

HIB Training

Anti-Bullying Bill of Rights Act
(ABR)

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Introduction

- In January 2011, the New Jersey legislature passed the Anti-Bullying Bill of Rights Act (ABR)
- Key goals of the ABR are to develop and maintain safe and supportive school environments that:
 - Prevent HIB from occurring
 - Enable school staff and students to quickly address HIB behavior when it occurs.
- To meet this goal, the ABR requires steps for schools to take for HIB incidents and requires new roles and responsibilities for school and district staff.

What is the HIB definition under the Anti-Bullying Bill of Rights Act (ABR)

It is important to understand the type of behavior that is considered HIB under the ABR. All of the criteria in the definition below must be present for an act to be considered 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**
- 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**

HIB Definitions, continued

- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; **and that**
- 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/her person or damage to his/her property; **or**
- 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.

“School Property”? “School Grounds”? “School-Sponsored Function”?

- “School Property” or “School Grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings.
- On “School Property” or “School Grounds” also includes other facilities, such as playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.
- “School-Sponsored Functions” means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

What is the school district's responsibility when HIB incidents occur off school grounds?

- Schools are required to address HIB occurring off school grounds when there is a connection between the HIB behavior and the school. Specifically, the HIB behavior must:
 - Substantially disrupt or interfere with the orderly operation of the school or the rights of other students; **and**
 - Create 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 while in school; **or**
 - Place a student in reasonable fear of physical or emotional harm while in school; **or**
 - Damage a student's property or places a student in reasonable fear of damage to his/her property while in school.

Is cyberbullying included in the ABR definition?

- Cyberbullying is defined as HIB that takes place:
 - Through email;
 - Through instant messaging;
 - In a chat room;
 - On a website or gaming site;
 - On a social media site; or
 - Through digital messages or images sent to a cellular phone.
- 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.

Who can and who must report HIB incidents?

- 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.
- Anonymous Reporting:
 - 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.

Where can I find a copy of my school district's HIB policy?

- A link to the HIB policy is posted on the homepage of each school's as well as the district's webpage (www.lfschools.org)

Who is the ABS and what does he/she do?

- ABS – Anti-bullying Specialist
- The ABS is responsible for:
 - Acting as the primary school official responsible for preventing, identifying and addressing incident of HIB in the school;
 - Investigating reported HIB incidents, in cooperation with the principal
 - Determining, in conjunction with the principal, responses to each HIB incident.
 - Leading the school safety team, which each school must have in place.

ABS contact information is posted on the schools' and district websites (www.lfschools.org)

Who is the ABC and what does he/she do?

- ABC – Anti-Bullying Coordinator
- The ABC is responsible for:
 - Coordinating and strengthening the board or education's HIB policies;
 - Collaborating with the ABS in each school within the district, the board of education and the CSA to prevent, identify and responds to the HIB of students;
 - Collecting information about HIB; and
 - Executing other duties related to HIB.

What are the requirements for the safety/Climate teams (SCT)

- The ABR requires a SCT to be formed in each school within a school district.
- The purpose of the SCT is to develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic processes and practices in the school.
- SCT MUST meet at least two times each year.
- SCT participant should include:
 - A parent of a student in the school;
 - The principal or designee;
 - The ABS – who acts as the chairperson;
 - A teacher in the school;
 - Other members determined by the principal.

What are the Responsibilities of the Safety/Climate Team

- Reviewing records of all complaints of HIB incidents that have been reported to the principal and copies of reports prepared after an investigation of a HIB incident;
- Identifying and addressing patterns of HIB in the school;
- Reviewing and strengthening school climate and policies of the school in order to prevent HIB;
- Educating the community, including students, teachers, administrative staff and parents, to prevent and address HIB; and
- Participating in the training required under the ABR and other training which the principal or the ABC may request.

*** A parent who is a member of the SCT is NOT permitted to participate in any activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act



School Responsibilities...

1. Principal receives HIB report.
2. Principal or ABS notifies parents of suspected student offenders and victims.
3. Anti-Bullying specialist investigates the report.
 1. Must start within 24 hours of the first report
 2. Must be completed within 10 days of the written report
4. Investigation results reported to the Superintendent.

District Responsibilities...

- Superintendent receives investigation results and may decide to take other actions based on the results provided.
- Superintendent reports results to the Board of Education at its meeting after the investigation is completed.
- Superintendent provides a letter to parents within 5 days of the report to the Board of Education
- Parents may request BOE hearing, no later than 60 calendar days, which must be held within 10 days of the request.
- BOE issues a written decision to support, disagree, or change the Superintendent's decision. This occurs at the BOE meeting after the Superintendent's Report.

HIB Law Amended 1/11/22

- If a district's policy allows for a preliminary determination by the principal,
 - The superintendent may disagree with a determination that the reported incident does not meet the HIB threshold and require the principal to conduct an investigation. The superintendent shall notify the principal of this determination in writing.
 - The superintendent must also annually provide to the board information on the number of times a preliminary determination was made that the incident did not meet the HIB threshold, for purposes of the State's monitoring of the district.
 - The superintendent and principal must consult law enforcement, as appropriate, pursuant to the Uniform State Memorandum of Agreement, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.

Continued...

- Consequences for the first and second HIB offenses may be remedial action including counseling or behavior intervention services, or discipline, or both. For the third and each subsequent offense, the principal shall develop an individual intervention plan to be approved by the superintendent, which may include remedial action, progressive discipline, or both and may require the student, accompanied by the parent/guardian to complete a class or training program to reduce instances of HIB. A copy of the results of the investigation must always be placed in the student's record.

Continued...

- The current version of the DOE guidance document on the ABBRA must be posted on the district's homepage.
- Districts must provide a means for parents/guardians to confidentially report acts of HIB using an online form developed by the DOE.
- The principal must keep a written record of the date, time, and manner of notifications to parents/guardians.
- Written HIB reports to the principal must be on a form developed by the DOE. The form must be completed even if a preliminary determination is made that the reported incident does not meet the HIB threshold and kept on file, but not in any student record, unless the incident results in disciplinary action or is otherwise required by law to be contained in a student's record. The superintendent and board must provide a signed statement of the principal attesting to the fact that they have reviewed the form, which shall be kept on file with the report.
- Establishes the position of School Climate State Coordinator to serve as a resource to parents, students, and educators. This individual will distribute updated versions of the guidance document to school districts.



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