



FAQ WHAT PARENTS SHOULD KNOW ABOUT HARASSMENT, INTIMIDATION & BULLYING (HIB)

1 What is Harassment, Intimidation, and Bullying (HIB)?

Under New Jersey law (N.J.S.A. 18A:37-14), HIB is defined as any gesture, written, verbal, physical act, or electronic communication that meets all of the following criteria:

- Is reasonably perceived as being motivated by a distinguishing characteristic (such as race, gender, disability, religion, sexual orientation, or other distinguishing characteristic such as appearance or personal attribute - actual or perceived)
- Takes place in one of the following locations: on school property, at a school-sponsored event, on a school bus, or happens off school grounds but has a connection to the school environment
- Substantially disrupts or interferes with the orderly operation of school or the rights of other students AND, applying a reasonable person standard: (1) Causes physical or emotional harm, or places a student in reasonable fear of harm, or (2) insults or demeans the student or group, or (3) creates a hostile educational environment by interfering with the student's education or causing severe or pervasive harm

 **Important Clarification:** Not all rude, mean, or inappropriate behavior meets the legal definition of HIB. An act may still be addressed by the school even if it is not considered HIB under the law.

2 What if a student didn't mean to hurt anyone — can it still be HIB?

Yes. Under New Jersey law, intent is not required for a behavior to be classified as HIB. If the behavior meets the legal criteria — including being motivated (consciously or unconsciously) by a distinguishing characteristic, causing harm, and interfering with a student's rights or school environment — it may be considered HIB, even if the student did not intend to cause harm.

3 What types of behavior are not considered HIB?

Some incidents, while inappropriate or upsetting, may not qualify as HIB under New Jersey law because they do not meet all parts of the legal definition. For example:

- One-time peer conflicts or arguments that lack a bias-based motive
- Instances of social conflict or exclusion that are not motivated by bias or identity-based targeting

These situations may still be addressed by the school through the Code of Conduct or other support measures, even if they are not classified as HIB.

4 Who can report a suspected HIB act?

Anyone with knowledge of a possible incident — including students, parents or guardians, staff members, or other individuals.

Each school has a designated Anti-Bullying Specialist (ABS), typically a school counselor or similar staff member, who is trained to investigate HIB reports and ensure the process is handled thoroughly and appropriately.

5 What happens after a report is made?

1. The principal makes a preliminary determination about whether the incident falls under the scope of HIB.
2. If it does, a formal investigation begins.
3. The investigation must be completed within 10 school days.

If the report does not meet the legal criteria for HIB, the school may still follow up through other means.

6 Why doesn't the school share specific details during the initial call to the parents?

At that early stage, details are still being gathered, and the school must protect the privacy of all students involved. The law also restricts the premature disclosure of unverified information to help ensure a fair and thorough investigation. Once the investigation is complete and reviewed by the Board of Education, you will receive a written summary of the findings.

7 Why is my child asked to complete a written account statement during the HIB investigation?

As part of the investigation process, students will be asked to complete a written account. This is a standard practice intended to support a fair, thorough, and accurate investigation.

- The **written account** provides the alleged victim, alleged offender, and witnesses with an opportunity to describe, in their own words, what they saw, heard, experienced, or recall about the situation. It helps ensure that each individual's recollection is documented accurately and becomes part of the investigation record.

8 What happens after the investigation?

- The investigation findings are submitted to the Superintendent
- A summary is reviewed by the Board of Education at its next regular meeting
- You will receive a written summary of the outcome within 5 school days of the Board's review

 **Timing Note:** If the investigation ends close to a scheduled Board meeting, the review may be delayed until the following month.

9 What will the outcome letter include?

The letter will include the following information:

- Whether HIB was found
- Whether disciplinary consequences or support services were assigned
- Information about parental rights

10 Will I find out what happened to the other student(s)?

No. Federal and state laws protect all students' privacy. You will only be informed about:

- The outcome of the investigation
- Whether consequences or supports were assigned





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11 What if my child is found to have violated the Anti-Bullying Bill of Rights?

The school will assign consequences and implement appropriate remedial measures, which may include behavior supports, counseling, or other interventions designed to address the behavior and help prevent it from happening again.

As required by law, a record of confirmed HIB is memorialized in your child's official school record, specifically the disciplinary record. Kindly note that schools are required to transfer a student's disciplinary record when a student transfers from one public school to another.

These steps are intended not only to ensure accountability, but also to support your child's growth and promote a safe, respectful school environment for everyone.

12 What if I disagree with the outcome?

Parents/guardians have the right to:

- Request a hearing before the Board of Education
- Receive a written decision from the Board affirming, rejecting, or modifying the outcome
- Appeal the Board's decision to the Commissioner of Education (within 90 days)

13 Will my child receive support during or after the investigation?

Yes. Based on preliminary information and the findings of the investigation, the Anti-Bullying Specialist (ABS) may recommend school-based supports to address your child's needs and well-being.

Support will be provided as necessary. We encourage families to reach out to the school principal with any concerns or requests for additional assistance.

14 May I be present during my child's interview?

No. The law does not permit parents to participate in student interviews during a HIB investigation. The ABS is trained to conduct interviews in a developmentally appropriate and supportive manner.

15 What if I don't want my child to participate in the investigation?

Under New Jersey law, parental consent is not required for a student to participate in a HIB investigation even if the parent objects or requests to withhold consent. Once a report is received, the school is legally obligated to conduct a full investigation — even if a parent objects. If your child is identified as a relevant party:

- The Anti-Bullying Specialist (ABS) may meet with your child without prior notice.
- Your child is not required to speak, but the ABS will make every effort to create a respectful and supportive environment.
- If your child does not participate, the investigation will proceed using all other available information.

16 Still have questions?

Contact your child's school principal with any additional questions.

