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# Anti-Bullying Bill of Rights Act (“HIB”)

*Prepared for the Mendham School District*

*Presented by*

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# Resources

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<http://www.stopbullying.gov>

- Resources for:
  - Kids;
  - Teens;
  - Young Adults;
  - Parents;
  - Educators;
  - Community members

# Major Changes

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- Definition of HIB
- District staff functions
- Policy and Procedures
- Programs
- Training requirements
- Public reporting

# Definitions -- What's New?

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- Includes gestures, written, verbal or physical acts or electronic communication;
- *Single incident or series of incidents;*
- Reasonably perceived to be motivated by any actual or perceived characteristic.

*Underlined/italics indicate new text*

# Definitions - What's New?

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- **Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical or sensory disability or by any other characteristic (*changed “handicap” to “disability”*);**

# Definitions - What's New?

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- Takes place on school property, school-sponsored function or school bus;
- *Off school grounds when school employee is made aware .*

# Definitions – What's New?

- *Substantially disrupts or interferes with the orderly operation of the school or the rights of other students and ;*
- A reasonable person should know will have the effect of *physically or emotionally* harming the student or damaging the student's property; or will place the student in reasonable fear of *physical or emotional* harm to his person or damage to his property..
- Effect of insulting or demeaning any student or group of students.

# Definitions – What's New?

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- **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.**



# Difference Between Conflict and HIB

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- Mutually competitive or opposing action or engagement
- Includes disagreements, arguments and fights
- A normal part of growing up and of life
- HIB is one-sided
- One or more students are victims of one or more person's aggression
- The intent is to physically or emotionally hurt the other person or persons

# New District Staff Functions

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- Anti-Bullying Coordinator (District)
- Anti-Bullying Specialist (School)
- School Safety Team (School)

# School Safety Team (School)

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- Formed to develop, foster and maintain a positive school climate, including HIB issues;
- Consists of the principal (or designee) – preferably a senior administrator AND principal appointees:
  - A teacher in the school;
  - School anti-bullying specialist (serves as chair);
  - A parent of a student in the school;
  - Other members as determined by the principal.

# School Safety Team (continued)

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- Please note that parents shall not participate in activities denoted by an asterisk below or any others activities that compromise student confidentiality.

# School Safety Team (continued)

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- Receive any HIB complaints reported to the principal\*
- Receive copies of an HIB investigation reports\*
- Identify and address patterns of HIB in the school\*

# School Safety Team (continued)

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- Review and strengthen school climate and policies to prevent and address HIB;
- Educate the community (i.e. students, teachers, administrators, parents) to prevent and address HIB;
- Participate in training (both required and requested).

# School Safety Team (continued)

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- Collaborate with the Anti-Bullying Coordinator in data collection and development of policies to prevent and address HIB;
- Other duties related to HIB requested by principal or Anti-Bullying Coordinator.

# What Else is New?

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***The District Shall* adopt policy through a process which includes representation of parents/guardians, school employees, volunteers, students, administrators and community representatives.**

**This is no longer discretionary!!**



# The Policy

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- Shall include a definition of HIB that is no less inclusive than the statutory definition;
- Shall include a description of the type of behavior expected from each student;
- Shall include the consequences and appropriate remedial actions for a person who commits an act of HIB.

# The Policy

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- The policy shall include a procedure for reporting an act of HIB, including a provision that permits a person to report an act of HIB anonymously;
- **HOWEVER**, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

# New Reporting Procedures

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- *All acts of HIB must be reported verbally to principal on the same day school employee or contracted service provider witnessed or received reliable information regarding the incident;*
- *All acts of HIB must also be reported to the principal in writing within two school days*

# New Reporting Procedures

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- *Principal informs parent/guardian of all students involved in alleged incident;*
- *Principal may discuss, as appropriate, availability of counseling and other intervention services.*

# New Reporting Procedures

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- *A member of the board of education, school district employee, contracted service provider, student or volunteer* who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy...

# New Reporting Procedures (continued)

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- *Or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.*

# New Reporting Procedures (continued)

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- *A member of the board of education or a school employee who promptly reports an incident of HIB to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer,* and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

# New Investigative Procedures

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- Initiated by the principal or designee within 1 school day of report;
- Conducted by the anti-bullying specialist;
- Principal may appoint additional personnel to assist with investigation;
- Investigation shall be completed ASAP but not later than 10 days from the date of written report.



# New Investigative Procedures (continued)

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- If additional, anticipated information relevant to the investigation is not received within 10 days, the anti-bullying specialist may amend the original report to reflect the additional information.

# Results of Investigation

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- Results must be reported to the Superintendent within 2 days of the completion of the investigation.
- Superintendent may then:
  - Provide intervention services
  - Establish training programs
  - Impose discipline and./or order counseling
  - Any other appropriate action

# Results of Investigation (continued)

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- Results must then be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, along with information on action taken or recommended by the Superintendent.

# Results of Investigation (continued)

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- Within 5 days of the report to the board, Parents/guardians of the students who are parties to the investigation are entitled to receive information, in writing, about the investigation:
  - In accordance with Federal and State law;
  - Including the nature of the investigation and whether HIB was found
  - Whether discipline was imposed or services provided

# Results of Investigation (continued)

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- A parent may then request a hearing before the board, which:
  - Should be conducted within 10 days of the request;
  - Should be held in executive session (private);
  - May include information, etc. from the anti-bullying specialist about the incident, recommendations for discipline or services and programs instituted.

## Results of Investigation (continued)

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- At the next board meeting following receipt of the report, the board shall issue a decision, in writing, to affirm, reject or modify the Superintendent's decision.
- The Board's decision may then be appealed to the Commissioner of Education, no later than 90 days after the issuance of the Board's decision.

# Results of Investigation (continued)

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- A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights (DCR) within 180 days of the occurrence of any incident of HIB.

# Steps for Conducting an Effective Investigation

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- Separately interview the victim, the alleged bully and bystanders;
- Use developmentally appropriate interviewing strategies;
- Elicit specific facts about the incident;
- Stress confidentiality;
- Explain the investigation process.



# Documentation Of Important Information

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- Verification that the incident took place;
- Date, time and location of the event;
- Individuals interviewed and their accounts;
- Nature of the HIB (per the definition of HIB);
- Pattern of offenses;
- Parent notification;

# Documentation Of Important Information

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- Phone log; agencies involved;
- Interventions and follow-up;
- Indication that fact finding is completed;
- Report submitted to administrators;
- Remediation and consequences.

# Documentation Of Important Information

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- Maintain a case file with relevant documentation, such as:
  - Written reports and related intake records;
  - Notes from phone calls, conversations or interviews;
  - Letters, email and faxes
  - Any other relevant documentation from the District, such as nurses records, prior disciplinary records, and incident reports of either violence or vandalism.

# Publicizing the Policy

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- **District shall ensure that the policy appears in school publications that set forth rules, procedures, and standards (such as the student handbook)**
- **The following must also be prominently posted on the school website home page:**
  - **School phone, school address and school email address of school anti-bullying specialist and district anti-bullying coordinator;**
  - **Shall also include a link to the HIB policy.**

# Bullying Prevention Programs

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- A “Bullying Prevention Fund” is to be created in the DOE to offer grants to school districts to provide training on HIB and on the effective creation of positive school climates.
- NOTE: No funding has been appropriated or donated at this time.

# Bullying Prevention Programs (Discussions with Students)

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- The week beginning with the first Monday in October of each year is designated as a “Week of Respect” in NJ;
- School districts must observe the week by providing age-appropriate instruction focusing on preventing HIB;

# Bullying Prevention Programs (Discussions with Students)

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- Throughout the school year the school district must provide ongoing age-appropriate instruction on preventing HIB in accordance with the core curriculum content standards.

# Training – Available to Anyone

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- The Commissioner must develop, in consultation with the Division on Civil rights, and make available on the NJDOE's Website, an online tutorial on HIB:
  - The online tutorial must, at minimum, include best practices in the prevention of HIB and applicable laws.
  - The online tutorial must be accompanied by a test to assess a person's understanding of the information provided in the tutorial.



# Public Reporting

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- *Superintendent reports to board, two times each school year, acts of violence, vandalism and HIB;*
  - *One between 9/1 and 1/1 and*
  - *One between 1/ and 6/30*

# Public Reporting

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- The District annually reports violence, vandalism and substance abuse incidents;
- *Information reported to the BOE also reported to DOE, once each reporting period;*
- *Verification of the reports on violence, vandalism, and HIB must be part of the state's monitoring of the school district.*

# Public Reporting – Superintendent to NJDOE

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- *Report used to grade each school on effort to implement policies and program;*
- *District receives a grade; average of school grades;*
- *Grades posted on district and school website.*

# Public Reporting – NJDOE to Senate and Assembly

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- Commissioner submits annual report to Education committees of Senate/Assembly regarding violence, vandalism and substance abuse and making recommendations to alleviate these problems;
- Highlights HIB and requires that the report be submitted no later than Oct. 1 and posted on the department's website.
  - This will require timely verification by District's by mid-July each year.