearing prior to the suspension in which the student is given the opportunity to present the student’s version of events regarding the student’s actions leading to the long-term suspension and the school district’s actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;

3. Immediate notification to the student’s parents of the student’s removal from school;

4. Appropriate supervision of the student while waiting for the student’s parents to remove the student from school during the school day;

5. Written notification to the parents by the chief school administrator or his or her designee within two school days of the initiation of the suspension, stating:

i. The specific charges;

ii. The facts on which the charges are based;

iii. The student’s due process rights, pursuant to N.J.A.C. 6A:16-7.3 through 7.6; and

iv. That further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student’s right to a free public education, in the event that a decision to expel the student is made by the district board of education, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.

(1) The district board of education shall request written acknowledgement of the notification of the provisions of (a)4iv above from the parents and the student subsequent to the removal from the student’s educational program, pursuant to this section.

6. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to (a)10 below;
7. A student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations incorporated by reference therein;
8. Information on the right of the student to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
9. Educational services, either in school or out of school, that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
   i. The services shall be provided within five school days of the suspension.
   ii. The district board of education shall make decisions regarding the appropriate educational program and support services for the suspended general education student, at a minimum, based on the following criteria:
      (1) A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate;
      (2) The results of any relevant testing, assessments or evaluations of the student;
      (3) The student’s academic, health and behavioral records;
      (4) The recommendation of the chief school administrator, principal or other relevant school or community resource;
      (5) Considerations of parental input; or
      (6) Consultation with the Intervention and Referral Services team, in accordance with N.J.A.C. 6A:16-8, as appropriate.
   iii. Educational services provided to a student with a disability shall be provided consistent with the student’s Individualized Education Program, in accordance with N.J.A.C. 6A:14;
10. A formal hearing before the district board of education, which, at a minimum, shall:
   i. Be conducted by the district board of education or delegated by the board to a board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
      (1) The district board of education as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action;
   ii. Include the opportunity for the student to:
      (1) Confront and cross-examine witnesses, when there is a question of fact; and
      (2) Present his or her own defense and produce oral testimony or written supporting affidavits.
   iii. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
   iv. Result in a decision by the district board of education, which at a minimum, shall be based on the preponderance of competent and credible evidence;
11. A written statement to the student’s parents of the district board of education’s decision within five school days after the close of the hearing that includes, at a minimum:
i. The charges considered;
ii. A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the district board of education at the hearing;
iii. Factual findings relative to each charge and the district board of education’s determination of each charge;
iv. Identification of the educational services to be provided to the student, pursuant to (a) above;
v. The terms and conditions of the suspension; and
vi. The right to appeal the district board of education’s decision regarding the student’s general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17;

12. Immediate return to the general education program if at any time it is found that the general education student did not commit the offense;

13. For a student with a disability found not to have committed the offense, the student’s program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and

14. At the completion of a long-term suspension, the district board of education shall return the general education student to the general education program.

(b) Any appeal of the district board of education’s decision regarding the general education student’s program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

(c) Suspension of general education students shall not be continued beyond the district board of education’s second regular meeting following the suspension, unless the district board of education so determines, pursuant to N.J.S.A. 18A:37-5.
1. The district board of education shall determine whether to continue the suspension, pursuant to (a) above, based on the following criteria:
i. The nature and severity of the offense;
ii. The district board of education removal decision;
iii. The results of any relevant testing, assessments or evaluations of the student; and
iv. The recommendation of the chief school administrator, principal or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
2. The district board of education shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular board meeting pursuant to N.J.S.A. 18A:37-4 and 5.

(d) When the district board of education votes to continue the suspension of a general education student, the board of education, in consultation with the chief school
administrator, shall review the case at each subsequent district board of education meeting for the purpose of determining:
1. The status of the student’s suspension;
2. The appropriateness of the current educational program for the suspended student; and
3. Whether the suspended student’s current placement, pursuant to (a)9 above, should continue or whether the student should return to the general education program.

(e) When the district board of education votes to continue the suspension of a general education student, the district board of education, in consultation with the chief school administrator, shall make the final determination on:
1. When the student is prepared to return to the general education program;
2. Whether the student shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in (c)1i through iv above; or

(f) The district board of education shall provide a general education student suspended under this section with an appropriate educational program or appropriate educational services, based on the criteria set forth under (a)9ii above, until the student graduates from high school or reaches the age of 20, whichever comes first.
1. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and N.J.A.C. 6A:14-2 and 4.3, whichever is applicable; or
2. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

(g) For a student with a disability who receives a long-term suspension, the district board of education shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student’s educational placement to an interim or alternate educational setting.
1. All procedural protections set forth in N.J.A.C. 6A:14 and this section shall be afforded to each student with a disability who is subjected to a long-term suspension.
2. All decisions concerning the student’s educational program or placement shall be made by the student’s Individualized Education Program team.
3. The provisions of (b) through (f) above shall not apply to students with disabilities.

6A:16-7.4 Mandated student removals from general education

(a) The district board of education shall follow N.J.A.C 6A:16-5.5 for student removals for firearms offenses.

(b) The district board of education shall follow N.J.A.C. 6A:16-5.6 for student removals for assaults with weapons offenses.
(c) The district board of education shall follow N.J.A.C. 6A:16-5.7 for student removals for assaults on district board of education members or employees.

6A:16-7.5 Expulsions

(a) A district board of education may expel, that is discontinue the educational services or discontinue payment of educational services for, a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the district board of education has provided the following:

1. The procedural due process rights set forth at N.J.A.C. 6A:16-7.3 and 7.4, subsequent to a long-term suspension, pursuant to N.J.A.C. 6A:16-7.3; and
2. An appropriate educational program or appropriate educational services, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f).
   i. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14; whichever are applicable; or
   ii. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

(b) Any appeal of the district board of education’s decision regarding the cessation of the student’s general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

1. A district board of education shall continue to provide an appropriate educational program or appropriate educational services, in accordance with N.J.A.C. 6A:16-7.5(a)2, until a final determination has been made on the appeal of the district board of education’s action to expel a student.

(c) An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14.

6A:16-7.6 Conduct away from school grounds

(a) School authorities have the right to impose a consequence on a student for conduct away from school grounds, including on a school bus or at a school-sponsored function, that is consistent with the district board of education’s code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

1. This authority shall be exercised only when it is reasonably necessary for the student’s physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.

2. This authority shall be exercised only when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
3. The consequence pursuant to (a) above shall be handled in accordance with the district board of education approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3 or 7.5.

6A:16-7.7 Staff responsibilities

(a) District boards of education shall provide for the equitable application of the code of student conduct.

(b) District boards of education shall delineate the roles and responsibilities of each staff member in the implementation of the code of student conduct.

(c) District boards of education shall provide to all district board of education employees training annually on the code of student conduct, which shall include training on the prevention, intervention and remediation of student conduct in violation of the district board of education’s code of student conduct.

1. Information on the code of student conduct shall be incorporated into the orientation program for new employees.

6A:16-7.8 Attendance

(a) Each district board of education shall develop, adopt and implement policies and procedures regarding the attendance of students, pursuant to N.J.S.A. 18A:38-25 through 31 and N.J.A.C. 6A:32-8 and 13.1, at the public schools of the district or day schools in which students are provided with equivalent instruction, according to the requirements of N.J.S.A. 18A:38-25, that shall include, at a minimum:

1. The expectations and consequences regarding the timely arrival of students to school and classes;
2. The expectations and consequences regarding attendance at school and classes;
3. A definition of unexcused absence, for the purpose of this section, that, at a minimum, shall be based on the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3, and the following considerations:
   i. Family illness or death;
   ii. Educational opportunities;
   iii. Written parental permission;
   iv. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16;
   v. Where appropriate, Individualized Education Programs pursuant to 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Education Improvement Act, accommodation plans under 29 U.S.C. § 794 and 705(20), and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3(b)2ix; and
4. School staff responses for unexcused absences:
   i. For up to four cumulative unexcused absences, the school district shall:
      (1) Make a reasonable attempt to notify the student’s parents of each unexcused absence prior to the start of the following school day;
(2) Conduct an investigation to determine the cause of each unexcused absence, including contact with the student’s parents;

(3) Develop an action plan in consultation with the student’s parents designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

(4) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C 6A:16-11, if a potential missing or abused child situation is detected; and

(5) Cooperate with law enforcement and other authorities and agencies, as appropriate;

ii. For between five and nine cumulative unexcused absences, the school district shall:

(1) Make a reasonable attempt to notify the student’s parents of each unexcused absence prior to the start of the following school day;

(2) Conduct a follow-up investigation, including contact with the student’s parents, to determine the cause of each unexcused absence;

(3) Evaluate the appropriateness of the action plan developed pursuant to (a)4i(3) above;

(4) Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the student’s needs and specify the interventions for achieving the outcomes, supporting the student’s return to school and regular attendance that may include any or all of the following:

(A) Refer or consult with the building’s Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;

(B) Conduct testing, assessments or evaluations of the student’s academic, behavioral and health needs;

(C) Consider an alternate educational placement;

(D) Make a referral to a community-based social and health provider agency or other community resource;

(E) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and

(F) Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and

(5) Cooperate with law enforcement and other authorities and agencies, as appropriate.

iii. For cumulative unexcused absences of 10 or more, the student, between the ages of six and 16, is truant, pursuant to N.J.S.A. 18A:38-27, and the school district shall:

(1) Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;

(2) Make a reasonable attempt to notify the student’s parents of the mandatory referral;
(3) Continue to consult with the parent and the involved agencies to support the student’s return to school and regular attendance;

(4) Cooperate with law enforcement and other authorities and agencies, as appropriate; and

(5) Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.

(b) For students with disabilities, the attendance plan and punitive and remedial procedures set forth therein shall be applied, where applicable, in accordance with the students’ Individualized Education Programs, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. §§ 794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3(b)2ix.

(c) All receiving schools pursuant to N.J.A.C 6A:14-7.1(a), shall act in accordance with (a)4i above for each student with up to four cumulative unexcused absences.

1. For each student attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending school district.

   i. The sending school district shall proceed in accordance with the district board of education policies and procedures pursuant to (a) above and the provisions of (a)4ii through iii and (b) above, as appropriate.

(d) The chief school administrator shall submit annually a report to the Commissioner of Education containing information on student attendance, including, but not limited to, the district board of education’s implementation of each of the requirements pursuant to this section.

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.

6A:16-7.10 Student records and confidentiality
(a) When a student transfers to a public school district from another public school district, all information in the student’s record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19a and N.J.A.C. 6A:32-7.5(f)10iii through v.
1. The record shall be provided within two weeks of the date that the student enrolls in the receiving school district.
2. Written consent of the parent or adult student shall not be required as a condition of the transfer of this information.
   i. Written notice of the transfer shall be provided to the parent or the adult student.

(b) When a student transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to a public school district, pursuant to 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act.

(c) A district board of education shall not use a student’s past offenses on record to discriminate against that student.


**SUBCHAPTER 8. INTERVENTION AND REFERRAL SERVICES**

**6A:16-8.1 Establishment of intervention and referral services**

(a) District boards of education shall establish and implement a coordinated system in each school building in which general education students are served, for the planning and