



**Proposal Level
April 5, 2017**

CHRIS CHRISTIE
Governor

State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

TO: Members, State Board of Education

FROM: Kimberley Harrington
Acting Commissioner

SUBJECT: N.J.A.C. 6A:16-7.7 and Proposed N.J.A.C. 6A:16-7.8

REASON
FOR ACTION: Notice of proposed substantive changes

AUTHORITY: N.J.S.A. 18A:38-1

SUNSET DATE: February 18, 2021

The Department of Education (Department) proposed amendments to N.J.A.C. 6A:16 on September 6, 2016, at 48 N.J.R. 1743(a), to clarify existing rules implementing the *Anti-Bullying Bill of Rights Act* (ABR) (P.L. 2010, c. 122) and in response to recommendations proposed by the Anti-Bullying Task Force. The proposed amendments will assure all students have the opportunity to achieve academic and behavioral success in safe and supportive learning environments. The 60-day public comment period closed November 5, 2016.

Via a notice of proposed substantive changes, the Department is proposing a number of changes to the amendments and new rules in response to comments received. A summary of only the comments that prompted the changes and the agency responses are provided in the attached comment-response form, which will serve as the notice.

If approved by the State Board for publication in the N.J. Register, only the new amendments being proposed in this notice will be subject to public comment for 60 days.

After the 60-day comment period is over, the Department plans to present to the State Board the comments received regarding the notice of proposed substantive changes and the Department's responses. The comments and responses related to the notice will be presented to the State Board along with all comments received during the 60-day comment period on the initial proposal (48 N.J.R. 1743(a)), including comments not captured in the attached notice. The combined materials will be presented to the State Board at adoption level.

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

Topic: Programs to Support Student Development

Meeting Date: April 5, 2017

Code Citation: N.J.A.C. 6A:16-7.7 and 7.8

Level: Proposal of Notice
of Proposed
Substantive Changes

Division: Learning Supports and Specialized Services

Completed by: Office of Student
Support Services

The Department of Education (Department) proposed amendments and a new rule to N.J.A.C. 6A:16 on September 6, 2016, at 48 N.J.R. 1743(a), to clarify existing rules implementing the *Anti-Bullying Bill of Rights Act* (ABR) (P.L. 2010, c. 122) and in response to recommendations proposed by the Anti-Bullying Task Force. The proposed amendments and new rule will assure all students have the opportunity to achieve academic and behavioral success in safe and supportive learning environments. The 60-day public comment period closed November 5, 2016.

The Department is proposing a number of substantial changes to the amendments and new rule in response to comments received. A summary of only the comments that prompted the changes and the agency responses are provided below.

Summary of Comments and Agency Responses:

The following is a summary of the comments received from the public and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Elizabeth Athos Esq.
Education Law Center
2. Christian Fuscarino, Executive Director
Garden State Equality
3. Gordon Sauer, Vice President of Community Services
Gay Activist Alliance in Morris County
4. Carol Watchler, Co-Chair
Gay Lesbian and Straight Education Network, Central Jersey Chapter
5. Barbra Siperstein, Director
Gender Rights Advocacy Association of New Jersey

6. Elizabeth Schedl, Deputy Director
Hudson Pride
7. Dr. Stuart Green, Director
New Jersey Coalition for Bullying Awareness and Prevention
8. Dr. Michael Greene, Research Advisor
New Jersey Coalition for Bullying Awareness and Prevention
9. John Burns, Counsel
New Jersey School Boards Association
10. Michael A. Vrancik, Director of Governmental Relations
New Jersey School Boards Association
11. Joe Endres
Rainbow Café Morris
12. Marie Endres
Rainbow Café Morris
13. A. Skurna
Rainbow Café Morris
14. Amanda Thompson
Rainbow Café Morris
15. Dr. Paula C. Rodriguez Rust, Founder
Spectrum Diversity
16. Maria Docherty, Director of Technical Assistance
Statewide Parent Advocacy Network
17. Mark McSpirit, President
The Pride Center of New Jersey
18. Christine Hamlett, Retired educator
Newark Public Schools
19. Alexandra Lawrence, Clinical social worker
20. Tea Sefer
21. Andrea Mystrena
Mount Laurel, NJ

22. Leichena Young
Somerset, NJ
23. Michael Smith
Toms River, NJ
24. Linda Murphy
Ocean City, NJ
25. Marsha Shapiro
Monmouth Junction, NJ
26. Nora Lambert
Flemington, NJ
27. Maddy Smith
Mount Laurel, NJ
28. LanChi Pham
North Charleston, SC
29. Kathleen McGoldrick
Flanders, NJ
30. Ronnie Weyl
Hillsborough, NJ
31. Margo Saltzman
Oakhurst, NJ
32. Kathleen Loughran, Teacher
Lakewood, NJ
33. Carly Herman
Howell, NJ
34. Michael McCall
Annandale, NJ
35. Abby Maisonave
Howell, NJ
36. William McDevitt
Williamstown, NJ
37. Cathy Rabbai

- Bridgeton, NJ
38. Gloria Krolak
Flemington, NJ
 39. Sarah Foulk
Franklinville, NJ
 40. Jessica Ippolito, Teacher and Gay-Straight Alliance Advisor
Vineland, NJ
 41. Giana Masso
Williamstown, NJ
 42. Geoff Gingerich, Teacher
South Orange, NJ
 43. Kailynn Warfield
Franklinville, NJ
 44. Sophia Fortner
Glassboro, NJ
 45. Natalie Inal
Franklinville, NJ
 46. Amy Herbst Vassallo
West Deptford, NJ
 47. Thomas Hyland
Ocean, NJ
 48. Jacob Corbley
Brick, NJ
 49. Melissa Cutler
Brick, NJ
 50. Faith Verderose
Newfield, NJ
 51. Kari Hudnell
Jersey City, NJ
 52. Jolene Smyers
Toms River, NJ

53. Stacey Underwood
Franklinville, NJ
54. Alyssa Worbetz
Deptford, NJ
55. Laurie McGuire
Woodstown, NJ
56. Summer Coppinger
Glassboro, NJ
57. Emily Keefe
Lincroft, NJ
58. Jerald Hissim
Bloomsbury, NJ
59. Cheryl Cuddihy
Middletown, NJ
60. John Marron
Highland Park, NJ
61. Kristine Raye
Old Bridge, NJ
62. Sara Landau
West Windsor, NJ
63. Nicole Brownstein
Morganville, NJ
64. Seth Rainess
Atlantic Highlands, NJ
65. Yvonne Krasner-Cohen
Randolph, NJ
66. Patricia Jaworski
Clark, NJ
67. Denise Desiderio
Woolwich, NJ

68. Daryl Presgraves
Jersey City, NJ
69. Amanda Aikens
Highland Park, NJ
70. Fred Eisinger
Lambertville, NJ
71. Emily Armant
Hillsborough, NJ
72. Rachelle Omenson
Runnemede, NJ
73. Janine Perry
Monmouth Beach, NJ
74. Liza Restifo
Neptune City, NJ
75. Maria Ortiz-Myers
Bernardsville, NJ
76. Paul Hammond
Mount Laurel, NJ
77. Denise Lytle
Fords, NJ
78. Carol Zur
Howell, NJ
79. Tom Tamburello, Teacher and Gay-Straight Alliance Advisor
Marlton, NJ
80. Sally Sharp
Milltown, NJ
81. Tara Corcoran
Lumberton, NJ
82. Sharon Briles
Hammonton, NJ
83. Tammy Dorff

- Highland Park, NJ
84. Karen Lenard
Highland Park, NJ
 85. Marsha Shapiro
Monmouth Junction, NJ
 86. Laura Docherty
Brick, NJ
 87. Patrick Rumaker
Pitman, NJ
 88. Lou Rattacasa
Hackensack, NJ
 89. Christine Gentile
Turnersville, NJ
 90. Stephanie Tarr
Tuckerton, NJ
 91. John Carlson
Egg Harbor Township, NJ
 92. Nancy Pino
Linwood, NJ
 93. Kristin Broggi
Highland Park, NJ
 94. Mark Pino
Linwood, NJ
 95. Dan Goldman
Bedminster, NJ
 96. Margot D'Amico
Millville, NJ
 97. Christine Kosar
Sicklerville, NJ
 98. Miriam Reichenbach
West Deptford, NJ

- 99. Joyce Naylor
Clementon, NJ
- 100. Susan Clark
Franklinville, NJ
- 101. Candice Zachowski
Turnersville, NJ
- 102. David Smith
Princeton, NJ
- 103. Dori Eitelberg
Howell, NJ

1. **COMMENT:** The commenters expressed concern that the procedures for investigating and reporting alleged harassment, intimidation, or bullying (HIB) incidents and parental notification required pursuant to the ABR could result in the “outing” of lesbian, gay, bisexual, and transgender (LGBT) students who were victims of alleged HIB motivated by people who are anti-LGBT and would place the students at further risk. The commenters recommended the proposed regulations remind schools of their obligation to implement the ABR in ways that protect students rather than endanger them, and of schools’ ethical and legal responsibility to maintain the confidentiality and privacy of sensitive information about a student during the HIB investigation process. **(2 through 6, 11 through 15, 17 through 103)**

RESPONSE: The Department agrees it is essential for schools to take into account the circumstances surrounding an HIB incident when conducting an investigation and notifying parents. The Department plans to develop and disseminate supportive resources for school districts that will assist school staff in responding considerately to HIB incidents and appropriately supporting all students. This information will be included in future trainings.

Based on the commenters’ concern regarding the importance of maintaining the confidentiality and privacy of sensitive information during the HIB investigation process, the Department proposes a new rule at recodified N.J.A.C. 6A:16-7.7(a)2viii(2) to require the school district official to take into account the circumstances of the HIB incident when providing notification and related information to parents and guardians of all students involved in the reported HIB incident. Defining a threshold for “sensitive” is subjective; therefore, the Department has determined to not include “sensitive” in the proposed regulations, as recommended by the commenters. Furthermore, the nature of any affirmed HIB incident is based on a protective factor, which may or may not be based on sexual orientation or gender identity and expression. The Department proposes to require school district officials to take into account the circumstances surrounding the

actual or perceived protected category for all HIB incidents. The proposed rule is as follows:

- (2) The school district official shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense;**

The Department proposes to recodify N.J.A.C. 6A:16-7.7(a)2ix(3) as new N.J.A.C. 6A:16-7.7(a)2ix(4) to reflect a proposed new regulation for reporting and investigating, as discussed regarding N.J.A.C. 6A:16-7.7(a)2viii(2) above. The new rule at proposed at N.J.A.C. 6A:16-7.7(a)2ix(3) is as follows:

- (3) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents and when following the provisions of N.J.S.A. 18A:37-15.**

- [[3]] (4) 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 Department also proposes an amendment at recodified N.J.A.C. 6A:16-7.7(a)2x(1), corresponding to N.J.A.C. 6A:16-7.7(a)2viii(2), as follows:

- (1) The [[responses,]] **school district official shall take into account the circumstances of the incident when responding and,** 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;

The Department also proposes three new regulations in N.J.A.C. 6A:16-7.8 to clarify similar rules for approved private schools for students with disabilities (APSSDs) for consistency. The new rules will require the full-time non-teaching principal to take into account the circumstances of the HIB incident when providing notification and related information to parents and guardians of all students involved in the reported HIB incident. The Department proposes to recodify proposed N.J.A.C. 6A:16-7.8(a)3viii(2) as N.J.A.C. 6A:16-7.8(a)3viii(3) to reflect proposed new N.J.A.C. 6A:16-7.8(a)3viii(2). The proposed new rule at recodified N.J.A.C. 6A:16-7.8(a)3viii(2) is as follows:

- (2) The full-time non-teaching principal shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense; and**

[[2]] (3) Disciplinary action shall be consistent with the provisions of N.J.A.C. 6A:14-7.6(f);

The Department proposes to recodify proposed N.J.A.C. 6A:16-7.8(a)3ix(6) and (7) as N.J.A.C. 6A:17-7.8(a)3ix(7) and (8), respectively, to reflect proposed new N.J.A.C. 6A:16-7.8(a)3ix(6). The proposed changes to the rule text for recodified N.J.A.C. 6A:17-7.8(a)3ix(7) and (8) is included in the response to Comment 2. The proposed new rule at recodified N.J.A.C. 6A:16-7.8(a)3ix(6) is as follows:

(6) To protect the victim, the procedure also shall take into account the circumstances of the incident when communicating with parents.

The Department also proposes an amendment at N.J.A.C. 6A:16-7.8(a)3x(1) is as follows:

(1) The school district official shall ensure all responses take into account the circumstances of the incident when responding and, at a minimum, shall include support for a victim of harassment, intimidation, or bullying and corrective actions, pursuant to N.J.A.C. 6A:14-7.6, for documented systemic problems related to harassment, intimidation, or bullying.

2. COMMENT: The commenters expressed concern about proposed N.J.A.C. 6A:16-7.7(a)2ix(1), which would permit a school district to include in its HIB policy a process by which the principal, or his or her designee, in conjunction with the anti-bullying specialist (ABS), makes a preliminary determination as to whether a reported incident or complaint is a report of an act of HIB before the principal refers the incident to the ABS for investigation. The commenters expressed concern that the lack of procedural requirements effectively allows the preliminary determination procedure to function as a way for schools to decide without accountability that an incident is not HIB. The commenters recommended that procedural requirements be added to the preliminary determination procedure to ensure, at a minimum, the determination process is open to scrutiny and subject to appeal. **(2 through 8, 11 through 103)**

RESPONSE: The Department conducted additional discussion on N.J.A.C. 6A:16-7.7(a)2ix(1) presented at proposal level to include the principal's preliminary determination as part of the investigation based on the commenters' concern. The Department concluded that since HIB investigations must be conducted by the school ABS specialist under the ABR, the principal may not be part of the investigation; however, he or she may make a preliminary determination, in consultation with the ABS, as to whether the reported incident or complaint, assuming all facts presented are true, is a report of HIB. When the report is within the scope of the ABR, the principal must initiate the investigation with the school ABS.

The Department proposes amendments to amend the proposed new rule at recodified N.J.A.C. 6A:16-7.7(a)2ix(1) as follows:

- (1) The procedure set forth in the district board of education policy may include [[, as part of the investigation,]] a process **prior to initiating an investigation** by which the principal, or his or her designee, in consultation with the anti-bullying specialist, makes a **preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true,** is a report [[of an act of harassment, intimidation, or bullying, pursuant to]] **within the scope of N.J.S.A. 18A:37-14**[[, prior to initiating an investigation]].

The Department also proposes the following amendments and new rules as a result of the amendments proposed at N.J.A.C. 6A:16-7.7(a)2ix(1).

The Department proposes new N.J.A.C. 6A:16-7.7(a)2ix(1)(A) to effectuate procedural requirements for appealing the principal's preliminary determination since the determination is not part of the investigation. The new rule at proposed N.J.A.C. 6A:16-7.7(a)2ix(1)(A) is as follows:

- (A) If a preliminary determination finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14, the determination may be appealed to the district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.**

The Department also proposes an amendment at N.J.A.C. 6A:16-7.7(d) to include school administrators who determine 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, pursuant to N.J.A.C. 6A:16-7.7(a)2ix(1), that fail to initiate an investigation may also be subject to disciplinary action. The amended rule at N.J.A.C. 6A:16-7.7(d) is as follows:

- (d) A school administrator who receives [from a school district employee] a report of harassment, intimidation, or bullying, **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, pursuant to N.J.A.C. 6A:16-7.7(a)2ix(1),** and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The Department also proposes an amendment at recodified N.J.A.C. 6A:16-7.8(a)3ix(7) and (8) and new N.J.A.C. 6A:16-7.8(a)3ix(8)(A) to clarify the rules for APSSDs and for consistency. The proposed amendment at recodified N.J.A.C. 6A:16-7.8(a)3ix(7) is as follows:

- [[~~(6)~~] **(7) A full-time non-teaching principal who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report of an act of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-**

7.8(a)3ix(8), and fails to initiate or conduct an investigation, or who has reason to believe an incident of harassment, intimidation, or bullying occurred and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action;

The proposed amendment at recodified N.J.A.C. 6A:16-7.8(a)3ix(8) is as follows:

[(7)] (8) The procedure set forth in the approved PSSD policy may include[, as part of the investigation,] a process **prior to initiating an investigation by which the full-time non-teaching principal, or his or her designee, in consultation with the anti-bullying specialist, makes a preliminary determination as to whether a reported incident or complaint, **assuming all facts presented are true**, is a report of an act of harassment, intimidation, or bullying, pursuant to (a)3ii above[, prior to initiating an investigation]].**

The proposed new rule at N.J.A.C. 6A:16-7.8(a)3ix(8)(A) effectuates procedural requirements for appealing the full-time non-teaching principal's preliminary determination and for consistency with N.J.A.C. 6A:16-7.7(a)2ix(1)(A) is as follows:

(A) If a preliminary determination finds the incident or complaint is a report outside the scope of the harassment, intimidation, or bullying definition set forth at (a)3ii above, the determination may be appealed to the sending district board of education, pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with N.J.A.C. 6A:3.

3. **COMMENT:** The commenters suggested an amendment at N.J.A.C. 6A:16-7.8(a)1i and (a)3x(2) to replace “the sending district board of education” with “appropriate sending district board of education personnel” when referring to the requirement that an APSSD consult with the sending district board of education when initiating an investigation and when determining the appropriate response to address the individual circumstances once an incident of HIB is identified. **(9, 10)**

RESPONSE: In taking the commenters' suggestions under consideration, the Department realized that N.J.A.C. 6A:16-7.8(a)1i was inconsistent with N.J.A.C. 6A:16-7.7(a)2ix(2). Therefore, the Department proposes an amendment for consistency that clarifies the APSSD staff must notify the appropriate sending district board(s) of education personnel when it receives a complaint or report of an act of HIB occurring on a sending district board of education school bus, at a sending district board of education school-sponsored function, and off school grounds to conduct an investigation rather than consult with the sending district board of education. The proposed amendment at N.J.A.C. 6A:16-7.8(a)1i is as follows:

- i. **The policy shall include a provision for **[[initiating an investigation, pursuant to (a)3ix(7) below, in consultation with the]] notifying the appropriate sending district board(s) of education personnel of the students involved****

when the approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying occurring on a sending district board of education school bus, [[or]] at a sending district board of education school-sponsored function[[s]], and off school grounds;

The Department agrees with the commenters regarding N.J.A.C. 6A:16-7.8(a)3x(2) and proposes an amendment to clarify that APSSD staff need not consult with the sending district board of education but, rather, with the appropriate district board of education personnel. The proposed amendment at N.J.A.C. 6A:16-7.8(a)3x(2) is as follows:

(2) Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal shall determine the appropriate response to address the individual circumstances in consultation and conjunction with [[the]] appropriate sending district board of education personnel, pursuant to N.J.A.C. 6A:14-7.6(f), as [[appropriate]] necessary;

4. COMMENT: The commenters expressed concern that N.J.A.C. 6A:16-7.7(a)2xi(1) establishes a timeline of 45 calendar days after parents or guardians received the required written information about the investigation from the district board of education, pursuant to N.J.S.A. 18A:37-15.b(6)(d), for parents or guardians to request a hearing before the district board of education. The commenters indicated that 45 calendar days is an insufficient length of time for parents to request a hearing when their first priority will be ensuring their child's emotional needs are met. The commenters recommended that parents have 90 calendar days to file a request for hearing before the district board of education. **(1, 2, 4)**

RESPONSE: The Department disagrees the length of time to file an appeal should be changed from 45 calendar days to 90 calendar days as it would delay closure of the incident for all students involved.

The Department is sympathetic to the commenters' concern that the 45 calendar day timeframe may not be sufficient. Therefore, the Department proposes to amend N.J.A.C. 6A:16-7.7(a)2xi(1) and 7.8(a)3xi(1) to increase the number of calendar days in which to file an appeal from 45 days to 60 days. The proposed amendments will provide additional time for parents without unduly delaying resolution and necessary supports and remedies for students.

The proposed amendment at recodified N.J.A.C. 6A:16-7.7(a)2xi(1) is as follows:

(1) Any request by the parents or guardians for a hearing before the district board of education concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15.b(6)(d), shall be filed with the district board of education secretary no later than [[45]] 60 calendar days after the written information is received by the parents or guardians.

The Department also proposes to amend similar rule for APSSDs at N.J.A.C. 6A:16-7.8 for consistency. The proposed amendment at N.J.A.C. 6A:16-7.8(a)3xi(1) is as follows:

- (1) **Any request for a hearing before the sending district board of education shall be filed within ~~[[45]]~~ 60 calendar days after the written information about the harassment, intimidation, or bullying investigation, pursuant to (a)3ix(4) and (5) above, is received by the sending district board of education and the parents and guardians.**

AGENCY-INITIATED CHANGES

1. The Department proposes an amendment at N.J.A.C. 6A:16-7.7(a)2ix(2) to specify the school-sponsored functions for which the district board of education will investigate a complaint or report of harassment, intimidation, or bullying is referring to district board of education school-sponsored functions. The proposed amendment at N.J.A.C. 6A:16-7.7(a)2ix(2) is as follows:
 - (2) The procedure also shall include a process by which the district board of education will investigate a complaint or report of harassment, intimidation, or bullying, pursuant to (a)2ix[[1]] above, 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 PSSD.
2. The Department proposes an amendment at N.J.A.C. 6A:16-7.8(a)3ii to specify the definition of harassment, intimidation, or bullying for APSSDs does not include incidents occurring on sending district board of education busses and sending district board of education school-sponsored functions, in addition to the exclusion of any incident occurring off school grounds, for consistency with the proposed amendment at N.J.A.C. 6A:16-7.7(a)2ix(2) and 7.8(a)1i and (a)3ix(9). The proposed amendment at N.J.A.C. 6A:16-7.8(a)3ii is as follows:
 - ii **A definition of harassment, intimidation, or bullying as set forth in the definition at N.J.A.C. 6A:16-1.3, except for incidents occurring on a sending district board of education bus, at a sending district board of education school-sponsored function, and off school grounds;**
3. The Department proposes an amendment at N.J.A.C. 6A:16-7.8(a)3ix(4) to require the full-time non-teaching principal at the APSSD to report to the appropriate sending district board(s) of education personnel all students who are parties to the harassment, intimidation, or bullying investigation, rather than only the students party to an incident that is found to be HIB. It is essential that district boards of education are duly notified of all HIB investigations involving their students that occur in the event that there is an appeal to the sending district board of education, pursuant to N.J.A.C. 6A:16-7.8(a)3xi. The Department also proposes to add “personnel” after “district board(s) of education” to

clarify that APSSD staff need not consult with the sending district board of education, but rather with the appropriate district board of education personnel to be consistent with N.J.A.C. 6A:16-7.8(a)1i and (a)3x(2). The proposed amendment at N.J.A.C. 6A:16-7.8(a)3ix(4) is as follows:

(4) The full-time non-teaching principal shall report to the appropriate sending district board(s) of education personnel of the students who are parties to the harassment, intimidation, or bullying investigation the results of each investigation [[involving an incident found to be harassment, intimidation, or bullying]] no later than five school days following the investigation's completion, along with information on any service(s) provided; training established; and, pursuant to N.J.A.C. 6A:14-7.6(f), discipline imposed or other action taken or recommended by the full-time non-teaching principal.

4. The Department proposes new N.J.A.C. 6A:16-7.8(a)3ix(9) to require an APSSD to report to the appropriate district board of education personnel any complaint or report of HIB the APSSD receives that occurred on a district board of education bus, at district board of education school-sponsored functions, and off school grounds involving a student who attends an APSSD. The proposed provision, at N.J.A.C. 6A:16-7.8(a)3ix(9), which will clarify the process for APSSDs, is as follows:

(9) The procedure shall also include a process by which the approved PSSD reports to the appropriate district board of education personnel any complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a)2ix, 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 PSSD.

5. The Department proposes new N.J.A.C. 6A:16-7.8(a)3ix(9)(A) to require an APSSD to send a report of HIB to the district board(s) of education of the victim(s) so the district board(s) of education of the victim(s) can initiate an investigation when a complaint or report of HIB, pursuant to N.J.A.C. 6A:16-7.8(a)3ix(9), involves students from more than one school district. The proposed new rule at N.J.A.C. 6A:16-7.8(a)3ix(9)(A) is as follows:

(A) When a complaint or report of harassment, intimidation, or bullying involves students from more than one school district, the sending district board(s) of education of the victim(s) involved shall initiate the investigation.