

# HARASSMENT, INTIMIDATION AND BULLYING

**PATERSON PUBLIC SCHOOLS**

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# THE ANTI-BULLYING BILL OF RIGHTS

- This act is an extension of the state's original anti-bullying law, N.J.S.A 18A:37-13<sup>[2]</sup>, which was first enacted in 2002. The new law became effective September 2011
- Although New Jersey's anti-bullying law was extremely comprehensive in the year 2002, **a number of events proved that it was not as strong as it needed to be to protect students.**<sup>[3]</sup> The first event that began to expose the law's weaknesses was a court case in the year 2007 against the Toms River Regional Schools Board of Education
- Intent is to strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying and reduce the risk of suicide among students

# WHAT IS HIB?

- Any gesture, any written, verbal or physical act, or any electronic communication
- A single incident or a series of incidents
- 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 by any other distinguishing characteristic

# WHAT IS HIB?

- Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds\*
- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students
- Has the effect of insulting or demeaning any student or group of students

# WHAT IS HIB?

- 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
- **A reasonable person** should know, under the circumstances, what 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 person or damage to his property

# HIB ROLES

- **Anti-Bullying Coordinator**

- Appointed by Superintendent
- Coordinates and strengthens district HIB policy to prevent, identify, and address HIB
- Collaborates with anti-bullying specialists, board of education and Superintendent.
- Meets at least twice a school year with the school anti-bullying specialists
- Provides data, in collaboration with the Superintendent to the NJDOE and performs other related duties

# HIB ROLES

- **Anti-Bullying Specialist**
  - Appointed by the Principal
  - Either guidance counselor, school psychologist, or other school staff trained as an anti-bullying specialist
  - Chairs the School Safety Team
  - Leads the investigation of reported HIB incidents
  - Acts as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school
  - Assists the Principal in appropriately applying the range of ways for responding to HIB established by the school board
  - Provides input to local school board on annual re-evaluation, reassessment, and review of policy



# HIB ROLES

- **School Safety Team**

- Formed to develop, foster, and maintain a positive school climate, including HIB issues
- Meets at least 2 times per school year
- Consists of
  - Principal/Or designee (preferably a senior administrator)
  - Teacher
  - Anti-bullying specialist (Chair)
  - Parent of a student in the school
  - Other members as determined by the Principal
- Identifies and addresses patterns of HIB in the school
- Reviews and strengthens school climate and policies in order to prevent and address HIB





## STARTING HIB INVESTIGATION

STARTS WITH BUILDING ADMINISTRATOR

# WHOSE JOB IS IT ANYWAY?

**Anyone who sees or hears something MUST REPORT IT**

**REPORTING HIB IS EVERYONE'S JOB**

## DETERMINATION OF HIB

- Substantial disruption or interference with the orderly operation of school or student's rights
- An actual or perceived distinguishing characteristic as the motivating factor; AND
- ONE of the following:
  - Physical or emotional harm to a student or his or her property or fear of harm to student or property;
  - Effect of insulting or demeaning a student or group of students; or
  - Creation of "hostile educational environment," interfering with student's education.

# HIB VS CONFLICT

- Conflict, while sometimes uncomfortable, can be an opportunity for equal partners in the situation to learn how to solve problems. This will happen by both people working the problem out through healthy and positive means.
- Bullying is done by someone perceived to be more powerful than the target and is unwanted, negative, and meant to cause harm to the bullying target through physically or emotionally damaging means that are repeated or threatened to be repeated.
- Sometimes people think that bullying and conflict are the same thing, but they aren't. In one way or another, conflict is a part of everyday experience, in which we navigate the complexities of how we interact. Typically minor conflicts don't make someone feel unsafe or threatened. Bullying, on the other hand, is a behavior with intention to hurt, harm or humiliate and the person targeted is not able to make it stop.

# HIB VS CONFLICT

## Conflict vs. HIB

### Conflict

- Involves people with similar degrees of power
- Involves a mutual disagreements or difference in interests or goals. Includes arguments and fights.
- Is reciprocal; both parties participate in the conflict
- Both parties are responsible for wrongdoing
- A normal part of growing up and of life. The intent is not to hurt.
- Can be fairly resolved by compromise or negotiation

### HIB

- Involves an imbalance of power
- One or more students are victims of one or more person's aggression, needs, or interest.
- Is one-sided; one party instigates
- Bully is responsible for wrongdoing
- The intent is to physically or emotionally hurt someone.
- A fair resolution involves a change in behavior of the bully; the target has no concession to make

# HIB INVESTIGATION PROCEDURES

## STEP 1 - HIB INCIDENT REPORTING

- Any school employee or contracted service provider who witnesses or receives reliable information regarding an act of HIB, **must report it verbally on the same day to the Principal and digitally via HIBster within 2 days**
- School Employees/Contracted service provider have the legal obligation to file an Incident Report regarding an act of HIB
- Also, if a student or parent reports an incident to a staff member, the staff member must report it to the principal



# HIB INVESTIGATION PROCEDURES

## STEP 1 - HIB INCIDENT REPORTING

- Once received the principal will determine whether or not to investigate and assign the case to the Anti-Bullying Specialist, Affirmative Action Rep., or other staff
- The principal should apply the HIB definition to determine course of action (e.g., HIB or other code of student conduct violation)
- **This information is entered into HIBster online reporting system**



# HIB INVESTIGATION PROCEDURES

## STEP 2 - HIB INVESTIGATION

- The Principal initiates each investigation through the Anti-Bullying Specialist (ABS)
  - **Coordinates with ABS, but does not lead**
- As appropriate, appoints additional staff to assist with investigation
- Informs parents of alleged offenders and alleged victims that there is an alleged incident, and may discuss, as appropriate counseling and other intervention services
- Although not explicitly required in statute, best practice is to notify the parents the same day of investigation
- ABS - Leads and conducts each investigation. It should be **completed within 10 school days of written incident report.**

# HIB INVESTIGATION PROCEDURES

## STEP 3 - HIB INVESTIGATION REPORT

- Report completed and submitted to Assistant Superintendent within 2 days of investigation completion
- May amend the original report if information is not received within the 10-day period

# HIB INVESTIGATION PROCEDURES

## STEP 4 - ASSISTANT SUPERINTENDENT DECISION

- May decide to provide intervention services, establish training programs, impose discipline, order counseling, or take or recommend other action in addition to the principal

# HIB INVESTIGATION PROCEDURES

## STEP 5 - ANTI-BULLYING COORDINATOR REPORT TO BOE

- Reports the results of each investigation along with information on services provided, training established, discipline imposed, or other action taken or recommended by the Chief School Administrator (CSA)
- Reports are made no later than the BOE meeting following the completion of each investigation

# HIB INVESTIGATION PROCEDURES

## STEP 6 - PARENT NOTIFICATION

- Parent is provided with the following written information within 5 days of the Chief School Admin's report to the BOE:
  - The nature of the investigation;
  - Whether the district found evidence of HIB; and
  - Whether discipline was imposed or services provided

# HIB INVESTIGATION PROCEDURES

## STEP 7 - BOE HEARING

- At any time, a parent may request a hearing before the BOE. If requested, the hearing must be held:
  - Within 10 days of the request; and
  - In executive session

# HIB INVESTIGATION PROCEDURES

## STEP 8 - BOE DECISION

- In every case, BOE votes to affirm, reject or modify the CSA's decision
- Must occur at the BOE meeting following the CSA's report
- Must happen whether or not there was a BOE hearing with the parent



# HIB PREVENTION

- Schools and school districts must annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives involving school staff, parents, law enforcement and community members.
- The approaches must be designed to create school-wide conditions to prevent and address HIB.
- Throughout the school year the school district must provide ongoing age-appropriate instruction on preventing HIB in accordance with the core curriculum content standards
- “Week of Respect” in the State of New Jersey (first week in October) when school districts must observe the week by providing age-appropriate instruction focusing on preventing HIB

# DISTRICT MANDATORY TRAINING

- **In-service training for all staff**
  - School leaders, teachers, custodians, district office, security, etc.) °
- **Training for new employees**
  - Information regarding the school district policy against HIB must be incorporated into a school's employee training program
  - The training program must be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students
- **\*Board Members – provided by New Jersey School Boards Association in consultation with recognized experts in school bullying**

# PUBLIC REPORTING

- The superintendent must report at two public hearings all acts of violence and vandalism, including HIB:
  - Between 9/1 and 1/1
  - Between 1/1 and 6/30
- District must also report to the State for the same time period not just acts of HIB but also trainings and programs to prevent HIB.
- The District must conduct a Self Assessment for determining a ABR grade and publish score for district and its schools

# BULLYING FACTS

- **Bullying directly affects students' ability to learn.**
- **Bystanders can be powerful allies.**
- **Bullying is not a “rite of passage” but a serious threat to student safety and well-being.**
- **Anyone can bully, and anyone can be bullied.**
- **Effective bullying prevention efforts involve students, parents, teachers, and community members**

# COMMON MISTAKES

- Zero tolerance policies
- Conflict Resolution and Peer Mediation
- Group Treatment for Children Who Bully
- Simple, Short-Term Solutions
- Schools are fixated on the bullies and not on the 85% who are bystanders
- Assume bullies have low self esteem. This is false yet has been believed for MANY years.