

Harassment, Intimidation & Bullying: A Beginner's Guide

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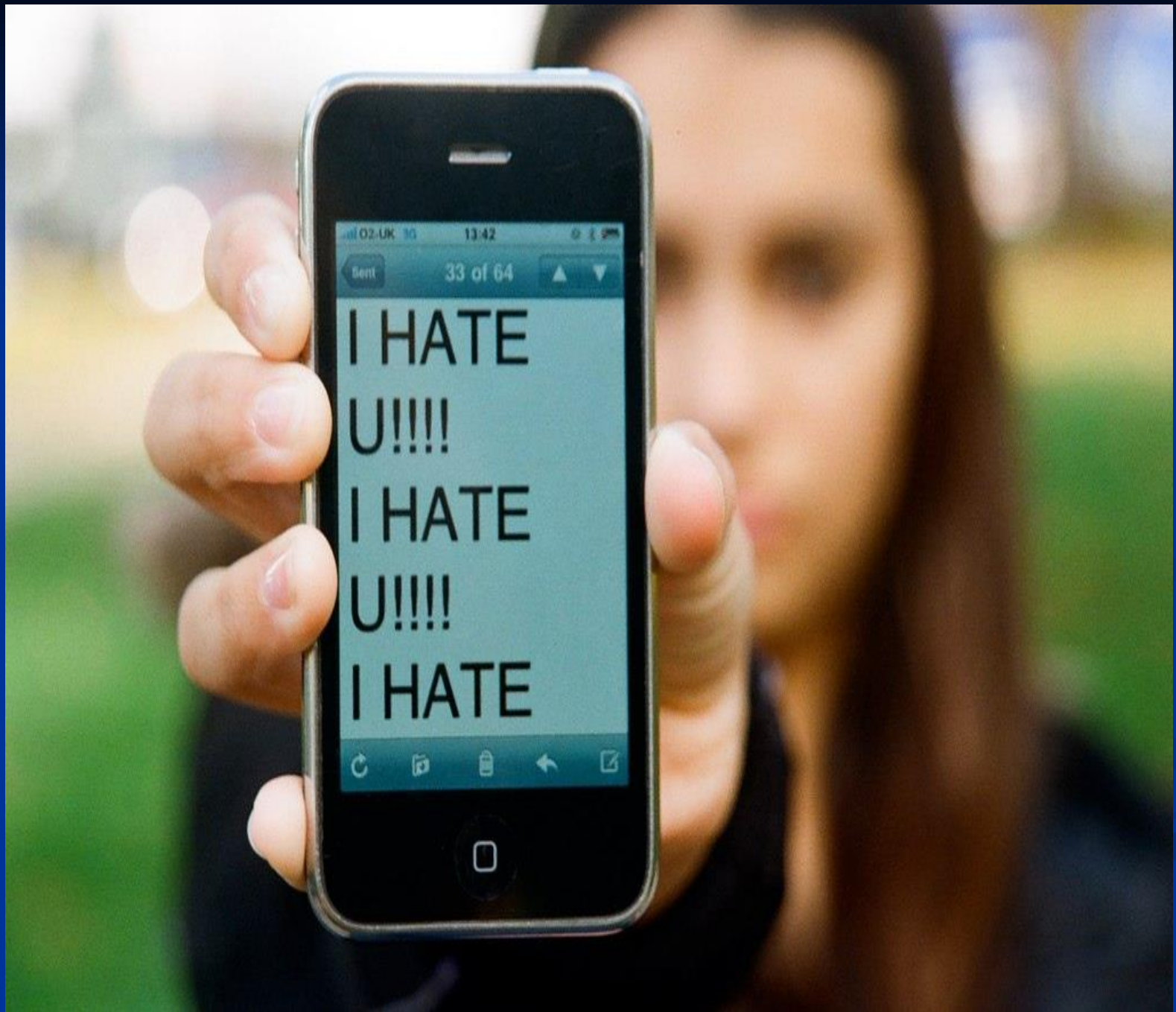
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The Anti-Bullying Bill of Rights Act

- Effective 2011-12 school year
- Awareness/Prevention/Investigation
- Data/Consequences/Supportive Resources

N.J.S.A. 18A:37-14

- “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.

- that takes place on school property at any school-sponsored function , on a school bus, or off school grounds . . .
- that substantially disrupts or interferes with the orderly operation of the school or the rights of other students . . .

What is HIB?

- Not all instances of unkind or insensitive behavior are covered
- Conflict vs. HIB
- First Amendment of students?

What is HIB?

- Creates a “hostile environment”
- Puts student in fear for physical or emotional safety
- Often involves “ganging up” but not always

What is HIB?

- Student's *intentions (joking, etc.)* are not controlling
- The *effect on the victim* is what matters!
- Includes bullying by staff or others

School Safety Team

- School Anti-Bullying Specialist
- Principal
- Teacher
- Parent (doesn't get complaints)
- Others designated by Principal

Anti-Bullying Specialist

- Appointed by Principal
- Currently-employed School Guidance Counselor, School Psychologist or Similarly Trained Individual
- Chairs School Safety Team
- Point Person

Other Requirements

- District Anti-Bullying Coordinator
- Week of Respect
- Report Cards
- Public Report Twice Annually

Duty to Report

- Personal Obligation
- Consequences for Not Reporting
- Legal Immunity

Investigations

- Initial Report (Same Day)
- Written Report (Within 2 Days)
- School Anti-Bullying Specialist completes investigation within 10 days from written report
- Report to Superintendent (Within 2 Days)

Rights of Parents / Guardians

Parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, . . . in writing within 5 school days after the results of the investigation are reported to the board.

- Parents may request a hearing before the board of education
- May appeal to the Commissioner of Education
- May file a complaint with the New Jersey Division on Civil Rights

Students with Disabilities

- HIB standards fully applicable, *but*
- Disability may be a factor in victim or actor's intentions or perceptions

Proposed Changes

- www.rubinlaw.net
- “Speaking Engagements”
- [Link to Proposed Regulations](#)

Proposed Changes

- “Bullying is unwanted aggressive behavior that may involve a real or perceived power imbalance.”
- Consider nature of the student’s disability “to the extent relevant.”

- **Principal discretion**
- **No investigation of adults by members of same bargaining unit**
- **“School Safety/School Climate Team”**

New HIB Provisions for PSSDs

N.J.A.C. 6A:16-7.8 (p. 18)

- All PSSDs must “develop, adopt, and implement” a policy defining and prohibiting HIB on school grounds.
- Appropriate “remedial action” and “consequences” for students committing HIB

Possible Remedial Actions

- Behavioral assessment/referral to sending district IEP Team
- Supportive interventions and referral services
- Discipline of staff who commit HIB

- Must initiate an investigation “in consultation with the sending district board of education” when HIB reported “on a sending district board of education school bus or at school-sponsored functions.”

- The sending district board of education must investigate complaints of HIB “occurring on district board of education school buses, at school-sponsored functions and off school grounds involving a student who attends an approved PSSD.”

- Policy must be developed “in consultation with, at a minimum, parents and other community members, school employees, school administrators and, as appropriate, school volunteers and students.”

- **Mandatory reporting to Principal by employees, contracted service providers students and volunteers**
- **Principal shall appoint a School Anti-Bullying Specialist “from currently employed school staff.”**

- **Must form a School Safety/School Climate Team**
- **Teacher, School Anti-Bullying Specialist, Parent and other members appointed by Principal**

- Procedures for “prompt investigation” of HIB complaints
- Principal or designee shall initiate investigation within one school day of initial report

- **School Anti-Bullying Specialist shall conduct the investigation, assisted by others who may be appointed by the Principal.**
- **Investigation to be completed within 10 school days**
- **Results reported to Principal within 2 school days**

- Principal shall provide parents with information about the investigation, in writing, including nature of the investigation, findings, whether discipline was imposed or services provided, within five school days after completion of the investigation.

- Principal who fails to initiate investigation, or fails to take sufficient action to minimize or eliminate HIB, may be subject to disciplinary action.

- Principal may “in consultation and conjunction with the sending district board of education . . . impose discipline, order counseling as a result of the investigation findings, or take or recommend other appropriate action.”

- **Principal shall report confirmed HIB findings to the sending district board of education of students who are parties to the investigation within five school days**
- **Parents may request a hearing before the sending district board of education**

- Hearing “shall be scheduled in collaboration with the PSSD”
- “The approved PSSD and the sending district board of education shall coordinate the policies and procedures for conducting such hearings.”

- A parent, student, guardian or organization may file a complaint with the New Jersey Division on Civil Rights within 180 days of the occurrence if HIB “based on membership in a protected group as enumerated under the Law Against Discrimination.”

- HIB policy must be distributed annually to all school staff, students and parents
- Link to HIB policy must be posted prominently on the home page of PSSD's website, with contact information for School Anti-Bullying Specialist

- Must annually examine the training needs of school employees and volunteers “who have significant contact with students.”
- Must develop a process for “annually discussing with students” the HIB policy

Problems

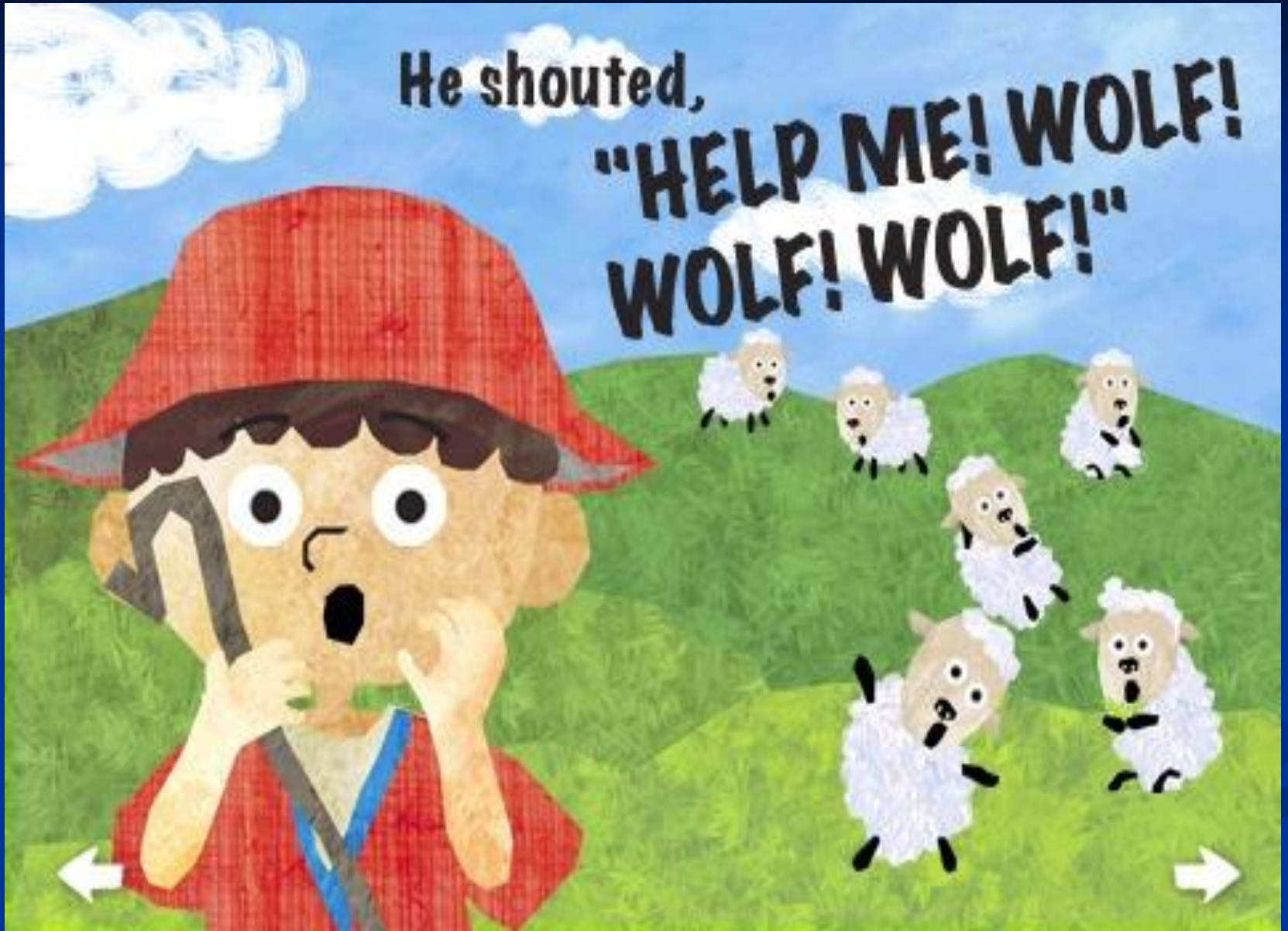
- A solution in search of a problem
- No statutory immunity for good faith reports
- Awkward allocation of HIB responsibility between districts and PSSDs

Recommendations

- **County Anti-Bullying Coordinator Meetings**
- **Free resources from NJDOE**
- **Consult your insurance advisor**

He shouted,

**"HELP ME! WOLF!
WOLF! WOLF!"**





IF YOU SEE SOMETHING, SAY SOMETHING.

BE SUSPICIOUS OF ANYTHING UNATTENDED.

Tell a cop, an MTA employee or call 1-888-NYC-SAFE.



Thanks for Coming!

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