

One Person Can Make a Difference

One morning a man walked along a beach covered with thousands of starfish that had washed up during a storm. Now they lay dying in the sun.

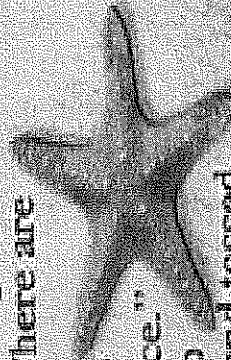
He saw a young girl picking up the starfish one by one and tossing them into the sea. As he approached her he couldn't help but ask,

"Why bother? There are too many of them."

You won't make much of a difference."

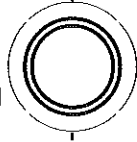
She picked up another starfish and tossed it into the water. Then she turned to the man and said,

"I made a difference to that one."



Thanks for Making
a Difference Every Day

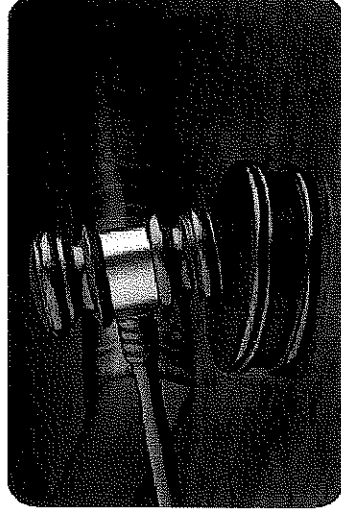
New Jersey's Anti-Bullying Bill of Rights



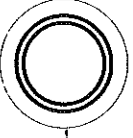
ESTELL MANOR ELEMENTARY SCHOOL

STAFF INFORMATION

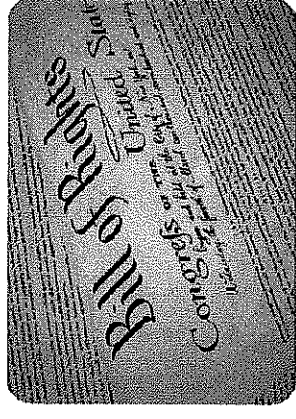
JILL MARIE KUPPEL, SCHOOL COUNSELOR
SEPTEMBER 1ST, 2011



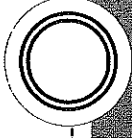
New Jersey's Anti-Bullying Bill of Rights



- The new law amends the 2002 Anti-Bullying Law.
- The new law goes into effect September, 2011.



Key Points of New Legislation



Existing areas we need to **fine-tune** in our current program:

- Creates “School Safety Teams”
- Requires “Anti-Bullying Specialist” in every school
- Requires “Anti-Bullying Coordinator” in every district
- New investigation, reporting, discipline, appeal procedures

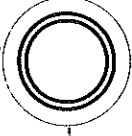


New areas we need to **incorporate** in our existing program:

- New definition of bullying
- Clarifies responsibility for conduct away from school grounds
- New state reporting requirements on incidents of bullying
- New “grading procedure” for schools and districts
- Clarifies instances where school employees may be subject to disciplinary action

New Definition of Bullying

Harassment, Intimidation, and/or Bullying (H.I.B.)



Types of Behaviors Include:

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

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)

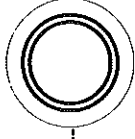
Location of incident:

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

Must meet one of the following conditions in addition to causing substantial disruption or interference:

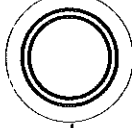
- Has effect of insulting or demeaning student or group of students OR
- Creates **hostile educational environment** for student by interfering with student's education OR severely or pervasively causing physical or emotional harm to student

New Law Clarifies the Following:



- Need for threshold showing of substantial disruption with operation of school or rights already true based on case law
- Could be a **single** incident or series
- Could be emotional or physical harm
- Incident could be **off school grounds**
- Creates new term “**hostile educational environment**”, but still requires threshold showing of substantial disruption first.

Conduct Away From School Grounds



- New law clarifies that school districts have a **duty to address** bullying that occurs off school grounds IF the behavior meets the legal definition, including:

- Causing a substantial disruption
- Demeaning a student or group of students
- Creating a “hostile educational environment”

(Duty goes beyond “portal to portal”)

Creates “School Safety Teams”

Chaired by Anti-Bullying Specialist

Purpose:

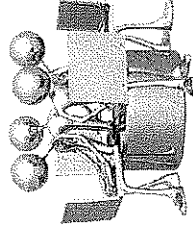
To develop, foster, and maintain a positive school climate, including H.I.B. issues.

Includes the following:

- Principal or his/her designee
- Teacher
- Parent
- Other members as determined by the principal (Ideas: SAC, Psychologist, School Resource Officer, etc.)

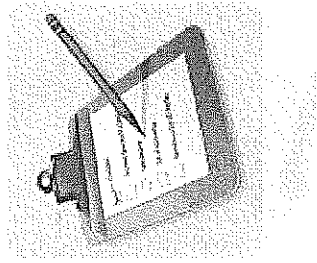
Duties:

- 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 Anti-Bullying Coordinator to collect and develop policies
- Educates community to prevent and address H.I.B.
- Parent Member is excluded from having information on specific incidents or role in identifying patterns.



Anti-Bullying Coordinator in Every District

- Appointed by the Superintendent from existing staff.



Duties:

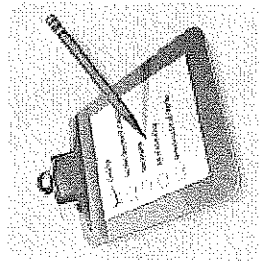
- Coordinate and strengthen H.I.B. policies
- Collaborate with school anti-bullying specialists, B.O.E., and Superintendent
- Provide data to NJDOE in combination with the Superintendent.
- Meet at least twice each year with anti-bullying specialists

Anti-Bullying Specialist in Every School

- Appointed by the Principal from existing staff.

Ideas for personnel:

- School counselor, school psychologist, or other “similarly trained” individual
- If none of the above is available, principal can appoint someone else from staff



Duties:

- Responsible to lead H.I.B. investigations
- Primary official responsible for preventing, identifying and addressing incidents
- Assists the principal in applying the range of ways for responding to H.I.B. that is established by the B.O.E.
- Provides input to B.O.E. on annual re-evaluation, reassessment and review of the policy.
- Chair the newly-created School Safety Team

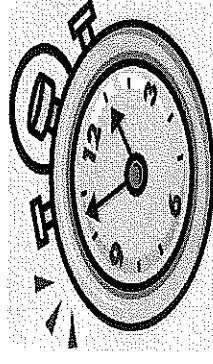
New Training for Staff

All Staff

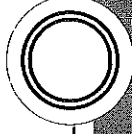
Administration, Teachers, Instructional Aides, Bus Drivers, Custodial, Cafeteria, Volunteers, Etc.

- School districts **MUST** provide annual training for **all staff** on code of conduct, including bullying
- Must include information on the relationship between the risk of suicide and incidents of H.I.B. as part of required suicide prevention

- Each public school teacher must complete at least 2 hours of instruction on H.I.B. prevention in each professional development cycle. (This is in addition to the 2 hours of instruction on suicide prevention.)



New Training for Staff



B.O.E.

School Leaders

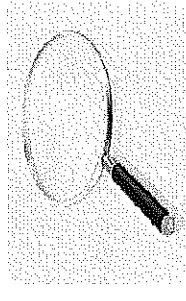
- Completion of a training program on HIB in schools, including a school district's responsibilities within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education (required only once)
- Provision of training on HIB in schools by the New Jersey School Boards Association in consultation with recognized experts in school bullying

- Must be part of required 12 hours of training that all school leaders must complete
- Required for school leader prep by 2012

New Investigation Procedures

- Detailed, specific time lines
- Verbal report must be made to the principal on the **SAME DAY** the incident occurs or is reported by the school employee or contracted service provider.
- Follow-up written report within **2 (?) days** of verbal report to the principal
- Principal must initiate investigation within 1 school day of receiving report and contact all parents of students involved. Until clarified in regulations, assume must initiate within one day of VERBAL report

- Investigation must be conducted by the Anti-Bullying Specialist
- Principal may appoint others to assist
- Must complete the investigation ASAP, no later than 10 school days from the date of the written report
- **Must give the written report to the superintendent within 2 school days of completing the investigation**
- May amend report if additional information is discovered later.



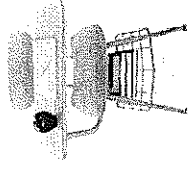
New Discipline & Reporting Procedures

- Superintendent must decide what action to take:
 - Intervention Services
 - Training Programs
 - Impose Discipline
 - Order Counseling

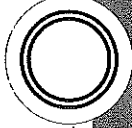
- *HIB has been added to the statute (N.J.S.A. 18A:37-2) listing the conduct that may constitute good cause for **suspension or expulsion**.*

- A member of a board of education or a school employee who promptly reports an incident of H.I.B. **is immune from a cause of action** for damages arising from any failure to remedy the reported incident.

- Superintendent must report to the B.O.E. at the next board meeting following completion of the investigation.
- The policy shall include 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.



Results of the Investigation



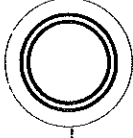
Investigation Reports

- Parents of the students who are parties to the investigation are **entitled to receive information** about the investigation in accordance with Federal and State law and regulation:
 - Including the nature of the investigation and whether evidence of HIB was found
 - Whether discipline was imposed or services provided
 - Provided in writing within 5 school days after results are reported to the BOE

Request for B.O.E. Hearing

- A parent may request a hearing before the BOE. The hearing must be held **within 10 days of request**.
- BOE shall meet in executive session for the hearing
- BOE may hear from school anti-bullying specialist about the incident, recommendations for discipline or services, or programs instituted

Results of the Investigation



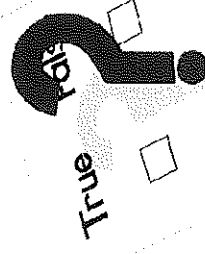
- At the next B.O.E. meeting following its receipt of the report the board shall issue a decision, in writing, to **affirm, reject or modify** the superintendent's decision.
- The B.O.E.'s decision may be appealed to the Commissioner of Education, no later than 90 days after the issuance of the board's decision.
- A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights (DCR) within 180 days of the occurrence of any incident of HIB.

Reprisal, Retaliation, & False Accusations

- The policy shall contain 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.

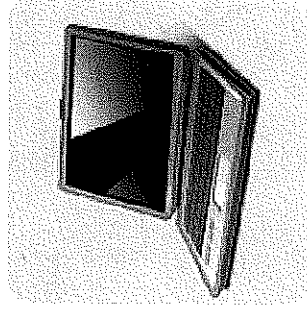
- The policy shall contain the consequences and **appropriate remedial action** for a person found to have **falsely accused** another as a means of HIB.

- A member of a board of education, a school staff member, or a student shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.



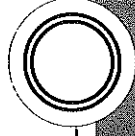
Publication of Policy

- A link to the policy must be **prominently posted** on the homepage of the district's website and distributed annually to parents and guardians.



- Contact information for the district **anti-bullying coordinator** must be listed on the school district's homepage and that contact information for the school **anti-bullying specialist** and anti-bullying coordinator must be listed on each school's homepage.

School Programs



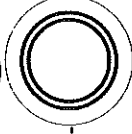
Bullying Prevention Programs

- Are now required in all schools
- Must annually establish, implement, document and assess these approaches
- Must be designed to create school-wide conditions to prevent and address H.I.B.
- “Bullying Prevention Fund” soon to be established in the D.O.E.

Week of Respect/CCCS

- First Monday in October of each year
- Age-appropriate instruction focusing on preventing H.I.B.
- Throughout the school year the school district must provide ongoing age-appropriate instruction on preventing HIB in accordance with the core curriculum content standards

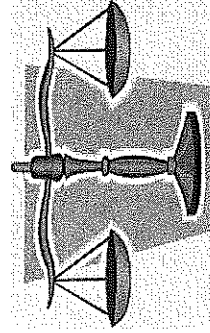
Due Process for Alleged Accused & Victim



- Parents of all parties involved have the right to receive information – includes parents of alleged victim and alleged bully

- Must provide information within 5 school days after results of investigation reported to the board

- Parent may request a hearing after receiving information, the hearing must be provided within 10 days of request.



- The board must issue a decision in writing at next BOE meeting following receipt of the report.

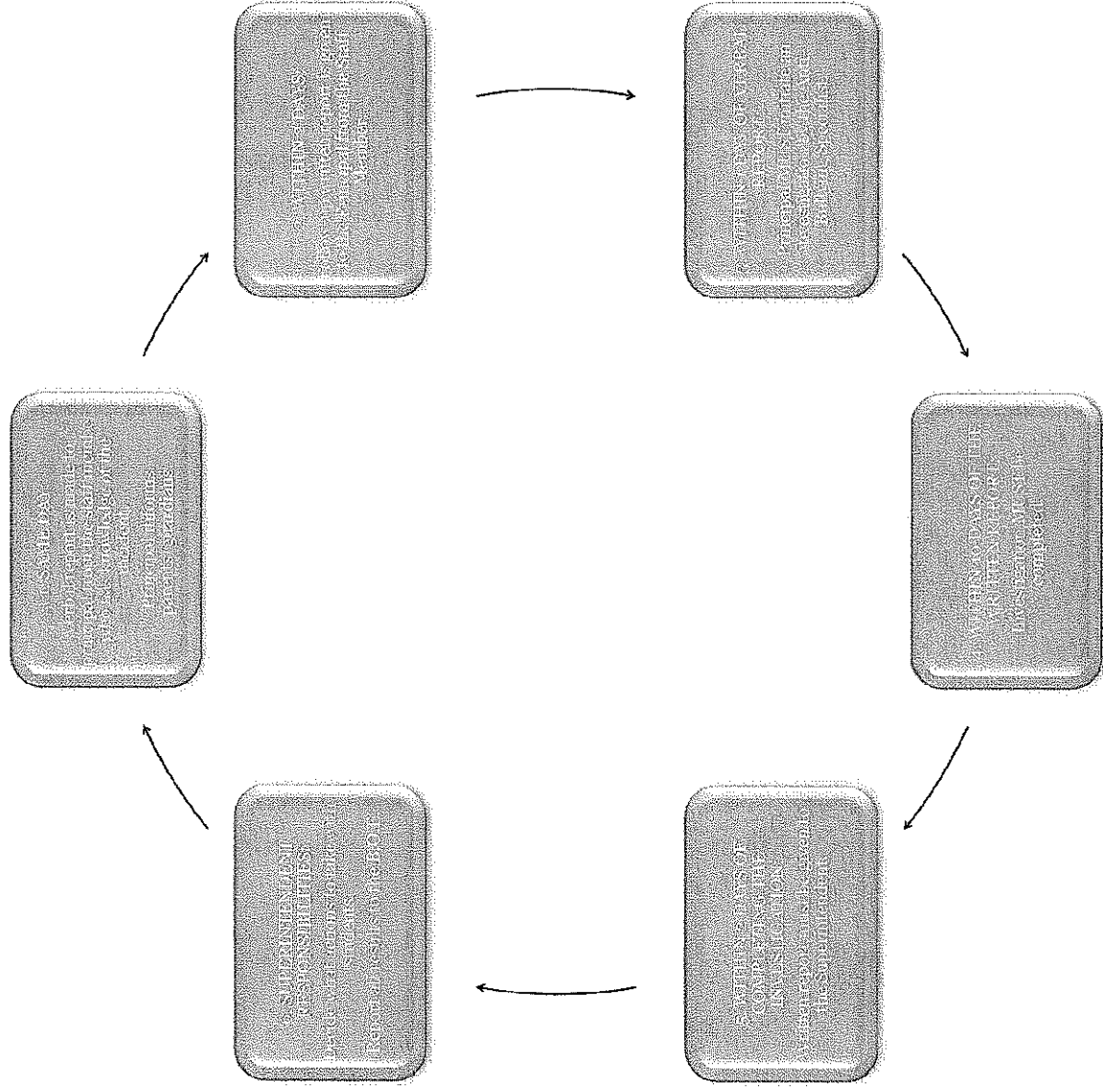
- Parents of parties may appeal the decision to the **Commissioner of Education** within 90 days.

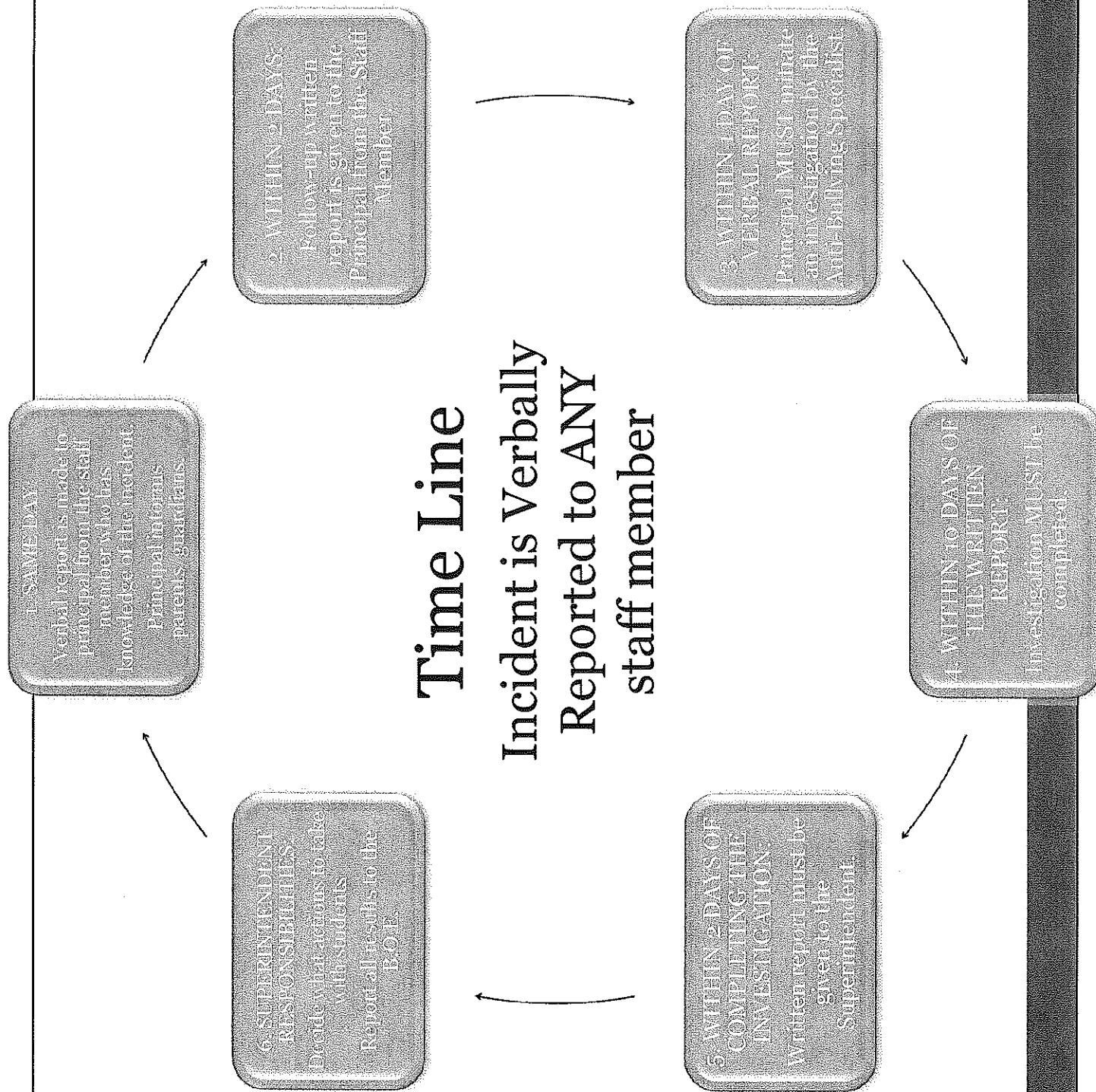
- Parent of alleged victim may separately file complaint with the **NJ Division on Civil Rights** within 180 days of alleged incident.

- Parents may also file in **Superior Court or Federal District Court** – if bullying is based on protected characteristic under state or federal laws. (2 Years)

Time Line

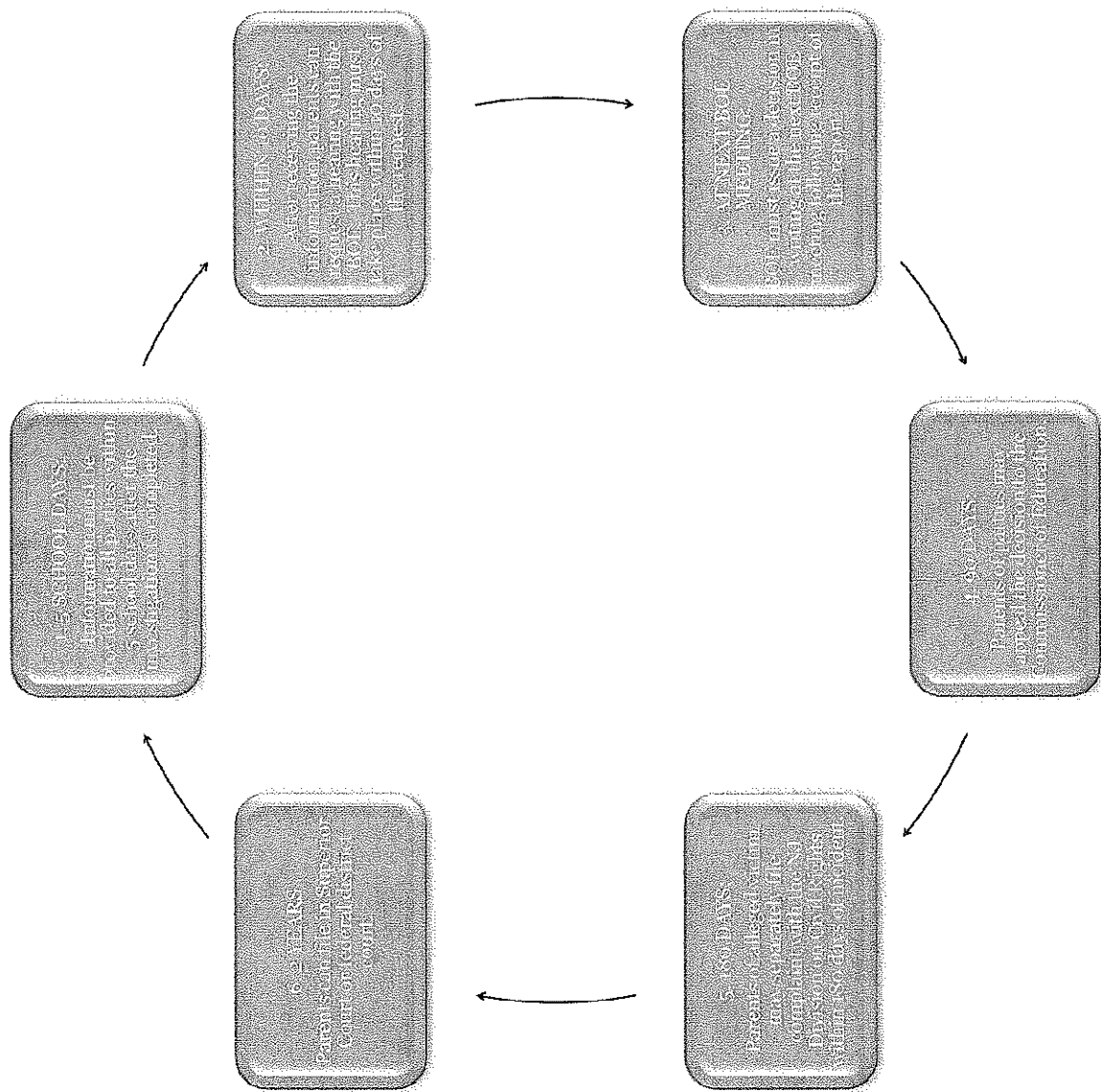
Incident is
Verbally
Reported to
ANY staff
member:





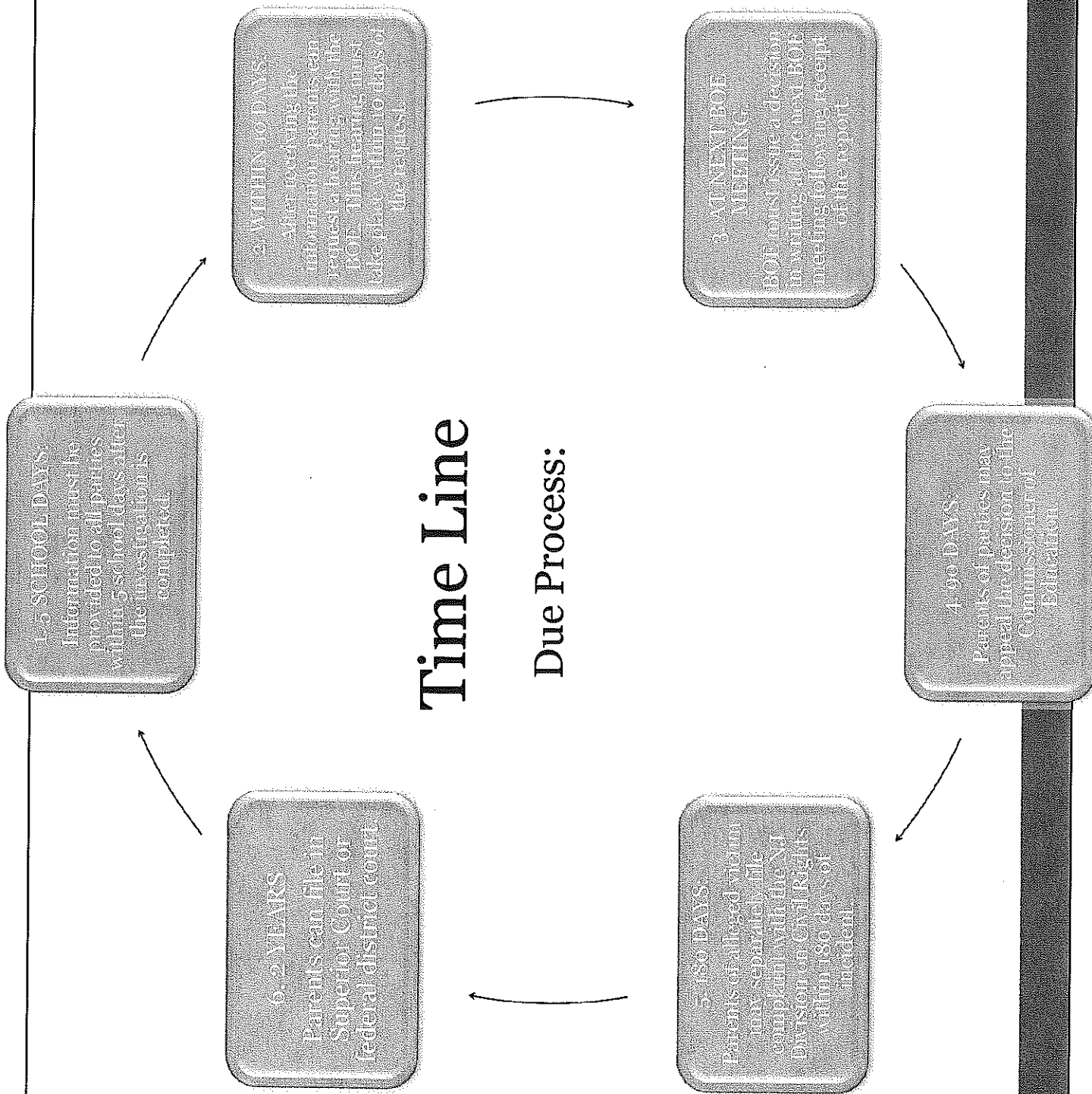
Time Line

Due Process:

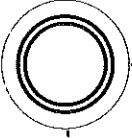


Time Line

Due Process:



Employee Discipline



- School Administrators who fail to initiate or conduct an investigation or who should have known of an incident and failed to take action:
- Range of possible disciplinary measures:
 - Memo
 - Increment Withholding
 - Tenure Charges

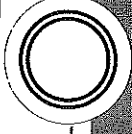
New "Grading Procedure" for Schools & Districts

- State Report Card will include Bullying Information.
- Two times each year, a district must report to B.O.E. on acts of violence, vandalism, and bullying.

REPORT CARD				
GRADING PERIOD	1	2	3	4
READING	A	A	A	A
LANGUAGE ARTS	A	A	A	A
MATHEMATICS	C	C	C	C
SCIENCE	B	B	B	B
SOCIAL STUDIES	B	B	B	B
ART	A	A	A	A
MUSIC	A	A	A	A
PHYSICAL EDUCATION	C	C	C	C
Grade Average: B				
Attendance	95	95	95	95
Progress	95	95	95	95
Behavior	95	95	95	95
Total: 95				
Teacher: [Signature] Date: [Date]				

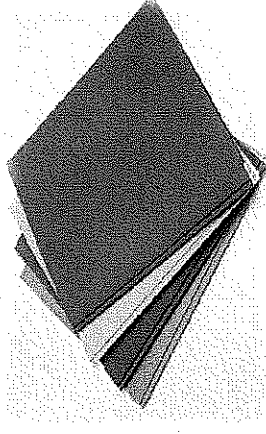
- Information must be reported to the NJDOE:
 - Type and number of incidents with a breakdown of reasons for bullying incidents (i.e. race, ethnicity, sexual orientation, etc.)

Public Reporting

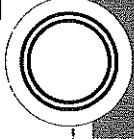


Areas of Reporting

- NJ School Report Cards
- Superintendent to Board of Education
- Superintendent to NJDOE
- NJDOE to Senate and Assembly Committees

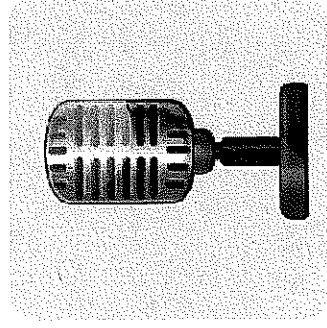


Public Reporting



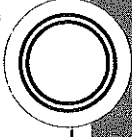
Superintendent's Report

- The superintendent must report at *two public hearings*:
 - One between 9/1 and 1/1; and
 - One between 1/1 and 6/30
- The district must put a link to the report on its Web site .



- The new law requires that HIB the data be disaggregated by the enumerated classes, and adds HIB information:
 - the status of all investigations
 - the nature of the bullying (based on the enumerated categories)
 - the names of the investigators
 - any other non-disciplinary measures imposed
 - training conducted or programs implemented, to reduce HIB

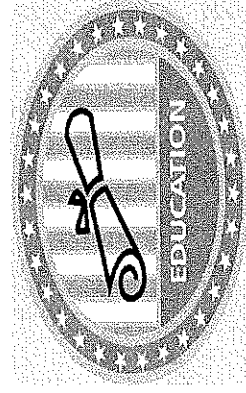
Public Reporting



Superintendent to D.O.E.

Prior Law:

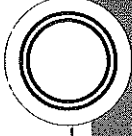
- The district was required to annually report violence, vandalism and substance abuse incidents on the EVVRS



New Law:

- The information reported to the B.O.E. must be reported once during each reporting period to the NJDOE.
- Verification of the reports on violence, vandalism, and HIB must be part of the State's monitoring of the school district.
- The report must be used to grade each school for the purpose of assessing its effort to implement policies and programs.

Department of Education

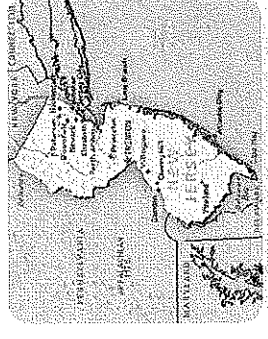


Grading

- District report shall be used to grade each school and district.
- Grade will be based on efforts to implement required law and board policies.
- Commissioner will develop guidelines for grading.
- Grade must be posted on homepage of school's Web site.

Commissioner of Education Responsibilities:

- Establish guidance document to assist school districts
- Establish formal protocol for Executive County Superintendent to investigate complaints



Where Does Estell Manor School Go From Here?

Superintendent/Principal & B.O.E. Considerations:

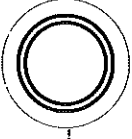
- Further discussion and compliance check on Policy 5131.1 "Harassment, Intimidation and Bullying" prior to adoption, if needed
- School-wide Staff Training
- Parent ~ Community Workshop, if deemed necessary
- Student Workshops, if deemed necessary & in compliance with "Week of Respect" Regulations
- Appointment of Anti-Bullying Coordinator & Anti-Bullying Specialist



Procedures/Forms Needed For Estell Manor School:

- Report Forms & Procedures: Student, Staff, Anti-Bullying Specialist, Superintendent Report to the B.O.E., Anonymous Report(Updated)
- Investigation Protocol & Procedures
- Fine-tuning the responses/consequences as per H.I.B. policy guidelines and compliance checklist
- Posting the name, school phone number, school address and school email address of anti-bullying specialist and the anti-bullying coordinator on our school's Website.
- Observing the week beginning with the first Monday in October as a "Week of Respect" by recognizing the importance of character education and providing age-appropriate instruction on preventing HIB.

Additional Information



- NJDOE Information:

<http://www.state.nj.us/education/students/safety/behavior/hib/overview.pdf>

- NJDOE Website: www.state.nj.us/education

- NJPSA Website: www.njpsa.org

- FEA Website: www.featraining.org

- LEGAL ONE Website: www.legalonenj.org

