

# Anti-Bullying Bill of Rights Act

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# New Law

- January 6, 2011 – Governor Christie signed the “Anti-Bullying Bill of Rights Act” into law
- Effective September 2011
- Amends 2002 anti-bullying law
- Intent is to strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying, but also to reduce the risk of suicide among students



# What's the problem?

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- Two studies conducted in 2009 illustrated the scope of the problem:
  - U.S. Department of Education – 32% of students ages 12 through 18 were bullied in previous school year; 25% of responding school districts indicated that bullying was daily or weekly problem.
  - U.S. Centers for Disease Control – Percentage of students bullied in New Jersey is 1 percentage point higher than national median

# Major Changes in New Law

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- New definition of harassment, intimidation or bullying or “HIB”
- Clarifies school district responsibility for conduct away from school grounds
- Requires Anti-Bullying Specialist in every school
- Requires Anti-Bullying Coordinator for district
- Creates School Safety Teams

# Major Changes in New Law (cont.)

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- New reporting, investigation, discipline, appeal procedures
- New state reporting requirements on incidents of bullying
- New grading procedures for schools and districts
- New training requirements for administrators, teachers, staff and boards of education

# New Definition of HIB – 4 parts

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(1) Types of behaviors include:

- ANY gesture, or
- ANY written, verbal or physical act, or
- ANY electronic communication
- Can be a single incident or series of incidents

# New Definition of HIB – 4 parts

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## (2) Motivation for Behavior:

- ANY actual OR perceived characteristic
- Types of characteristics:
  - Race
  - Color
  - Religion
  - Ancestry
  - National origin
  - Gender
  - Sexual orientation
  - Gender identity and expression
  - Mental, physical or sensory disability
  - ***OR ANY OTHER DISTINGUISHING CHARACTERISTIC***

# New Definition of HIB – 4 parts

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## (3) Location of behavior:

- On school property
- At a school-sponsored function
  - On a school bus
- Off school grounds (including cyberspace)

# New Definition of HIB – 4 parts

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- (4) Behavior must cause substantial disruption or interference in school OR of student's rights, AND meet one of the following conditions:
- Physical or emotional harm to student or damage to student's property, or placing student in fear of harm to self or property;
  - Effect of insulting or demeaning student or group of students; OR
  - Create "hostile educational environment" for student by interfering with student's education OR severely or pervasively causing physical or emotional harm to student.

# Conduct Away from School Grounds

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- Schools' duty goes beyond "portal to portal"
- School may discipline for conduct away from school grounds, provided there is a **substantial disruption with operation of school or with rights of student(s)**
- Examples:
  - Student in fight at park over perceived sexual orientation, results in student fearful and distracted in school
  - Race-based comments posted at home through peer's Facebook page or Twitter account, and student's grades begin to drop

# New Positions

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## ■ Anti-Bullying Specialist

- New position – in every school
- Guidance counselor, school psychologist or other “similarly trained” individual
- Responsible for leading HIB investigations
- Chairs school safety team

## ■ Anti-Bullying Coordinator

- District-wide position
- Coordinates and strengthens policies
- Collaborates with school anti-bullying specialist
- Provides data to NJDOE

# School Safety Teams

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- Purpose:
  - To develop, foster, and maintain a positive school climate by focusing on the on-going, systematic process and practices in the school and to address school climate issues such as harassment, intimidation and bullying
- Consists of:
  - Principal or designee, teacher, anti-bullying specialist, parent, and other members as determined by principal

# School Safety Teams (cont.)

- Duties:
  - Must meet at least two times per year
  - Receive complaints reported to principal
  - Receive copies of investigation reports
  - Review and strengthen school policies
  - Identify and address patterns of bullying in school
  - Review and strengthen policies
  - Educating the community
  - Participate in training programs
  - Collaborate with Anti-Bullying Coordinator



# School Safety Teams (cont.)

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- Note:

- According to the statute, parents who are members of the school safety team may not:
  - Receive copies of individual complaints or reports prepared after an investigation,
  - Identify and address patterns of harassment, intimidation or bullying of students in the school, or
  - Participate in any other activities of the team which may compromise the confidentiality of a student
- Parents' role on the School Safety Team is limited to reviewing and strengthening district policies, educating the community, and participating in training

# New Reporting Procedures

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- Anyone may report incident of harassment, intimidation or bullying
- Parents and students may report anonymously; however, staff should not report anonymously
- Report forms should be available

# Overview of New Investigative Procedures

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- Once an alleged incident of HIB is reported:
  - Staff member must verbally report incident to principal on same day incident occurs
  - Follow-up written report must be submitted within 2 days of verbal report
  - Principal must initiate investigation within 1 day of receiving report
  - At the same time, the Principal must notify the parents or guardians of all students involved in the alleged incident

# Overview of New Investigative Procedures (cont.)

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- The Anti-Bullying Specialist conducts investigation:
  - Must complete investigation as soon as possible, but no later than 10 school days from date of written report
  - Students, including alleged bully and victim and witnesses, may be interviewed as part of this process
  - Must give report to Superintendent within 2 school days of completing investigation
  - May amend report if additional info later

# School District's Responses to HIB

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- Principal, with Anti-Bullying Specialist, to determine range of possible responses
  - e.g. – counseling, support services, intervention services, and “other programs as defined by the Commissioner”
- Superintendent may decide to:
  - Provide intervention services
  - Establish training programs to reduce HIB
  - Impose discipline
  - Order counseling
  - Take “other appropriate action”
- Investigation report must be submitted to Board of Education at its next meeting

# Due Process Rights for Alleged Accused and Alleged Victim(s)

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- Within 5 school days after investigation report is submitted to Board of Education, the parents of the students who are parties to the investigation shall receive written notice of investigation, in accordance with Federal and State law, to include:
  - The nature of the investigation
  - Whether the District found evidence of HIB
  - Whether discipline was imposed or other services were provided

# Due Process Rights for Alleged Accused and Alleged Victim(s) (cont.)

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- Parent may request a hearing before the Board of Education after receiving information, which must be provided within 10 days of request
- Board will meet in Executive Session to conduct hearing
- Board must issue a decision in writing at next meeting following receipt of report
- Parents of parties may appeal Board's decision to the Commissioner of Education within 90 days
- Parents of alleged victim may also pursue other legal avenues

# Questions?

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