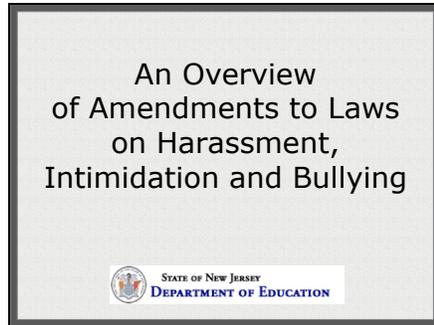


Slide 1



(Talking points for this presentation are provided on each slide. Instructions or additional notes are provided in parentheses.)

This presentation will provide an overview of the recent amendments, adopted on January 5, 2011, to New Jersey's laws on Harassment, Intimidation, and Bullying or HIB. The purpose of this presentation is to make you aware of the responsibilities that are required under these amendments, so that your school can begin to prepare for these changes.

Specifically, this session will cover the context for the new law, specific requirements, including definitions, roles, policy, programs, training, and reporting.

Please hold all of your questions until the end of the session so that I may get through all of the material in the time allotted. If you would please write your question on the evaluation provided, I will address questions as time permits and will follow up any questions that have not been addressed. (Collect written questions and follow up by email with attendees directly or with the contact person who has organized the session.)

Workshop participants should have the following handouts:

1. A copy of the slides printed in "handout" version, preferably three slides per page.
2. A copy of the law, *P.L. 2010 Chapter 122*, approved January 5, 2011.

Workshop instructors can use the following documents to aid in the presentation:

1. A copy of the PowerPoint presentation with the "speaker's notes" entitled "New HIB Laws Overview with Speaker Notes," available as a .pdf.
2. A copy of the PowerPoint presentation with the new law (*P.L. 2010, Chapter 122*) in the "notes" section, entitled "New HIB Laws Annotated Overview" available as a .pdf.

## Slide 2

*The New Law*

- Intent is to strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying and reduce the risk of suicide among students
- Effective September 2011
- Changes 13 statutes
- Affects districts and a number of state agencies, including NJDOE

2

Let's start by providing a brief description of the new law, which is, Public Law 2010, Chapter 122.

The legislature has indicated that this is an act concerning harassment, intimidation, and bullying in school settings, amending various parts of the statutory law and supplementing Public Law 2002, 4 c.83 (C.18A:37-13 et seq.) and chapter 3B of Title 18A of the New Jersey Statutes.

The intent of the new legislation, as described in the bill, is to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of harassment, intimidation, and bullying of students that occur in school and off school premises, as well as to reduce the risk of suicide among students.

The new law goes into effect September 2011.

A total of 13 statutes have been amended a result of the new law.

Districts and a number of state agencies are affected, including the New Jersey Department of Education.

## Slide 3

*Context*

- Legislation enacted September 2002 required each school to adopt HIB policy
- Commission on Bullying in Schools established in January 2008
- Commission sent its recommendations to the Governor in December 2009
- The new law was introduced in October 2010
- Approved by the Legislature in November 2010
- Signed by the Governor in January 2011
- Primarily adds requirements

3

The requirement for New Jersey school districts to adopt policies prohibiting Harassment, Intimidation, and Bullying dates back to 2002 when the initial authorizing statute was signed into law.

More recently, on January 13, 2008, Governor Jon S. Corzine signed into law Public Law 2007, Chapter 303, Section 9, establishing the Commission on Bullying in Schools, referred to in the slide as the "Commission." The Commission consisted of fourteen members and included ex-officio and public members. The two ex-officio members were the Commissioner of the Department of Education and the Director of the Division on Civil Rights (or their designees).

The commission sent its recommendations to the Governor in December 2009.

The new law was introduced in October 2010, approved by the Legislature in

Slide 4

*Major Changes*

- Definition of HIB
- District Staff Functions
- Policy and Procedures
- Programs
- Training Requirements
- Public Reporting

*Note:*  
*Underline = New text.*  
*Brackets = Removed text.*

4

November 2010, and signed by the Governor in January 2011.

The new law primarily adds requirements to the various laws, rather than changes pre-existing provisions.

The following major changes have occurred as a result of the new law:

- The definition of HIB has been amended.
- District and school staff functions have been added.
- Requirements have been added for district policies and procedures.
- Requirements have been added regarding state and district programs.
- There are additional training requirements for the state and districts.
- And public reporting requirements for the state and districts have been amended.

As I go through these changes in more detail, I will highlight amendments, as follows:

- Underlined text represents new text.
- Brackets represent text that has been removed from current law.

Please keep in mind that the new law will go into effect in September 2011.

The new HIB definition is as follows:

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, **whether it be a single incident or a series of incidents**, 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, that takes place on school property, at any school-sponsored function, on a school bus, or **off school grounds** as provided for in section 16 of P.L.2010, CHAPTER 122, that **substantially disrupts or interferes with the orderly operation of the school or the rights of**

Slide 5

*New HIB Definition*

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, 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 [handicap] disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function [or], on a school bus, or off school grounds as provided for in section 16 of P.L.2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

5

Slide 6

*New HIB Definition*

- a) a reasonable person should know, under the circumstances, 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; [or]
- b) has the effect of insulting or demeaning any student or group of students [in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school]; or
- c) 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.

6

other students:

Note that the new definition:

- Adds language to specify that the act of HIB can be a single incident or a series of incidents.
- Changes mental, physical or sensory "handicap" to mental, physical, or sensory "disability."
- Expands the definition to include HIB behavior that takes place off of school grounds under particular circumstances.
- States that an off school grounds incident or series of incidents must substantially disrupt or interfere with the orderly operation of the school or the rights of other students

In addition, for an act to be considered to HIB...

- a reasonable person should know, under the circumstances, 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;

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.**

Note that the new definition:

- Specifies that harm can be physical or emotional.
- Adds that an incident or series of incidents can be considered HIB if it creates a hostile educational environment for the student.

Slide 7

*New District Staff Functions*

- Anti-Bullying Coordinator (district)
- Anti-Bullying Specialist (school)
- School Safety Team (school)

7

Three new district functions are added as a result of the new law:

- A district-level Anti-Bullying Coordinator
- A school-level Anti-Bullying Specialist
- A school safety team

Slide 8

*Anti-Bullying Coordinator (district)*

- Appointed by Superintendent
  - ✓ Supt. must make every effort to appoint an employee of school district as anti-bullying coordinator
- Coordinates and strengthens district HIB policy to prevent, identify, and address HIB
  - ✓ Collaborates with anti-bullying specialists, board of education and supt.
  - ✓ Meets at least twice a school year with the anti-bullying specialists
- Provides data, in collaboration with the supt. to the NJDOE
- Performs other related duties

8

The Anti-Bullying Coordinator must:

- Be appointed by the superintendent and the superintendent must make every effort, but is not required, to appoint an employee of the school district.
- Coordinate and strengthen district HIB policy to prevent, identify, and address HIB.
- Collaborate with the school anti-bullying specialists, the board of education, and the superintendent.
- Meet at least two times per year with the school anti-bullying specialists.
- Provide data, in collaboration with the superintendent, to the New Jersey Department of Education.
- Perform other duties related to HIB as requested by the superintendent.

Slide 9

*Anti-bullying Specialist (school)*

- Appointed by the principal from currently employed staff
  - ✓ Guidance counselor, school psychologist, or another individual similarly trained preferred
- 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 principal in defining range of ways to respond to HIB
- Provides input to local board on annual re-evaluation, reassessment, and review of policy

9

Each school must have an Anti-Bullying Specialist who is appointed by the principal, and should be a school guidance counselor, school psychologist, or another school employee who is trained to perform the duties of the specialist. The Anti-Bullying Specialist must :

- Chair the school safety team.
- In conjunction with the principal, lead the investigation of incidents of HIB in the school.
- Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.
- Assist the principal in implementing the range of ways to respond to HIB established by the board of education.

Slide 10

*School Safety Team (School)*

- Formed to develop, foster, and maintain a positive school climate, including HIB issues
- Meets at least 2x per school year
- Consists of the principal (*or designee, preferably a senior administrator*) **and** principal appointees:
  - a teacher in the school,
  - the school anti-bullying specialist (serves as chair),
  - a parent (as defined in *N.J.A.C. 6A:16-1.3*) of a student in the school, **and**
  - other members determined by the principal

10

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

Every school must establish a school safety team. The purpose of the team is to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school, and to address school climate issues such as harassment, intimidation, or bullying. A school safety team must:

- Meet at least two times per school year.
- Consist of the principal (or designee, preferably a senior administrator) and the school anti-bullying specialist. Additionally, the principal must appoint the following representatives to the school safety team: a teacher in the school, a parent of a student in the school, and other members determined by the principal.

Slide 11

*School Safety Team (cont.)*

- Receive any HIB complaints reported to principal\*
- Receive copies of any HIB investigation reports\*
- Identify and address patterns of HIB in the school\*
- Review and strengthen school climate and policies in order to prevent and address HIB

\* Parents shall not participate in these activities or any others that compromise student confidentiality

11

The school safety team is responsible for reviewing this information for the purpose of reviewing and strengthening school climate and the policies of the school for preventing and addressing harassment, intimidation, or bullying of students. The parent representative is not permitted access to confidential student information.

## Slide 12

*School Safety Team (cont.)*

- Educate the community (i.e., students, teachers, administrators, parents) to prevent and address HIB
- Participate in training (both required and requested)
- Collaborate with anti-bullying coordinator in data collection and development of policies to prevent and address HIB
- Other duties related to HIB requested by principal or anti-bullying coordinator

12

The school safety team is also responsible for:

- educating the community, including students, teachers, administrative staff, and parents, regarding the prevention and intervention of student harassment, intimidation, or bullying;
- participating in training required in the law and other training which the principal or the district anti-bullying coordinator may request;
- collaborating with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- executing other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

## Slide 13

***NJDOE Model HIB Policy***

**April 2011 Revision**

<http://www.state.nj.us/education/parents/bully.htm>

- Background
- Format
- Content

Note: Underlines below indicate new language.  
Brackets below indicate removed language.

13

Legislation (N.J.S.A. 18A:37-13 et seq.) enacted on September 6, 2002 required each school district to adopt, by September 1, 2003, a policy prohibiting harassment, intimidation and bullying on school property, at school-sponsored functions and on school buses. On August 3, 2005, the New Jersey State Board of Education adopted regulations on harassment, intimidation and bullying at N.J.A.C. 6A:16-7.9.

Additionally, the authorizing statute was amended on August 6, 2007 to require the district's policy to address electronic communications, and was amended again on January 13, 2008 to mandate posting of the policy on the district's website and notifying students and parents that the policy is available on the district's website. On January 5, 2011, Governor Chris Christie signed into law P.L.2010, Chapter 122, which amended various parts of the statutory law. In particular for school policies and procedures, the act amended N.J.S.A. 18A:37-13 et seq., which include the requirements for the prevention and intervention of HIB on and off school grounds, at school-sponsored functions and on school buses. I will discuss the required

Slide 14

**Requirements**

Each school district shall adopt a policy prohibiting HIB. The school district shall [attempt to] adopt the policy through a process that includes representation of parents\*, school employees, volunteers, students, administrators, and community representatives.

\* As defined in N.J.A.C. 6A:16-1.3

14

amendments to district HIB policies and procedures in further detail in this section.

To assist each district board of education in developing its harassment, intimidation and bullying policy, the original legislation required the Commissioner of Education to issue a model policy applicable to grades kindergarten through twelve (K-12), by December 1, 2002. The model policy was originally published in November 2002, revised in April 2006, April 2007, and November 2008.

The April 2011 model policy is reflective of the new legal requirements. Similar to the previous version of the model policy the revision also provides guidance to school districts in the development of local HIB policies. It is not intended to be a complete and final policy to be adopted by the district board of education. The new model policy can be found at the link provided on the slide.

Each school district is required to adopt a policy prohibiting HIB.

The school district must adopt the policy through a process that includes representation of parents\*, school employees, volunteers, students, administrators, and community representatives. Note that under the previous law, schools were required to attempt to adopt the policy through this process, but that under the new law, this process is required.

(\*Pursuant to N.J.A.C. 6A:16-1.3, the term "parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction. )

I'm now going to review each component required for written HIB policies and highlight amendments based on the new law.

Slide 15

**Requirements**

#1 The policy shall contain a statement prohibiting HIB of a student.

15

The first requirement is that the policy must contain a statement prohibiting Harassment, Intimidation, and Bullying of a student. This statement continues to be required under the new law.

Slide 16

**Related NJ Administrative Code**

- 6A:16-7.1, Code of Student Conduct, and
- 6A:16-7.9, Intimidation, Harassment and Bullying

✓ These regulations sunset in 2011.

✓ Readoption and amendments are on hold, per executive order #58, creating the Education Transformation Task Force.

✓ Districts should refer to the new law to meet the new HIB requirements, and should continue to refer to N.J.A.C. 6A:16-7.1 regarding the code of student conduct.

16

Currently, regulations in New Jersey administrative code that are related to HIB policy requirements include 6A:16-7.1, the regulations on Codes of Student Conduct, and 6A:16-7.9, Intimidation, Harassment and Bullying. These regulations sunset in 2011. However, re-adoption and amendments are on hold pending the outcomes from the Education Transformation Task Force established under Executive Order #58. Therefore, in order to be compliant, districts should refer to the new law to meet the HIB requirements and should continue to refer to N.J.A.C. 6A:16-7.1 regarding the code of student conduct.

Slide 17

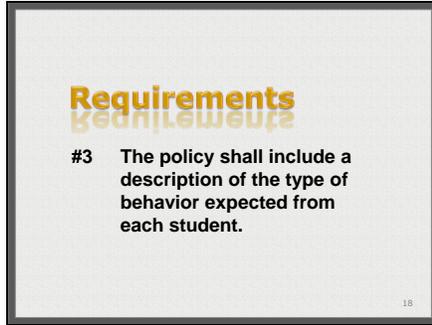
**Requirements**

#2 The policy shall contain a definition of HIB no less inclusive than the statutory definition.

17

The second requirement is that the HIB policy must contain a definition of HIB no less inclusive than the statutory definition. Remember, the statutory definition has been amended under the new law, and this new definition must be reflected in local policy. Note also that the requirement is for district policy to contain a definition no less inclusive than the statutory definition, which permits a district to add to the language of the definition but not take away from the statutory definition.

Slide 18



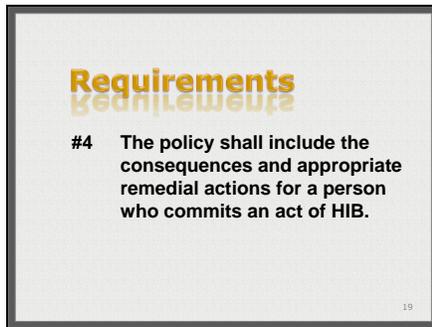
**Requirements**  
Redrafted

**#3** The policy shall include a description of the type of behavior expected from each student.

18

The next requirement is for the policy to include a description of the type of behavior expected from each student. Articulating expected behavior increases the chances that students will understand and engage in the desired behavior.

Slide 19



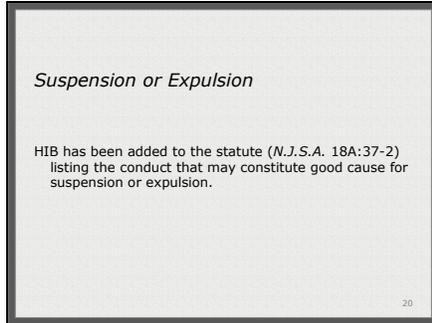
**Requirements**  
Redrafted

**#4** The policy shall include the consequences and appropriate remedial actions for a person who commits an act of HIB.

19

The fourth requirement is for the policy to include the consequences and appropriate remedial actions for a person who commits an act of HIB. Note that while the minimal requirement for the policy is that it prohibit acts of HIB against a student, the policy must contain consequences and remedial measures for ANY PERSON who commits an act of HIB. It is important to understand that both consequences and remedial measures are required. The intent is for schools to implement measures designed to correct the problem behavior, rather than only punish an offender.

Slide 20



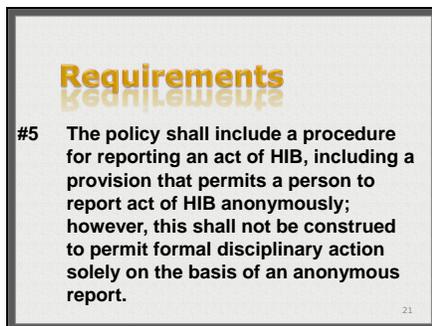
*Suspension or Expulsion*

HIB has been added to the statute (N.J.S.A. 18A:37-2) listing the conduct that may constitute good cause for suspension or expulsion.

20

Under the new law, HIB has been added to the discipline statute, which lists the conduct that may constitute good cause for suspension or expulsion.

Slide 21



**Requirements**  
Redrafted

**#5** The policy shall include a procedure for reporting an act of HIB, including a provision that permits a person to report act of HIB anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

21

The next requirement is for the policy to include a procedure for reporting an act of harassment, intimidation or bullying. The policy must include a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, formal disciplinary action may not be taken solely on the basis of an anonymous report. An anonymous report can be made verbally or in writing.

Slide 22

*New Reporting Procedures*

- All acts of HIB must be reported verbally to the principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident
- Principal must inform parents of all students involved in the alleged incident
  - ✓ May discuss the availability of counseling and other intervention services
- All acts of HIB also must be reported in writing to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information

22

Under the new law, new reporting procedures have been added and must be included in district HIB policies, including the following procedures:

- All acts of HIB must be reported verbally (which could be done anonymously) to the principal on the same day when the school employee witnessed or received reliable information on the incident.
- Principal must inform parents of all offenders and victims (not bystanders) involved in the alleged incident, and may discuss the availability of counseling and other intervention services.
- All acts of HIB must also be reported in writing (which could be done anonymously) to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information.

Slide 23

*New Reporting Expectations*

A member of a board of education, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

23

Under the new law, additional reporting expectations have been added. The requirement is that:

A member of a board of education, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying must report the incident to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, who must immediately inform the principal, who must initiate the (i.e., conduct an investigation in conjunction with the school anti-bullying specialist) school-district's procedures concerning school bullying.

Note the underlined additions under the new law which state that board of education members and contracted service providers also MUST report incidents of suspected HIB.

Slide 24

*New Reporting Expectations (cont.)*

A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

24

Also:

A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

Note that the new law states that board members who make a HIB report in compliance with district policy will also be immune from a cause of action for damages arising from any failure to remedy the reported incident.

Slide 25

**Requirements**  
*Redrafted*

**#6** The policy shall include a procedure for prompt investigation of reports of violations and complaints, [identifying either the principal or the principal's designee as the person responsible for the investigation.] which procedure shall at a minimum provide that:

25

The sixth policy requirement is for the policy to include a procedure for prompt investigation of reports of violations and complaints. Note that the new law removes the principal or principal's designee as the person responsible for the investigation and adds additional investigation procedures, which I will cover on the next slides.

## Slide 26

*New Investigation Procedures*

- Initiated by the principal or designee within 1 school day of the verbal report
- Conducted by the anti-bullying specialist
- Principal may appoint additional personnel to assist with investigation
- Investigation shall be completed ASAP, but not later than 10 days from date of written report
- If additional, anticipated information relevant to investigation is not received within 10 days, anti-bullying specialist may amend original report to reflect information

26

The investigation procedures under the new law state that:

- The principal or designee must initiate the investigation within 1 school day of the verbal report.
- The anti-bullying specialist must conduct the investigation, which is conducted in conjunction with the principal or designee.
- The principal may appoint additional personnel to assist with the investigation.
- The investigation must be completed as soon as possible, but no later than 10 days from the date of the written report.
- If additional, anticipated information, relevant to investigation is not received within 10 days, the anti-bullying specialist may amend the original report to reflect the additional information.

Remember that these procedures need to be carried out under the new law, as well as be included in local district HIB policy.

School officials must implement the code of student conduct for offenders and victims and take all necessary measures to protect the safety of students.

## Slide 27

*New Investigation Expectations*

A school administrator who receives a report of HIB from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

27

Underscoring the serious intent of the new law, a school administrator who receives a report of HIB from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

## Slide 28

*New: Results of Investigation*

- Results shall be reported to superintendent within 2 days of completing the investigation
- Superintendent may decide to:
  - Provide intervention services
  - Establish training programs to reduce HIB and enhance school climate
  - Impose discipline
  - Order counseling
  - Take or recommend other appropriate action
- Results reported to the board of education no later than the date of the next board meeting following the completion of the investigation, along with information on action taken or recommended by superintendent

28

The new law also establishes steps that must be taken after the investigation is completed:

- The principal must report the results to superintendent within 2 days of completing the investigation
- As a second level of review, the Chief School Administrator (CSA) may decide to:
  - Provide intervention services
  - Establish training programs to reduce HIB and enhance school climate
  - Impose discipline
  - Order counseling
  - Take or recommend other appropriate action
- The CSA reports the investigation results and information on any action taken by the principal or the CSA to the board of education no later than the date of the next board meeting following the completion of the investigation.

(steps continued on next slide)

## Slide 29

*New: Results of Investigation (cont.)*

- Parents of the students who are parties to the investigation entitled to receive information about the investigation
  - In accordance with Federal and State law and regulation
  - Including the nature of the investigation and whether evidence of HIB was found
  - Whether discipline was imposed or services provided
  - Provided in writing within 5 school days after results are reported to board
- A parent may request a hearing before the board
  - Must be held within 10 days of request
  - Board shall meet in executive session for the hearing
  - Board may hear from school anti-bullying specialist about the incident, recommendations for discipline or services, or programs instituted

29

4. Parents of the students who are parties to the investigation must receive **information** about the investigation; however, they are not entitled to receive or review confidential information. This information:

- Must be provided in accordance with Federal and State law and regulation.
- Can include the nature of the investigation and whether evidence of HIB was found
- Can indicate whether discipline was imposed or services provided
- Must be provided in writing within 5 school days after results are reported to board

5. A parent may request a hearing before the board. If so:

- The hearing must be held within 10 days of the request
- The Board must meet in executive session for the hearing
- The Board may hear from the

school anti-bullying specialist and anyone else necessary to learn about the incident, or make recommendations for discipline or services, or programs instituted

(steps continued on next slide)

## Slide 30

*New: Results of Investigation (cont.)*

- At the next board meeting following its receipt of the report the board shall issue a decision, in writing, to affirm, reject or modify the superintendent's decision.
- The board's decision may be appealed to the Commissioner of Education, no later than 90 days after the issuance of the board's decision
- A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights (DCR) within 180 days of the occurrence of any incident of HIB

30

6. At the next board meeting following its receipt of the report from the CSA the board must issue a decision, in writing, to affirm, reject or modify the CSA's decision.

- As is the case with all board of education decisions, the board's decision may be appealed to the Commissioner of Education, no later than 90 days after the issuance of the board's decision
- Additionally, a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights (DCR) within 180 days of the occurrence of any incident of HIB, if a violation of the Laws Against Discrimination is suspected.

## Slide 31

*New: Investigation Complaints*

- NJDOE, in consultation with DCR, shall develop a guidance document for use by parents or guardians, students, and school districts, to assist in resolving complaints concerning student HIB
- The Commissioner of Education shall establish a formal protocol to which the office of the executive county superintendent of schools shall investigate a complaint
  - ✓ Implemented prior to the law, in August 2010

31

In order to address investigation complaints, the new law states that:

- The NJDOE, in consultation with DCR, must develop a guidance document for use by parents or guardians, students, and school districts, to assist in resolving complaints concerning student HIB. It is anticipated that the document will be available in the 2011-2012 school year.

And

2. The Commissioner of Education must establish a formal protocol to which the office of the executive county superintendent of schools shall investigate a complaint.

- Note that the formal protocol was implemented prior to the new law, in August 2010.

Slide 32

**Requirements**

#7 The policy shall contain the range of ways in which a school will respond once an incident of HIB is identified, which shall be defined by the principal in conjunction with the anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs...

32

The seventh policy requirement is for the policy to contain the range of ways in which a school will respond once an incident of HIB is identified. The board of education establishes the range of responses and the principal, in consultation with the school anti-bullying specialist apply the appropriate responses per the severity of the offenses, developmental ages of the students, and students' histories of inappropriate behaviors. The responses must include an appropriate combination of counseling, support services, intervention services, and other programs.

Slide 33

*Responses to HIB Off School Grounds*

New Law: The policy adopted by each school district shall include provisions for appropriate responses to HIB that occurs off school grounds in cases in which a school employee is made aware of such actions. The responses to HIB that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on HIB.

33

The new law also addresses responses to HIB that occurs off school grounds in cases in which a school employee is made aware of such actions. The responses to HIB that occurs off school grounds must be consistent with the board of education's code of student conduct and other provisions of the board's policy on HIB.

For school officials to respond to reported incidents occurring off school grounds, the incidents must, at minimum, substantially disrupt or interfere with the orderly operation of the school or the rights of other students. In other words there must be a nexus between the off school grounds HIB and the school.

Slide 34

**Requirements**

#8 The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of HIB and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

34

The eighth policy requirement is for the policy to contain a statement that prohibits reprisal or retaliation against any person who reports an act of HIB. It also must include the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

Slide 35

**Requirements**

#9 The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of HIB.

35

The ninth policy requirement is for the policy to contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of HIB.

Slide 36

Reprisal, Retaliation, and False Accusation Prohibited

New Law: A member of a board of education, school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

36

The new law adds board members to the list of people who must not engage in reprisal, retaliation, or false accusation.

Slide 37

**Requirements**

#10 The policy shall contain a statement of how the policy is to be publicized.

- Including notice that policy applies to school-sponsored functions
- CSA shall ensure that notice of the policy appears in any publication of the school district that sets forth comprehensive rules, procedures, and standards, and in any student handbook

37

The tenth requirement is for the policy to contain a statement of how the policy is to be publicized, including notice that the policy applies to school-sponsored functions. Also, the Chief School Administrator must ensure that notice of the policy appears in any publication of the school district that sets forth comprehensive rules, procedures, and standards, and in any student handbook.

Slide 38

**Requirements**

#11 The policy shall contain a requirement that a link to the policy be prominently posted on the homepage of the district's website and distributed annually to parents and guardians.

38

The eleventh requirement is for the policy to contain a requirement that a link to the policy be prominently posted on the homepage of the district's website and distributed annually to parents and guardians. Note that the new law requires the link to be prominently posted on the homepage of the district's website.

Slide 39

**Requirements**

#12 The policy shall contain a requirement that contact information for the district anti-bullying coordinator be listed on the school district's homepage and that contact information for the school anti-bullying specialist and anti-bullying coordinator be listed on each school's homepage

39

The twelfth requirement, which has been added under the new law, establishes that contact information of the district anti-bullying coordinator must be listed on the home page of the school district's website. Additionally, contact information for the district anti-bullying coordinator and the school anti-bullying specialist must be listed on the school's website.

The information on the district anti-bullying coordinator and the school anti bullying specialists must also be maintained on the New Jersey Department of Education's website.

Slide 40

**Requirements**

*New Law:*

- Revised HIB policy to Executive County Supt. (ECS) by 9/1/11
- Annual re-evaluation of HIB policy, making any necessary revisions & additions
- Input from anti-bullying specialists
- Transmit all subsequent policy revisions to ECS, within 30 school days

40

Under the new law, the following requirements must also be addressed:

- The first revised HIB policy must be transmitted to the appropriate Executive County Superintendent by September 1, 2011.
- The HIB policy must be reviewed annually, making any necessary revisions and additions.
- The board must include input from the school anti-bullying specialist(s) in conducting its re-evaluation, reassessment, and review.
- Any subsequent HIB policy revisions must be transmitted to the Executive County Superintendent within 30 school days of the adoption.

Slide 41

**Bullying Prevention Programs**

- *Prior Law:* Schools and school districts are *encouraged* to annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members.
- *New Law:* Schools and school districts must annually establish, implement, document, and assess these approaches.
  - ✓ The approaches must be designed to create school-wide conditions to prevent and address HIB.

41

The new law amends the requirements for schools and school districts to implement bullying prevention programs. In this section, I will provide an overview of these programmatic additions and changes.

The new law requires that schools and school districts MUST, rather than “are encouraged to,” annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. These approaches must be designed to create school-wide conditions to prevent and address HIB.

Slide 42

**Bullying Prevention Programs (cont.)**

- *New Law:* A “Bullying Prevention Fund,” is to be created in the NJDOE, to offer grants to school districts to provide training on HIB and on the effective creation of positive school climates
  - **No funding has been appropriated or donated at this time**

42

The new law requires that a “Bullying Prevention Fund” be created at the New Jersey Department of Education, to offer grants to school districts to provide training on HIB and on the effective creation of positive school climates. At this time, no funding has been appropriated for or donated to this fund.

Slide 43

*Bullying Prevention Programs (cont.)*

**New Law: Instruction and the Week of Respect**

- The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey
- School districts must observe the week by providing age-appropriate instruction focusing on preventing 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

43

The new law adds requirements for instruction on HIB prevention and establishes the "Week of Respect."

The law requires that:

- Schools observe a "Week of Respect," beginning with the first Monday in October of each year.
- School districts are to observe the week by providing age-appropriate instruction focusing on preventing HIB.
- Additionally, throughout the school year school districts provide ongoing age-appropriate instruction on preventing HIB in accordance with the core curriculum content standards.

Slide 44

*Bullying Prevention Programs (cont.)*

**Discussions with Students**

- Schools must develop a process for *discussing* the district's HIB policy with students.

44

The requirement for schools to develop a process for discussing the district's harassment, intimidation or bullying policy with students continues under the new law.

Slide 45

**New Law: Training – Anti-Bullying Coordinators and Anti-Bullying Specialists**

- The Commissioner, in consultation with recognized experts in school bullying must establish in-service workshops and training programs to train selected public school employees to act in these roles
- The Commissioner must seek to make the workshops and training programs available and administered online
- Each board of education must provide time for the in-service training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in these roles
- Upon completion of the initial in-service training program programs and workshops that reflect the most current information on HIB in schools shall be made available to district anti-bullying coordinators and school anti-bullying specialists at regular intervals

45

The new law includes training requirements for the newly established anti-bullying coordinators and anti-bullying specialists.

Each board of education must provide time for the in-service training during the usual school schedule in order to ensure that appropriate personnel are prepared to act in these roles

It is anticipated that the Department of Education will initiate this training in the 2011-2012 school year.

Slide 46

*Training - Staff*

Districts are responsible for two training requirements:

1. Inservice training for all staff
  - o Each school district must provide training on the school district's HIB policies to school employees and volunteers who have significant contact with students **and** ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying

46

School districts are responsible for two staff training requirements:

1. Inservice training for all staff; and
2. Training for new employees.

First, the new law requires that school districts:

(1). Provide inservice training on the school district's HIB policies to all staff (including part-time staff,

volunteers who have significant contact with students, and providers of contracted services to students)

- School districts must ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14; and
- Other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.

Slide 47

*Training - Staff (cont.)*

2. Training for new employees
  - o Information regarding the school district policy against HIB must be incorporated into a school's employee training program
  - o 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

47

Second, the law requires school districts to: (2). Incorporate information regarding the school district's HIB policy into the school district's employee

training program, including part-time staff, volunteers who have significant contact with students, and

providers of contracted services to students.

Slide 48

*Training - Teachers*

- **Prior Law:** Each public school teaching staff member must complete at least 2 hours of instruction in suicide prevention
- **New Law adds:** The training must include information on the relationship between the risk of suicide and incidents of HIB and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide

48

The new law amends teacher requirements for professional development in suicide prevention. The existing professional requirement for 2 hours of instruction in suicide prevention must include:

- information on the relationship between the risk of suicide and incidents of HIB and
- information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide

Staff who have received this instruction in their current five-year professional development cycle will not be required to receive this instruction until their next professional development cycle.

Slide 49

*Training - Teachers (cont.)*

- **New Law:** Each public school teacher must complete at least two hours of instruction on HIB prevention in each professional development period

This is in addition to the two hours of instruction in suicide prevention

49

In addition to the suicide professional development requirement, each public school teacher must complete at least two hours of instruction on HIB prevention in each professional development period.

Slide 50

*Training - Prospective Teachers*

**New Law:**

- Beginning with the 2012-2013 school year, all candidates for teaching certification who have completed a teacher preparation program at a regionally-accredited institution of higher education shall have satisfactorily completed a program on HIB prevention
- Beginning with the 2011-2012 school year, any person seeking certification through the alternate route shall, within one year of being employed, satisfactorily complete a program on HIB

50

The new law requires HIB prevention training for prospective teachers:

- Beginning with the 2012-2013 school year, all candidates for teaching certification must satisfactorily complete a program on HIB prevention
- Beginning with the 2011-2012 school year, any person seeking certification through the alternate route must, within one year of being employed, satisfactorily complete a program on HIB

Slide 51

*Training - School Leaders\**

- Prior Law: School leaders must complete training on school ethics, law, and governance.
- New law adds: The training must include information on the prevention of HIB

\*School leader means a school district staff member requiring a chief school administrator, principal, or supervisor endorsement

51

The new law updates the training required for school leaders on ethics, law, and governance. This training must include information on the prevention of HIB. This training will continue to be offered through a collaborative training model identified by the Commissioner of Education, in consultation with the State Advisory Committee on Professional Development for School Leaders.

Slide 52

*Training - Prospective School Leaders*

- New Law: Beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification must satisfactorily complete a program on HIB prevention.

52

Under the new law, beginning with the 2012-2013 school year, all candidates for administrative and supervisory certification must satisfactorily complete a program on HIB prevention.

Slide 53

*Training - Board Members*

New Law: Additions to existing training requirements:

- Completion of a training program on HIB in schools, including a school district's responsibilities within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education (required only once)
- Provision of training on HIB in schools by the New Jersey School Boards Association in consultation with recognized experts in school bullying

53

The new law has amended or added training requirements. In this section, I will provide an overview of these training requirements.

Under the new law, in addition to their existing training requirements, board members are required to complete a training program on HIB in schools, provided by the New Jersey School Boards Association, within one year after being newly elected or appointed, or being re-elected or re-appointed to the board of education. A board member is required to take this training program only once.

Slide 54

*Training - Safe Schools Resource Officers*

- Prior Law: The Police Training Commission has a training course for safe school resource officers and school employees serving as liaison's to law enforcement.
- New Law adds: The course must include training in the protection of students from HIB, including incidents which occur through electronic communication

54

The new law adds a required component on HIB to the training of safe schools resource officers. The course provided by the Police Training Commission in the Department of Law and Public Safety must now include training in the protection of students from HIB, including incidents which occur through electronic communication.

Slide 55

*New Law: Training – Available to Anyone*

- The Commissioner must develop, in consultation with the Division on Civil Rights, and make available on the NJDOE’s Website, an online tutorial on HIB
  - ✓ The online tutorial must, at a minimum, include best practices in the prevention of HIB, and applicable laws.
  - ✓ The online tutorial must be accompanied by a test to assess a person’s understanding of the information provided in the tutorial.

55

The law requires the Commissioner to develop, in consultation with the Division on Civil Rights, an online tutorial on HIB. The online tutorial must, at a minimum, include best practices in the prevention of HIB, and applicable laws. The online tutorial must also be accompanied by a test to assess a person’s understanding of the information provided in the tutorial.

It is anticipated that the tutorial will be made available on the NJDOE’s website in the 2011-2012 school year.

Slide 56

*Public Reporting*

- NJ School Report Cards
- Superintendent to Board of Education
- Superintendent to NJDOE
- NJDOE to Senate and Assembly Committees

56

The new law amends reporting requirements in the following areas:

- NJ School Report Cards
- CSA reporting to the Board of Education
- CSA reporting to the NJ Department of Education
- NJ Department of Education reporting to the Senate and Assembly Committees

In this section, I will review these reporting requirements.

Slide 57

*Public Reporting – School Report Cards*

- New Law: Adds to the School Report Card data – requires schools to report the number and nature of all reports of HIB

57

The new law requires schools to report the number and nature of all reports of HIB on the School Report Card data.

Slide 58

*Public Reporting – Public Hearing*

- Prior Law: The superintendent must *annually* report to the board of education all acts of violence and vandalism, including HIB.
- New Law adds: The superintendent must report at two public hearings:
  - ✓ One between 9/1 and 1/1 and
  - ✓ One between 1/1 and 6/30

58

The new law requires the CSA to report to the Board of Education all acts of violence, vandalism, and HIB, at two public hearings. The public hearings must occur, as follows:

- One between September 1<sup>st</sup> and January 1<sup>st</sup>
- One between January 1<sup>st</sup> and June 30<sup>th</sup>.

(continued next slide)

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*Public Reporting – Public Hearing (cont.)*

- **New Law:** Requires that the data be disaggregated by the enumerated classes, and adds HIB information:
  - ✓ the status of all investigations
  - ✓ the nature of the bullying (based on the enumerated categories)
  - ✓ the names of the investigators
  - ✓ any other non-disciplinary measures imposed
  - ✓ training conducted or programs implemented, to reduce HIB
- The district must put a link to the report on its Website

59

The new law states that the bi-annual report at the public hearing must include:

- the number of reports of harassment, intimidation, or bullying
- the status of all investigations
- the nature of the bullying based on one of the protected categories
- the names of the investigators
- the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying
- any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

The district must also put a link to the report on its Website.

Slide 60

*Public Reporting – Superintendent to NJDOE*

- **Prior Law:** The district annually reports violence, vandalism and substance abuse incidents on the EVVRS
- **New Law adds:** The information reported to the board of education must be reported once during each reporting period to the NJDOE
- Verification of the reports on violence, vandalism, and HIB must be part of the State's monitoring of the school district
- The report must be used to grade each school for the purpose of assessing its effort to implement policies and programs

60

Districts continue to be required to annually report violence, vandalism, and substance abuse incidents to the New Jersey Department of Education through the Electronic Violence and Vandalism Reporting System. The new law requires that the information provided in the public report from each superintendent to the district board of education, also be reported once, during each of the two reporting period to the NJDOE. The new law requires that verification of the reports on HIB, in addition to violence and vandalism, be included in the State's monitoring of the school district. The new law also requires that the report be used to grade each school for the purpose of assessing its effort to implement HIB policies and programs, which I will discuss on the next slide.

Slide 61

*District and School Grades*

New Law: The Commissioner must establish guidelines for a program to grade each school to assess its efforts to implement policies and programs consistent with the law:

- District grade is determined by averaging the grades of all the schools in the district
- The school's and the district's grades must be posted on the homepage of the school's Website within 10 days of the assignment of the grade
- The grade for the district and each school shall be posted on the homepage of the district's Website

61

The Commissioner of Education must establish guidelines for a program to grade each school and to assess its efforts to implement policies and programs consistent with the law. Grading for schools and districts must be as follows:

- The district's grade must be determined by averaging the grades of all the schools in the district.
- The school's and the district's grades must be posted on the homepage of the school's Website within 10 days of the assignment of the grade.
- Information on the Commissioner's grading program will be forthcoming.

Slide 62

*Public Reporting – NJDOE to Senate and Assembly*

- Prior Law: The Commissioner must submit an *annual report* to the Education Committees of the Senate and General Assembly detailing the extent of violence, vandalism, and substance abuse in the public schools and making recommendations to alleviate the problems.
- New Law: Highlights HIB and requires that the report be submitted and made available annually to the public *no later than October 1*, and must be posted on the department's Website.
  - This will require timely verification by districts and EVVRS closure by mid-July each year.

62

The new law adds to the requirements related to the Commissioner's annual report to the Senate and General Assembly. Under previous law, the Commissioner had been required to submit an annual report to the Education Committees of the Senate and General Assembly detailing the extent of violence and vandalism in the public schools and making recommendations to alleviate the problems.

Under the new law, this report will continue to be required and now must include detailed information on HIB. The new law also requires that the report be submitted and made available annually no later than October 1, and that the report must be posted on the department's Website. This will require timely verification by districts and EVVRS closure by mid-July of each year.

## Slide 63

**Resources**

- For assistance, contact:
  - NJDOE, Office of Student Support Services, 609-292-5935
  - NJDOE, County Offices of Education  
[www.state.nj.us/education/counties](http://www.state.nj.us/education/counties)
- The anti-bullying law (P.L.2010, c.122), can be found at [http://www.njleg.state.nj.us/2010/Bills/PL10/122\\_.PDF](http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF)
- The *Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-sponsored Functions and on School Buses* can be found at <http://www.state.nj.us/education/parents/bully.pdf>
- Additional NJDOE resources on HIB can be found at <http://www.state.nj.us/education/students/safety/behavior/hib>

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This presentation was developed by the Rutgers Safe and Drug-Free Schools and Communities Project in cooperation with the New Jersey Department of Education.

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For assistance please contact the Office of Student Support Services at (609) 292-5935. Additional information and resources can be found at [www.state.nj.us/education/parents/hib](http://www.state.nj.us/education/parents/hib).