

(see LAD discussion above), you can file a complaint with New Jersey Division on Civil Rights (DCR), the state agency responsible for enforcing the LAD and investigating discrimination complaints. Your complaint must be filed within 180 days of the last incident. You do not need an attorney to file a DCR complaint.

2. Contact an attorney.

If you believe you have claims against a school for not protecting your child or against an individual for harming your child, contact an attorney for information about legal remedies.

3. File a criminal complaint.

Bullying is always wrong and unjustified, but in certain situations it can also be a crime. If your child has been physically assaulted, you may consider contacting your local police department to file a criminal complaint.

ADVOCACY RESOURCES

New Jersey Coalition for Bullying Awareness and Prevention

www.njbullying.org

(908) 522-2581

Dedicated to increasing community awareness of bullying.

Provides a variety of information, trainings around bullying prevention.

Education Law Center

www.edlawcenter.org

(973) 624-1815, (973) 624-4618 (tty)

Offers information, referrals and, in a limited number of cases, representation to parents and students in disputes with public schools. Targets low-income families in high poverty school districts and selects cases that raise systemic issues.

Gay, Lesbian and Straight Education Network

www.glsen.org

Northern New Jersey Chapter

(973) 249-9107 - glsen_nnj@yahoo.com

Central New Jersey Chapter

(609) 448-8243 - cnj.glsen@comcast.net

Assures that each member of a school is equally valued regardless of sexual orientation or gender identity. Provides anti-bullying workshops and programs that promote tolerance and address gender bias and harassment.

New Jersey Division on Civil Rights

www.njcivilrights.org

(609) 292-4605

To file a complaint, contact a regional office. Please check the Web site for your region's contact information.

New Jersey Office of Bias Crimes and Community Relations/New Jersey Cares About Bullying

www.njbiascrime.org

(877) NO-BULLY (662-8559)

(800) 277-BIAS (2427)

Assists schools and communities in developing anti-bullying policies by offering workshops and trainings. Provides information and referrals regarding bullying.

New Jersey State Bar Foundation

www.njsbf.org

(732) 937-7517

Provides free bullying-related training programs to NJ school staffs, as well as video resources, publications, posters and support to other NJ organizations.

Statewide Parent Advocacy Network

www.spannj.org

(973) 642-8100

Supports families and professionals in the healthy development of children and youth. Offers individual services, publications and trainings.

Youth Consultation Service

Center for the Prevention of Violence

www.ycs.org

(973) 482-8411

Offers a variety of school- and community-based programs that address youth violence.



American Civil Liberties Union of New Jersey

P.O. Box 32159, Newark, NJ 07102 • (973) 642-2086

bullying@aclu-nj.org • www.aclu-nj.org

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Know Your Rights



Legal Protections Against Bullying in New Jersey Schools

Co-sponsored by:

**American Civil Liberties Union
of New Jersey**

Education Law Center

**New Jersey Coalition for Bullying
Awareness and Prevention**

New Jersey State Bar Foundation

WHAT IS BULLYING?

Bullying is a common and damaging form of violence among children. New Jersey state law defines “harassment, intimidation or bullying” as any gesture or written, verbal or physical act that is reasonably perceived as being motivated by any actual or perceived distinguishing characteristic and has the effect of causing harm to a student or damage to the student’s property, or reasonable fear of harm or property damage, or of insulting a student or group of students in a way that substantially interferes with the orderly operation of a school. Bullying can be direct (e.g., hitting, teasing, name-calling) or indirect (e.g., social exclusion) and includes cyber-bullying (e.g., sending insulting or embarrassing e-mail, text messages or photos/video to the child or to others about the child).

Bullying often has serious consequences. Research evaluating the nature of bullying and peer harassment indicates that it can have long-term, negative effects upon students’ emotional, social and physical well-being. As a result, the learning environment can be disrupted for both victims and other students in the school environment.

Studies show that at least 30 percent of children and youth have been bullied or have bullied other children within any given school semester. Bullied children commonly experience long-term consequences, such as anxiety and depression that can persist into adulthood and children who bully are more likely to have difficulties as adults in the workplace or with the law.

WHAT ARE MY RIGHTS?

In general, schools have a responsibility to safeguard the welfare of their students and to assure their right to a nondiscriminatory learning environment.

New Jersey’s Bullying Statute Requires Schools to Implement Anti-Bullying Policies

In 2002, the New Jersey Legislature passed a bullying prevention law that requires each school district to adopt policies that prohibit bullying (N.J.S.A. 18A:37-13 to 19). The policies must include procedures for reporting bullying (including anonymous reporting), provide for prompt investigation of complaints and outline the consequences for students who bully. The law also requires that incidents of school bullying be

reported to school authorities and prohibits retaliation for reporting. By regulation, school district policies must be developed in consultation with parents and other community members, provide support for victims of bullying and require corrective action for documented systemic problems. On an annual basis, your district is required to review the extent of bullying and harassment that occurs in its schools and the training needs of its staff and to plan responsive programs and services in consultation with parents, students and other community members.

New Jersey’s Law Against Discrimination Protects Against Bias-Based Bullying

The New Jersey Law Against Discrimination (LAD) protects individuals on the basis of their race, national origin, religion, disability, age, sexual orientation, familial status or sex from discrimination and/or harassment in any place of public accommodation, including public schools. Harassing behavior violates the LAD when the conduct would not have occurred but for a person’s actual or perceived protected characteristic, and was severe or pervasive enough that a reasonable person would find the environment hostile.

The New Jersey Superior Court Appellate Division has interpreted the LAD to hold schools accountable for student-on-student bias-based bullying and harassment. In a recent decision, *L.W. v. Toms River Regional Schools Board of Educ.*, the court awarded compensatory damages to L.W. for the school’s failure to take “effective” action in the face of discrimination and harassment based upon the student’s perceived sexual orientation. This case is currently on appeal to the New Jersey Supreme Court.

Other Legal Rights

There may be civil liabilities, tort and other claims regarding school safety. Depending on the level of harassment and the type of conduct at issue, your child may have claims against an individual bully or against the school district. For example, the New Jersey Supreme Court has recognized that schools have a duty to protect students from danger, *Frugis v. Bracigliano*, 177 N.J. 250 (2003). In addition, the New Jersey Commissioner of Education has recognized safe access to public school as guaranteed by the Education Clause in the state constitution and has affirmed tuition reimbursement as

an exceptional remedy when such access has been denied. *M.P. v. Board of Educ. of Delran*, 1985 S.L.D. 1834. Students with disabilities can seek remedies for the denial of a free appropriate public education under the Individuals with Disabilities Education Improvement Act when the program offered is not sufficiently free from the threat of harassment. *Shore Regional High School Board of Educ. v. P.S.*, 381 F. 3d 194 (3d Cir. 2004).

WHAT CAN I DO?

General Strategies for Parents

- Ask your child how children treat other children at school (and how your child is treated); listening is more important than advice.
- Never ignore bullying, don't walk by; if you can't intervene directly, report it.
- Request to see the school’s anti-bullying policy and advocate with the school to provide an effective, school-wide campaign against bullying.
- Be involved in and present at your child's school. Get together and take action with other concerned parents to raise expectations about the school's approach to bullying.

MY CHILD IS BEING BULLIED . . .

First Contact Your Child’s School

If you believe your child is being bullied in school, you can start by contacting your child’s school to set up an appointment to speak with teachers and/or school staff. They are in the best position to develop an immediate intervention plan. You should keep track of each contact you have with teachers and administrators about these issues.

If Your Child’s School is Unresponsive

If your child’s school does not adequately address bullying against your child, complain to your district’s superintendent and board of education, and to New Jersey Department of Education’s County Superintendent for your county. If you are still not satisfied, you may want to take formal legal action.

1. For biased-based bullying, file a complaint with the New Jersey Division on Civil Rights.

If you believe your child is being harassed or bullied based on an actual or perceived protected characteristic