

**HARASSMENT, INTIMIDATION,
AND BULLYING (HIB) GUIDELINES:**



The New Law

- Intent is to strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying and reduce the risk of suicide among students
- Effective September 2011
- Changes 13 statutes
- Affects districts and a number of state agencies, including NJDOE

OVERVIEW

- Legislation enacted September 2002 required each school to adopt an HIB policy
- Commission on Bullying in Schools established in January 2008, and submitted its recommendations to the Governor in December 2009
- The new law was introduced in October 2010
- Approved by the Legislature in November 2010
- Signed by the Governor in January 2011
- Primarily adds requirements

MAJOR CHANGES

- Definition of HIB
- District Staff Functions
- Policy and Procedures
- Programs
- Training Requirements
- Public Reporting

NEW HIB 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 section 16 of P.L.2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

***Throughout this PowerPoint, pursuant to N.J.A.C. 6A:15-1.3 the term "school property" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.**

NEW HIB DEFINITION

- a) 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;
- b) has the effect of insulting or demeaning any student or group of students; or
- c) 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.

BOARD OF EDUCATION RESPONSIBILITIES

- Complete a training program (one time) on HIB provided by NJSBA within one year of sitting on a board of education
- Review and respond in writing to all actions taken or recommended by the Superintendent on incidents of HIB
- Schedule and hear parent appeals in executive session
- Issue a decision in writing, either affirming, rejecting, or modifying the superintendent's decision. This must be done at the next regularly scheduled board meeting following receipt of the investigation report, or following a hearing in executive session

BOARD OF EDUCATION POLICY

- Revision of the existing policy must include representation of parents, school employees, volunteers, students, administrators, and community representatives
- Must be submitted to County Superintendent by September 1, 2011

SUPERINTENDENT RESPONSIBILITIES

The Superintendent must name a district Anti-Bullying Coordinator who:

- Coordinates and strengthens the district's HIB policy
- Provides data regarding HIB
- Provides professional training, including suicide prevention training for staff, administrators, and board members
- Develops age-appropriate curriculum guidance on HIB prevention
- Coordinates the HIB activities in the district during the first week in October as "Week of Respect"

SUPERINTENDENT RESPONSIBILITIES

The Superintendent must report acts of HIB twice a year to NJDOE, September 1-January 1, and January 1-June 30, to include:

- Nature of HIB
- Number of reports of HIB
- Status of investigations
- Names of the investigators
- Discipline imposed
- HIB training and programs

SUPERINTENDENT RESPONSIBILITIES

- Report results from completed investigations to the board no later than the regularly scheduled board meeting following the completion of the investigation
- Post the “grade” assigned by Commissioner of Education on the district’s website

ANTI-BULLYING COORDINATOR RESPONSIBILITIES

- Coordinating and strengthening the district's policies to prevent, identify, and address HIB
- Collaborating with Anti-Bullying specialist, BOE members, and Superintendent to prevent, identify and respond to HIB
- Providing data, in conjunction with the Superintendent, to the Department of Education regarding HIB
- Meeting at least twice a school year with the Anti-Bullying specialist to discuss and strengthen procedures and policies related to HIB.

ANTI-BULLYING SPECIALIST RESPONSIBILITIES

- Chairs the School Safety Team
- Leads the investigation of incidents
- Serves as the primary school official for investigating, preventing, identifying, and addressing school incidents
- Assists the Anti-Bullying Coordinator in appropriately applying the range of ways for responding to HIB established by the school board
- Provides input to local school board on annual re-evaluation, reassessment, and review of policy

SCHOOL SAFETY TEAM

- Formed to develop, foster, and maintain a positive school climate, including HIB issues
- Must meet at least 2 times per school year
- Consists of the principal (or designee, preferably a senior administrator) and principal appointees which include:
 - a teacher in the school,
 - the school anti-bullying specialist (serves as chair),
 - a parent* of a student in the school, and
 - a student in the school

* Throughout this PowerPoint, pursuant to N.J.A.C. 6A:16-1.3 the term “parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

NOECKER'S SCHOOL SAFETY TEAM

- Doreen Schwarz - Anti-Bullying Coordinator
- Amy Dahn - Anti-Bullying Specialist, Chair
- Cara Cunha - Teacher
- Lauren Troiano - Parent
- Alexandra Apito - Student

SCHOOL SAFETY TEAM

RESPONSIBILITIES

- Receives all complaints of HIB that have been reported to the principal
 - *Receives and reviews investigation reports
 - *Identifies and addresses patterns of HIB
 - Reviews and strengthens school climate and the policies of the school in order to prevent and address HIB
 - Educates the school community to prevent and address HIB
 - Participates in required and requested training on HIB
 - Aligns school policies with HIB mandates
 - Collaborates with anti-bullying coordinator in data collection and development of policies to prevent and address HIB
 - Collaborates with the district steering committee
 - Other duties related to HIB requested by anti-bullying coordinator
- * Parent team members may only participate in activities that do not compromise student confidentiality.

PROCEDURES FOR REPORTING ACTS OF HIB, INCLUDING ANONYMOUS REPORTS:

1. School employees, parents, students, board members, service providers and volunteers, who witness or receive reliable information of acts of HIB, must report the incident to the principal/designee on the same day it occurs.
2. School employees, parents, students, board members, service providers and volunteers must submit a report in writing to the principal/designee within 2 school days of the verbal report. The report is located in the main office or on the HIB website link
3. Within 1 school day of the reported incident, the principal/designee must have the Anti-Bullying specialist initiate an investigation.
4. Within 2 school days of the completed investigation, the Anti-Bullying specialist must submit a written report to the principal/designee.

PROCEDURES FOR REPORTING ACTS OF HIB, INCLUDING ANONYMOUS REPORTS:

5. Within the next 2 school days after receiving the written report from the Anti-Bullying specialist, the principal/designee must submit the report to the superintendent.
6. No later than 10 school days from the date the principal receives the written report, the investigation must be completed. Amendments to the original report can happen based on further evidence.
7. The Superintendent may decide to provide intervention services, training programs, impose discipline, order counseling or take other appropriate action.
8. The Superintendents report, including action and recommended discipline, must be submitted to the Board of Education no later than the date of the next board meeting following completion of the investigation.
9. At the next board meeting following receipt of the investigation report, the Board of Education must issue a decision in writing, either affirming, rejecting, or modifying the Superintendent's decision.
10. The Principal/designee must provide parents the results of the investigation in writing within 5 school days after the results are reported to the BOE.

INVESTIGATION EXPECTATIONS

- A school administrator who receives a report of HIB from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

RIGHTS OF PARENTS WHO ARE PARTIES TO THE INVESTIGATION:

- Parents may receive information in accordance with applicable state and federal law about the investigation Including the nature of the investigation and whether evidence of HIB was found
- Whether discipline was imposed or services provided
- Written response within 5 school days after results are reported to the Board of Education
- If the parent requests, the Board of Education must hold a hearing in executive session within 10 days of the request to discuss the incident

APPEAL PROCESS

- The Board of Education's decision can be appealed by the parent to the Commissioner of Education within 90 days and/or file complaints with the Division of Civil Rights within 180 days of the occurrence of HIB

HIB OCCURRING OFF SCHOOL GROUNDS MUST BE:

- Consistent with the code of student conduct and other provisions of the Board of Education's policy on HIB
- Investigated if the act meets one of the three prongs of the definition of HIB and the conduct substantially disrupts or interferes with the operation of the school or rights of other students

REQUIREMENTS OF THE NEW HIB POLICY

Each school district shall adopt a policy prohibiting HIB. The school district shall adopt the policy through a process that includes representation from a Steering Committee of parents*, school employees, volunteers, students, administrators, and community representatives, * *as defined in N.J.A.C. 6A:16-1.3.* The policy shall contain or include:

- a statement prohibiting HIB of a student
- a definition of HIB no less inclusive than the statutory definition
- a description of the type of behavior expected from each student

REQUIREMENTS OF THE NEW HIB POLICY *(cont.)*

The policy shall contain or include:

- consequences and appropriate remedial actions for a person who commits an act of HIB
- a procedure for reporting an act of HIB, including a provision that permits a person to report act of HIB anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report
- a procedure for prompt investigation of reports of violations and complaints

REQUIREMENTS OF THE NEW HIB POLICY *(cont.)*

The policy shall contain or include:

- the range of ways in which a school will respond once an incident of HIB is identified, which shall be defined by the principal in conjunction with the anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs...
- a statement that prohibits reprisal or retaliation against any person who reports an act of HIB and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

REQUIREMENTS OF THE NEW HIB POLICY *(cont.)*

The policy shall contain or include:

- the consequences and appropriate remedial action for a person found to have falsely accused another as a means of HIB
- a statement of how the policy is to be publicized; a requirement that a link to the policy be prominently posted on the homepage of the district's website and distributed annually to parents through the handbook
- a requirement that contact information for the anti-bullying coordinator and anti-bullying specialist be listed on the school website

HIB Steering Committee

The Steering Committee is responsible for creating the new HIB policy, and coordinating and strengthening the school district's policies for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school. The members are:

- Doreen Schwarz - Anti-Bullying Coordinator
- Amy Dahn - Anti-Bullying Specialist
- Leonora DeVita - Supervisor of Special Services
- Debbie Sessa - Parent
- Alexandra Apito - Student
- Barbara Sax - Teacher
- April Spallino - Support Staff
- Frances Noronha - School Nurse
- Joseph Silva - Roseland First Aid Squad
- Ross Vardiman - Roseland Business Representative
- Richard McDonough - Roseland Police Chief

NEW REPORTING EXPECTATIONS

- A member of a board of education, a school staff* member, or a student 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, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

*Throughout this PowerPoint, the term "school staff" means full-or part-time staff/employees, persons contracted by the district to provide services to students, and volunteers who have contact with students.

NEW REPORTING EXPECTATIONS *(cont.)*

- A member of a board of education or a school employee* who promptly reports an incident of harassment, intimidation or bullying, 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.

OTHER

- Anonymous reporting is permitted
- Professional development for HIB is required every year
- The required 2 hours of suicide prevention instruction must include information on the relationship between the risk of suicide and incidents of HIB
- Assemblies and programs must be focused on HIB
- The HIB policy must be included in multiple forms of communication to the school community
- Schools are required to report the number and nature of all reports of HIB on the School Report Card