

HARASSMENT, INTIMIDATION AND BULLYING (HIB) LAW:

A Guide for Parents and Community Members

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NJ Anti-Bullying Bill of Rights Act (ABR); 2011

N.J.S.A. 18A:37-13 et seq.

- Legislative Intent of ABR
- to provide “a safe and civil environment in school (that) is necessary for students to learn and achieve high academic standards.”
- to strengthen standards and procedures for preventing, reporting, investigating and responding to incidents of HIB that occur in school and off school premises.
- to reduce risk of suicide among students.

Is it Harassment, Intimidation and Bullying (HIB) or Conflict?

Know the HIB definition and all of its parts:

- Motivated by an actual or perceived distinguishing characteristic;
- Substantial disruption or interference with either the orderly operation of the school or the rights of other students;
- The result: (a) causes physical or emotional harm, or
(b) is insulting or demeaning, or
(c) creates a hostile educational environment.

What “Characteristic”?

Such as:

- Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental or physical or sensory disability or by:
- “any other distinguishing characteristic” which may include:
 - New Kid in Town
 - Poor Athletic Ability
 - Academic Stereotype
 - Obesity
 - Can be almost anything, including Power Differential

Conflict vs. Bullying

- Conflict is a mutually competitive or opposing action or engagement, including a disagreement, an argument or a fight which is a normal part of human development.
- Bullying is one-sided, where one or more students are victims of one or more person's aggression, which is intended to physically or emotionally hurt the victim(s).

Conflict vs. Bullying

- Student misbehavior may result in the imposition of disciplinary consequences by the Principal according to BOE Policy 5600 (Student Discipline/Code of Conduct);
- Students may be disciplined whether the incident involves ordinary conflict or HIB;
- Where there is a finding of HIB, measures will be taken to improve the whole school culture, and to remediate the situation going forward.

School Obligations: HIB Investigation Process under the NJ Anti-Bullying Bill of Rights Act

- Incident is reported to Principal;
- Principal directs school Anti-Bullying Specialist (ABS) to initiate an investigation;
- ABS initiates the investigation; must be completed within 10 school days;
- Principal notifies parent of H.I.B. investigation and ensures students remain safe and comfortable;
- ABS does fact finding by interviewing the alleged target, alleged aggressor and bystanders;
- Result of investigation is reported to the Superintendent.

HIB Investigation Process

- Principal must address behaviors to ensure that the Student Code of Conduct is followed and students are safe and comfortable;
- Superintendent reports summary information to the Board of Education regarding the H.I.B. investigation and its outcome;
- Parents receive a phone call from the school with preliminary outcome of investigation;
- Parents receive written notification from the Superintendent of the investigation outcome;
- A parent may request a hearing to appeal the H.I.B. findings before the Board of Education;
- The Board affirms, rejects or modifies the H.I.B. findings.

Take Action to Help Stop Bullying

- Research reports indicated that the success of any bullying prevention program is 60% based on whether the same types of approaches are used in the home.
- Some ideas for parents to use help to stop the cycle of bullying include:
- **Build empathy** – Encourage empathy by teaching your children about the struggles all humans face, including pain, rejection and misunderstanding. Help your children to understand and accept all people, especially those who may look, speak, act or seem different from them.

Take Action to Help Stop Bullying

- **Teach respect** – Teach respect for differences among people. Discuss the subjects of hate, prejudice and intolerance, and help your children learn about others who are different from them.
- **Be a role model** – Behave the way you want your children to behave. Being patient and respectful is one of the most effective ways to show your children how to be patient, understanding and respectful of the rights of other individuals or groups.

Take Action to Help Stop Bullying

- **Actively supervise your children** – Active supervision helps to set clear, reasonable, consistent and age-appropriate rules and guidelines for your children. Clearly explain how you expect your children to behave, and be consistent in how you handle bullying that takes place inside and outside of the home.
- **Encourage positive problem solving** – Discourage verbal and physical revenge by telling your children that this type of behavior is unacceptable. Encourage your children to solve conflict with words and not with physical or verbal abuse. Suggest they walk away from difficult incidents and talk to an adult for guidance.

Take Action to Help Stop Bullying

- **Ask questions** – Ask your children questions about the way they handle social situations to determine whether they are being bullied or are bullies. Ask school staff about things they see in your children's social relations to help confirm whether there is need for concern.

Take Action to Help Stop Bullying

- **Teach your children to be “upstanders,” rather than bystanders** – Stopping the cycle of bullying involves teaching your children to be “upstanders,” instead of being bystanders.
- Bystanders are people who watch bullying, including cyberbullying, and who do or say nothing to stop it or help. When bystanders do nothing, they are sending a message to the bully that they accept bullying.
- Upstanders are people who take some action when they see bullying.

Positive School Climate

What is positive school climate?

- An environment that is welcoming and conducive to learning;
- A school culture that promotes communication and interaction, as well as a sense of belonging and self-esteem;
- An academic environment that promotes learning and self-fulfillment;
- Strengthening school culture and climate is the single best way to reduce H.I.B. in schools;
- Students perform better academically when they feel safe and comfortable.

Staff Roles in Preventing HIB and Developing A Positive School Climate

- Anti-Bullying Coordinator (District Level)
 - Paula D. Clark, Esq. paulaclark@wayneschools.com
- Anti-Bullying Specialist (School Level)
 - See your school's website under the HIB/HIB Grades tab
- School Safety Teams (School Level)

School Safety/Climate Teams (SST/SCT)

- Formed to develop, foster and maintain positive school climate, and to address issues, including HIB;
- Meets at least twice each year;
- Consists of Principal (or designee), and principal appoints:
 - Teacher in the school
 - Anti-Bullying Specialist (chair)
 - Parent of student in the school (receive redacted information)
 - Others as Principal determines

N.J.S.A. 18A:37-21

School Safety Team/School Climate Team Duties

- Receives reports of HIB incidents;
- Identifies and addresses patterns of HIB;
- Strengthen school climate and policies to prevent and address HIB;
- Educate the community to prevent and address HIB;
- Participate in training;
- Collaborate with ABC in data collection and HIB policy development;
- Other duties as requested by Principal or ABC.

Parents may not participate in the activities of the SST/SCT that may compromise the confidentiality of students.

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Wayne BOE Policy/Regulation 5512: Harassment, Intimidation and Bullying

- Located on District website;
- Alignment with BOE Policy 5600 Student Discipline/Code of Conduct;
- Annual review/revision of Policy 5512;
- Annual updates must be provided to the Executive County Superintendent.

It's All About Safety, Civility, and Respect

“No school can be a great school until it is a safe school first.”

Arne Duncan, Secretary of Education