

# 2016-2017

## New Jersey Anti-Bullying Bill of Rights (ABR) and HIB Policy Training

Public Schools of Edison Township



# DISTRICT ANTI-BULLYING TRAINING

This presentation is intended to:

- provide a basic overview of the amended Anti-Bullying Legislation of 2002,
- highlight key points in the law, and
- review the Public Schools of Edison Township HIB policies (5512; 5512.02)

# OVERVIEW

## Anti-Bullying Bill of Rights Act (ABR)

- Law was signed by Governor Christie on January 5, 2011
- Law went into effect in schools September 2011

# KEY POINTS IN ABR LAW

- Training requirements
- “Broader” definition of bullying
- Clarifies responsibility for conduct away from school grounds
- Requires Anti-Bullying Coordinator for district
- Requires Anti-Bullying Specialist in every school
- Requires a School Safety Team in every school
- New investigation, reporting, discipline, appeal procedures

# KEY POINTS IN ABR LAW

## (cont'd)

- State reporting requirements on incidents of bullying
- Grading procedure for schools and districts
- Clarifies instances where school employee may be subject to disciplinary action

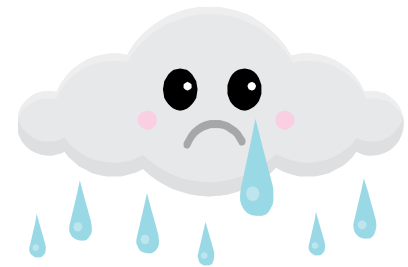
# TRAINING REQUIRED

- School districts **MUST** provide annual training for all staff on code of conduct, including bullying - HIB (2 hours)
- HIB risk factors must be included in the required suicide prevention training (2 hours)

# DEFINITION

HIB can be the following **types of behaviors**:

- Includes **ANY** gesture, or
- **ANY** written, verbal or physical act, or
- **ANY** electronic communication
- Can be a **single incident or series of incidents**



# DEFINITION (cont'd)

## Motivation for HIB Behavior:

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





# Definition (cont'd)

## LOCATION OF INCIDENT:

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

\*N.J.A.C. 6A:26-1.2

“School grounds” means and includes: land, portions of land, structures, vehicles, playgrounds, 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

# DEFINITION (cont'd)

- MUST MEET **ONE** OF THE FOLLOWING CONDITIONS in addition to creating a hostile educational environment for the student by causing substantial disruption or interference with a student's education:
  - Has effect of insulting or demeaning student or group of students **OR**
  - Creates hostile educational environment for student by interfering with student's education **OR**
  - severely or pervasively causing physical or emotional harm to student

# KEY POINTS IN ABR LAW

- The appointment of specific personnel
  - District Anti-Bullying Coordinator
  - School Anti-Bullying Specialist for every school
- Each school creates a School Safety Team

# ANTI-BULLYING COORDINATOR

- Appointed by the Superintendent
- DUTIES
  - Coordinate and strengthen policies
  - Collaborate with school anti-bullying specialists
  - Provide data to NJDOE
  - Meet at least 2 times per year with anti-bullying specialists

# ANTI-BULLYING SPECIALIST

- Is in **every** school
- Appointed by the Principal: guidance counselor, school psychologist or other “similarly trained” individual
- Provides input to local school board on annual re-evaluation, re-assessment, and review of policy

# ANTI-BULLYING SPECIALIST

## (cont'd)

- DUTIES

- Responsible to **LEAD** investigations
- Acts as primary school official responsible for **preventing, identifying and addressing incidents of HIB in school**
- **Chair** the School Safety Team

# SCHOOL SAFETY TEAM

- Chaired by School Anti-Bullying Specialist
- Includes principal or designee, teacher, parent, other members as determined by principal
- Purpose is to **review** and **strengthen** the **school climate** and **the policies** of the school **in order to prevent HIB of students**

# SCHOOL SAFETY TEAM

## (cont'd)

- DUTIES

- Receive complaints reported to principal
- Receive copies of investigation reports
- Review and strengthen school policies
- Identify and address patterns of bullying in school
- Participate in training programs
- Collaborate with District Anti-Bullying Coordinator to collect and develop policies
- PARENT **EXCLUDED** FROM HAVING INFORMATION ON SPECIFIC INCIDENTS SO AS TO NOT COMPROMISE STUDENT CONFIDENTIALITY



# STATE REPORTING REQUIREMENTS

- State Report Card will include bullying info
- Two times each year, district must report to Board on acts of violence, vandalism and bullying (Sept 1 – Dec. 31 & Jan. 1 – June 30)
- Must report data to NJDOE
- Type and number of incidents, with breakdown of reasons for bullying incidents (race, ethnicity, sexual orientation, etc.)

# GRADING

- District report shall be used to grade each school and district
- Grade based on efforts to implement required law and board policies
- Grade must be posted on homepage of district and each school's website

# EMPLOYEE DISCIPLINE

- School Administrator who fails to initiate or conduct an investigation, OR
- Who SHOULD HAVE KNOWN of an incident and fails to take action
- Range of possible discipline – memo, increment withholding, tenure charges
- Board members may not engage in reprisals against witnesses or victims

# TIMELINE FOR INVESTIGATION OF REPORTS OF HARASSMENT, INTIMIDATION AND BULLYING

**School day 1.** HIB occurs and/or employee learns of HIB. Verbal report to be made to principal. Principal must inform parents/guardians “of all students involved”

**School day 2.** Principal must initiate investigation by Anti-Bullying Specialist within one school day of report; may appoint others to assist.\*

**School day 3.** Written report to principal to be made within 2 days of when employee witnessed or received reliable information that a student experienced HIB.

**School day 11.** Investigation complete (by 10 school days from written report).

Results of investigation must be given to superintendent within 2 school days of completing investigation. Superintendent may decide to take action (e.g., intervention services, training, discipline, counseling, etc.) *Code of Conduct still in effect* \* 1 day = 24 hours

# Continued...

- **Report to the Board.** Superintendent must report to board of education at next board meeting following completion of investigation.
- **Report to parent/guardian.** District must provide “information about the investigation” to parents/guardians of “students who are parties to the investigation” about the investigation and findings **within 5 school days** after investigation results given to Board. Information to include: nature of investigation, whether evidence of HIB was found, whether discipline imposed or services provided to address HIB.
- **Board hearing.** Parent may request confidential hearing before board of education, which must occur within **10 calendar days** of request.
- **Board decision.** Board must issue decision, in writing, to affirm, reject, reject or modify superintendent’s decision, at next board meeting following receipt of report. Board's decision may be appealed to Commissioner of Education within 90 calendar days.
- **Civil Rights complaints.** Parents may file a complaint with the NJ Division on Civil Rights within **180 calendar days of incident**, or in state or federal court.
- **ECS investigation.** Executive County Superintendent shall investigate a complaint of a violation by a school district when the complaint is not adequately addressed on the local level.

# Continued...

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# HIB Policy 5512

- Prohibits acts of harassment, intimidation, or bullying
- Defines HIB and cyber-bullying
- Addresses pupil expectations with respect to the Code of Pupil Conduct and prohibits active or passive support of acts of HIB
- Guides administrators on the implementation of consequences and remedial actions

# HIB Policy 5512 (cont'd)

- Addresses when to apply the policy and Code of Pupil conduct to instances of alleged HIB occurring off school grounds
- Details reporting procedure
- Requirements of ABC, ABS, and SST
- Requires a thorough and complete investigation for each alleged incident of HIB



# HIB Policy 5512 (cont'd)

- Provides guidance on the range of responses to incidents of HIB
- Prohibits retaliation against target, accused, witness, or any other person with reliable information
- Mandates HIB policy publication and dissemination

# HIB Policy 5512 (cont'd)

- Requirements for training and prevention programs
- Reports to the Board of Education and New Jersey Department of Education
- Reports to Law Enforcement: bias-related and potentially bias crimes

# Cyber-Bullying Policy 5512.02

- Definition
- Reporting procedures and investigation
- Discipline and consequences
- Retaliation
- Consequences for false accusation
- Policy publication- annually