

After The Decision: Procedures Following an HIB Determination and ABR Law Updates

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Basic HIB Reporting Timeline

- **Same Day:**
 - Report of HIB, complaint, alleged act or witness to the Principal
 - Will notify parents/guardians of all students involved
 - Staff members notified if involved
- **2 Days:**
 - Report must be made in writing and submitted to Principal (done in HIBster)
- **1 Day:**
 - Principal's Discretion based on information
 - Investigation initiated by Principal or designee
 - During investigation all relevant parties are to be investigated
 - The accused is made aware of the allegations during interview. Investigation should document that specific allegations were shared with the accused.
- **10 Days:**
 - Investigation completed as soon as possible, but no later than 10 days
 - All details are logged into HIBster
 - **ABS may amend report explaining the reason for the extension of time**

Next Steps

- A decision is made whether the incident is a founded or unfounded HIB case based on the criteria outlined for determination
- The Anti-Bullying Specialist then forwards the case to the school Principal or review.
- After the Principal reviews, it is then sent to the corresponding school Assistant Superintendent for review to be finally approved by CSA.

District Reporting Timeline

- **2 Days (after investigation):**
 - Results of investigation reported to Superintendent
 - May decide to provide additional sanctions
 - Not required by law, but encouraged as practice the ABS may send info to parties involved
- **Next Board Meeting:**
 - Results reported by Superintendent to the Board no later than the next scheduled Board meeting, after all investigations have been completed for the month
 - The Board reviews the cases and votes to affirm, reject, or modify the Superintendent's decision.
 - After vote the Board issues a written decision to the parties involved and must have information to the appeal process to the Commissioner of Education.
- **5 Days:**
 - Parties involved are provided in writing the reason for investigation, the findings, the sanctions given to address HIB (disciplinary, counseling, etc), and how to request an appeal hearing before the Board.
- **60 Days:**
 - Parent has the right to request an appeal hearing before the board
 - An Appeal Hearing will be held within 10 days of receipt of request in Executive Session

Revised regulations July 1, 2018

Initiation of HIB Investigations

Prior Regulations

- Principal shall initiate an investigation upon receipt of an allegation of HIB or when principal has reason to believe HIB has occurred.

New Regulations

- Permits local board policy allowing the principal in consultation with ABS to make an initial determination as to whether reported incident is an act of HIB.
- In making this determination, principal must assume the allegations are true and investigate.
- The parent may appeal the decision not to initiate an investigation to the BOE

Revised regulations July 1, 2018

Role of Approved Private Schools for Students with Disabilities (APSSDs)

Current Regulations

- Indicates that APSSDs are governed by student discipline rules that apply to all public schools and holds APSSDs to same requirements as all boards of education.

New Regulations

- Provides specific HIB rules for APSSDs and requires adoption of HIB policy.
- Requires sending district BOE of the alleged victim to take the lead in investigating incidents involving APSSD students when incident occurs on BOE school bus, at school-sponsored function and/or off school grounds.
- Requires APSSD staff to cooperate with sending district in investigation

Revised regulations July 1, 2018

Timeline for Parent Appeals

Current Regulations

- Requires hearing to be held within 10 school days of the request.
- No deadline for when parent may request a hearing.

New Regulations

- Establishes deadline for parent seeking to request a hearing before the BOE of no later than 60 calendar days after parent or guardian receives written notice of outcome of investigation.

Revised regulations July 1, 2018

Taking Into Account the Circumstances of Incident when Contacting Parents

Current Regulations

- No specific provision.

New Regulations

- Requires the school district to take into account the circumstances of the incident when communicating with parents in order to protect the student.
- Does not define how a school district is to do this. The language was developed in response to concerns related to revealing student sexual orientation or gender identity/expression

Revised regulations July 1, 2018

School Safety / Climate Team

Current Regulations

- Refers to “School Safety Team” Outlines role of SST to address school climate, identify patterns of HIB, etc.

New Regulations

- Revises name to School “Safety/Climate Team”
- Clarifies that parent shall not receive confidential student information and that other team members not authorized to do so shall not receive confidential information

Revised regulations July 1, 2018

Recognition of Power Imbalance

Current Regulations

- No reference to imbalance in power.

New Regulations

- Requires every board policy to include a statement that bullying is unwanted aggressive behavior that may involve a real or perceived power imbalance

Revised regulations July 1, 2018

Conflict of Interest

Current Regulations

- Does not address potential conflicts of interest

New Regulations

- Prohibits a member of the same bargaining unit from investigating claim against fellow member.

Revised regulations July 1, 2018

Student with Disabilities

Current Regulations

- Requires BOE policy to include certain factors when determining remedial action, but does not reference students with disabilities.

New Regulations

- Requires BOE policy, when considering remedial actions, to consider nature of disability.
- Requires Approved Private Schools for Students with Disabilities (APSSD) to consult with sending districts IEP teams as appropriate when considering remedial actions and consider role of I & RS.