

# **NEW JERSEY'S ANTI-BULLYING BILL OF RIGHTS TRAINING**



# Purpose of the ABR

**Improve harassment, intimidation and bullying (HIB) laws adopted in 2002; amended in 2007 and 2008 by:**

- Establishing clearer standards for the definition of HIB;
- Clarifying and strengthening standards on preventing, reporting, investigating and responding to HIB incidents that occur on school grounds and off school grounds;
- Using existing resources to increase school safety;
- Reducing the risk of suicide

# Difference between Conflict & HIB

## Conflict

- “Mutually” competitive or opposing action or engagement.
- Includes disagreements, arguments and fights.
- A normal part of growing up and of life.

## HIB

- HIB is one-sided.
- One or more students are victims of one or more person’s aggression, as it applies to the HIB definition under the ABR.
- The intent is to physically or emotionally hurt someone.

# KEY ISSUES IN THE LAW

## What has changed?

- New definition of harassment/intimidation/bullying
- Clarifies responsibility for conduct away from school grounds
- Creates School Safety Teams
- Requires Anti-Bullying Specialist in every school
- Requires Anti-Bullying Coordinator for district
- New reporting, investigation, discipline, appeal procedures

# KEY ISSUES IN THE LAW

## (cont'd)

- New state reporting requirements on incidents of bullying
- New grading procedure for schools and districts
- New training requirements
- Clarifies instances where school employee may be subject to disciplinary action

# DEFINITION

“Harassment, Intimidation or Bullying”  
 (“HIB”)

1. Types of behaviors included:
  - ANY gesture, or
  - ANY written, verbal or physical act, or
  - ANY electronic communication
  - Can be a single incident or series of incidents

# HIB DEFINITION (cont'd)

## 2. Motivation for behavior:

- ANY actual OR perceived characteristic
- TYPES OF CHARACTERISTICS: race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental/physical/sensory disability, or ANY OTHER DISTINGUISHING CHARACTERISTIC

# HIB Definition (cont'd)

## 3. Location of behavior:

- On school property
- At school-sponsored function
- On a school bus
- Off school grounds (including cyberspace)

# HIB DEFINITION (cont'd)

4. BEHAVIOR MUST CAUSE SUBSTANTIAL DISRUPTION OR INTERFERENCE IN SCHOOL OR OF STUDENT RIGHTS, *AND* MEET ONE OF THE FOLLOWING CONDITIONS:

- Physical or emotional harm to student or damage to student's property, or placing student in fear of harm to self or property
- Effect of insulting or demeaning student or group of students OR
- Create "hostile educational environment" for student by interfering with student's education OR severely or pervasively causing physical or emotional harm to student

# CONDUCT AWAY FROM SCHOOL GROUNDS

- New law doesn't change scope of schools' responsibility for student conduct away from school grounds .Schools' duty goes beyond "portal to portal".
- Legal duty existed since 1971 /Duty has been in NJ administrative code since 2005 (N.J.A.C. 6A:16-7.6)
- Examples : (i) student in fight at park over perceived sexual orientation, results in student fearful and distracted in school; (ii) race-based comments posted at home through peer's Facebook page or Twitter account, and student 's grades begin to drop.
- *Remember*, for schools to discipline for conduct away from school grounds, there must be **substantial disruption with operation of school or with rights of student[s]**

# Prevalence of Specific Forms of Bullying

- Verbal
- Rumor-spreading
- Physical
- **Cyber**
- Treats
- Exclusion
- Force
- Property

# Effects of Bullying on Victims

- Higher anxiety & depression
- Lower self-esteem
- More suicidal ideation
- Higher rates of illness
- Increase absenteeism
- Decrease in academic achievement

# Bullying and Suicide

- Suicide rates in the U.S. are on the increase after long-term trends of decline.
- Suicide is the 3rd ranking cause of death for young people in the U.S.
- Every hour and 48 minutes one person under the age of 25 completes suicide in the U.S.
- In a typical American high school classroom, it is likely that 3 students have attempted suicide within the last year.
- The experience of being bullied is one of many factors that place a child at increased risk for suicide.

# Types of Triggering Events

- **Loss**

- Actual
- Imagined

- **Change**

- **Trouble**

- At home
- In school
- With police

# ANTI-BULLYING SPECIALIST

## DUTIES:

- Responsible to LEAD investigations
- Primary official responsible for preventing, identifying and addressing incidents
- Chair the newly-created School Safety Team
- In cooperation with the SST, measure school climate and address areas of needed growth, resolve HIB with proactive & restorative practices, rather than solely punitive practices.
- Annually re-evaluate HIB policy & revise as necessary.
- Aid in data collection & reporting
- Build community relationships

# SCHOOL SAFETY TEAMS

- Chaired by Anti-Bullying Specialist
- Includes principal or designee, teacher, parent, other members as determined by principal
- Must meet at least 2 times per year

# SCHOOL SAFETY TEAM

## (cont'd)

### DUTIES:

- Receive HIB complaints reported to principal
- Receive copies of investigation reports
- **Review and strengthen the school climate & policies of the school to prevent HIB of students.**
- Identify and address patterns of HIB in school
- Participate in various training programs
- Collaborate with district Anti-Bullying Coordinator to collect data, develop district HIB policies, & execute other HIB related duties as requested .
- Educate the community, students, teachers, administrators and parents to prevent & address HIB.
- **PARENT EXCLUDED FROM HAVING INFO ON SPECIFIC INCIDENTS , OR ROLE IN IDENTIFYING PATTERNS**

# ANTI-BULLYING COORDINATOR

Superintendent must appoint from existing staff

## DUTIES:

- Coordinate and strengthen policies
- Collaborate with school anti-bullying specialists
- Provide data to NJDOE regarding HIB of students
- Meet at least 2 times per year with anti-bullying specialists to discuss & strengthen procedures and policies addressing HIB
- Ensure that all staff receive HIB training

# NEW INVESTIGATION PROCEDURE

## DETAILED, SPECIFIC TIMELINES:

- Verbal report must be made to principal on same day incident occurs
- Follow-up written report within 2 days of verbal report
- Principal must initiate investigation “within one school day of receiving verbal report” and contact parents of all offenders & victims

# NEW INVESTIGATION PROCEDURE (cont'd)

- Investigation must be conducted by Anti-Bullying Specialist
- Principal may appoint others to assist
- Must complete as soon as possible, but no later than 10 school days from date of the written report
- Must give report to superintendent within 2 school days of completing investigation
- May amend report if additional info later

# DUE PROCESS RIGHTS FOR ALLEGED ACCUSED, ALLEGED VICTIM(S) & PARENTS

- Parents of all parties involved have right to receive information on the same day the incident is reported. This includes parents of alleged victim and alleged bully
- Must be provided information within 5 school days after results of investigation reported to board
- Parent may request hearing after receiving information, must be provided within 10 days of request

# DUE PROCESS RIGHTS (cont'd)

- Board must issue a decision in writing at next board meeting following receipt of report to affirm, reject, or modify the superintendent's decision
- Parents must be notified of Board's written decision and may appeal decision to Commissioner of Education within 90 days
- Parents of alleged victim may separately file complaint with NJ Division on Civil Rights within 180 days of alleged incident
- Parents may also file in Superior Court or federal district court – if bullying is based on protected characteristic under state or federal law

# HOW SCHOOLS CAN INVOLVE PARENTS

- Serve on school safety team
- Assist in establishing HIB prevention programs
- Receive the BOE HIB policy
- Encourage parents to discuss concerns and conflicts with school staff
- Make anti-bullying the focus of some PTA meetings
- Encourage parents to monitor student's on-line activity
- Share resources with parents
- Ask parents to reinforce anti-bullying message at home

# EMPLOYEE DISCIPLINE

Discipline may be imposed on employee who:

- FAILS TO INVESTIGATE or SHOULD HAVE KNOWN of an incident and fails to take action
- Key issue = SHOULD HAVE KNOWN – districts need to create clear internal procedures, provide training
- Range of possible discipline – memo, increment withholding, tenure charges
- Board members may not engage in reprisals against witnesses or victims

# GRADING

- Schools graded on a Self-Assessment tool based on twenty-five indicators covering eight core elements
- Grade based on efforts to implement law and required board policies
- Grade for schools & district must be posted on homepage of school's website and district website

# Recent Incident

W.C.L. and A.L., o/b/o L.L. v. Board of Education of Borough of Tenafly, Comm'r dec. January 10, 2013

- Memo sent home to parents by nurse, informing parents of reported case of head lice, student not named
- 4<sup>th</sup> grader embarrassed and offended by classmate
- Told other students that L.L. had dyed her hair because she had head lice
- One time incident
- Consequence – learning assignment on sensitivity, no other discipline
- Found to be HIB
- Parents sued, sought \$50k plus attorney's fees
- District prevailed

# Mandatory Reporting to Law Enforcement

- Suspected Child Abuse/Neglect (also DYFS)
- Offenses Involving Controlled Dangerous Substances (with confidentiality exceptions)
- Custody disputes /potential kidnapping
- Sexual Offenses on school grounds /at events
- Offenses involving use of technology
- Firearms and Dangerous Weapons
- Planned or Threatened Violence
  - Death, Serious Bodily Injury, Significant Bodily Injury
  - Reasonable person would believe threat is genuine
  - Need not be imminent, victim need not be aware
  - Intended victim need not be student, staff member
  - Report if in doubt

# State Anti-Bullying Task Force

- Charged with review of implementation issues, recommending revisions to statute and regulations
- Chaired by NJPSA Executive Director
- First interim report released in January
- Identifies challenges experienced in first year of implementation
- Calls for Principal to have some discretion upon receipt of initial allegation of HIB to make threshold determination

# In Closing....

- The Woodbridge Township School District uses the Olweus Bullying Prevention program
- OBPP is the most researched and best known bullying prevention program available today
- It is backed by over 20 years of research and has a success rate of over 80% in reducing or eliminating bullying behavior

# MORE INFORMATION

For more information go to:

- **Woodbridge Board of Education HIB Policy #5131.1**  
-<http://www.woodbridge.k12.nj.us/policies.htm>
- FEA website – [www.featraining.org](http://www.featraining.org)
- LEGAL ONE website – [www.legalonenj.org](http://www.legalonenj.org)
- NJPSA website – [www.njpsa.org](http://www.njpsa.org)
- NJDOE – [www.state.nj.us/education](http://www.state.nj.us/education)

# Resources

- NJDOE Website (Keeping Our Kids Safe, Healthy & in School):  
([www.state.nj.us/education/students/safety/behavior/hib/#s](http://www.state.nj.us/education/students/safety/behavior/hib/#s))
- [www.stopbullying.gov](http://www.stopbullying.gov) (for information/videos)
- Cyberbullying Research Center  
([www.cyberbullying.us](http://www.cyberbullying.us))
- Model Policy & Guidance for Prohibiting HIB on School Property, at School Functions and on School Buses  
([www.state.nj.us/education/parents/bully.htm](http://www.state.nj.us/education/parents/bully.htm))