

Parent Tutorial on the *Anti-bullying Bill of Rights Act* (ABR)

Part 1: The Law

About this tutorial...

- This is the first of four tutorials designed to help parents understand the *Anti-bullying Bill of Rights Act (ABR)* and harassment, intimidation and bullying (HIB). There is a tutorial for parents on each of the following topics: the requirements in the ABR (Part 1); general information on HIB (Part 2); HIB prevention (Part 3); and HIB intervention (Part 4).
- This tutorial is organized in a question and answer format.
- The following topics are covered in this tutorial:
 - The purpose of the ABR.
 - The legal definitions of HIB, “cyberbullying” and hazing.
 - The legal definitions of “school grounds” and “off-school grounds.”

Tutorial, cont.

- These topics are covered:
 - The role of parents in the annual review of the school district's HIB policy.
 - HIB incident reporting.
 - Public reporting of HIB incidents.
 - School and district grade assignment by the New Jersey Department of Education (NJDOE)
 - New HIB roles for school and district staff.
 - New HIB program requirements.
- Each tutorial includes resources and questions to test your knowledge.

Introduction

- In January 2011, the New Jersey legislature passed the *Anti-bullying Bill of Rights Act* (ABR).
- Key goals of the ABR are to develop and maintain safe and supportive school environments that:
 - Prevent HIB from occurring; and
 - Enable school staff and students to quickly address HIB behavior when it occurs.
- To meet this goal, the ABR requires steps for schools to take for HIB incidents and requires new roles and responsibilities for school and district staff.
- The requirements in the ABR only apply to public school districts and charter schools, but not to private schools.

What is the HIB definition under the Anti-Bullying Bill of Rights Act(ABR)?

It is important to understand the type of behavior that is considered HIB under the ABR. All of the criteria in the definition below must be present for an act to be considered HIB.

HIB means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or series of incidents, that:

- Is reasonably perceived as being motivated 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; *and*
- Takes place on school property, at any school-sponsored function, or off school grounds as provided for in *N.J.S.A. 18A: 37-15.3*; *and*

HIB Definition, cont.

- 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; *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.

What are the definitions of “on school property” or “school grounds” and “school-sponsored function”?

- On “school property” or “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings.
- On “school property” or “school grounds” also includes other facilities, such as 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.
- “School-sponsored function” means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

What is the school district's responsibility when HIB incidents occur off school grounds?

- Schools are required to address HIB occurring off school grounds when there is a connection between the HIB behavior and the school. Specifically, the HIB behavior must:
 - Substantially disrupt or interfere with the orderly operation of the school or the rights of other students; *and*
 - Create 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 while in school; *or*
 - Place a student in reasonable fear of physical or emotional harm while in school; *or*
 - Damage a student's property or places a student in reasonable fear of damage to his property while in school.

Is cyberbullying included in the ABR definition?

- Cyberbullying, sometimes referred to as “electronic bullying” or “online social cruelty,” is defined as HIB that takes place:
 - Through email;
 - Through instant messaging;
 - In a chat room;
 - On a website or gaming site; or
 - Through digital messages or images sent to a cellular phone.
- The ABR requires "electronic communication" to be included in a school district's policy on HIB.
- The ABR defines "electronic communication" as a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

What is the link between hazing and HIB?

- Hazing is not always HIB.
- Hazing is a process, based on a tradition that is used by members of a group to keep a hierarchy or pecking order within the group.
- The lower group member or person who wants to join the group gives direct or indirect consent to engage in the hazing activities, which may be physically, psychologically or socially harmful.
- Unlike HIB, the victim or newcomer allows himself or herself to be hazed as a way to prove that they are worthy to become a member of the group.
- Once accepted by the group, the victim becomes a bystander, and watches others get hazed.
- Eventually, the bystander achieves senior status and power, and hazes others.
- Hazing, as is the case with HIB, is a behavior that interferes with the development and promotion of a positive school climate.

What is the legal definition of hazing in New Jersey?

- The definition of hazing in New Jersey (N.J.S.A. 2C:40-3a) is provided below:
 - *A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.*
 - b. A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.*

Who can and who must report HIB incidents?

- All school employees observing or having direct knowledge from a participant or a victim of an act of HIB are required to file a report describing the incident to the school principal, in the manner described in the district's HIB policy.
- Students, parents, and community members are not required to report HIB incidents. When they report incidents, they may, but are not required to submit a form for an investigation to take place.
- Anonymous Reporting: Under the ABR, all districts are required to include a provision in their anti-HIB policy allowing a person to anonymously report an act of HIB.
 - This is important for victims and witnesses of bullying who would not report out of fear they will be identified and retaliated against by the bully or others.

What is the role of parents in the development of the board of education's (BOE) HIB policy?

- Parents, in addition to other community members, students, school staff and school administrators and school volunteers must be represented in the development of the HIB policy.
- A re-evaluation of the HIB policy must take place annually.

Where can I find a copy of my school district's HIB policy?

- A link to the HIB policy must be prominently posted on the homepage of each school district's website.
- Each school district is required to distribute the HIB policy each school year to parents of students enrolled in the schools of the school district.

What new staff roles are required under the *ABR*?

- The ABR establishes the following new roles for addressing HIB:
 - Anti-Bullying Specialist (ABS) in each school building appointed by the principal;
 - Anti-Bullying Coordinator (ABC) for the school district appointed by the chief school administrator; and
 - School Safety Team (SST) in each school building.

What is the role of the school anti-bullying specialist (ABS)?

- The ABS is responsible for:
 - Acting as the primary school official responsible for preventing, identifying and addressing incidents of HIB in the school;
 - Investigating reported HIB incidents, in cooperation with the principal.
 - Determining, in conjunction with the principal, responses to each HIB incident.
 - Leading the school safety team, which each school must have in place (details on the school safety team follow in slides #18-20).
- Contact information for the ABS must be posted on the school's website and on the NJDOE's website.

What is the role of the District Anti-bullying Coordinator (ABC)?

- The ABC is responsible for:
 - Coordinating and strengthening the board of education's HIB policies;
 - Collaborating with the ABS in each school within the district, the board of education and the CSA to prevent, identify and respond to HIB of students;
 - Collecting information about HIB; and
 - Executing other duties related to HIB.

What are the requirements for school safety teams (SST)?

- The ABR requires a SST to be formed in each school within a school district.
- The purpose of the SST is to develop, foster and maintain a positive school climate by focusing on the ongoing, systemic processes and practices in the school.
- Required SST participants include:
 - A parent of a student in the school;
 - The principal or designee;
 - The school anti-bullying specialist, who acts as the chairperson;
 - A teacher in the school; and
 - Other members determined by the principal.
- The SST must meet at least two times each year.

School Safety Team, cont.

- The responsibilities of the school safety team include:
 - Reviewing records of all complaints of HIB incidents that have been reported to the principal and copies of reports prepared after an investigation of a HIB incident;
 - Identifying and addressing patterns of HIB in the school;
 - Reviewing and strengthening school climate and the policies of the school in order to prevent HIB;
 - Educating the community, including students, teachers, administrative staff and parents, to prevent and address HIB; and
 - Participating in the training required under the ABR and other training which the principal or the ABC may request.

School Safety Team, cont.

- A parent who is a member of the SST is not permitted to participate in any activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the *Family Educational Rights and Privacy Act* (20 U.S.C. § 1232g and 34 CFR Part 99), *N.J.A.C. 6A:32-7*, Student Records and *N.J.A.C. 6A:14-2.9*.

School Responsibilities for HIB Complaints

This page and the next page include summaries of the school's and district's reporting and investigation responsibilities.

1. Principal receives HIB report.

2. Principal notifies parents of suspected student offenders and victims.

3. Principal receives written report from staff who first reported.

4. Anti-bullying specialist investigates the report.
- Started within 1 day of the first report -
- Completed within 10 days of the written report -

5. Investigation results reported to the superintendent.

School District Responsibilities for HIB Complaints

1. Superintendent may decide to take other actions based on the investigation report.

2. Superintendent reports results to board of education (BOE) at its meeting after the investigation is completed.

3. Superintendent provides parents with information from the investigation.
- Within 5 days of the report to BOE -

4. Parent may request BOE hearing.
- Held within 10 days of request -

5. BOE issues written decision to support, disagree or change the superintendent's decision.
- At the meeting after the superintendent's report -

If my child is involved in a HIB incident, how can I expect the school to respond?

The Path of a HIB Complaint

School administrators are responsible for implementing the steps required in the ABR and within the BOE's HIB policy. The sequence of actions is summarized below:

1. **Verbal Report** – School staff are required to make a verbal report on the same day the HIB is observed or information is received.
 - Principal takes appropriate action to protect students and implement the BOE's HIB policies and procedures.
2. **Parent Notification** – The principal informs parents of accused HIB offenders and victims.
3. **Written Report** – The staff member making the verbal report submits a written report within two school days of the verbal report.

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School Response, cont.

4. ***Investigation*** – An investigation is initiated by the principal within one school day of the verbal report of the incident.
 - The investigation is conducted by the ABS in coordination with principal.
5. ***Investigation Report*** – A written investigation report is completed within 10 school days of the written report.
 - The written report is submitted to the CSA within two school days of the completion of the investigation.

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School Response, cont.

6. ***Chief School Administrator (CSA) Report*** – The CSA (superintendent of schools or charter school lead person) takes the following actions:
 - Makes additional decision(s), as appropriate, based on the report.
 - Reports the results of investigation to the BOE at its regularly scheduled meeting following the completion of the investigation.
 - Provides parents with the following information, in writing, within five school days of the report:
 - The nature of the investigation;
 - Whether evidence of HIB was found; and
 - Whether discipline was imposed or services provided to address the HIB.
7. ***Board of Education Hearing*** – The parent may request a hearing before the BOE, which is held within 10 days of the request and is conducted in executive session.
8. ***Board of Education Action*** – The BOE:
 - Issues a written decision at the regularly scheduled BOE meeting following its receipt of the CSA's report.
 - The decision must affirm, reject or modify the CSA's decision.

School Response, cont.

Optional Parent Actions

- ***County Office of Education Assistance***
 - Parents are encouraged to resolve HIB complaints with local school officials.
 - The county office is required to investigate parent complaints of *non-compliance* with the ABR and the BOE's HIB policy.
 - The directory of county offices of education can be found at <http://www.state.nj.us/education/counties/>.
- ***Commissioner of Education Appeal*** – A parent may appeal a BOE decision to the Commissioner of Education no later than 90 days after the BOE's decision.

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School Response, cont.

- ***Superior Court Appeal*** – A parent may file an appeal of the Commissioner of Education's decision with the Appellate Division of the Superior Court.
- ***Division on Civil Rights Complaint*** – A parent may file a complaint with the Division on Civil Rights, New Jersey Department of Law and Public Safety within 180 days of the occurrence of HIB based on membership in a protected group.
- ***Additional Information*** – See Chapter 3 of the NJDOE's publication titled *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* to obtain information on these optional parental actions. The guidance is posted at <http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf>

What types of school responses to HIB incidents are required?

- The ABR requires the implementation of a *range of responses* that are determined by the BOE and implemented, as appropriate, by the ABS and the principal.
- The responses must include:
 - Corrective actions;
 - Consequences that are graded according to the severity of the offenses and consider the developmental ages of the offenders and their histories of problem behaviors and performance; and
 - An appropriate combination of counseling, support services, intervention services and other programs.
- Boards of education are encouraged to develop and implement a range of responses that include individual, classroom, school and district responses.

What information must a parent receive if their child is involved in a HIB incident?

- All parents of alleged HIB offenders and alleged victims must be informed of the HIB report by the principal.
- Parents of suspected HIB offenders and suspected victims must be provided with the following information within five days after the results of the investigation are reported by the CSA to the BOE:
 - The nature of the investigation;
 - Whether the district found evidence of HIB; and
 - Whether discipline was imposed or services were provided to address the HIB incident.

How can I find the number of HIB incidents in my child's school or in the school district?

Bi-Annual Public Reports

- Two times each school year (between September 1 and January 1 and between January 1 to June 30), the CSA must report to the BOE, at a public hearing, all acts of violence, vandalism and HIB which occurred during the previous reporting period. The reports must include the following information:
 - The number of reports of HIB;
 - The status of all HIB investigations;
 - The nature of the HIB based on the protected categories identified in *N.J.S.A.18A:37-14*;
 - The names of the investigators;
 - The type and nature of any discipline imposed on any student engaged in HIB; and
 - Any other measures imposed, training conducted or programs implemented to reduce HIB.

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HIB Incidents, cont.

School and School District Report Card and Grade

- The twice yearly reports also must be forwarded to the NJDOE once during each reporting period.
- Reports will be used by the NJDOE to issue a school and district grade for the purpose of assessing their efforts to implement policies and programs consistent with the ABR.
- The grade for each school and school district must be posted on the homepage of each school's website and the school district's website.
 - Within 10 days of receipt of the grade by the district, the information must be posted on the websites.

Final Points

- It is important to be familiar with and involved in school policy development and school HIB programs and to understand the procedures for implementing the HIB policy. Children benefit from parent involvement in their children's educational program and positive relationships between parents and school staff.
- The HIB policy must be posted on the district's website and made available annually to parents.
- Become familiar with other local rules that affect your children, such as codes of student conduct, and policies on school attendance, absences and graduation requirements.

Where can additional information on the ABR be found?

- The NJDOE's resources on the ABR can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/#si>.
These resources include:
 - [Anti-bullying Bill of Rights Act](#)
 - [Questions and Answers Anti-Bullying Bill of Rights Act P.L.2010, c.122](#)
 - [Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act](#)
- The NJDOE's resources on HIB, in general, can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/>.
- Contact and additional information is available on the Division on Civil Rights Website:
 - www.NJCivilRights.gov

Test

For the Parent Tutorial on the ABR

- On the following slides are 10 true or false statements designed to test your knowledge of key points made in this tutorial.
- A slide with each true or false statement is followed by a slide that includes:
 - The true or false answer;
 - An explanation for the answer; and
 - The associated slide number in the tutorial.

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Test Your Knowledge

Parent Tutorial on the ABR

1. A key goal of the *Anti-bullying Bill of Rights Act* is to develop and maintain a safe and supportive environment that prevents HIB from occurring.

True or False?

(Answer on next slide.)

-continued-

Test Your Knowledge Parent Tutorial on the ABR

1. True.

See slide #4.

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

2. School districts are prohibited from responding to HIB incidents that occur off school grounds.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

2. **False.**

School districts are required to respond to HIB incidents that occur off school grounds when they meet *all* of the criteria established in the HIB definition at *N.J.S.A. 18A:37-14*, including the criterion that the HIB must substantially disrupt or interfere with the orderly operation of the school or the rights of other students.

See slide #8.

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Test Your Knowledge

Parent Tutorial on the ABR

3. Each school district is encouraged but not required to form a school safety team.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge Parent Tutorial on the ABR

3. False.

Each school in the school district is required to have a school safety team.

See slide #18.

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Test Your Knowledge

Parent Tutorial on the ABR

4. The principal conducts the investigation of all HIB incidents.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

4. False.

The investigation is conducted by the School Anti-bullying Specialist in coordination with principal.

See slide #24.

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Test Your Knowledge

Parent Tutorial on the ABR

5. The HIB policy must be developed with the input of parents and other community representatives, students, school staff and school administrators, and volunteers.

True or False?
(Answer on next slide.)

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Test Your Knowledge Parent Tutorial on the ABR

5. True.

See slide #13.

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Test Your Knowledge

Parent Tutorial on the ABR

6. The CSA (superintendent of schools or charter school lead person) must report all acts of violence, vandalism, and HIB to the board of education, at a public hearing, two times each school year.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge Parent Tutorial on the ABR

6. True.

See slide #30.

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

7. If a parent's concerns regarding the outcome of a HIB investigation are not resolved with the local board of education, they have the option to file an appeal or complaint.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

7. True.

See slides #26 and #27.

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Test Your Knowledge

Parent Tutorial on the ABR

8. Parents should not be contacted by school personnel regarding the involvement of their child in a HIB incident, until the investigation is completed and a report is generated.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

8. **False.**

The principal must inform the parents of alleged HIB offenders and alleged victims when a HIB incident is reported.

See slide #23.

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Test Your Knowledge

Parent Tutorial on the ABR

9. According to the ABR, boards of education should develop responses to HIB incidents that are only focused on punishment.

True or False?

(Answer on next slide.)

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Test Your Knowledge

Parent Tutorial on the ABR

9. False.

The responses must include the following:

- An appropriate combination of counseling, support services, intervention services and other programs;
- Remedial actions and consequences that are graded according to the severity of the offenses and consider the developmental ages of the offenders and their histories of problem behaviors and performance.

See slide #28.

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Test Your Knowledge

Parent Tutorial on the ABR

10. Parents of alleged offenders and alleged victims of HIB must be provided with specific information within five days after the results of the investigation are reported by the chief school administrator to the board of education.

True or False?
(Answer on next slide.)

-continued-

Test Your Knowledge

Parent Tutorial on the ABR

10. True.

See slide #29.

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