

HARASSMENT, INTIMIDATION AND BULLYING “HIB”



Brief History Lesson



- HIB Law passed on January 5, 2011
- Somewhat of a rushed legislation
- According to DOE “was signed into law to strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of harassment, intimidation and bullying (HIB) of students that occur on school grounds* and off school grounds under specified circumstances. The law was adopted, in part, in response to research on the incidence, prevalence and effects of HIB that has emerged since the adoption of the original HIB law in 2002.”
- Serious practical issues resulting in sweeping changes this year
- One of the strongest anti-bullying laws in the country

What is HIB?

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

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**

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, c 122, **and**

substantially disrupts or interferes with the orderly operation of the school or the rights of other students, **and**:

What is HIB? (cont'd)

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.

Breakdown of HIB Definition

Types of Behavior:

Includes ANY gesture or

ANY written, verbal or physical act or

ANY electronic communication

Can be a single incident or series of incidents

Motivation for Behavior:

ANY actual OR PERCEIVED characteristic

Examples: race, color, religion, gender, ancestry, national origin, sexual orientation, gender identity and expression, or mental/physical/sensory disability or ANY OTHER DISTINGUISHING CHARACTERISTIC*

Breakdown of HIB Definition (cont'd)

Location of Incident:

On school property; At a school-sponsored function; On a school bus

Off school grounds (subject to limitations)***

Substantial Disruption:

Must cause a substantial disruption or interference with the orderly operation of the school or the rights of other students

Must Meet One of the Following Conditions:

Has the effect of insulting or demeaning a student or group of students; or

Creates a hostile educational environment for the student by interfering with a student's education; or

Breakdown of HIB Definition (cont'd)

severely or pervasively causes physical or emotional harm to the student.

***A school district can conduct a HIB investigation where alleged conduct took place off school grounds when:

It is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff or school grounds, pursuant to N.J.S.A.18A:25-2 and 18A:37-2; and the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

SAME AS IMPOSING DISCIPLINE FOR CONDUCT OFF SCHOOL GROUNDS!

Distinguishing Characteristics

Remember! Identifiable motivation for the behavior is KEY

Examples:

- Race, Color, or Religion
- Ancestry or National Origin
- Gender, Sexual Orientation, Gender Identity or Gender Expression
- Mental, Physical, or Sensory Disability
- Any other distinguishing characteristic with intent to be mean or disrespectful

But, Common Sense Does Prevail...

- “Harmful or demeaning conduct ***motivated only by another reason***, for example, a dispute about relationships or personal belongings, or aggressive conduct without identifiable motivation, ***does not come within the statutory definition of bullying.***”
- STUDENT CONFLICT IS NOT HIB – WHAT ARE THE DIFFERENCES BETWEEN CONFLICT AND HIB?

CONFLICT VS. HIB



- HIB is not a phase young people must endure or outgrow.
- HIB is not a conflict between students or among groups of students.
- Conflict is a mutually competitive or opposing action or engagement, including a disagreement, an argument or a fight which is a normal part of human development.
- HIB is one-sided, where one or more students are victims of one or more person's aggression, which is intended to physically or emotionally hurt the victim(s).

CONFLICT VS. HIB (cont'd)

Conflict	HIB
Involves similar or equal degrees of power	Involves an imbalance of power
Can be accidental	Intentional
Mutual disagreement or difference in interests or goals, includes arguments and fights/both parties participate in conflict	Is one-sided, unwanted or uninvited aggression
Equal emotional reaction	Unequal emotional reaction – physical or emotional harm inflicted
Can be fairly resolved by compromise or negotiation	A fair resolution involves a change in the behavior of the aggressor; the victim has no concession to make

HIB Investigations: Roles

Principal's Role

- receive all verbal and written reports of HIB;
- delegate/coordinate investigation with school Anti-Bullying Specialist (“ABS”);
- Make sure parents are informed of investigation (usually by telephone call);
- ensure completion of investigation within **10 school days** of the report;
- ensure investigation results/report is provided to the Superintendent within **2 school days** following completion of the investigation;
- implement student code of conduct for non-HIB behaviors.

HIB Investigations: Roles

School ABS (Anti-Bullying Specialist)

- lead and conduct HIB investigations (including all interviews);
- follow the 10 school day timeline for completion;
- prepare HIB report and report the investigation results to the Principal;

Timelines of HIB Investigations

Step 1: Investigation – The investigation must be initiated by the principal or the principal’s designee within **one school day** of the report of the incident and shall be conducted by a school Anti-Bullying Specialist (“ABS”). The investigation must be completed as soon as possible, but no later than **10 school days** from the date of the written report of the HIB incident.

Step 2: Investigation Results – The results of the investigation must be reported to the Superintendent within **2 school days** of the completion of the investigation. The Superintendent may decide to provide, intervention services, impose discipline, establish training programs to reduce HIB and enhance school climate, order counseling as a result of the findings of the investigation or take or recommend other appropriate action.

Step 3: Superintendent’s Report to Board – The results of the HIB Investigation ***shall be reported to the Board no later than the date of the Board meeting next following the completion of the Investigation***, along with the information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent. When the Superintendent makes their HIB Report to the Board at this step, **no action is to be taken by the Board at this time**, as this is the first reporting to the Board.

Timelines After Report to BOE

Step 4: Superintendent's Report/Notification to Parents – (known as the “5 Day Letter”) Within **5 school days AFTER** the Superintendent makes his/her report to the Board, the parents/guardians of the students involved (victim/victims or non-victim/non-victims, perpetrator/perpetrators or non-perpetrator/non-perpetrators) must be notified in writing about the Investigation and notified of their right to request a hearing before the Board.

If parents request a hearing before the Board, the hearing must be held within 10 school days following the parents' request. **Parents will have 60 calendar days from the date they receive the Superintendent's written notification to file a hearing request with the Board Secretary.**

Step 5: Board Hearing (*only if requested by the parent/guardian upon receiving the Superintendent's written notification*). The Board hearing must be held within 10 school days of the parent's request, unless otherwise mutually agreed upon. The Board must meet in executive session for the hearing to protect the confidentiality of the students. At the hearing, the Board may hear from the school ABS about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

Step 6: Board's Decision – In every case (whether there was a Board hearing or not), at the Board's next meeting following the receipt of the Superintendent's Report (Step 3), the Board must produce a **decision, in writing**. The decision must either affirm, reject or modify the Superintendent's decision.

Where does this information go? What's next?

- The HIB report is not included in a student's cumulative folder
 - HIB database
- This will not prevent a student from getting into college or participating in school programs
- Learning experience and allows us to support students through difficult times
- Regardless of the outcome, the same considerations apply (code of conduct, restorative justice, etc)

Concerns at School?

- See the teacher first
- Speak with the school counselor
- Speak with the principal
- Speak with the school ABS
- Make a report
 - Make an appointment to speak with someone
 - Write an email
 - Complete an HIB report found on our website
 - Download the STOPit! App and submit an anonymous report

Questions?

Call Mrs. Horwitz, District
Anti-Bully Coordinator@
856-429-4130 ext. 6207

