

HIB Overview

Fundamentals and Procedures

My Background

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Conflict vs. Bullying

- During a conflict, people are equally involved in some type of disagreement.
- Conflict is considered mutual, meaning everyone is more or less evenly involved.
- When the behavior involves a conflict, the school will take action based on its code of student conduct instead of the Anti-Bullying Rights Act (ABR).

(Guidance for Parents on the Anti-Bullying Rights Act)

Conflict vs. Bullying

Bullying occurs when:

- One or more students are victims of unwanted or uninvited aggression, as the behavior applies to the definition of harassment, intimidation and bullying in the ABR;
- The aggressor's behavior would lead a person to reasonably believe that the aggressor is motivated by a desire to physically or emotionally hurt someone;
- The aggression is one-sided; and
- The behavior is not an attempt to positively or negatively address or resolve a problem.

(Guidance for Parents on the Anti-Bullying Bill of Rights Act)

HIB Law Break Down

WHAT

- Any gesture, any written, verbal or physical act, or any electronic communication.

HIB Law Break Down

WHO AND WHY:

- That is **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

HIB Law Break Down

WHERE AND WHEN:

- That takes place on school property, at any school-sponsored function, on a school bus, OR off school grounds as provided for in N.J. S.A 18A: 37-15:3

HIB Law Break Down

HOW:

- That substantially disrupts or interferes with the orderly operation of the school or the rights of other students

HIB Law Break Down

HOW:

Meets one of the following **three additional criteria**:

- If the actions are such that a reasonable person should know, under the circumstances, will either: (1) **have the effect of physically or emotionally harming a student OR damaging the student's property**, or (2) placing the student in **reasonable** fear of **physical** or **emotional** harm; OR
- Has the effect of **insulting or demeaning** any student or group of students; OR
- 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.

HIB Reporting Timelines

- All acts of HIB shall be reported in writing to the school principal **within two school days** of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to HIB (The Anti-Bullying Bill of Rights 15).

HIB Reporting Timelines

- The principal will initiate the investigation **within one school day** of the report of the incident.
- The school's anti-bullying specialist will conduct the investigation.

HIB Reporting Timelines

- The investigation must be completed **within 10 school days** from the date of the written report of the HIB incident.

HIB Reporting Timelines

- The investigation's results will be reported to the superintendent of schools **within two school days** of the investigation's completion.

HIB Reporting Timelines

- The superintendent issues a decision and may decide as a result of the findings, to do the following:
 1. Provide intervention services
 2. Establish training programs to reduce HIB and/or enhance the school climate
 3. Impose discipline
 4. Order counseling
 5. Take or recommend other appropriate action (Anti-Bullying Bill of Rights 17)

HIB Reporting Timelines

- Each investigation's results will be reported to the board of education no later than the next scheduled board meeting after the investigation has been completed.
- **Within five days** after the investigation's results are reported, the board of education must provide parents or guardians of the students who are parties to this investigation with information about the investigation.

HIB Parental Rights of Appeal

Following First Notification

- A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request.

HIB Parental Rights of Appeal

After the Board's Decision

- The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision.

HIB Parental Rights of Appeal

- A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights **within 180 days** of the occurrence of any incident.

HIB Parental Involvement and Communication

- The building principal will send a letter to parents notifying them that their child is involved in an HIB investigation.
- The board of education will send a letter to parents stating the results of an HIB investigation after the board meeting in which that HIB investigation is affirmed as HIB or Non-HIB.

HIB Parental Involvement and Communication

A parent/guardian of a child involved in an alleged HIB incident does not have the right to be involved in the investigation of the alleged incident. He/she will not be allowed to sit in on interviews or in any other way be involved during the investigation time period. A parent/guardian of a child involved in an alleged HIB incident, however, can be interviewed by the incident's investigator if the parent/guardian was an eyewitness to the alleged incident.