

Policy

CYBER BULLYING

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Cyber-bullying by a student in the district directed toward another school district student or school staff member is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

The Board of Education prohibits acts of cyber-bullying by school district students through the use of any school district owned, operated, and supervised technologies. The building principal or designee may report allegations of cyber-bullying to law enforcement authorities.

Definitions

"Cyber-Bullying" is the use of electronic information and communication devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, and defamatory websites, that:

- A. Deliberately threatens, harasses, intimidates an individual or group of individuals; or
- B. Places an individual in reasonable fear of harm to the individual or damage to the individual's property;
or
- C. Has the effect of substantially disrupting the orderly operation of the school.

"School district owned, operated, or supervised technologies" is any computer, networking system, electronic equipment, or any other equipment or device that may be used by a person to communicate to another which is owned, leased, operated, or under the control or supervision of the school district and/or school district staff.

Reporting Procedure and Investigation

Any student or school staff member who believes he/she has or is being subjected to cyber-bullying, as well as any person who has reason to believe a student or school staff member has knowledge or reason to believe another student or school staff member is being subjected to or has been subjected to cyber-bullying shall immediately make a report to the building principal or designee.

The building principal or designee shall investigate all reports of such conduct. If the investigation results indicate cyber-bullying was not committed, the building principal or designee will inform the affected parties of the investigation results. In the event the investigation results indicate cyber-bullying was committed by a school district student on school grounds and/or using school district technologies, the student will be subjected to appropriate discipline.

In the event the investigation results indicate cyber-bullying was committed by a school district student using non-school district technologies away from school grounds, the building principal or designee may report the investigation results to local law enforcement. In addition, 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 pursuant to N.J.A.C.6A:16-7.6. 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. This authority shall be exercised only when the conduct, which is the

Cyberbullying (continued)

subject of the proposed consequence, materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences shall be handled in accordance with Policy 5131, Conduct and Discipline, N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

Any investigation regarding an allegation of cyber-bullying will provide all parties the appropriate due process rights, including the right to appeal the determination of the building principal or designee.

Discipline and Consequences

Some acts of cyber-bullying may be isolated incidents requiring the school district to respond appropriately to the individual committing the acts. Other acts may be so serious or part of a larger pattern of cyber-bullying that require a response either at the classroom, school building, or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for students who commit an act of cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Students. In addition, cyber-bullying using district technology violates Policy 6142.10, Technology and subjects the student to discipline and sanctions of Policy 5131 and 6142.10

Prevention and intervention techniques to prevent cyber-bullying and to support and protect victims shall include appropriate strategies and activities as determined by the Building Principal or designee.

Reprisal or Retaliation Prohibited

The school district prohibits reprisal or retaliation against any person who reports an act of cyber-bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the building principal or designee after consideration of the nature and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures.

Consequences for False Accusation

Consequences and appropriate remedial action for a student found to have falsely accused another of an act of cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Students.

	<u>Avalon</u>	<u>Stone Harbor</u>
Adopted:	January 16, 2008	January 16, 2008
NJSBA Review/Update:	May 2010	May 2010
Readopted:	September 2010	September 2010

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying,

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons

Cyberbullying (continued)

<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of students
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:25-2	Authority over students
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of Students
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:37-15	
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4,-2.4	
-4.1, -5.1, -6.1, -6.2,	
-7.1 through -7.6	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners’ Decisions indexed under “Students – Punishment of” in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References: *1220 Ad hoc advisory committees
 *1410 Local units
 3517 Security
 *3541.33 Transportation safety
 *4131/ Staff development; inservice education/visitation conferences

Cyberbullying (continued)

4131.1	
4148	Employee protection
*4231/	Staff development; inservice education/visitation conferences
4231.1	
4248	Employee protection
5000	Concepts and roles in student personnel
5010	Personal goals and objectives for students
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131	Conduct and Discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.