



The Anti-Bullying Bill of Rights Act

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Recent Headlines

- Help Stop Bullying, U.S. Tells Educators
- Private Moment Made Public, Then a Fatal Jump
- Anti – Social Networking
- Desperate Times Call for a Bullying Coach

Only a year ago....

Tyler Clementi, an 18-year-old college freshman and an accomplished violinist — committed suicide by jumping from the George Washington Bridge



Original Legislation was Passed in 2002

Although New Jersey's first extensive legislative effort to address bullying and harassment in the public schools was in June 2002, when the Legislature passed a bill requiring public school districts to adopt policies prohibiting harassment, bullying and intimidation in the public schools, the Rutgers suicide and others across the county created the impetus to amend the original legislation and pass the Anti-Bullying Bill of Rights



Stated Goals of the New Law

Intended to strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of harassment, intimidation and bullying.



Stated Goals of the New Law

- Various studies demonstrate that bullying and harassment in New Jersey public schools and institutions of higher learning, in spite of the measure adopted in 2002, is still occurring with too much frequency.



Stated Goals of the New Law

- The Legislature also indicated that clearer standards would assist districts in prevention, reporting, investigation and in their response to incidents.
- The Legislature envisions that districts will utilize existing personnel and resources in every possible instance to accomplish the goals of Anti-Bullying Bill of Rights Act, including in the appointment of the mandatory anti-school bullying specialists and district anti-bullying coordinators.



Background Checks

- N.J.S.A. 18A:6-7.1 to conduct criminal background checks on all school staff, volunteers and bus drivers. An individual will be permanently disqualified from school employment if s/he has been convicted of various crimes or offenses including, but not limited to: (1) crimes or offenses involving the manufacture, transportation, sale, possession, distribution or habitual use of drugs; (2) crimes involving the use of force or threat of force such as robbery, aggravated assault, stalking, kidnapping, arson, manslaughter;



Background Checks

- or, (3) such crimes as recklessly endangering another person, terroristic threats, criminal restraint, luring and enticing a child into a motor vehicle, perjury, and resisting arrest. The recent amendments as part of the Anti-Bullying Bill of Rights Act added bias and intimidation to the list.



Definition of HIB

- Definition of Harassment, Intimidation or Bullying (HIB) has been broadened!



Definition of HIB

. . . any gesture, any written, verbal or physical act, or any electronic communication, whether it be a **single act** 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 disability, or **any other distinguishing characteristic**, that takes place on school property, at any school sponsored function, or on a school bus, or off school grounds . . . that substantially disrupts or interferes with 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 emotional harm to his person or damage to his property;

Definition of HIB

- b) has the effect of insulting or demeaning any student or group of students; or
- c) creates a hostile educational environment at school for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Out of School Conduct

- The recent amendments go to great lengths to address out-of-school conduct that can constitute harassment, intimidation or bullying.



Out of School Conduct



Source: Chris Kasurak

- Specifically, all district policies must include provisions for appropriate responses to harassment, intimidation and bullying that occur off school grounds, “in cases in which a school employee is made aware” of the incident(s), and, ***the out-of-school behavior creates a hostile educational environment, or substantially disrupts or interferes with the orderly operation of the school or the rights of other students.***

HIB/ Out of School Conduct

- The responses of the board and administration shall be consistent with those for in-school conduct.



Superintendent Reporting Obligations



- Once each semester at a public meeting, the superintendent must report all acts of violence and vandalism as well as all harassment, bullying and intimidation which occurred during the previous semester to the board of education.

Superintendent's Report to the Board

- The Superintendent's report must include: (1) the number of reports of bullying, intimidation and harassment that were received; (2) the status of all investigations; (3) the nature of the bullying; (4) the names of the investigators, the type and nature of the discipline imposed; and, (5) any other measure taken to reduce further incidents. The report must also include data broken down by each school in the district, as well as district-wide.



Harassment, Intimidation and Bullying Board Policy – What's New?

Shall adopt policy through process which includes representation of parents/guardians, school employees, volunteers, students, administrators and community representatives

HIB Board Policy – What's New?

- *All acts of HIB must be reported verbally to principal on the same day school employee or contracted service provider witnessed or received reliable information regarding the incident; in writing within two school days*
- *Principal informs parent/guardian; initiates investigation within one day of report; conducted by school anti-bullying specialist/principal's designee*

HIB Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Investigation completed ASAP; maximum 10 school days from written report*
- *Results reported to superintendent; two school days from investigation completion*
- *Superintendent makes recommendations on intervention services, training, discipline, counseling, other action*

HIB Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Results reported to board of education; next meeting following investigation completion*
- *Five school days after board report - Parents/guardians entitled to receive information – findings, discipline, services*
- *Parent/guardian may request board hearing; held within 10 days of request; executive session*

HIB Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Board issues written decision affirming, rejecting, modifying CSA's decision; next meeting following receipt of report by board*
- *Appeal of board decision to Commissioner*
- *Complaint with Division on Civil Rights; HIB of protected class, Law Against Discrimination*

HIB - Board Members

- *Board members* must report incidents of HIB to school administration; witness, reliable information
- *Board members* may not retaliate against victim, witness, one with reliable student HIB information
- *Board members* who promptly report, immune from damages from failure to remedy reported incident

HIB - School District Reporting

- Superintendent reports to board, two times each school year, acts of violence, vandalism and HIB
- Information also reported to DOE, once each reporting period
- Report used to grade each school on effort to implement policies and programs
- District receives a grade; average of schools
- Grade posted on district and school website

HIB - School District Training

- *School districts annually establish and implement programs and approaches designed to create school-wide conditions to prevent and address HIB*
 - *Staff*
 - *Board of Education*

HIB - Personnel Issues

- *District Anti-Bullying Coordinator – appointed by superintendent; every effort to be employee; meets at least twice a school year with school anti-bullying specialists*
- *School Anti-Bullying Specialists – appointed by the principal; school guidance counselor, school psychologist in school, first choice, then currently employed school personnel; leads investigations, chairs school safety team, primary responsibility for HIB program*

HIB - Personnel Issues

- *School Safety Team – formed by school district, develops and fosters positive school climate, addresses HIB, meets at least twice per school year.*
- *Includes principal or designee and principal appointees – teacher, school anti-bullying specialist (chair), parent, others determined by the principal*

HIB -Commissioner and DOE

- *Report cards include data identifying number and nature of HIB reports*
- *Commissioner reports annually on violence vandalism and HIB to the Education Committees of the Senate and Assembly; report available to public, October 1, DOE website*
- *DOE to develop guidance document for parents, guardians, students and school districts to assist in resolving complaints concerning student HIB*

HIB -Commissioner and DOE

- *Commissioner to develop formal protocol for ECS to investigate complaints that school districts have not adequately addressed complaints of HIB.*
- *Commissioner to develop in-service workshops and training programs for district anti-bullying coordinators and school anti-bullying specialists*
- *Boards of education shall provide time for in-service training during the normal school schedule*

HIB - Commissioner and DOE

- *Commissioner shall develop, in consultation with the Division on Civil Rights, an online tutorial on HIB, including best practices in prevention*
- *DOE creates Bullying Prevention Fund – State appropriations, donations, interest*
- *“Week of Respect” created – week beginning with first Monday in October, age appropriate instruction on preventing HIB*

The District Anti-Bullying Coordinator

Responsibilities as Determined by the Law

- Appointed by the Superintendent
- Coordinate & strengthen district's HIB policy with an emphasis on: preventing, identifying, and addressing HIB of students
- Collaborates with school's anti-bullying specialist, BOE & Superintendent to prevent, identify and respond to HIB of students in the district

The District Anti-Bullying Coordinator

Responsibilities as Determined by the Law

- Provide data, in collaboration with the superintendent to the NJDOE on HIB in the district (discuss reporting forms at this point)
- Meets with anti-bullying specialists at least 2X a year to discuss & strengthen procedures and policies

The District Anti-Bullying Coordinator

Responsibilities as Determined by the Law

- Works with schools to make certain the week beginning the first Monday in October is designated as a “Week of Respect” in New Jersey.
- The coordinator should work with schools to provide age-appropriate instruction focusing on preventing HIB as defined in section 2 of P.L.2002, c.83 (C.18A:37-14)

The District Anti-Bullying Coordinator

Responsibilities as Determined by the Law

- The coordinator should work with district schools to provide ongoing age-appropriate instruction on preventing HIB in accordance with the CCCS.
- Execute such other duties related to HIB as requested by the superintendent of schools

The School Anti-Bullying Specialist

Appointed by the Principal

When a school guidance counselor, school psychologist, or a individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the SABS. If no individual meeting this criteria is currently employed in the school, the principal shall appoint a SABS from currently employed school personnel.

The School Anti-Bullying Specialist

Responsibilities as determined by the Law

- *Chair the school safety team as provided in section 18 of P.L.2010,c122 (C.18A:37-21)*
- *Lead the investigation of incidents of HIB in the school*
- *Act as the primary school official responsible for preventing, identifying and addressing incidents of HIB in the school*

The School Anti-Bullying Specialist

Responsibilities as determined by the Law

- Works with the District Anti-Bullying Coordinator and School Safety team to make certain the week beginning the first Monday in October is designated as a “Week of Respect” in New Jersey.

The School Anti-Bullying Specialist

Responsibilities as determined by the Law

- The School Anti-Bullying Specialist in collaboration with the District's Anti-Bullying Coordinator should work with school staff to provide age-appropriate instruction focusing on preventing HIB as defined in section 2 of P.L.2002, c.83 (C.18A:37-14)

The School Anti-Bullying Specialist ***Responsibilities as determined by the Law***

- The School Anti-Bullying Specialist in collaboration with the District's Anti-Bullying Coordinator should work with school staff to provide ongoing age-appropriate instruction on preventing HIB in accordance with the CCCS.
- Execute such other duties related to HIB as requested by the principal.

The School Safety Team

The School Safety Team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal:

- A teacher in the school
- A School Anti-Bullying Specialist
- A parent of a student in the school
- And other members to be determined by the principal
- The school Anti-Bullying Specialist shall serve as the chair of the school safety team.

The School Safety Team

The School Safety Team shall:

- Identify and address patterns of HIB of students in the school
- Review and strengthen school climate and the policies of the school in order to prevent and address HIB of students
- Educate the community, including students, teachers, administrative staff, and parents to prevent and address HIB of students

The School Safety Team

The School Safety Team shall:

- The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

Examples of Week of Respect Activities

Activities across every subject area, district-wide

- Public Service Announcements and Videos
- Assemblies on tolerance, respect, conflict resolution
- “Pause” Project (“Pausing to Reflect” before sending an e-mail)
- National Junior Honor Society presentation to peers on bullying and conflict
- Cross-grade level team-building activities
- Writing Prompts (e.g. create a song, poem, recipe about respect)



Activities across every subject area, district-wide.

[View our list of activities](#)





“Simba’s Self Confidence”
Performance

The Anti-Bullying Bill of Rights Act

Questions?