Bergenfield Public Schools

What Parents Should Know About
Harassment, Intimidation & Bullying (HIB)

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

Under New Jersey law (N.J.S.A. 18A:37-14), HIB is any gesture, written, verbal, physical act, or electronic communication that meets **all** of the following criteria:

- Is reasonably perceived as being motivated by a distinguishing characteristic (such as race, gender, disability, religion, sexual orientation, or other distinguishing characteristics including appearance or personal attributes — actual or perceived)
- Takes place in one of the following locations:
    1. On school property
    2. At a school-sponsored event
    3. On a school bus
    4. Off school grounds, if it has a sufficient connection to the school environment
- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students **and**,:
    1. A reasonable person would know will cause physical or emotional harm to a student or damages the student's property, or places a student in reasonable fear of physical or emotional harm or damage to the student's property, **or**
    2. Insults or demeans a student or group of students, **or**
    3. Creates a hostile educational environment by interfering with a student's education or causing severe or pervasive harm to the student.

Important Clarification:
Not all rude, mean, or inappropriate behavior meets the legal definition of HIB—even if it seems like bullying. An act may still be addressed by the school even if it does not qualify as HIB under the law.

2. What if a student didn't mean to hurt anyone — can it still be HIB?

Yes. Under New Jersey law, **intent is not required** for a behavior to be classified as HIB. If the behavior meets the legal criteria — including being reasonably perceived as motivated by a distinguishing characteristic, causing harm, and interfering with a student's rights or school environment — it may be considered HIB even if the student did not intend to cause harm.

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3. What types of behavior are not considered HIB?

Some incidents, while inappropriate or upsetting, may not qualify as HIB because they do not meet all elements of the legal definition. Examples include:

- One-time peer conflicts or arguments without a bias-based motive
- Social disagreements or exclusion not motivated by identity-based targeting

These situations may still be addressed through the Code of Conduct or other school-based interventions.

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4. Who can report a suspected HIB act?

Anyone with knowledge of a possible incident may report it, including:

- Students
- Parents or guardians
- School staff
- Community members

Each school has a designated **Anti-Bullying Specialist (ABS)**, typically a school counselor or similar staff member, who is trained to investigate HIB reports and ensure the process is handled thoroughly and appropriately.

***All Bergenfield Public Schools Anti-Bullying Specialists are trained through Hibster and/or Strauss Esmay Associates legal training.**

5. What happens after a report is made?

1. The principal makes a preliminary determination as to whether the incident falls under the scope of HIB.
2. If so, a formal investigation is initiated.
3. The investigation must be completed within **10 school days**.

If the report does not meet the legal criteria for HIB, the school may still address the matter through other disciplinary or support processes.

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6. Why doesn't the school share details during the initial parent notification?

At the early stages, information is still being gathered. Schools are required to protect the privacy of all students involved, and the disclosure of unverified details could compromise a fair investigation. Once the process is complete and reviewed by the Board of Education, parents will receive a written summary of the findings.

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7. What happens after the investigation?

- Findings are submitted to the Superintendent
- A summary is presented by the Board of Education at its next meeting
- Parents receive written notification of the outcome within **5 school days** following the presentation of the results of the investigation to the Board
- At its next meeting, the Board of Education issues a written decision that affirms, rejects, or modifies the Superintendent's decision.

8. What will the outcome letter include?

- Whether HIB was substantiated
- Whether disciplinary consequences or support services were assigned
- Information regarding parental rights

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9. What if my child is found to have violated the Anti-Bullying Bill of Rights?

Appropriate disciplinary and remedial measures will be implemented, which may include counseling, behavioral supports, or other interventions aimed at preventing recurrence. As required by law, confirmed HIB findings are documented in the student's disciplinary record and are transferred if the student enrolls in another public school.

These measures are intended to ensure accountability while supporting student growth and maintaining a safe and respectful school environment.

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10. What if I disagree with the outcome?

Parents/guardians have the right to:

- Request a hearing before the Board of Education
- Receive a written decision affirming, rejecting, or modifying the findings
- Appeal the Board's decision to the New Jersey Commissioner of Education within **90 days** of learning the Board's decision

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11. Will I be informed about what happened to the other student(s)?

No. Federal and state student privacy laws protect all students. Families are only informed of:

- The outcome of the investigation
- Whether consequences or supports were assigned

12. Will my child receive support during or after the investigation?

Yes. Based on available information and investigation findings, the ABS may recommend school-based supports to address student needs. Families are encouraged to contact the school principal with concerns or requests for additional support.

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13. May I be present during my child's interview?

No. Parents are not permitted to participate in student interviews during a HIB investigation. ABS staff are trained to conduct interviews in a developmentally appropriate, respectful, and supportive manner.

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14. What if I do not want my child to participate?

Parental consent is not required. Once a HIB report is received, the school is legally obligated to proceed. If a student chooses not to participate, the investigation will continue using all other available information.

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15. Still have questions?

Please contact your child's school principal for additional information or clarification.

HIB Complaint and Investigation Process

The 10-Step Process

Step 1: Verbal Report
A verbal report of the alleged HIB incident is made to the school principal or designee.

Step 2: Principal's Preliminary Determination (Optional)
The principal may make an initial determination as to whether the alleged conduct falls within the scope of HIB.

Step 3: Parent Notification
Parents/guardians of all students involved are notified that a report has been made.

Step 4: Investigation Begins
The Anti-Bullying Specialist (ABS) initiates the investigation within one (1) school day of the verbal report.

Step 5: Written Report Submitted
A written HIB report is submitted within two (2) school days of the verbal report.

Step 6: Investigation Completed
The investigation is completed within ten (10) school days of the written report.

Step 7: Report to the Superintendent
The completed investigation is submitted to the Superintendent within two (2) school days of completion.

Step 8: Superintendent Review & Board Report
The Superintendent reviews the findings and presents a summary to the Board of Education at the next scheduled Board meeting following completion.

Step 9: Parent Notification of Outcome
Parents/guardians receive written notification of the outcome within five (5) school days after the Board's review.

Step 10: Board Decision
At its next meeting, the Board of Education votes to accept, reject, or modify the findings.

Visual Timeline Overview

Day 0
Verbal HIB Report Made

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Day 1
Investigation Begins (ABS Assigned)

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Day 2
Written Report Submitted (338 Form)

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Within 10 School Days
Investigation Completed

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Within 2 School Days
Report Sent to Superintendent

⬇

Next Board of Education Meeting
Superintendent Presents Summary

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Within 5 School Days
Parents Receive Written Outcome

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Board Votes to Affirm, Modify, or Reject Investigation Conclusion

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Board Written Decision Issued

This process is governed by the New Jersey Anti-Bullying Bill of Rights Act, including but not limited to:

- N.J.S.A. 18A:37-14 – Definition of Harassment, Intimidation, and Bullying
- N.J.S.A. 18A:37-15 – Reporting, investigation procedures, timelines, parent notification, and appeal rights
- N.J.A.C. 6A:16-7.7 – Student conduct and investigation confidentiality requirements