

Anti-Bullying Bill of Rights: A Parent's Guide

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment.



What is HIB?

"Harassment, intimidation, or bullying" (HIB) means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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.
2. 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; 3.
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that meets ONE of the following criteria.
 - A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property.
 - Has the effect of insulting or demeaning any student or group of students.
 - Creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the student.

What is the difference between a conflict and HIB between students?

Conflict between two or more students is sometimes confused with HIB. However, conflict and HIB are very different.

- **Conflict** most often involves mutual engagement in a disagreement between individuals. It occurs in everyday life, can range from a simple disagreement over an idea to a verbal argument or a physical fight. During a conflict, name calling, threats and other behavior that may look like HIB can occur.
- **HIB** usually involves one or several individuals intentionally committing a mean or violent act against another person or persons who have a hard time defending themselves. When HIB occurs, there is not mutual engagement between individuals, but a one-sided victimization of another person or group. The intention is to cause physical or emotional harm to the person.

What happens when my child is reported to be involved in an incident of HIB?

- A verbal report of HIB is made to the principal immediately. The reporter has 2 days to submit a written report.
- The principal immediately notifies all parents maintaining confidentiality of other students.
- Anti-bullying specialist or other designee of the principal has 10 days to conduct an investigation and complete a written report for the principal.
- Discipline can be imposed immediately if the school code of conduct was violated.
- The Superintendent reports findings to the school board of education.
- The superintendent provides parents with a written report within 5 days of the report to the school board.

What are my due process rights as a parent?

- Parents can request a school board meeting based on the findings of the written report. The meeting must occur within 10 days of the request.
- The school board must issue a written decision at the next meeting.
- Parents can appeal to the Commissioner of Education within 90 days.
- Parents of the victim can file a complaint with the NJ Division of Civil Rights within 180 days of the incident.
- Parents can file in Superior Court or Federal District Court if the HIB incident is based on a protected characteristic.

What are School Safety/School Climate Teams?

- They meet at least 2 times a year and focus on reviewing HIB investigations, identifying patterns, strengthening school policies and improving school climate/culture.
- SST/SCT's are chaired by the anti-bully specialist and must consist of the principal, a teacher and a parent.

How will I know that CCTEC is enforcing the law and its preventative efforts?

Beginning in 2012, the state report card for every school district and school is required to be posted on the school and district home page. The grade is based on the school's effort to implement the law, its policies and prevention.

If you feel that your child has been a victim of HIB under the law, contact the school and explain what is happening.

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Guidance for Parents on the Anti-Bullying Bill of Rights Act (P.L.2010, c.122)

<http://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf>

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