

Harassment, Intimidation, and Bullying and the Anti- Bullying Bill of Rights



October 8, 2015

The Anti-Bullying Bill of Rights Act

- NJ Anti-Bullying Bill of Rights Act (P.L.2010, Chapter 122)
 - Governor signed into law- Jan 5, 2011
 - Effective September 1, 2011
 - School districts adopt NEW policy
- Intent of new law
 - Strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying and to reduce suicide among students

The Anti-Bullying Task Force-March 2012

- Provide guidance to school districts on available resources and implementation
- Examine the implementation
- Draft model recommendations to Commissioner of Education
- Present recommendations re: ABR deemed necessary
- Prepare report annually on effectiveness of act in addressing bullying in schools-January

District HIB Staff

- Principal
 - Accepts and reviews HIB complaints
- Anti-Bullying Coordinator (ABC)
 - Coordinates and strengthens the district's HIB policy
 - Provides data to NJDOE and meets with anti-bullying specialists and building administrators
 - Provides training and education

District HIB Staff

- Anti-Bullying Specialists (ABS)
 - Chairs the School Safety Team
 - Leads the investigation of reported HIB incidents

Principals, ABC & ABSs

- MTSD ABC
 - Kelly Mattis, Director of Human Resources
- Orchard Elementary School
 - Kathie Scotti, Principal
 - Christine Buber, School Counselor and ABS
 - Wendy Senatra, School Counselor and ABS
- Village Elementary School
 - Susan Lacy, Principal
 - Lauren Fornal, School Counselor and ABS
 - Jolene Schantz, School Counselor and ABS

Principals, ABC & ABSs

- Lower Middle School
 - Michael Richards, Principal
 - Kevin Armstrong, School Counselor and ABS
 - Lesley Haas, School Counselor and ABS
- Upper Middle School
 - Cory Delgado, Principal
 - Allison Doyle-Smith, School Counselor and ABS
 - Jeanne Fedun, School Counselor and ABS
- Montgomery High School
 - Paul Popadiuk, Principal
 - Keith Glock, School Counselor and ABS

School Safety Team

- One School Safety Team- per building
- Consists of at least the ABS (chairperson), principal or designee, a teacher, and a parent of a student in the school

School Safety Team

- Foster and maintain a positive school climate by identifying and addressing patterns of HIB, review and strengthen climate, and ongoing HIB education to the community, student, parents, and staff
- Meets at least 2 times per year

Definition of HIB

3 criteria:

1. Motivation
2. Location
3. Impact

Definition of 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**

Definition of HIB

- 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**
- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; **and that:**

Definition of HIB

- 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**

Definition of HIB

- 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.

Cyberbullying

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.

Cyberbullying

- 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.

Some Examples of Distinguishing Characteristics

- Academically gifted children;
- Wearing glasses, hair color, hair style;
- Style of clothing/fashion;
- Socioeconomic status;
- Children living in nontraditional families;
- Weight over or underweight;
- Small or physically weak children;
- Relationship/friendship status;
- Protected categories

Types of HIB Behaviors You May Observe

- Verbal – teasing, name-calling, demeaning comments;
- Physical – hitting, kicking, shoving, and spitting;
- Social or Relational Aggression
- Social exclusion or isolation
- Spreading rumors or lying
- Telling someone else
- Intimidation - threatening statements
- Sexual Harassment
- Racial & Cultural harassment
- Cyberbullying

Hazing Vs. 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.

Hazing Vs. HIB

- 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.

Timelines

- Principal receives HIB report.
- Principal notifies parents of suspected offenders and victims.
- Principal receives written report from staff who first reported.
- Principal shall initiate an investigation of alleged HIB within 1 school day of the report of the incident.
- ABS has 10 school days to complete the investigation from the date of the written report.

Timelines

- Results of the investigation shall be reported by the Principal to the Superintendent within 2 days of the completed investigation.
- Parents/Guardians may request a hearing before the BOE and may file a complaint with the Division of Civil Rights within 180 days the occurrence of the incidence.

Reporting

- 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.

Reporting

- 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.

Role of Parents

- 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
- Discuss HIB with children
- Report concerns to the principal verbally and in writing

School Responses to HIB Incidents

- 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.

Discipline and Remediation

- Discipline is determined based upon the Code of Conduct
- Remediation is Needed for Offenders and Victims

Information Provided to Parents

- 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.

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.

Traditional Definition of Bullying vs. NJ Law

Traditional Definition	NJ Law
Repetition	Single incident
Intent to cause harm	Intent does not have to be found
Imbalance of power	No imbalance of power

Difference between Conflict and HIB

CONFLICT	HIB
“Mutually” competitive or opposing action or engagement.	HIB is one-sided.
Includes disagreements, arguments and fights.	One or more students are victims of one or more person’s aggression, as it applies to HIB.
Can be addressed via mediation.	Mediation would not be advisable.

HIB Programs

- Anti-Bullying Bill of Rights (ABR)
- HIB Consequences and Prevention
- Cyberbullying
- Peer Relationships and Social Norms
- Parent Education
- Board of Education Training
- On-line Training (GCN)
- Pro-Social Strategies for By-Standers
- Conflict Resolution
- Week of Respect and Violence Awareness Week

Target Population

- Board of Education
- District Administrators
- Anti-Bullying Coordinator
- Anti-Bullying Specialists
- Teachers
- Student
- Parents
- Substitute Staff
- Bus Drivers
- Support Staff

Final Thoughts

- 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.