

**Policy**

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SEXTING POLICY

The Jersey City Board of Education prohibits acts of harassment, intimidation or exploitation of a student. The board of education has determined that "sexting" as defined below is disruptive and destructive to the school climate and is a form of harassment, intimidation and bullying. The board of education believes that "sexting", like other disruptive behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Accordingly, sexting will not be tolerated not only because such conduct is repugnant, but also because such conduct is gravely inconsistent with district efforts to create a safe and civil environment conducive for student learning and high academic achievement, and because it can lead to more serious violence.

Sexting Defined

While its definition varies, "sexting" in this school district is defined as the production, possession or dissemination of sexual materials, including sexually suggestive text messages, nude or semi-nude photographs, via cellular telephone or the internet by minors (persons under the age of 18) while on school property or at any school sponsored function that:

- A. A reasonable person would objectively perceive as having the potential effect of insulting, intimidating, harassing, demeaning or exploiting a student, or placing a student in reasonable fear of harm to his person; or
- B. Has the potential effect of insulting, intimidating, harassing, demeaning or exploiting any student in such a way as to cause any disruption or interference with the orderly operation of the school.

Behavior Expected from Students

All students are expected to refrain from any and all conduct involving sexting. Students are expected to conduct themselves in a manner where proper regard is given to the rights and welfare of other students, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the student's code of conduct. Students are expected to have respect for themselves and others. Sexting shall not be tolerated on school property, on a school bus, or at any school sponsored function, or off school grounds consistent with law and board policy 5131.1 Harassment, Intimidation and Bullying.

A. Consequences

Consequences for a student who is found engaging in sexting shall be 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 must be consistent with the district's code of conduct. Consequences for a student engaging in acts of sexting include, but are not limited to, the following:

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. Classroom or administrative detention;
- 5. Referral to disciplinarian;
- 6. In-school suspension during the school week or the weekend;
- 7. After-school programs;
- 8. Out-of-school suspension (short-term or long-term);
- 9. Transfer to another school;
- 10. Legal action; and
- 11. Expulsion.

SEXTING POLICY (continued)**B. Remedial Measures to Correct Problem Behavior**

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of sexting, and take corrective action for documented systemic problems relating to sexting. Remedial measures for a student engaging in acts of sexting include, but are not limited to, the following:

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a student behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive student interventions, including participation of the intervention
7. and referral services team;
8. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
9. Behavioral management plan with benchmarks that are closely monitored
10. such as zero tolerance;
11. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
12. Involvement of school disciplinarian;
13. Student counseling;
14. Parent conferences;
15. Student treatment; or
16. Student therapy.

**C. Remedial Measures for Victims**

Remedial measures for the victim(s) of acts of sexting and others affected by such acts that may be undertaken on a classroom, school building or school district basis include, but are not limited to the following:

1. Supportive institutional interventions, including participation of the intervention and referral services team;
2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
3. School culture change;
4. School climate improvement;
5. Adoption of research-based, systemic bullying prevention programs;
6. School policy and procedures revisions;
7. Modifications of schedules;
8. Adjustments in hallway traffic;
9. Modifications in student routes or patterns traveling to and from school;
10. Supervision of students before and after school, including school transportation;
11. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
12. Teacher aides;
13. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
14. General professional development programs for certificated and non-certificated staff;
15. Professional development plans for involved staff;
16. Disciplinary action for school staff who contributed to the problem;
17. Parent conferences;
18. Family counseling; and
19. Involvement of parent-teacher organizations.

In all cases, the district shall attempt to actively involve parents in the remediation of the sexting behavior.

SEXTING POLICY (continued)Classified Students

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Reporting Acts of Sexting

Staff, students and parents/guardians who become aware of an act of sexting shall report such conduct the same day to the school principal or his or her designee according to the rules established in board policy 5131.1 Harassment, Intimidation and Bullying. Sexting may be reported to the school principal in writing and may be made anonymously, but formal action for violation of the code of student conduct may not be based solely on the basis of an anonymous report that is unsubstantiated. Verbal reports shall be documented in writing within two days of the receipt of the report. Whenever possible a copy of the message(s) in question should be attached to the written report.

The building principal shall inform the parents/guardians of the students involved and initiate the investigation process within one day of the verbal report.

Investigating and Responding to Reports of Sexting

All reported incidents of sexting shall be investigated according to the timelines and rules established by law and board policy for harassment, intimidation and bullying (see board policy 5131.1). The school anti-bullying specialist shall be responsible for investigating incidents. The investigation of sexting incident may also include:

- A. Verifying that the cell phone, computer or other electronic device contains and/or disseminates sexual materials, including sexually suggestive text messages and nude or semi-nude photographs, and obtaining copies of messages where possible;
- B. Securing all potential witnesses;
- C. Taking of statements from victim(s), witnesses and accused;
- D. Carefully examining the facts;
- E. Determining if alleged act constitutes a violation of this policy and/or board policy 5131.1 Harassment, Intimidation and Bullying;
- F. Contacting the associate superintendent and the district's legal department.

Measures to Support Victims During and After the Investigation

The anti-bullying specialist or his or her designee shall also ensure that supportive and protective measures are arranged for the victim(s) of the messages while the investigation is being conducted. This shall include but are not limited to the measures stated in board policy 5131.1 Harassment, Intimidation and Bullying and will also include the following:

- A. Taking steps to avoid continued distribution of the messages (i.e., confiscate the phones)
- B. Separating and protecting the child victim(s) from all the other children involved;
- C. Taking immediate measures to protect the victim and others involved from new or additional bullying and

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harassment;

D. Contacting the parents/guardians of all students involved.

No Reprisals for Reports of Sexting

The board of education prohibits reprisal or retaliation against any person, who reports an act of sexting. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined after consideration of the nature, severity and circumstances of the act, in accordance with law and district policies and procedures (5131.1 Harassment, Intimidation and Bullying).

False Accusations Relating to Sexting

The consequences and appropriate remedial action for a student found to have above sub-section entitled "Consequences and Appropriate Remedial Action for Students who Engage in Sexting."

Publication of Sexting Policy

This policy shall be printed in the school district's Student Code of Conduct for all students and parents and annually disseminated to all school staff. The policy shall also be posted on the school district's website.

Adopted: August 26, 2010  
 NJSBA Review/Update: April 2013  
 Readopted: October 17, 2013

Key Words

Harassment, Intimidation, Bullying, Texting, Sexting, Email

<b><u>Legal References:</u></b>	<p><u>N.J.S.A. 2A:4A-60 et al.</u></p> <p><u>N.J.S.A. 10:5-1 et seq.</u></p> <p><u>N.J.S.A. 18A:6-112</u></p> <p><u>N.J.S.A. 18A:11-1</u></p> <p><u>N.J.S.A. 18A:12-33</u></p> <p><u>N.J.S.A. 18A:17-46</u></p> <p><u>N.J.S.A. 18A:25-2</u></p> <p><u>N.J.S.A. 18A:26-8.2</u></p> <p><u>N.J.S.A. 18A:36-19</u></p> <p><u>N.J.S.A. 18A:36-19a</u></p> <p><u>N.J.S.A. 18A:37-1 et seq.</u></p> <p><u>N.J.S.A. 18A:37-13 et seq.</u></p> <p><u>See particularly:</u></p> <p><u>N.J.S.A. 18A:37-14, -15, -17</u></p> <p><u>N.J.A.C. 6A:14-2.8</u></p> <p><u>N.J.A.C. 6A:16-1.1 et seq.</u></p> <p><u>See particularly:</u></p> <p><u>N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9</u></p> <p><u>N.J.A.C. 6A:32-12.1</u></p>	<p>Disclosure of juvenile information; penalties for disclosure</p> <p>Law Against Discrimination</p> <p>Instruction on suicide prevention for public school teaching staff</p> <p>General mandatory powers and duties</p> <p>Training program; requirements</p> <p>Reporting of certain acts by school employee; annual report; public hearing (acts of violence)</p> <p>Authority over students</p> <p>School leader defined; training as part of professional development</p> <p>Student records; creation, maintenance and retention, security and access; regulations; nonliability</p> <p>Student records (Newly enrolled students; transfers of records, identification)</p> <p>Submission of Students to Authority (Discipline)</p> <p><u>Anti-Bullying Bill of Rights Act</u></p> <p>Harassment, intimidation, and bullying</p> <p>Discipline/suspension/expulsions (students with disabilities)</p> <p>Programs to support student development (includes student conduct code)</p> <p>Reporting requirements</p>
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**SEXTING POLICY** (continued)

N.J.A.C. 6A:32-12.2

School-level planning

**Possible**

<b><u>Cross References:</u></b>	*1220	<u>Ad hoc</u> advisory committees
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	*4231/4231.1	Staff development; inservice education/visitation conferences
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5131	Conduct and discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	*5142	Student safety
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*5145.1	Questioning and apprehension
	*5145.1	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.