

THE ANTI-BULLYING BILL OF RIGHTS ACT

Presented to the Hudson County Social Emotional
and Character Development Consortium

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PART I:

**THE ANTI-BULLYING BILL
OF RIGHTS ACT**

HIB: THE STATUTORY DEFINITION

“Harassment, intimidation or bullying” means any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in *N.J.S.A. 18A:37-15.3*, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- Has the effect of insulting or demeaning any student or group of students; OR
- Creates a hostile educational environment for the student by interfering with a student’s education or severely or pervasively causing physical or emotional harm to the student.

HIB: Breaking it Down

What: Any gesture, any written, verbal or physical act, or any electronic communication.

Verbal

- Name calling;
- Taunting;
- Constant teasing; or
- Making threats.

Physical

- Hitting;
- Punching;
- Shoving;
- Spitting; or
- Taking or damaging personal belongings.

Psychological

- Spreading rumors;
- Purposefully keeping people from activities; and
- Breaking up friendships or other relationships.

Electronic Communication “Cyberbullying”

- Communication transmitted by means of an electronic device, including e-mail, text messages, Facebook, Twitter, Tumblr, other social networking sites and the like.

Bullying may occur in a single incident or a series of incidents.

HIB: Breaking it Down (cont.)

Who and Why:

That is reasonably perceived as being motivated either by any actual or perceived characteristic (such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability).

or

By any other distinguishing characteristic.

Any Other “Distinguishing Characteristic”

Most Likely YES

Possibly YES

Probably NOT



Hair Color

Grade level

Comparative strength between students

Piercings

Political affiliation

Comparative age between students

Braces

Social standing

Comparative popularity between students

Glasses

Popularity

Intelligence (*nerds, “sped” kids*)

Socio-economic status

Weight

Physical features (*big ears*)

Remember... the concept of a “power differential” was deleted from the early drafts of the definition of HIB. Currently, actions based on a power differential are generally considered “classic bullying” rather than HIB. **Note that the NJ DOE has recommended a change to the regulation stating that HIB “may involve a power imbalance.”**

HIB: Breaking it Down (cont.)

Where and when:

It must take place on school property, at any school-sponsored function, on a school bus;

or

Off school grounds as provided for in *N.J.S.A. 18A:37-15.3*, in cases in which a school employee is made aware of such actions and subject to the following restrictions:

- Only when discipline is *reasonably necessary* for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security or well-being of other students, staff or school grounds, pursuant to *N.J.S.A. 18A:25-2* and *N.J.S.A. 18A:37-2*; and
- Only when the conduct, which is the subject of the proposed consequence *materially and substantially*, interferes with the requirements of appropriate discipline in the operation of the school.

HIB: Breaking it Down (cont.)

How:

It must substantially disrupt or interfere with the orderly operation of the school **or** the rights of other students;

and

It must meet at least **one** of the following three additional criteria:

- If the actions are such that a reasonable person should know, under the circumstances, will either: (1) have the effect of physically or emotionally harming a student; (2) damaging the student's property; OR (3) placing the student in *reasonable fear* of physical or emotional harm; OR
- Has the effect of insulting or demeaning any student or group of students; OR
- Creates a hostile educational environment for the student by interfering with a student's education OR by severely or pervasively causing physical or emotional harm to the student.

Substantially Disrupts or Interferes

The only HIB case to specifically address this factor utilized the framework of the free speech rights afforded to students in *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, which held that students do not lose their free speech rights in school, except where it “materially disrupts classwork or involves substantial disorder or invasion of the rights of others”

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 512-215 (1969).

Substantially Disrupts or Interferes

Under this framework, the ALJ found, and Commissioner affirmed, that repeated requests for sexual favors in the presence of other students both substantially disrupted the orderly operation of the school and substantially interfered with the rights of other students.

The ALJ found that the student substantially interfered with the orderly operation of the school because “the essential lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct.”

The ALJ also found that the student’s verbal and electronic communications substantially interfered with the victim’s “rights to be secure and to be left alone.”

The ALJ also noted that other students who witnessed the behavior were “so affected by it that they reported [the offender’s] behavior to school officials.”

T.R. and T.R. o/b/o E.R. v. BOE of Bridgewater-Raritan Reg. Sch. Dist., OAL Dkt. No. EDU 10208-13 Initial Decision (Sept. 25, 2014) aff’d by Commissioner (Nov. 12, 2014).

Determination/Analysis

An allegation can *only* be determined HIB when the statutory requirements of *N.J.S.A. 18A:37-14* are met. The following are *required*:

1. **HIB can occur from a single incident or a series of incidents.** Choose *one*:

- Single Series

2. **Mode of HIB** (*at least one* must be selected to find HIB):

- Verbal Communication Electronic Communication Physical Act
 Written Communication Gesture

3. **Actual or Perceived Characteristic** (*at least one* must be selected to find HIB):

- Race National Origin Gender Identity and Expression
 Color Gender Mental, Physical, or Sensory Disability
 Religion Sexual Orientation
 Ancestry

–and/or–

- Other distinguishing characteristic: _____

4. **Impact of Incident(s)** (*at least one* must be selected to find HIB):

- Substantially disrupts or interferes with the orderly operation of the school
–and/or–
 Substantially disrupts or interferes with the rights of other students

5. **Impact of Incident(s)** (*at least one* must be selected to find HIB):

- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the students property; –and/or–
 A reasonable person should know, under the circumstances, will have the effect of placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; –and/or–
 Has the effect of insulting or demeaning any student or group of students; –and/or–
 Creates a hostile educational environment for the student by interfering with the student's education; –and/or–
 Creates a hostile educational environment for the student by severely or pervasively causing physical or emotional harm to the student.

Conclusion

- HIB (*at least one check in each of 1-5 above*) Not HIB

PART II:

THE 2014 ABTF RECOMMENDATIONS & NJ DOE RESPONSE

Anti-Bullying Task Force: Purpose

Creation

- The Anti-Bullying Task Force (“ABTF”) was established in March 2012 as part of Legislative amendments to the Anti-Bullying Bill of Rights Act (“Act”).

Purpose

- To provide guidance to districts on available resources to assist in implementation of the Act.
- Examine implementation of the Act and draft model regulations for the Commissioner’s review.

Purpose

- Present any recommendations regarding the Act deemed necessary and appropriate.
- Prepare an annual report on the effectiveness of the Act in addressing bullying in schools.

ABTF 2014 Recommendations and NJ DOE Response

- In January 2014, the ABTF made nine recommendations. On December 24, 2014, the New Jersey Department of Education (“NJ DOE”) Commissioner of Education responded to said recommendations. Of the nine recommendations, six were “accepted” or “accepted with edits” and two were not accepted; one remains under review.
- The recommendations and response were as follows:
- Accepted:
 - The ABTF recommended a **45-day calendar day timeline** for parental appeals to the board (and clarify that they must be held within **10 business days**). This recommendation was accepted and is proposed as *N.J.A.C. 6A:16-7.7(a)(2)*, new section ix.
 - The ABTF recommended changing the School Safety Team to School Safety/Climate Team. The change was accepted.
 - The ABTF recommended inclusion of review of the reports and/or findings of the School Safety/Climate Team in conjunction with review of the Board’s policy. This was accepted.

ABTF 2014 Recommendations and NJ DOE Response

- Accepted, with edits:

- The ABTF recommended including the power differential concept and providing a description of the power differential. The NJ DOE accepted, with edits, the recommendation. The NJ DOE proposed an amendment to *N.J.A.C. 6A:16-7.7(a)(2)*, new section iii., for consideration that says: “A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.”
- The ABTF recommended that it be clarified that adult-on-student bullying is covered by the Act. The recommendation was accepted with an edit to clarify that it applied to adult on student behavior. The new language is proposed as new *N.J.A.C. 6A:16-7.7(a)(2)vii*.
- The ABTF recommended including language regarding the members of the School Safety Team. The change was accepted with clarification that the parent must be a parent of a child in the school.

ABTF 2014 Recommendations and NJ DOE Response

- Under review:

- The ABTF recommended establishing **minimum criteria** to be satisfied **before a principal will refer** an accusation to an ABS. This recommendation is under deliberation and review.

- Not accepted:

- The ABTF recommended a provision that prohibited members of the same bargaining unit from conducting an investigation of an adult in the same unit. The request was not accepted; however, the NJ DOE did propose language that it may be appropriate to use someone of a different bargaining unit if there is an **appearance of impropriety or conflict of interest**.
- The ABTF recommended a provision that HIB documents be identified as **“mandated student records.”** The request was rejected with a statement that schools have sufficient information regarding mandated student records.

PART III:

THE 2015 ANTI- BULLYING BILL OF RIGHTS TASK FORCE

HAZING

- The ABTF considered recent incidents of hazing and found that the Act's definition of HIB includes hazing.
- The ABTF recognized that the difference between hazing and bullying is subtle. The difference is that bullying usually involves singling someone out to “exclude” while hazing is typically to “earn” your way into a group and/or team.
- The ABTF recommended intervention and prevention strategies to prevent hazing.

STUDENT RECORDS

- The ABTF considered requests that the consequences to an individual found in violation of the Act be released to the victim.
- The ABTF recommended referral to the New Jersey Attorney General to review whether HIB findings can be released, and to whom, to ensure compliance with federal and State law.

REPORTING SENSITIVE INFORMATION

- The ABTF considered that school districts must be mindful of reporting sensitive information, especially with regard to sexual orientation, gender identity or gender expression.
- The ABTF recommended training regarding how to communicate sensitive information.
- The ABTF also recommended that, if possible, a counselor of a particular student not serve as the ABS where the student is an alleged aggressor or target.

ANTI-BULLYING SPECIALIST AND AFFIRMATIVE ACTION OFFICER

- The ABTF recognized that some allegations will implicate statutes and regulations such as Title IX of the Education Amendments of 1972, the New Jersey Law Against Discrimination, and Managing for Equality and Equity in Education in addition to the Act.
- The ABTF recommended that when a report of HIB involves an allegation of conduct based on a protected class, the Affirmative Action Officer, if not also the ABS, should be notified and collaborate on a single investigation.
- The ABTF also recommended that “gender identity and expression” be added to the protected classes enumerated throughout *N.J.A.C. 6A-7*.

OTHER RECOMMENDATIONS

- **The ABTF recommended:**
 - **Increasing financial support for the Act;**
 - **Refining programming offered by the NJ DOE;**
 - **Increased training, including training related to hazing;**
 - **Adopting the prior recommendation regarding the minimum criteria that must be met before transmitting a matter to the ABS for investigation;**
 - **Integrating social and emotional skills across the curriculum;**
 - **Increased training for School Safety/Climate Teams;**
 - **Increased meetings for the School Safety/Climate Teams; and**
 - **Review of policies to ensure that appropriate responses to HIB are in place at the individual, classroom, school, and district level.**

PART IV:

CASE LAW UPDATE

Case Law: Finding of HIB (sexual harassment)

T.R. and T.R. o/b/o E.R. v. BOE of Bridgewater-Raritan Reg. Sch. Dist.,
EDU 10208-13, Initial Decision, (Sept. 25, 2014) aff'd Commissioner (Nov. 12, 2014) amended decision (May 6, 2015)

Act of HIB/Board Decision

- An 8th grade male student attempted to engage in sexual activity with a 7th grade female student on school grounds. He continued to request sexual activities such as attempting to sit on her lap on the bus, inviting her to get off at his bus stop so she could go home with him and gratify him sexually with her hands, inviting her to strip for him over the internet, and text messaging her about hooking up.
- The district initially did not investigate, but upon the parents' appeal to the superintendent, the district did conduct an investigation. The result was a determination that the acts did not violate the HIB statute, which was upheld by the Board after a hearing.

ALJ and Commissioner Decision

- The district filed a motion for summary decision, which was opposed by the parents.
- On motion for summary decision, the ALJ found the board's decision arbitrary, capricious, and unreasonable holding that the acts were motivated by an actual characteristic, gender (female) and sexual orientation (heterosexual); it substantially disrupted the orderly operation of the school and the rights of other students (based on the *Tinker* analysis discussed *supra*); and that a reasonable person would find the acts emotionally harming and were insulting or demeaning. The ALJ did not have to decide if there was a hostile educational environment (which was disputed by the parties) because the other prongs were sufficiently satisfied.
- The Commissioner affirmed the ALJ's decision finding that the statutory definition of HIB encompasses sexual harassment where all other elements of the statutory definition are met.

Case Law: Finding of HIB

G.H. and E.H. o/b/o K.H. v. BOE of Franklin Lakes,

EDU 13204-13, Initial Decision, (February 24, 2014) aff'd Commissioner (April 10, 2014)

Act of HIB/Board Decision

- On October 5, 2013, K.H. complained to his physical education teacher, Mr. B., that he had been slapped by a classmate, A.S. Mr. B. asked A.S. why he had hit K.H. and A.S. burst into tears explaining that K.H. and several other students had been saying “kool-aid” to him for several days. A.S., who is African-American, perceived this phrase as directed at him because of his race.
- The district’s anti-bullying specialist investigated the matter and found that K.H. had violated the Act because his actions were motivated by A.S.’s race and his behavior satisfied all three subpart prongs.
- The superintendent and the board affirmed the decision and disciplined K.H. with a one day in-school suspension followed by mandatory counseling.

ALJ and Commissioner Decision

- The ALJ held that K.H.’s actions undoubtedly constituted HIB, noting that where A.S. made a very credible witness, K.H.’s excuses were utterly lacking in credibility. Commissioner affirmed Judge Bass’ decision.
- The ALJ also noted the K.H.’s behavior violated the Act even though it was only a single act. “Petitioners’ unpersuasive argument that at worst K.H.’s conduct was a single incident and thus cannot rise to HIB ignores both the factual record and the explicit statutory definition to the contrary.”
- The Commissioner affirmed the ALJ’s decision.

Case Law: Finding of HIB

W.C.L. and A.L. o/b/o L.L. v. BOE of Tenafly,

EDU 03223-12, Initial Decision, (November 26, 2012), aff'd Commissioner (January 10, 2013)

Act of HIB/Board Decision

- On September 27, 2011, L.L., a 10 year old, fourth grade student, told another student that a classmate, J.L., had head lice when asked why she had colored her hair; several students overheard; and J.L. was offended and complained to her teacher.
- Board affirmed decision of superintendent, finding HIB.
- L.L. was given a learning assignment. He met with the ABS at lunch and read and discussed a book entitled, "Just Kidding," an age appropriate story about situations where kidding can cause hurt feelings. L.L. was asked to answer three questions about the text. No other discipline was imposed.

ALJ and Commissioner Decision and Pending District Court Action

- The ALJ and Commissioner decided that the petitioners had not met the burden of showing that the board's action was "patently arbitrary, without rational basis, or induced by improper motives."
- L.L. had violated the Act by committing a verbal act; motivated by a distinguishing characteristic (head lice); on school grounds; that interfered with the rights of other students, namely J.L., which a reasonable person should know, under the circumstances, will have the effect of emotionally harming the student; has the effect of insulting or demeaning the student; and created a hostile educational environment for the student by interfering with the student's education or severely or pervasively causing physical or emotional harm to the student.
- The parents have filed in District Court claiming that the Act and Board policy violate the student's free speech, equal protection, and due process rights and rights under the New Jersey Civil Rights Act.

Case Law: Bullying and Denial of FAPE

T.K. and S.K. ex. Rel. L.K. v. New York City Dep't of Educ.,
63 IDELR 256 (E.D.N.Y. 2014)

Allegations of harassment and bullying

- Parent alleged that a classified child was the subject of peer harassment that resulted in the child becoming emotionally withdrawn, gaining 13 pounds, arriving late to school for fear of ostracism. Teachers testified that the student was treated as a “pariah” and laughed at by classmates.
- Parents attempted to discuss bullying during an Individualized Education Program (“IEP”) meeting, but were advised that it was not an appropriate topic for discussion. District focused on changing the child’s behaviors that made her susceptible to bullying rather than ensuring that peer harassment did not significantly impeded her education.

District Court Decision

- District Court found a district denies FAPE when it is deliberately indifferent to or fails to take reasonable steps to prevent bullying that substantially restricts the educational opportunities of a child with a disability. Parent awarded private school tuition reimbursement.
- If an IEP team has a legitimate concern that bullying will significantly restrict a student’s education, it must consider evidence of bullying and include an anti-bullying program in the student’s IEP.

Case Law: No Finding of HIB or Denial of FAPE

M.K. o/b/o J.P. v. Hawthorne BOE
EDS-18538-13, (July 30, 2014)

Alleged Acts of HIB

- Parent alleged that her classified child was bullied for several years, essentially held him out of school for the 2013-2014 school year, and requested that the District amend its IEP to place him at the Sage Day School for 8th Grade.
- Allegations were largely name-calling, but none that were specific to a distinguishing characteristic, or, when they were, did not cause a substantial disruption to the school day or the rights of other students (e.g., calling the student “Goldilocks” after he dyed his hair; friends calling each other “gay”; general Tomfoolery).

ALJ Decision

- The ALJ found that the actions complained of **did not constitute HIB** – the District investigated every reported incident, and properly found that the criteria were not met; the student missed his friends at school and wanted to be back; there was no mention of bullying at any IEP meetings.
- As a result, there was no basis to determine that the District had failed to provide the student with a free and appropriate education, and placement at Sage Day School was denied.

Case Law: No Finding of HIB

R.C.F. and A.L.F., o/b/o S.N.F. v. BOE of the Borough of South Plainfield, Middlesex County, EDU 08049-12,
Initial Decision (August 2, 2013), aff'd, Commissioner (September 18, 2013)

Act of HIB

- After having perceived that the length of S.N.F.'s skirt may have been in violation of the dress code, a teacher directed S.N.F. to report to the main office to have the skirt measured.
- Further, the teacher deemed S.N.F.'s conduct of communicating with another student during an examination as cheating and gave her a grade of zero on an exam.
- Petitioners claimed that the teacher's actions subjected S.N.F. to acts of HIB.

ALJ and Commissioner Decision

- The ALJ found that the actions complained of **did not constitute HIB** – there was no indication that the acts and subsequent verbal interactions were motivated by a distinguishing characteristic.
- Rather, the ALJ found that the teacher's actions amounted to nothing more than a teacher disciplining a student for violations of school rules.
- The ALJ further found that the district promptly and appropriately responded to the petitioners' HIB complaints; the Commissioner adopted the ALJ's Initial Decision.

Case Law: Proper Investigation

Hamilton Township (NJ) School District,

113 LRP 32038, Office for Civil Rights, Eastern Division, New York (New Jersey) (May 20, 2013)

OCR Allegations

- Complainant alleged that the District did not properly respond to allegations of HIB.
- Five incidents were discussed and investigated; four by the ABS and one by the principal. The principal's investigation found the incident was not related to the student's disability. The ABS interviewed students and witnesses by advising them of the allegations and asking for statements.

OCR Determination

- The OCR found that the ABS did not ask probing follow-up questions to determine if the incidents occurred as alleged; and in some instances did not even ask the alleged harasser if he or she had participated in the conduct. Further, in many instances, the ABS did not interview other witnesses. The OCR also found that the harassing conduct played out in a series of incidents that involved more or less the same group of students.
- District agreed to implement a resolution agreement that provided: 1) a written offer of counseling to the victim; 2) training to all school staff regarding prohibition of disability discrimination; 3) annual training to new staff who are directly involved in processing, investigating, and/or resolving complaints of discrimination and/or harassment and counseling or other personnel likely to receive reports of harassment; and 4) annual age-appropriate orientation to all students to address discrimination and harassment.

Case Law: Proper Investigation

D.M. o/b/o K.B. v. BOE of the Twp. of West Milford,
EDU 4873-14, Initial Decision (_____) rev'd by Commissioner (Nov. 24, 2014)

Facts

- Parents alleged that their child was harassed in October 2013 and January 2014 to the point that the child could not attend school and the district did not investigate in compliance with the Act.
- The district denied that the student was subject to bullying and contended that neither the parent nor the child had filled out the HIB reporting form that would have provided the details necessary to investigate.

ALJ and Commissioner Decision

- The ALJ granted the unopposed motion for summary decision in favor of the district holding that the even if opposed the district had exercised its managerial discretion.
- The Commissioner rejected the decision finding 1) it was an error to apply the “default” standard of review and 2) all alleged acts of HIB require an internal investigation by an ABS, which the district did not undertake.
- The Commissioner found that “as soon as the petitioner made a claim of HIB, the statutory requirements were triggered and the District had an affirmative obligation to conduct an investigation and follow the protocol outlined in *N.J.S.A. 18A:37-15(b)6*.” The Commissioner also found that parents are not required to fill out a form to trigger an obligation on the District to investigate.

Case Law: Records

K.L. v. Evesham Twp. BOE,
32 A.3d 1136 (App. Div. 2011), *cert. denied*, 40 A.3d 732 (N.J. 2012)

Facts

- A parent sought all school records pertaining to alleged incidents of bullying against his children.
- Board declined to provide any records except the parent's children's own files. Board asserted that the information relating to other students was protected under State and federal privacy laws.

ALJ and Commissioner Decision

- The court noted that the statute does not expressly require disclosure of a written investigative report, notes or any other designated school records.
- Rather, the statute requires that the district inform the parents in writing of "the nature of the investigation, whether the district found evidence of [HIB], or whether discipline was imposed or services provided to address the incident of HIB." However, neither does the statute modify or repeal any provision of OPRA or other laws regarding access to school records. Therefore, the records were subject to disclosure.

Case Law: Records

G.T.S. o/b/o S.A.S. v. BOE of Union County Vocational Sch.,

EDU 12505-12, Initial Decision (October 16, 2013), aff'd, Commissioner (December 5, 2013)

Facts

- Petitioner filed an appeal to expunge a then-minor's disciplinary records related to a finding of HIB from 2012.
- The board moved for summary decision contending that its actions were in compliance with the Act and that the HIB findings were not made part of a disciplinary record.
- During the appeal, S.A.S. graduated, attained the age of majority, and began attending college.

ALJ and Commissioner Decision

- The ALJ found that the board's actions were in compliance with the Act.
- Further, the ALJ found that the issues presented by the petitioner were moot because no disciplinary records were in S.A.S.'s educational file to expunge, S.A.S. was currently attending college, and no evidence suggested that the board formally or informally related the underlying incident to any higher educational institution. The Commissioner affirmed the ALJ's decision.

Family Policy Compliance Office (“FPCO”)

Letter to Anonymous, 113 LRP 35722 (June 19, 2013)

Facts

- District investigated several students and prepared one report. While pursuing a restraining order against the parent of one of the students, another parent learned that the report was shared with a parent, who shared the report with their attorney.

FPCO Letter

- The FPCO issued a letter stating that under the Family Educational Rights and Privacy Act (“FERPA”) each parent has the right to inspect and review or be informed of information contained in their child’s educational record. However, FERPA would not permit the school to provide one of the parents with a copy of the educational record that is directly related to two students unless the other parent gave written consent.
- Where an educational record that refers to two or more students cannot be separated easily and still remain understandable to the parent, each parent has the right to inspect or review or be informed of the information in the educational record.
- If there is a court order, the school may nonconsensually disclose the information after making a reasonable effort to notify the parent in advance of compliance so that the parent can seek protective action.

Case Law: Parental Liability

V.B. v. Flemington-Raritan Regional BOE,
Docket No.: HNT-L-95-13 (Law Div. March 12, 2014)

Facts:

- Plaintiff, a 17 year-old, filed suit against the school district alleging that the school staff failed to address his complaints about being bullied.
- In turn, the school district filed third-party complaints against the students who were allegedly bullying the plaintiff, claiming that their parents were made aware of their children's conduct and that any failure to act may be deemed willful or wanton behavior.
- The school district is seeking contribution from the students' parents claiming that under the Joint Tortfeasor Contribution Law whenever one party's injury is caused by the tortious conduct of two or more persons.
- The students filed a motion to dismiss the school district's Third-Party Complaint.

Holding:

- The Judge denied the students' motion to dismiss holding that a contribution claim is available to school districts.
- The Judge stated that the school district's negligence only occurs because the occurrence of the Third-Party Defendants' negligence and that both acts of negligence were required here for plaintiff to suffer harm.

PART V:

QUESTIONS????