

Montclair Public Schools

Anti-Bullying Bill of Rights Act (ABR)/

Harassment, Intimidation, Bullying (HIB) UPDATES

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- Purpose of the ABR
- The definition of HIB under ABR Ammendment
- Recent Updates (2022)
- Programs, approaches, initiatives

District Roles:

- Board of Education
- Chief School Admin (CSA)
Superintendent of Schools
- Principal
- Anti-Bullying Coordinator (ABC)
- Anti-Bullying Specialist (ABS)
- School Climate/Safety Team

PURPOSE OF THE ABR:



- **Clarify and strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of HIB of students**
- **Respond to research on the incidence, prevalence and effects of HIB**
- **Establish clearer standards for the definition of HIB**
- **Use and better manage existing resources to increase school safety**
- **Reduce the risk of suicide due to HIB.**

Definition of HIB under ABR

Any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or series of incidents, that:

1. 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

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Definition of HIB (cont.)

2. 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

3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students,

AND

4. A reasonable person should know, under the circumstances, will 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;

OR

- a. Has the effect of insulting or demeaning any student or group of students;
- b. Creates a hostile educational environment for the student by interfering with a student's education
- c. Severely or pervasively causes physical or emotional harm to the student.

Addressing Harassment, Intimidation, and Bullying in Schools

Frequently Asked Questions:

<https://www.nj.gov/education/safety/sandp/hib/faq.shtml>

UPDATES (2022)

- If the school district's policy permits the use of a preliminary determination for reports of HIB, then the superintendent must annually report to the Board of Education the number of times the preliminary determination was found to be outside the scope of HIB.
- If an alleged incident of HIB is later founded as a verified incident of HIB, copies of the results of the investigation shall be placed in the student's record.
- If a student is founded to have committed three incidents of HIB, then a principal, in consultation with appropriate school staff, shall develop an individual student intervention plan which shall be approved by the superintendent of schools or the superintendent's designee. Each subsequent act of verified HIB would also require a principal, in consultation with appropriate school staff, to develop an individual student intervention plan which would be approved by the superintendent of schools or the superintendent's designee.
- When submitting a written report of HIB to the principal, the written report shall be on the HIB 338 Form.
- The LEA shall provide a means for a parent or guardian to complete the HIB 338 Form, specified for Families and Caregivers, online and confidentially to report an incident of harassment, intimidation, or bullying.

PROGRAMS, APPROACHES, INITIATIVES

Schools and school districts must annually establish, implement, document and assess HIB prevention programs, approaches or other initiatives involving school staff and administrators, students, parents, law enforcement and other community members and volunteers

Instruction – Throughout the school year, the school district must provide ongoing, age-appropriate instruction on the prevention of HIB, in accordance with the Core Curriculum Standards.

Week of Respect - School districts must be annually observe this week, beginning with the first Monday in October. The purpose of the week is to recognize the importance of character education by providing age-appropriate instruction focusing on the prevention of HIB.

BOA Responsibilities

TRAINING: Provide time during the regular school schedule for training staff to act as the ABC and the ABS.

REPORTING:

Two times each school year (between 9/1 and 1/1 and between 1/1 and 6/30), at a public hearing, the CSA must report to the BOE all acts of violence, vandalism and HIB that occurred during the previous reporting period

A link to the district's reports/grade to the BOE must be posted on the district's website. The data identified above also must be reported once during each reporting period to the NJDOE

Chief School Administrator (CSA) *Superintendent of Schools ROLE

Program-

- Appoint the district anti-bullying coordinator (ABC).
- Ensure that schools annually establish, implement, document and assess their bullying prevention programs, and that the programs are designed to create school-wide conditions for preventing and addressing HIB.
- Develop a process for discussing the district's HIB policy with students. Ensure ongoing age-appropriate instruction on HIB prevention throughout the school year.
- Observe the “Week of Respect” beginning with the first Monday in October of each year (separate from School Violence Awareness Week).

Training-

- Complete HIB training for school leaders.
- Ensure that existing and new school leaders, full- and part-time staff, volunteers who have significant contact with students and persons contacted to provide service to students receive training on HIB policy, including instruction on the prevention of HIB based on the protected categories, and other distinguishing characteristics.
- Ensure newly elected or appointed BOE members complete during the first year of their term the HIB training offered by the New Jersey School Boards Association.

CSA/Superintendent of Schools ROLE (cont.)

HIB Intervention-

- Receive the HIB report within 2 days of an investigation completion.
- May decide to provide intervention; establish HIB training program; impose discipline; order counseling; take or recommend appropriate action.
- Provide BOE with HIB report no later than its next board meeting (the BOE affirms, rejects or modifies in writing CSA's decision by the following BOE meeting).
- Provide parents of HIB offenders and victims with written information about the investigation within 5 days of the report to the BOE. This includes the nature of the investigation; whether evidence of HIB was found; and whether discipline was imposed or services provided to address the HIB.

Public Reporting-

- Report at a public hearing to BOE two times each year all acts of violence, vandalism, HIB occurring during previous periods;
- Report the same information each reporting period to NJDOE, with data broken down by schools and district-wide.
- Post the grade received from the NJDOE as follows:
- School and district grade on the homepage of the school's website, and
- District grade and grades for all schools in the district on the homepage of the district's website.

Principal's Role

- Appoint the School Anti-Bullying Specialist (ABS)-The ABS must be a guidance counselor, school psychologist or another current school employee trained to act as the ABS.
- Receive all HIB reports- Review the verbal report on the same day as the incident or the same day information was received, or the written report within 2 days
- Initiate investigations of HIB-Within 1 day of the verbal HIB report (**if the incident is motivated by a protected/perceived characteristic**)
- Appoint additional staff to assist with investigations, as needed
- Coordinate with the ABS in investigating reported HIB incidents
- Forward ALL incident and HIB Reports (Form 338) to the Superintendent and ABC
- Inform parents of all alleged offenders and victims of pending investigation
- Assure investigations are completed as soon as possible or within 10 days of the written report.
- Provide for student safety.
- Implement, in conjunction with the ABS, the range of responses to HIB established by the BOE.
- Submit written reports of HIB investigations to CSA within two days of the completion of the investigations.
- Appoint the members of the School Climate Committee/School Safety Team, including a teacher, the ABS, a parent of a student in the school and other members determined by the principal.
- Serve as a member of the SST
- Assist the Committee/Team in fulfilling its responsibilities, and provide information on HIB complaints and HIB investigation reports.
- Complete the HIB training for school leaders.

Anti-Bullying Coordinator (ABS) Role



- Coordinate and strengthen the school district's HIB policies to prevent, identify and address HIB of students.
- Collaborate with the ABS, the BOE and the CSA to prevent, identify and respond to HIB acts in the district.
- Provide data, in collaboration with the CSA, to the NJDOE regarding HIB of students.
- Meet with ABS at least 2 times each year to discuss and strengthen procedures and policies to prevent, identify and address HIB in the district.
- Execute other duties related to HIB as requested by the CSA.

Anti-Bullying Specialist (ABS) Role

Chair the school safety team.

Lead, in coordination with the principal, the investigation of reported HIB incidents.

Act as the primary school official responsible for preventing, identifying and addressing incidents of HIB in the school.

Assist the principal in determining the responses to be implemented that have been established by the BOE.

Provide input to the BOE on the annual re-evaluation, reassessment and review of the HIB policy.

Provide input to the BOE meeting, in executive session, on reported HIB incidents, recommendations for discipline or services and any programs instituted to reduce these incidents.

School Climate Committee/School Safety Team Role:

- Develop, foster and maintain a positive school climate by focusing on the ongoing, systemic practices in the school and addressing climate issues, such as HIB.
- Meet, at a minimum, twice each school year.
- Review complaints of HIB of students that have been reported to the principal.
- Receive copies of investigative reports of HIB of students.
- Identify and address patterns of HIB of students in the school.
- Review and strengthen the school climate and the policies of the school to prevent and address HIB of students.
- Educate students, teachers, administrative staff and parents to prevent and address HIB of students.
- Participate in required training, including professional development opportunities that address effective school climate programs or approaches, and other training requested by the principal or ABC.
- Collaborate with the ABC in the collection of district-wide data.
- Collaborate with the ABC in the development of policies to prevent and address HIB of students.

**Parents serving on the SST are not permitted to participate in these or other activities that may compromise the confidentiality of a student.*

REPORTING TIMELINE

Witnesses, students and parents **CAN** report suspected incidents

Day 1: Incident is reported, verbally or in writing and ABS notifies Princ verbally

Link to reporting forms:

Staff:

https://www.nj.gov/education/safety/sandp/hib/docs/HIB_Incident_Form_ForLEAs.pdf

Families:

https://www.nj.gov/education/safety/sandp/hib/docs/HIB_Incident_Form_ForFamilies.pdf

Day 2: ABS provides written HIB report to Princ

School district employees **MUST** report suspected incidents

- Investigation is launched by ABS and Principal contacts parents of listed parties.
- *A Preliminary determination is made to determine if the incident meets ABR/HIB criteria. If not, Code of Conduct investigation is implemented.*
- ABS implements HIB investigation with interviews of Alleged Victim (AV), Alleged Offender (AO) and Witnesses (W) if applicable
- Completed investigation (with determination) and HIB Report is forwarded to the Princ within 10 days)

REPORTING TIMELINE (cont.)

Day 12 (or sooner): Princ forwards completed report to the Superintendent and the ABC

PRIOR to the NEXT Board Meeting:

NEXT Board Meeting

Within 5 Days of BOE Presentation:

Within 90 Days of receiving determination:

NEXT BOE Meeting:

**Within 180 Days of the incident, a complaint may be filed with the NJ Division on Civil Rights IF the HIB was based upon a protected characteristic. ECS Investigation: The Executive County Superintendent shall investigate any complaint of a violation when the complaint is not adequate addressed on the local level*

- ABC reviews report in preparation for presentation to the Board of Education
- ABS reviews HIB investigation with Supt
- Investigations are presented to the BOE for review
- BOE votes to Affirm, Overturn, or include additional recommendations for consequences, remediation or programs
- ABC forwards investigation determination letter to parents of AV and AO with finding
- Parents may appeal the determination, in writing, to the BOE Secretary
- Appeal is heard at the BOE Meeting

Consequences, Remediation and Programs

Consequences (progressive in nature) for HIB violations are implemented in accordance with Code of Conduct violations which may include, but are not limited to:

- Discipline
 - Remediation
 - Participation in a designated program
 - Restorative Justice
 - Counseling with identified school personnel
 - Referral to community resources
 - Referral to law enforcement
- Attempts to persuade or intimidate those from filing or participating in an HIB report are prohibited
 - Retaliatory acts based upon the filing of an HIB Report, are prohibited

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