What Our Community Needs to Know About Harassment, Intimidation & Bullying (HIB)

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Purpose

New Jersey has been a leader in the establishment of a strong statutory, regulatory, policy, and program framework to strengthen standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying (HIB) of students that occur on school grounds and off school grounds, under specified circumstances.

On January 5, 2011, the *Anti-Bullying Bill of Rights Act* (P.L.2010, c.122) was adopted, in part, in response to research on the incidence, prevalence, and effects of HIB that has emerged since the adoption of the original HIB law in 2002. Amendments were made to the law in *March 2012 and in January 2022*.

What is Harassment, Intimidation, and Bullying (HIB)?

HIB is defined in both NJ law and Board Policy 5512 as:

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

i. is reasonably perceived as being motivated either by an 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***

ii. takes place on school property, on a school bus, at a school-sponsored or related event, or even off school grounds in certain circumstances; ***AND***

iii. substantially disrupts or interferes with the orderly operation of the school or the rights of other students.

Above must be met before proceeding to the next phase.

What is Harassment, Intimidation, and Bullying (HIB)? *continued…*

<u>And one or more of the following:</u>

a. a reasonable person should know, under the circumstances, that the actions will physically or emotionally harm the student or damage the student's property, or that the actions would place the student in reasonable fear of physical or emotional harm to the student's person or damage to the student's property; ***<u>OR</u>***

b. has the effect of insulting or demeaning the student or groups of students; ***<u>OR</u>***

c. interferes with the student's education or is severe or pervasive enough that it causes physical or emotional harm to the student.

What is an Anti-Bullying Specialist?

An Anti-Bullying Specialist (ABS) is a school employee trained to act as the ABS and is responsible for leading HIB investigations.

The ABS must be a district:

- Guidance counselor;
- School psychologist;
- Student Assistance Coordinator;
- Other similarly trained employee.

What is an Anti-Bullying Coordinator?

The Superintendent is required to appoint an Anti-Bullying Coordinator (ABC).The responsibilities of the ABC include the following:

- Coordinating and strengthening the school district's policies to prevent, identify and address HIB of students;
- Collaborating with the ABS' in the school district, the BOE and the Superintendent to prevent, identify and respond to HIB of students in the school district;
- In collaboration with Superintendent, providing data to the NJDOE regarding HIB of students;
- Executing other duties related to school HIB as requested by the Superintendent; and
- Meeting, at a minimum, twice each school year with the ABSs in the district to discuss and strengthen procedures and policies to prevent, identify and address HIB in the school district.

Tenafly Public Schools Anti-Bullying Team

- ***Mackay School, Anti-Bullying Specialist:***
  - Jennifer Angerson, School Counselor, *jangerson@tenafly.k12.nj.us*
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  - Danielle J.S. Diaz, Human Resources Manager, *ddiaz@tenafly.k12.nj.us*

Frequently Asked Questions (FAQs)

1. How does the school determine if a substantial disruption or interference has occurred?

Through the investigative process, the school will collect information from relevant witnesses to determine the impact of the act on the alleged victim, or on the orderly operation of the school.

2. Are all reported claims of HIB investigated?

Board Policy 5512 permits the Principal to make a preliminary determination as to whether or not a reported incident is within the scope of the definition of HIB.

The threshold question is: Assuming the facts as alleged are true, does the incident meet the definition of HIB? If they would not, then the Principal does not need to commence an investigation.

(Example: The facts reported do not indicate that the act was motivated by characteristic of the student.

Frequently Asked Questions (FAQs) continued…

3. When are parents/guardians notified of a HIB investigation? What information is shared at that time?

The principal will notify the parent/guardian by phone and/or email on the first day of the investigation, informing them whether their child is the alleged target or alleged offender, and may only provide general information regarding the nature of the allegation. The principal is not permitted to disclose the names of the other students involved.

4. **When does the school begin an investigation?**

The school has two days (48 hours) from the receipt of the written report. (Relevant Forms: ***HIB 338 Form for Parents/Caregivers*** or the ***HIB 338 Form for School Personnel.)***

Frequently Asked Questions (FAQs) continued…

5. What if the parent/guardian does not want their child to be interviewed as part of the investigation?

The Anti-Bullying Bill of Rights Act does not require school districts to request parental consent, and does not provide parents with the right to deny a school district permission to interview their child. The District retains sole discretion with respect to who the appropriate interviewees are in a particular investigation.

It is critical for parents/guardians to understand that the school may only consider the information they gather during the HIB process, and must still proceed with the investigation and make a determination. A student who withholds information will not have their side of the story considered in the findings.

Frequently Asked Questions (FAQs) continued…

6. Do parents/guardians have the right to be present when their child is interviewed?

No. While the statute requires parental notification of the bullying allegation, N.J.S.A. 18A:37-15b.(5),and the findings of the Board, N.J.S.A. 18A:37-15b.(6)(d), there is no requirement that the parent be present during the interview and parents do not have a right under the statute to participate in HIB investigations involving their children.

Frequently Asked Questions (FAQs) continued…

7. When are the parents/guardians notified of the findings? What information is shared at that time?

Within five (5) school days after the results of the investigation are reported to the Board, the parents of the students who are parties to the investigation must be provided with written information about the investigation, including: ***1)*** the nature of the investigation; ***2)*** whether the district found evidence of HIB; and ***3)*** whether any discipline will be imposed or services provided to address the act of HIB.

The BOE must review the findings at the next scheduled Board meeting after the investigation has been completed. The notification will come in the form of a hard copy letter in the mail.

Parents have the right to request a hearing before the Board within sixty (60) days of receiving the written information about the investigation. Parents are encouraged to review the first few questions in this document before requesting a hearing to ensure an understanding of the law which guides the determination of HIB.

Frequently Asked Questions (FAQs) continued…

8. What information are parents/guardians entitled to after the investigation concludes?

After the investigation and upon request, a parent/guardian is entitled to a redacted copy of the report (including investigation materials) that removes all student identification information. This information will be confidentially shared by the Board. The request must be made directly to the Office of the Superintendent. *(Note: Redactions may go beyond personally identifying information to also include confidential information about students.)*

9. If HIB is found, is that information included in the offenders permanent school record?

Yes. As per the Anti-Bullying Bill of Rights amendments in July 2022, in all instances of an affirmative HIB finding, a copy of the investigation results must be placed in the student's record. (Note: No information regarding an affirmative HIB finding is placed on a student's transcript.)

Frequently Asked Questions (FAQs) continued…

10. Can the HIB documentation in the school record be shared without parental consent?

Generally speaking, no, student records cannot be shared with anyone other than authorized organizations, agencies, and individuals, which are defined by law, without the written consent of the parent or adult student.

11. What happens if my child is found to have committed acts of harassment, intimidation, or bullying multiple times?

The ABR provides parameters for responding to first, second, or subsequent acts of HIB by a student.

- 1st offense: Student may be subject to remedial measures (counseling, behavior intervention services, discipline determined by principal in consultation with appropriate staff).
- 2nd offense: Same as 1st offense
- 3rd offense and each subsequent offense: Same as 1st offense **AND** the principal is required to develop an individual student intervention plan which shall be approved by the superintendent. This plan may require parents and students to complete a class or training program.

Additional Parental/Guardian Information

- A parent or guardian may request a hearing before the Board after receiving the information. The hearing will be held in Executive Session to protect student confidentiality. The Board may request the presence of the Anti-Bullying Specialist or others with knowledge about the incident and the results.
- At the next Board of Education meeting following its receipt of the report, the Board will issue a decision in writing to affirm, reject or modify the Superintendent’s decision. The Board’s decision may be appealed to the Commissioner of Education no later than 90 calendar days after the issuance of the Board’s decision.
- A parent, guardian, student, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of HIB based on membership in a protected group as enumerated in New Jersey's Law Against Discrimination.

NJ Department of Education Resources

- Guidance for Parents on the *Anti-Bullying Bill of Rights Act*
- Obtaining Assistance for HIB Concerns under the *Anti-Bullying Bill of Rights Act*
- Garden State Equality
- Gay, Lesbian and Straight Education Network
- New Jersey Coalition for Bullying Awareness and Prevention
- Stand Up Say No to Bullying
- Very Well: Protecting Your Child From Bullying in School
- SAMHSA: Know Bullying