

Anti-Bullying Bill of Rights Act

Morris County School Boards Association

March 3, 2011



Anti-Bullying Bill of Rights Act

P.L. 2010, Chapter 122

Approved January 5, 2011

Amending

P.L. 2002, Chapter 83

P.L. 2007, Chapter 129

P.L. 2007, Chapter 303

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



Harassment, Intimidation and Bullying Definition – What's New?

- **Includes gestures, written, verbal or physical acts or electronic communication**
- ***Single incident or series of incidents***
- **Reasonably perceived to be motivated by any actual or perceived characteristic**



Harassment, Intimidation and Bullying Definition – What's New?

- **Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical or sensory disability or any other characteristic**
- **Takes place on school property, school-sponsored function or school bus**
- ***Off school grounds when school employee is made aware***



Harassment, Intimidation and Bullying

Definition – What's New?

- ***Substantially disrupts or interferes with the orderly operation of the school or the rights of other students and***
- ***Effect or reasonable fear of physical or emotional harm to student or damage to student's property***
- ***Effect of insulting or demeaning any student or group of students***



Harassment, Intimidation and Bullying Definition – What's New?

- ***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.***



Harassment, Intimidation and Bullying Board Policy – What's New?

***Shall* adopt policy through process
which includes representation of
parents/guardians, school employees,
volunteers, students, administrators
and community representatives**



Harassment, Intimidation and Bullying Board Policy – What's New?

- ***All acts of HIB must be reported verbally to principal on the same day school employee or contracted service provider witnessed or received reliable information regarding the incident; in writing within two school days***
- ***Principal informs parent/guardian of all students involved in alleged incident; may discuss, as appropriate, availability of counseling and other intervention services***



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Principal or designee initiates investigation within one day of report*
- *Conducted by school anti-bullying specialist*
- *Principal may appoint additional personnel to assist in investigation*



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Investigation completed ASAP; 10 school days from written report maximum*
- *Results reported to superintendent; two school days from investigation completion*
- *Superintendent makes recommendations on training, discipline, counseling, other action*



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- ***Results reported to board of education; next meeting following investigation completion***
- ***Report includes services, training, discipline, other action taken, recommended by Superintendent***
- ***Five school days after board report -Parents/ guardians entitled to receive information – findings, discipline, services provided***



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Parent/guardian may request board hearing; held within 10 days of request; executive session*
- *Board may hear from school anti-bullying specialist; incident, discipline, services, programs to reduce incidents*
- *Board issues written decision affirming, rejecting, modifying superintendent's decision; next meeting following receipt of report by board*



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *Appeal of board decision to Commissioner*
- *Complaint with Division of Civil Rights;
HIB of protected class, Law Against
Discrimination*
- *School range of responses defined by
principal with school anti-bullying specialist;
counseling, support and intervention
services, other programs*



Harassment, Intimidation and Bullying Board Policy – What's New?

Prompt Investigation of Reports of Violations and Complaints

- *District website home page – link to policy, name, school phone, school address and school email address of district anti-bullying coordinator*
- *School website home page - name, school phone, school address and school email address of school anti-bullying specialist and district anti-bullying coordinator*



Harassment, Intimidation and Bullying Board Policy – What's New?

- ***First revised HIB policy to Executive County Superintendent, September 1, 2011***
- ***Commissioner to adopt amendments to HIB model policy; 90 days after effective date of law – first school year following enactment***
- ***Board may have more stringent policy components***



Harassment, Intimidation and Bullying Board Members

- ***Board members must report incidents of HIB to school administration; witness, reliable information***
- ***Board members may not retaliate against victim, witness, one with reliable student HIB information***
- ***Board members or school employees who promptly report, immune from damages from failure to remedy reported incident***



Harassment, Intimidation and Bullying School District Reporting

- ***Superintendent reports to board, two times each school year, acts of violence, vandalism and HIB***
- ***Information also reported to DOE, once each reporting period***
- ***Report used to grade each school on effort to implement policies and programs***
- ***District receives a grade; average of school grades***
- ***Grades posted on district and school website***



Harassment, Intimidation and Bullying School District Training

- ***School districts annually establish and implement programs and approaches designed to create school-wide conditions to prevent and address HIB***
- ***School district HIB training for employees and volunteers includes preventing bullying of protected categories and other characteristics***
- ***Full, part-time staff, volunteers, contracted service providers; student contact***



Harassment, Intimidation and Bullying Teacher and Administrator Training

- ***Teaching certification candidates – HIB prevention program; traditional route, 2012-2013; alternate route, within one year of employment, 2011-2012***
- ***Administrative and supervisory certification candidates – HIB prevention program; 2012-2013***
- ***School leader training – prevention of HIB***
- ***Teaching staff – suicide prevention, HIB, 2 hours each teacher PD period***



Harassment, Intimidation and Bullying Board Member Training

- ***Board members – newly elected or appointed – HIB in schools training, including school district’s responsibilities; first year***
- ***Board members – first year reelected or reappointed - HIB in schools training, including school district’s responsibilities;***
- ***Board member must complete only once***
- ***NJSBA to provide; consultation with experts***



Harassment, Intimidation and Bullying Personnel Issues

- ***District Anti-Bullying Coordinator – appointed by superintendent; every effort to be employee; meets at least twice a school year with school anti-bullying specialists***
- ***School Anti-Bullying Specialists – appointed by the principal; school guidance counselor, school psychologist in school, first choice, then currently employed school personnel; leads investigations, chairs school safety team, primary responsibility for HIB program***



Harassment, Intimidation and Bullying Personnel Issues

- ***School Safety Team – formed by school district, develops and fosters positive school climate, addresses HIB, meets at least twice per school year.***
- ***Includes principal or designee and principal appointees – teacher, school anti-bullying specialist (chair), parent, others determined by the principal***



Harassment, Intimidation and Bullying Personnel Issues

Nothing in the Anti-Bullying Bill of Rights Act shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the effective date of the Act.



Harassment, Intimidation and Bullying Commissioner and DOE

- ***School report cards include data identifying number and nature of HIB reports***
- **Commissioner reports annually on violence vandalism and *HIB* to the Education Committees of the Senate and Assembly; *report available to public, October 1, DOE website***
- ***DOE to develop guidance document for parents, guardians, students and school districts to assist in resolving complaints concerning student HIB***



Harassment, Intimidation and Bullying Commissioner and DOE

- ***Commissioner to develop formal protocol for ECS to investigate complaints that school districts have not adequately addressed complaints of HIB.***
- ***Commissioner to develop inservice workshops and training programs for district anti-bullying coordinators and school anti-bullying specialists***
- ***Boards of education shall provide time for inservice training during the normal school schedule***



Harassment, Intimidation and Bullying Commissioner and DOE

- ***Commissioner shall develop, in consultation with the Division of Civil Rights, an online tutorial on HIB, including best practices in prevention***
- ***DOE creates Bullying Prevention Fund***
- ***“Week of Respect” created – week beginning with first Monday in October, age appropriate instruction on preventing HIB***

