

# The Ewing Public Schools

## District HIB Policy

### Harassment, Intimidation and Bullying

#### NEW JERSEY'S ANTI-BULLYING BILL OF RIGHTS and CODE OF CONDUCT

2019-2020 School Year

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# Goal of District HIB Policy Training

**The goal of this District HIB Policy Training is to:**

- Provide information about the Anti-Bullying Bill of Rights, including expectations for school districts and personnel
- Review District HIB policy and procedures for all schools

# What Is the Anti-Bullying Bill of Rights Law?

January 5, 2011: Governor Christie signed into law the new “Anti-Bullying Bill of Rights”.

- New law went into effect September 2011

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

- Amends the 2002 Anti-Bullying Law
- New Revisions to the Anti-Bullying Bill of Rights, effective July 1, 2018



# What Are the Key Issues With the Law?

## What changed?

1. Definition of Harassment, Intimidation and Bullying (HIB)
2. Responsibility for conduct away from school grounds
3. Requires School Safety/Climate Teams
4. Requires Anti-Bullying Specialist in every school
5. Requires Anti-Bullying Coordinator for district

# Key Issues in Law (continued)

6. Specific investigation, reporting, discipline, appeal procedures
7. State reporting requirements on incidents of bullying
8. Grading procedures for schools and districts
9. Training requirements
10. Specifies instances where school employees may be subject to disciplinary action



**What Is the Definition for  
“Harassment, Intimidation, &  
Bullying”?**

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either 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 [handicap] disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function [or], on a school bus, or off school grounds as provided for in section 16 of P.L.2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a) 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]
- b) has the effect of insulting or demeaning any student or group of students [in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school]; or
- c) 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



# Unpacking the Definition for HIB

“Harassment, Intimidation or Bullying” [HIB]

## TYPES OF BEHAVIOR:

1. Includes ANY gesture or
2. ANY written, verbal or physical act or
3. ANY electronic communication
4. Can be a single incident or series of incidents



1.\* taken from the law

# Definition (continued)

## Motivation for HIB Behavior:

1. ANY actual OR PERCEIVED characteristic
2. EXAMPLES: race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental/physical/sensory disability, or ANY OTHER DISTINGUISHING CHARACTERISTIC
3. NEW (7-1-2018): “Real or Perceived Power Imbalance” added to NJ administrative code language

# Definition (continued)

## Location of Incident:

1. On school property



2. At school-sponsored function



3. On a school bus



4. Off school grounds (including cyberspace)

## Definition (continued)

**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 causes physical or emotional harm to student

# Conduct Away From School Grounds

1. Duty goes beyond “portal to portal”
2. Legal duty existed since 1971 decision in *R.R. v. Shore Regional*

## Examples:

- \*student in fight at park over perceived sexual orientation
- \*student fearful and distracted in school
- \*cyber bullying conducted at home through social media or text interactions  
i.e. Snapchat, Instagram, etc
- \*student’s grades begin to drop

# Conflict vs. Bullying?

## Normal Conflict...

- Equal power or are friends
- Can be accidental
- Mutual disagreement
- Equal emotional reaction
- Not seeking power or attention
- Remorse-takes responsibility (both parties)
- Effort to solve the conflict

## Bullying...

- Imbalance of power
- Unwanted or uninvited aggression
- Intentional
- Physical or emotional harm
- Unequal emotional reaction
- Seeking power, control, or to gain popularity
- No remorse- blames target
- No effort to solve the problem (if any)

# TYPES OF CYBER BULLYING

**Offensive or insulting messages** – Including harassing messages, racist or other prejudicial messages or posts, personal insults, flaming, and hate mail.

**Threats** – stating or implying that you will do something to harm someone, or that something hurtful will happen to someone.



**Rumors/Denigration** – Using electronic messaging/social media to put someone down or spread rumors about them.

**Photos and Video** – Taking embarrassing photos or video & uploading them without the subject's consent; downloading photos to forward to unintended recipients; altering photos to make them embarrassing; creating videos to make fun of someone.

# CHECK FOR UNDERSTANDING



Conflict and Bullying are NOT the same!

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HIB has occurred when:

1. There is a target
2. Motivation due to one's characteristics (real or perceived)
3. "Real or Perceived Power Imbalance" is added to the New Jersey administrative code
4. Causes physical or emotional harm to target



# How Has the Law Changed School and/or District Procedures Regarding Anti-Bullying?

## 1. **Anti-Bullying Specialist – must be established in every school**

- Principal appoints
- Guidance Counselor, Dean of Students or other “similarly trained” individual
- If none of above available, appoint someone else from staff

## 2. **ABS Duties**

- Responsible to LEAD investigations
- Primary official responsible for preventing, identifying and addressing incidents
- Chair the School Safety/Climate Team
- Provide on-going staff training

# School Level Anti-Bullying Specialists (ABS)

1. **Antheil ES:** *Ilona Chasar*, Dean of Students
2. **Lore ES:** *Kerry Young*, Dean of Students
3. **Parkway ES:** *Joseph Callea*, Dean of Students
4. **Fisher MS:** *Erika Freeman*, Dean of Students
5. **Ewing HS:** *Dave Sheffel*, Dean of Students
6. **O'Brien Academy:** *Kevin Bonner*, Dean of Students

Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. The Anti-Bullying Specialist should not participate in an investigation regarding their supervisor or anyone at a higher administrative level.

# School Safety/Climate Team

1. Per the law, each building must have a School Safety/Climate Team.
2. The members of each school's team are posted on the building and district website and is comprised of the Principal or designee, a teacher, a parent, and other members as determined by the Principal.



# Building School Safety/Climate Team

Anti-Bullying Specialist

Anti-Bullying Specialist Back-up

Principal/Designee

Teacher(s)

Parent

# School Safety/Climate Team (continued)

## **DUTIES:**

1. Receive complaints reported to Principal
2. Receive copies of investigative reports
3. Review and strengthen school policies
4. Identify and address patterns of bullying in school
5. Participates in training programs
6. Collaborate with District Anti-Bullying Coordinator to collect and develop policies
7. Parent excluded from having information on specific incidents or role in identifying patterns

# District Anti-Bullying Coordinator

1. Superintendent must appoint from existing staff

## 2. DUTIES:

- Coordinates and strengthens policies
- Collaborates with school anti-bullying specialists
- Provides data to NJDOE
- Meets at least two times per year with anti-bullying specialists

**District  
Anti-Bullying Coordinator**

**Dr. Karen Allen**

**Back-up  
Dr. Danita Ishibashi**



# Investigation Procedures

## DETAILED SPECIFIC TIMELINES

1. Verbal reports must be made to the Principal on the same day incident occurs. Principal informs parent/guardian.

*When providing notification to parents of all students involved, the Principal shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense.*

2. Follow-up written report must be submitted within two (2) days of verbal report.
3. The Principal must initiate investigation within one (1) school day of receiving verbal or written report by forwarding to the Anti-Bullying Specialist.
4. Investigation must be conducted by the Anti-Bullying Specialist.

*The BOE is now required to conduct thorough investigations of complaints or reports of harassment, intimidation, or bullying when their students are involved, but currently attend an APSSD, and the incident occurs on BOE school buses, at BOE school-sponsored functions, or off BOE school grounds; and the BOE is also required to hear all associated parental appeals.*

5. The Principal may appoint others to assist.

# Investigation Procedures (continued)

## 1. Anti-Bullying Specialist:

- Must complete as soon as possible, not later than ten (10) school days from date of written report
- Must give report to Superintendent within two (2) school days of completing investigation
- May amend report if additional info later

## 2. Superintendent must decide actions to take:

- Intervention services - Training programs
- Impose discipline - Order counseling

*Consequences for a student who commits an act of HIB shall be varied and graded according to the nature of the behavior, the nature or the student's disability, if any, and to the extent relevant, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the approved BOE Code of Student Conduct.*

# Due Process Rights for Alleged Accused and Alleged Victim(s)

1. Parents/Guardians of all parties involved have a right to receive information (includes parents of alleged victim and alleged bully).
2. Information must be provided within five (5) school days after results of investigation reported to Board.
3. Parent/Guardians may request a hearing after receiving information  
*Any request by parents for a hearing before the Board of Education concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A.18A:37-15b(6)d, must be filed with the BOE Secretary no later than sixty calendar days after the written information is received by the parents. The hearing shall be held within ten business days of the request.*  
(must be provided within ten (10) days of request).
4. Board must issue a decision in writing at next Board meeting following receipt of report.

## Due Process Rights (continued)

5. Parents/Guardians of parties may appeal decision to the Commissioner of Education within ninety (90) days.
6. Parents/Guardians of alleged victim may separately file complaint with N.J. Division of Civil Rights within 180 days of alleged incident.
7. Parents/Guardians may also file in Superior Court or Federal District Court if bullying is based on protected characteristic under State or Federal law.

# What Does This Process Look Like in the District or in My Building?

## Day 1

1. Teacher/Staff member/parent verbally (or in writing) reports incident on the same day that it occurred to the Principal.
2. Teacher/Staff member prepares to follow up with a written report which must be submitted within two (2) days of the verbal report. (*“Report Form for HIB”*)
3. Principal must initiate an investigation by forwarding the information to the Anti-Bullying Specialist within one (1) school day of receiving verbal or written report.

# Process...in My Building? (continued)

## Day 2

1. The Anti-Bullying Specialist must begin the investigation (Principal may appoint others to assist).
2. The teacher/staff member prepares to follow up with a written report which must be submitted within two (2) days of the verbal report.

# Process...in My Building? (continued)

## Day 3

1. The teacher/staff member must submit a written report to the Anti-Bullying Specialist within two (2) days of when the employee witnessed or received reliable information that a student experienced HIB.
2. The Anti-Bullying Specialist continues the investigation.

# Process ...in My Building? (continued)

## Days 3-14

1. The Anti-Bullying Specialist continues the investigation.
2. The investigation must be completed no later than ten (10) school days from date of written report.

## Day 15

1. Anti-Bullying Specialist must forward results of investigation to Superintendent within two (2) school days of completion.
2. Superintendent decides which actions to take (e.g., intervention services, training, discipline, counseling, etc.).



# Process...in My Building? (continued)

## Next Board Meeting Date

1. Superintendent must report to Board of Education at next board meeting following completion of investigation.
2. Ewing Board of Education meets monthly, typically the 3<sup>rd</sup> or 4<sup>th</sup> Monday of the month.

# Process...in My Building? (continued)

**Within five (5) school days after investigation, results are given to Board**

The district must provide information to parents/guardians of alleged bully/bullies AND victim(s) about the investigation and findings.

## **Board Hearing**

Parent/Guardian may request confidential hearing before Board of Education which occurs within ten (10) calendar days of request.

# Process...in My Building? (continued)

## Board Decision:

1. Board must issue decision, in writing, to affirm, reject or modify the Superintendent's decision at the next Board meeting following receipt of report.
1. Board's decision may be appealed to the Commissioner of Education within ninety (90) calendar days.

# Process...in My Building? (continued)

## **NEXT STEPS FOR PARENTS/GUARDIANS:**

### **1. Contact the Office of Civil Rights**

Parents/Guardians may file a complaint with the New Jersey Division of Civil Rights within 180 calendar days of incident, or in State or Federal court, if HIB is based on a characteristic protected under State or Federal law.

### **2. Contact Office of the Executive County Superintendent**

- a. Executive County Superintendent shall investigate a complaint of a violation by a school district when a complaint is not adequately addressed at the local level.

## Process...in My Building? (continued)

- b. Parents/Guardians of parties may appeal decision to Commissioner of Education within ninety (90) days.
- c. Parents/Guardians of alleged victim may separately file complaint with N.J. Division of Civil Rights within 180 days of alleged incident.
- d. Parents/Guardians may also file in Superior Court or Federal District Court if bullying is based on protected characteristic under State or Federal law.

# What Are the State Reporting Requirements?

1. State Report Card includes bullying information.
2. Two times each year, district must report to Board on acts of violence, vandalism and bullying (September 1-January 1 and January – June 30).
3. Must report data to NJDOE
4. Type and number of incidents, with breakdown of reasons for bullying incidents (race, ethnicity, sexual orientation, etc.)

# How Will Schools Be Graded?

## HIB GRADES

1. District report is used to grade each school and district.
2. Grade based on efforts to implement required law and Board policies.
3. Commissioner has developed guidelines for grading.
4. Grade must be posted on home page of district and each school's website.

# HIB Training Requirements?

1. School districts must provide annual training for all staff, including all school employees, contracted service providers, and volunteers on the district's HIB Policy.
2. Once training is complete, all personnel must sign a "Statement of Assurance" indicating their understanding of the policy and agreement to the implementation of the policy.
3. Each member of the teaching staff must also complete two (2) hours of training instruction on suicide and HIB prevention.



# HIB Training

## Staff:

1. All new certified staff are trained in “Anti Bullying Bill of Rights” law and Ewing Public Schools HIB policy during new teacher orientation. This occurs annually in late August (1 hour total).
2. Each staff member participates in online training each year through GCN (2 hours total).
  1. Cyber Bullying
  2. Anti-Bullying
  3. Suicide Prevention
  4. General Harassment

# What Prevention Programs Are Provided in the District?

1. K-8 Guidance Counselors provide on-going lessons regarding: anti-bullying, problem solving strategies and respect to all students.
2. K-8 Character Education programs promote treating others with respect and empathy.
3. Grades 9-12 Student government programs promote a healthy and positive school culture.

# What Are the Consequences If I Do Not Report a HIB Incident?

Anyone who fails to initiate or conduct an investigation OR who SHOULD HAVE KNOWN of an incident and fails to take action will result in a range of possible disciplines:

1. Memo
2. Increment withholding
3. Tenure charges

Once you are aware of a perceived HIB incident, you are obligated to follow Day 1 procedures and immediately report the incident to the building's principal.

# Can Parents / Guardians Initiate an Investigation?

Yes, parents/guardians can initiate an investigation by verbally reporting or by submitting a written report of an incident to a building administrator or staff member.

*A person may report anonymously, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student. The Board of Education will not take formal disciplinary action based solely on the anonymous report.*

## FAQs...Q and A

**Q.** Where can I find the district's Anti-Bullying policy?

**A.** The Anti-Bullying policy can be found on the district website home page at [www.ewingboe.org](http://www.ewingboe.org) “District Information” – “Anti-Bullying”.

**Q.** Where can I find the form to report a bullying incident?

**A.** All forms are posted on the district and individual building website under Anti-Bullying, “Report Form for HIB – Interactive”.

# Statement of Assurance

In your folders:

- District Website HIB Info
- Reporting and Investigation Timelines
- HIB Definitions
- HIB Intervention Strategies
- HIB Policy and Regulation 5512

*Please sign the Statement of Assurance  
and return to me.*