



FAQs

Anti-Bullying Bill of Rights Act (ABR) Harassment, Intimidation, and Bullying (HIB)

1. What is the ABR / Anti-Bullying Bill of Rights Act?

New Jersey's Anti-Bullying Bill of Rights Act (ABR) is commonly referred to as the Harassment, Intimidation, and Bullying (HIB) law. The purpose of the law was to strengthen the standards by which school districts prevent, report, investigate and respond to incidents of bullying.

2. What is Harassment, Intimidation & Bullying?

HIB is defined in both the law and Board policy as:

Any gesture or written, verbal or physical act or any electronic communication which is

- (i) motivated by any actual or perceived characteristic such as race, color, religion, ancestry, nation origin, gender, sexual orientation, gender identity and expression, or disability, or any other distinguishing characteristic(s); and
- (ii) which takes place on school property, on a school bus, at a school sponsored or related event or even off school grounds in certain circumstances

And that:

- a. A reasonable person should know, under the circumstances, that the actions will physically or emotionally harm the student or damage the student's property, that the actions would place a student in reasonable fear of physical or emotional harm to his person or property; or
- b. has the effect of insulting or demeaning the student **or** groups of students, or
- c. interferes with the student's education or is severe or pervasive enough that it causes physical or emotional harm to a student.

3. Are all conflicts bullying?

Conflicts at school will occur. However, conflict and bullying are very different. Conflict is considered mutual, meaning all participants play some part in initiating, continuing or engaging in the disagreement. Bullying, on the other hand, is one-sided. There is no mutual participation in the actions. It may or may not involve several people.

Although not all incidents will fall under the definition of HIB this does not mean that the situation will not be dealt with appropriately. All conduct infractions are subject to Code of Student Conduct.

4. What should a parent do if they believe their child is being bullied?

If you suspect that your child is being bullied at school, report the matter to school officials, fill out a HIB complaint and assure your child that school personnel will assist in helping to resolve the problem.

HIB complaint forms can be found on the District's website.

5. How does a school decide whether conduct is considered HIB?

After discussing the incident with the students involved or students who have information about the incident to determine what actually occurred, the school must consider other factors such as the involved students' ages and developmental stages, the severity of the incident(s), how long the conduct has occurred and the impact on the student on the receiving end of the actions.

6. Is a complaint of HIB automatically substantiated if the actions are found to have been motivated by an actual or perceived characteristic?

NO. In addition to finding that the actions were motivated by an actual or perceived characteristic, the school must also find that impact of the actions is one listed in (a) – (c) above.

7. If an incident is determined not to be HIB, does that mean that the school won't look into the matter?

NO. Many incidents that do not fall under the law's definition will violate the School's Code of Conduct. In such a case, consequences will be imposed even before an HIB investigation is initiated.

8. Can a parent/student "withdraw" an HIB complaint?

NO. At this time there is no provision in the ABR that permits the withdrawal of a HIB complaint.

9. Can a parent refuse to allow school staff to speak with their child?

NO. School personnel will determine with whom and when it will discuss school matters with students. In order to protect the identity and personal information of the students involved and to guard the integrity of the investigation, parents are not permitted to sit-in with their student when the incident is discussed.

10. What should I do if my child is accused of harassment, intimidation or bullying?

Don't panic. Students, particularly young students, may pick up on a parent's anxiety over the situation. Conflict resolution, coping skills and learning about differences among peers are part of the educational process that the ABR seeks to strengthen in school districts. The ABR is not a criminal statute and students are treated with respect, care and due regard by administrators, teachers, and the ABS throughout the process. Encourage your student to be truthful and reassure them that staff members are present to help them and all students feel safe and secure when attending school.

11. Is the school district required to provide parents with the investigation report?

NO. The ABR does not require school districts to provide a copy of the investigation report to

parents. Parents are only entitled to the information specified in the ABR as indicated above.

12. Does the ABR apply to pre-school, kindergarten or disabled students?

The ABR applies to all students who are enrolled in a public-school district.

13. What if my child attends an out-of-district school?

If your child attends an out-of-district school, and you suspect that he/she is being bullied, you should immediately report that information both to the staff at the out-of-district school and your child's case manager.

14. How does the District investigate HIB that occurs via electronic communications?

The District will respond to complaints of electronic HIB by collecting objective information from any involved students. Although the District will investigate, the District may not be able to uncover the identities of any particular individuals involved.

15. What consequences can the District impose for HIB conduct that occurs off school property?

Actions that occur off school property, including social media postings that occur outside of school hours, must meet an additional prong of the HIB law in order for school personnel to impose consequences against the aggressor.

16. What if I disagree with the report or the way in which the investigation was conducted?

Either party may request a Board-level review of the matter. To meet the 10-day time line, the meeting will be held by three-member committee of the board. The committee initially listens to the ABS and/or principal and then the parents who filed the request to discuss their concerns with the investigation or the result. Parents are welcome to submit statements before the meeting for board members to review. Those statements become part of the official records of the appeal. The parents of the other student(s) involved are also permitted the opportunity to present their position either in person or through a written note.

Requests for appeals must be submitted in writing to the Superintendent, and/or his or her designee. Verbal requests must also be submitted in writing by the person requesting the appeal meeting.

Students involved in the matter are welcome to attend the meeting and tell the committee what they saw, heard or experienced. Also, while parents are permitted to be represented by their own legal counsel, no other individuals are permitted to attend the meeting.

At the conclusion of the meeting, the committee will reach consensus and then make a recommendation to the full board during the executive session of the next board meeting. The Board discusses the matter and a vote is held in public either affirming, reversing or modifying the decision. No student names or initials are used in the resolution.

Parents of all students involved will receive a written decision which may be appealed to the Commissioner of Education.

17. What if the investigation determines that the student's actions constitute HIB?

The student will receive consequences at the school level, and/or counseling and support, as applicable. Examples of consequences and/or services include, but are not limited to, individual or small group counseling, social skills instruction, peer support groups, written or verbal apology, classroom instruction aligned to the goals of the ABR, detention (staying in for lunch at the younger grades), or suspension.

18. Does the ABR apply to summer school?

The ABR applies to all school sponsored or related events without regard to the time period. However, the report that the District must file with the State through the Student Data Safety System (SSDS) is limited to instances that take place from September 1 through June 30. Nevertheless, the District will maintain records of incidents and actions taken so as to inform future programming and services.

19. How does the District respond when it receives a HIB complaint after school has closed for the summer?

If a HIB complaint is filed after school has concluded for the year and the conduct occurred during the course of the school year, the District will attempt to investigate the incident using the same procedures employed during the school year. However, interviewing students during the summer may not be possible. The District is required to complete its report within the ten (10) day time frame. Therefore, the District may not be able to obtain sufficient information from students to substantiate the report. Accordingly, parents are strongly encouraged to promptly report any matters they believe may be HIB.

If the conduct occurs during the summer and is not related to a school sponsored or related event, parents should report the conduct to law enforcement, if appropriate, and provide emotional counseling and supports for their student. Additionally, parents should notify the student's Principal at the beginning of the school year so that appropriate services and interventions may be implemented.

20. What happens to my child's records if it is determined that my child has engaged in an act of HIB?

- Reports of HIB investigations are kept at the school and district level. Investigation reports are NOT kept in the student's cumulative file.
- If a student receives a discipline consequence that is reported as a detention or suspension, that information is recorded. The District is legally required to transfer a student's disciplinary file to any other New Jersey public school district to which a student transfers at the time the transfer occurs.

21. Who can report HIB?

Teachers, board members, administrators, and other district personnel **are required by law to report** an incident of HIB. Any other individual, including parents, guardians, or community members **may** make a report of HIB.

A HIB report may also be made anonymously, although no disciplinary or other consequences may be imposed on a student based upon an anonymous report. However, supportive services will be made available.

22. What happens after parents are told about the results of the investigation?

After the Principal and ABS confer on the report, the report is sent to the Superintendent for review. The Superintendent will determine whether the supports and remedial actions were appropriate or if further actions are warranted. This also allows the Superintendent to ensure that schools are interpreting HIB consistently and that resources and services are being efficiently and effectively administered. It provides a high-level review of each school's climate and culture.

The Superintendent will provide a summary to the Board at the next Board meeting of any HIB reports completed in the preceding month. Once the summary information is reviewed by the Board, the Principal will forward a letter to the parents of the involved students advising them of the findings of the investigation and resulting consequences and/or services for their child.

Additional Resources

Board Policy 5512 Harassment, Intimidation & Bullying

<https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=5512&search=5512&id=61b990650928490592c6d16b009edc3f>

Guidance for Parents on the Anti-Bullying Bill of Rights Act

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

Anti-bullying Bill of Rights Act Q&A

<http://www.state.nj.us/education/genfo/faq/AntiBullyingQA.pdf>

Resources on Harassment, Intimidation & Bullying

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

Harassment, Intimidation and Bullying Power Point Presentations

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