

# **School Ethics, the Role of Board Members, Board Governance and Harassment, Intimidation, and Bullying**

Presented to the Mountain Lakes Board of Education

March 3, 2025

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# **POWERS AND DUTIES OF THE BOARD**

# WHAT ARE BOARDS OF EDUCATION?

- Boards of Education are government entities empowered to oversee public school districts, with general powers and duties defined in **Title 18A** of the New Jersey statutes.
- According to *N.J.S.A. 18A:11-1*, “General Mandatory Powers and Duties,” the Board is required to, among other things:
  - **enforce the rules** of the New Jersey State Board of Education;
  - **make, amend, and repeal rules** for government and management of the schools and their employees; and
  - perform all acts and do all things, consistent with law and the rules of the State Board, necessary for **lawful and proper conduct, equipment and maintenance** of the District.

# WHAT DO BOARDS DO?

- The State's rules require the Board to do things like:
  - Approve curriculum that meets the New Jersey Student Learning Standards;
  - Adopt a budget that provides for a thorough and efficient education;
  - Hire the necessary certified personnel to educate the District's students; and
  - Develop policies for the management of the school district.
- Note that none of these things are actions that the Board takes alone – it acts based upon the recommendation of the Superintendent of Schools.

# WHEN DO BOARDS ACT?

- Boards can only take official action at a public meeting.
  - The Board functions only when it is **in session**, and a “**quorum**” of the Board is required to convene a meeting and take action.
  - Meetings must comply with the requirements of the Open Public Meetings Act (OPMA).
  - Committee meetings (less than a quorum) are not official action – the committees can recommend action to the full board for a vote.
  - Careful with emails and text messages – in theory, using these *could* constitute a “meeting” that could violate OPMA.
  - Emails and text messages may also be subject to access under the Open Public Records Act (OPRA).

# WHEN DO BOARDS ACT?

- *Alex Rosetti v. Ramapo-Indian Hills Regional High School Board of Education and Thomas Lambe, In His Official Capacity as Records Custodian, Appellate Division Docket No. A-1466-23.* In a case of first impression the Appellate Division issued a decision on January 27, 2025 ruling that OPRA compels the disclosure of email logs of public officials' personal computers discussing public business. The trial court's order denied the OPRA request, seeking email logs from the personal computers of past and current Board members discussing Board business. The Appellate Division reversed the trial court and ordered board members to search their personal email accounts to determine if emails are available. If board members determine emails do not exist or are too burdensome, they must produce a certification for the court and the trial court must then decide if fact-finding hearing is necessary.
- The Board operates as one unit, not as individual members
  - Members are expected to share opinions, but the Board elects a **single course of action** by majority vote.
  - In open meetings, to preserve decorum and ensure the Board expresses a single, consistent position, the **President alone speaks on the Board's behalf**, but may request another member's contribution.

# **THE BOARD AND ADMINISTRATION**

# THE ROLE OF THE BOARD VS. THE ROLE OF ADMINISTRATION

- The Board's direct responsibilities are to make policies, develop plans, and evaluate outcomes, not manage day-to-day operations.
  - Members are responsible “not to administer the schools” but to “see that they are well run.” N.J.S.A. 18A:12-24.1(d).
  - *“No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school employee.” **Board Policy No. 0146.***
  - Board members do not have “all access to the District schools and, in many respects, have no more authority than any other parent or community member.
  - Board Policy 0146 explains that Board members visiting the school for any reason must observe district regulations for all school visitors.
- The Board delegates certain responsibilities to administrative officials.
  - **Superintendent:** Administers the District, keeps the Board informed of happenings, makes operational recommendations.
  - **Business Administrator:** Oversees business and maintenance, prepares the budget, establishes and maintain fiscal plans, serves as general accountant and official purchasing agent.

# THE BOARD AND ADMINISTRATION WORKING TOGETHER

- The Board–Administration relationship is intended to be cooperative, not adversarial.
  - Members should share concerns with administration in advance of meetings – assures an effective public response.
  - Members should be mindful of which matters are appropriate for public discussion versus reserved for private consultation.
- As required by the Code of Ethics for School Board Members and **Board Policy No. 0142**, a Board member confronted with a community complaint should withhold comment and instead refer the issue to the Superintendent; the Board may act only at public meeting and after failure of an administrative solution.

# **THE BOARD AS AN ENTITY**

- The powers of the Board and the authority of a Board member are not coextensive.
- As Board Policy 0146 explains: “No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the schools or as an individual command the services of any school district employee.”
- Board members on their own have no supervisory authority.

# **CONFIDENTIALITY**

- Board members have an obligation to preserve the confidentiality of information learned in their role as members of the Board.
- This expectation exists regardless of the impact the matter has on the Board member's own children or friends.
- This is particularly important when it concerns:
  - Personnel matters (personnel matters are exempt from disclosure pursuant to the Open Public Records Act, with few exceptions).
  - Student matters (student information is protected by NJ law and FERPA).
  - Negotiations (depending on the ground rules established by the parties).

# **THE CODE OF ETHICS**

# OVERVIEW

- The Code of Ethics for School Board Members limits the role of Board members.
- Enacted in 2001 (*N.J.S.A. 18A:12-24.1*), it sets clear standards that all Board of Education members must follow.
- If there is a violation, any member of the public can file a complaint with the School Ethics Commission.
- The School Ethics Commission has the power to recommend that the Commissioner of Education reprimand, censure, suspend, or remove a Board member who violated the Code.
- Board Policy No. 0142 identifies both the prohibited acts and the Code of Ethics included in the School Ethics Act. The distinction between these provisions is significant, in that when a complaint contains allegations of prohibited acts and the SEC finds probable cause that a violation has occurred, the prosecution is through a Deputy Attorney General, whereas a complaint alleging violations of only the Code of Ethics is prosecuted by the complainant.
- When allegations arising under the School Ethics Act are based on private action, outside the performance of one's duties as a Board member, the Board member is not entitled to indemnification for the fees and costs of their defense.

# THE CODE OF ETHICS IN PRACTICE

The limits imposed by the Code of Ethics are clearly seen in the limited involvement Board members have in personnel decisions.

- The Board member's role in hiring is to vote to appoint the best qualified personnel available after consideration of the recommendation of the Superintendent.
- The Board cannot withhold its approval for the hiring of a candidate recommended by the Superintendent for **arbitrary or capricious reasons**.
- The Board should generally, as a best practice, limit its involvement in hiring to hiring the Superintendent of Schools and then only considering the Superintendent's recommendations for all other positions to avoid interference with the Superintendent's power to recommend candidates to the Board.

# **CODE OF ETHICS IN PRACTICE: PUBLIC ADVISORY OPINIONS**

- A13-24: Can a Board member participate in negotiations if he/she has an aunt employed in the district, but is not a member of the local union?
  - The Commission upheld previous decisions in stating that Board members cannot participate in any aspect of negotiations, including the vote on the collective negotiations agreement following attainment of the memorandum of the agreement (MOA) if they have a relative employed in the district, even where they are not a member of the local educational association and are not covered by a labor union in the district.
- A01-24: Does a Board member, who is also a professor, have a conflict related to personnel?
  - The Commission advised that a Board member should recuse him/herself from any discussions or decisions which, could relate to, or otherwise involve any district personnel, who were students in any program in which the professor-board member was involved in, regardless of whether he/she was their instructor and/or advisor. The professor-board member also can not volunteer to give workshops or professional development to the district employees while a board member.

# CODE OF ETHICS IN PRACTICE: OTHER PUBLIC ADVISORY OPINIONS

- **Advisory Opinion A31-15: Board members' involvement in interviewing personnel:** The Commission explained that one or two Board members may sit on an interview committee when established by the Superintendent but must be strictly limited to functioning in an advisory role to the Superintendent.
  - The Board members may not conduct the interview; they only offer observations and assessments while knowing that the final recommendation is the Superintendent's decision. The Board cannot usurp the Superintendent's authority to recommend hires.
  - The Commission noted its position that it does not support Board members conducting interviews for positions below that of the Superintendent of Schools. It explained that "interviewing is generally an administrative function not within the authority of the Board or its members."
- **Advisory Opinion A15-10:** The School Ethics Commission advised against Board members engaging in exit interviews of staff members to determine causes of staff turnover, explaining that it would violate sections of the Code, specifically Section (c) (participation would be board action outside of policy making, planning, and appraisal duties), and Section (d) (participation would be engaging in administrative functions left to school personnel).

# SCHOOL ETHICS COMMISSION DECISIONS

- *In the Matter of Regina Discenza, Lacey Township Board of Education, Ocean County Respondent:* former Board member violated School Ethics Act when she endorsed new members to the Board in her official capacity while she was on the Board (had she still been on the Board, she would have been suspended, rather than censured). C75-19, 12/17/2024
- *John Berenato, Complainant v. Timothy Poss, Manchester Township Board of Education, Ocean County, Respondent:* Board member violated School Ethics Act when he remained a volunteer football coach even after having been appointed to the Board for two months. No penalty was imposed due to the short duration, that he was not advised until after the season ended, and he already agreed not to volunteer the next season. C78-23, 11/26/24
  - In determining whether a violation occurred, the Commission looks to the Board member's level of interaction (e.g. in keeping with previous decisions, the Commission found that a Board member who assists with school plays is in violation of the Act, while a Board member who only builds sets for plays has not violated the Act).

# SCHOOL ETHICS COMMISSION DECISIONS (CONT.)

- *Gregory Hudgins, Complainant v. Miriam Vives-Rivera Woodbine Board of Education, Cape May County, Respondent:* Board member violated School Ethics Act when she picked up a letter from the home of her friend/school employee regarding the employee's disciplinary discussion, gave the letter to the BA, asking him to make copies for the Board members but not for the Superintendent. The Board member then questioned the Superintendent's position regarding the employee's actions. As a result of this violation, she was suspended for 60 days. C78-23, 11/26/24
- *Lisa J. Guzik, Complainant v. Ryan Campbell, Mantua Township Board of Education, Gloucester County, Respondent:* Board member was in violation of the Act when he called the Complainant's supervisor, represented himself as a member of the Board, and complained about actions the Complainant took as a private citizen at a Board meeting. His conduct could compromise the Board where its members attempt to silence members of the public or encourage them not to attend meetings by calling their employers; Board member was censured as a result. C45-23, 6/17/24

# SCHOOL ETHICS COMMISSION DECISIONS (CONT.)

- *Lisa Strutin, Mary Renaud, Craig Green, Abigail Christmann, Harriett Gaddy, and Stephen Bienko, Complainants v. Lisa A. Moyer, Allamuchy Township Board of Education, Warren County, Respondent:* Board member violated the School Ethics Act when she used her position to further her personal agenda regarding her child's disciplinary record – specifically, she contacted the Superintendent, Board counsel, and other Board members multiple times to seek “direct intervention and a reversal of the finding” against her child, with a direct order to school personnel to alter her child's disciplinary record; penalty of reprimand. C24-22, 2/27/24
- *In the Matter of Terry Tucker, East Orange Board of Education, Essex County, Respondent:* the Board member violated the Act when she acted in her official capacity to vote against a Board policy (that required schools only be named by individuals who are deceased and the proposed name be free from political connotation), and voted to rename a school building in honor of the Lieutenant Governor, whom she served as her Chief of Staff. C36-19, 2/27/24
  - The Board member was censured for her actions, as the Act prohibits members from surrendering their independent judgment to special interest or partisan political groups or using the schools for personal gain or for the gain of friends

# **GUIDELINES FOR SOCIAL MEDIA**

## **Generally: Use Good Judgment**

- Do not post anything that would violate any of the district's policies for Board members;
- Avoid making defamatory statements about the Board of Education, the school district, employees, students, or their families.
- Do not disclose any confidential information about the school district or confidential information obtained as a result of being a Board member.
- Do not use or refer to their Board of Education title or position when soliciting for a business organization where the Board member or immediate family member has an interest in.
- Refrain from having communications through social networks with other Board members regarding any Board of Education business to avoid any potential violation of the OPMA.
- Do not respond to any postings regarding BOE or school district business on any social network--refer any such questions or inquiries to the Superintendent of Schools to address, as appropriate.

# WHAT IS AN APPROPRIATE DISCLAIMER FOR SOCIAL MEDIA POSTS?

- “The following statements are made in my capacity as a private citizen, and not in my capacity as a Board Member. These statements are also not representative of the Board or its individual members and solely represent my own personal opinions.”
  - NOTE: Mere inclusion of this disclaimer does not mean Board members are permitted to disregard the guidelines on the previous slide
    - Inclusion of a disclaimer is not dispositive of a violation of the Act and neither is the omission of a disclaimer.
    - Determining a violation of the Act always depends on whether, based on the substance of the speech, a reasonable member of the public could perceive that the Board member is speaking in their official capacity or on behalf of the Board.
    - Board members must always consider the lens through which their social media activity will be viewed and whether, despite their intention, it might be viewed as though it is offered in an official capacity.
- Discontinue use of campaign websites. Once you are elected to the Board it is no longer prudent to use your campaign website(s) or social media presence to post statement or comments. (*Martin v. Pedersen and Pontillo*). Continued use causes confusion and may lead to the filing of ethics complaints.

# SCHOOL ETHICS ACT: BOARD MEMBER RECUSAL

Under the Act, relatives and family members are defined as follows:

- “Immediate family member”:
  - the Board member’s spouse or dependent child residing in the same household
- “Relative”: the Board member’s spouse, or the Board member’s or spouse’s:
  - parent, parent-in-law, or stepparent,
  - child, child-in-law, or step-child,
  - sibling, step-sibling or half-sibling,
  - aunt or uncle,
  - niece or nephew,
  - grandparent, or
  - grandchild

**whether by blood, marriage, or adoption**

# SCHOOL ETHICS ACT: BOARD MEMBER RECUSAL

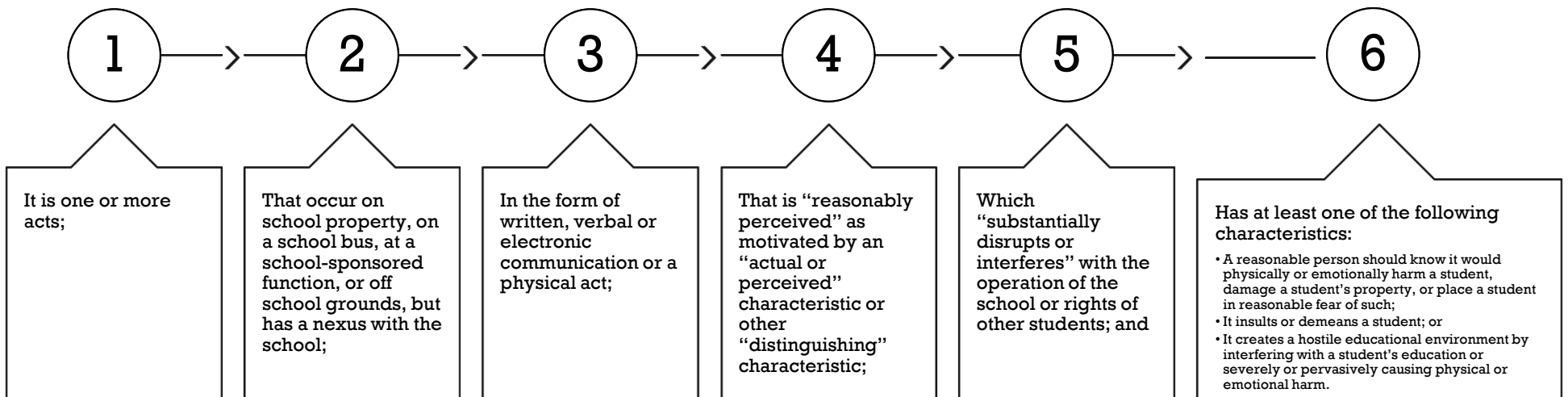
- Even if there is no automatic recusal or *per se* conflict, there may still be **case-by-case conflicts** if a Board member or his/her relative is involved in an out-of-district union.
- Per Commission ***Advisory Opinion A16-15*** (Oct. 28, 2015), a conflict is more likely to exist if the out-of-district relative:
  - is an officer in the NJEA or the local education association;
  - is on his/her district's negotiating team; or
  - has some other leadership role in the union or the district which may influence the outcome of negotiations there.
- ***Opinion A16-15*** discussed only Board members' relatives, but the same factors apply to Board members themselves who are employed out of district.

<b>Relationship to Board Member</b>	<b>May the Board Member...</b>		
	<b>Participate in negotiations?</b>	<b>Vote to ratify the contract?</b>	<b>Participate in Superintendent issues?</b>
<b>Self</b> Current member of similar union	No	Yes*	Yes*
<b>Spouse</b> Current member of local union Current member of similar union	No No	No Yes*	No Yes*
<b>Dependent Child</b> Current member of local union Current member of similar union	No No	No Yes*	No Yes*
<b>Nondependent Child</b> Current member of local union Current member of similar union	No Yes*	No Yes*	No Yes*
<b>Relative</b> Current member of local union Current member of similar union	No Yes*	No Yes*	No Yes*

\*absent a similar conflict

# HIB: THE DEFINITION

The conduct must meet **all** of the following criteria to constitute harassment, intimidation, or bullying under the law:



# WHERE AND WHEN CAN A HIB OCCUR?

On school  
property

On a school  
bus

At a school-  
sponsored  
function

Off school  
grounds

- Although HIB can occur off school grounds, the District can only impose discipline for off-campus conduct if the following restrictions are met:
  1. The discipline must be consistent with board policies concerning “Student Discipline/Code of Conduct”;
  2. The discipline must be reasonably necessary for the physical or emotional safety, security, and well-being of the student, other students, staff, or school property in accordance with N.J.S.A. 18A:25-2 (authority over pupils) and N.J.S.A. 18A:37-2 (causes for suspension and expulsion of pupils); and
  3. The conduct must have materially and substantially interfered with the requirements of appropriate discipline in the operation of the school.

## “REASONABLY PERCEIVED”

- The act does not have to be *actually* motivated by any characteristic of the victim.
- The critical question is whether the victim or witnesses *felt* that the victim was targeted based on the characteristic.
- If the answer is yes, the question becomes whether that belief was *reasonable*.

# **Alleged offender's lack of understanding of conduct does not change finding**

- The Parents appealed a finding that their fifth-grade son committed an act of HIB when he touched a female peer's private parts twice while sitting in the hallway.
- They alleged that his disability, including behavioral dysregulation, kept him from fully understanding his actions.
- The ALJ found, and the Commissioner affirmed, that the Board's decision that the conduct constituted HIB was not arbitrary, capricious, and unreasonable.
- The ALJ noted that the analysis is: What was the victim's perception of the actor's motivation? AND Was that perception reasonable? The actual motivation of the offender is not required. It was reasonable to conclude that the conduct was based on gender. In addition, she was scared, reluctant to attend school, and requested to be excused from a group activity, which interfered with her rights and education.

# MOTIVATED BY

## Actual or Perceived Characteristic

- Race
- Color
- Religion
- Ancestry
- National origin
- Gender
- Sexual orientation
- Gender identity and expression
- Mental, physical, or sensory disability

## Other Distinguishing Characteristic

- Hair color
- Piercings
- Glasses
- Braces
- Intelligence
- Weight
- Physical features

# “SUBSTANTIAL DISRUPTION OR INTERFERENCE”

- The act must “substantially disrupt or interfere with the orderly operation of the school or the rights of other students.”
  - This requires “evidence of **interference, actual or nascent, with the school’s work or of the collision with the rights of other students to be secure and to be let alone.**”
  - There must be “a **specific and significant** fear of disruption, not just some remote apprehension of disturbance.” In other words, there must be something more than a mere desire to avoid the discomfort or unpleasantness that often accompanies an unpopular opinion.

# INVESTIGATION TIMELINES

## First Level: Initial Investigation

- The investigation shall be initiated by the Principal or the Principal's designee **within one school day** of the report of the incident and shall be conducted in consultation with the **Anti-Bullying Specialist**. The Principal may appoint other personnel to assist in the investigation. N.J.S.A. 18A:37-15b(6)(a).
  
- The investigation shall be completed ASAP, and not later than **10 school days** from the date of the written report of the incident of HIB.
  - In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the School Anti-Bullying Specialist **may amend the original report** of the results of the investigation to reflect the information. N.J.S.A. 18A:37-15b(6)(a).

# INVESTIGATION TIMELINES

- **Second Level: Superintendent Review**

- The results of the investigation shall be reported to the Superintendent of Schools **within two school days** of the completion of the investigation.
- The Superintendent **may decide**, as a result of the findings, to do the following:
  - Provide Intervention Services;
  - Establish training programs to reduce HIB and/or enhance the school climate;
  - Impose discipline;
  - Order counseling;
  - Take or recommend some other appropriate action.
- This is colloquially referred to as the “Superintendent’s decision,” even though no written decision is issued.

# INVESTIGATION TIMELINES

- **Third Level: Board of Education**

- The results of each investigation shall be **reported to the Board** no later than the **next scheduled Board meeting** after the investigation has been completed, along with information:
  - on any services provided;
  - training established;
  - discipline imposed; OR
  - other action taken or recommended by the Superintendent.

# INVESTIGATION TIMELINES

- **Fourth Level: Post-Investigation**

- The Superintendent must, **within five school days** after the results of the investigation are reported to the Board, provide **parents or guardians of the students who are parties to the investigation** with *written information about the investigation*, including:
  - The nature of the investigation;
  - Whether the district found evidence of HIB; and
  - Whether discipline was imposed or services provided to address the incident of HIB. N.J.A.C. 6A:16-7.7(a)(2)(xi).
- Parents are entitled to ask for copies of the investigation materials, which they can have, provided all other students' names are redacted (their child's name should be left intact). N.J.S.A. 18A:37-15b(6)(a).

# INVESTIGATION TIMELINES

- **Fifth Level: Board Hearing**

- A parent or guardian may **request a hearing before the Board within 60 calendar days of receiving the written information about the HIB investigation.** N.J.A.C. 6A:16-7.7(a)(2)(xi)(1)
- If a hearing is requested, the hearing shall be held **within 10 business days of the request.**
  - The Board shall meet in executive session for the hearing to protect the confidentiality of the students.
  - At the hearing, the Board may hear from the School Anti-Bullying Specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents. N.J.S.A. 18A:37-15b(6)(d).
- At the **next Board of Education meeting** following its receipt of the report, the **Board shall issue a decision**, in writing, to affirm, reject, or modify the Superintendent's decision. N.J.S.A. 18A:37-15(b)(6)(e).

# INVESTIGATION TIMELINES

- **Sixth Level: Appeals**

- The Board's decision may be appealed to the Commissioner of Education **no later than 90 days after the issuance of the Board's decision.**
- Parents can also file complaints with the Division on Civil Rights within **180 days** of the occurrence of any act of HIB if they fall under a protected class under the NJ Law Against Discrimination.

# **INVESTIGATION OF COMPLAINTS CONCERNING ADULT CONDUCT**

- *N.J.A.C. 6A:16- 7.7(a)2ix(1)* - Prohibits 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.
- Investigation must be conducted by an administrator or an independent investigator.
- Employees subject to HIB investigations may be placed on administrative leave with pay pending the results of the investigation to avoid allegations of retaliation and to preserve the integrity of the investigation.

# Sharing Information with Parents

# SHARING INFORMATION

- **Before the investigation begins:**
  - The principal must inform the parents or guardians of all students involved in the alleged incident and may discuss, as appropriate, the availability of counseling and other intervention services. N.J.S.A. 18A:37-15(b)(5).
  - The law does not say exactly what the principal must provide the parents.
  - The principal must keep a record of the date, time, and manner of notification.
- **What should be shared?**
  - Parents should at least be advised as to whether their child is considered to be the alleged offender or victim.
  - The amount of factual detail provided will depend on the allegations and how it could impact the investigation.

# SHARING INFORMATION

- **After the investigation concludes:**
  - Parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including:
    - the nature of the investigation,
    - whether the district found evidence of harassment, intimidation or bullying, or
    - whether discipline was imposed or services provided to address the incident of harassment, intimidation or bullying.
  - This information shall be provided within 5 school days after the results of the investigation are reported to the Board.

# **BOARD INVOLVEMENT WITH HIB**

# **BOARD INVOLVEMENT WITH HIB – REPORTING POTENTIAL HIB**

- All Board members (as well as all employees, volunteers, and contracted service providers who have contact with students) must verbally report any alleged violations of the Board's HIB Policy to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding the incident of alleged HIB.
- Within two school days of the verbal report, the individual who made the report must submit a report in writing to the Principal.
- A Board member or school employee who promptly reports an incident of HIB to the appropriate school official designated in the HIB Policy, or to any school administrator or safe schools resource officer, and who makes the report in compliance with the procedures in the HIB Policy, receives immunity from any lawsuit which seeks damages for a failure to remedy the report incident of HIB.

# **BOARD INVOLVEMENT WITH HIB – RESULTS OF THE HIB INVESTIGATION**

- After the Principal reviews the 338 Form, it is forwarded to the ABS to be investigated.
- The Board does not become involved again until the conclusion of the investigation.
- The Superintendent must report the results of each HIB investigation to the Board no later than the date of the next regularly scheduled Board meeting following the completion of the investigation.
- The Superintendent's report must include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

# **BOARD INVOLVEMENT WITH HIB – BOARD HEARING**

- After the Superintendent reports the results of the investigation to the Board, information about the investigation must be provided to the involved offends and targets/victims within five school days including:
  - The nature of the investigation;
  - Whether the District found evidence of HIB; and
  - Whether consequences were imposed or services provided to address the incident of HIB.
- Providing this information triggers the ability of the offender or the target/victim to request a hearing before the Board.
- An appeal before the Board can also be requested in accordance with the pupil grievance policy when the Principal or designee makes a preliminary determination that a complaint is not within the scope of the HIB statute.

# **BOARD INVOLVEMENT WITH HIB – BOARD HEARING**

- The request for a hearing must be filed with the Board Secretary within sixty calendar days after the written information regarding the information is provided.
- The Board must hold the hearing within ten business days of receipt of the request for a hearing.
- The hearing occurs in executive session to protect the confidentiality of the students involved.
- At the hearing, the Board may hear testimony and consider information provided by the anti-bullying specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.
- For a hearing of a decision following an investigation, the Board must decide whether to affirm, modify, or reverse the Superintendent's decision.

# **BOARD INVOLVEMENT WITH HIB - DECISION**

- At the next regularly scheduled Board meeting following the Board's receipt of the Superintendent's report on the results of the investigation or following a hearing, the Board must issue a written decision to affirm, reject, or modify the Superintendent's decision.
- The Board's decision can be appealed to the Commissioner of Education or the Division on Civil Rights if the student qualifies as a member of a protected group pursuant to the New Jersey Law Against Discrimination.

# **BOARD INVOLVEMENT WITH HIB – POLICY REVIEW**

- The District must annually conduct a reevaluation, reassessment, and review of its HIB Policy, making any necessary revisions and additions.
- In doing so, the Board must include input from the anti-bullying specialists.
- If the Board adopts revisions to the HIB Policy, it must transmit a copy of the revised HIB Policy to the Executive County Superintendent within thirty days.
- A link to the HIB Policy must also appear prominently on the home page of the District's website as well as each school's website and be distributed annually to all staff, students, and parents.
- The Board must also annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the HIB policies, procedures, programs and initiatives.

# CONSEQUENCES

- For the first and second act of HIB, the District may provide counseling or behavior intervention services, or discipline, or both, as determined by the Principal in consultation with appropriate school staff.
- For the third act, the Principal, in consultation with appropriate school staff, must develop an **individual student intervention plan**, which must be approved by the Superintendent or his/her designee, which may include remedial actions including counseling or behavioral intervention services, or progressive discipline, or both, and which may require the student, accompanied by a parent/guardian, to complete, in a satisfactory manner, a class or training program to reduce HIB behavior.
- For all instances in which there is an **affirmative HIB finding**, a copy of the **investigation results must be placed in the student's record**.
- The Superintendent and Principal must consult **law enforcement**, as appropriate, pursuant to the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if a student's behavior may constitute a violation of the New Jersey Code of Criminal Justice.

**THE END**

...Questions?