

Anti-Bullying Bill of Rights Act Training/OCR Resolution Agreement

*South
Orange/Maplewood
School District
May 18, 2015*



N.J.S.A. 18A:37-13

Harassment, Intimidation & Bullying (HIB)/OCR Resolution Agreement

ANTI-BULLYING BILL OF RIGHTS ACT



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Key Characteristics of Bullying

- ∞ Bullying differs from other forms of peer aggression in that there is an imbalance in power. In this way, it is similar to child abuse or intimate partner violence.
- ∞ Consequences of frequent bullying (once a week or more) are serious. Children who are bullied may experience related depression, school avoidance, or social anxiety, often into adulthood. Children who bully are at a higher risk of subsequent involvement in the criminal justice system and of continuing bullying in adult life.

Source: NJ Coalition for Bullying Awareness and Prevention (www.njbullying.org) Tel. 908-522-2581

Key Characteristics of Bullying

- Peers are typically involved as “bystanders.” The behavior and attitudes of bystanders can inhibit or facilitate bullying behaviors. If peers support the targeted child or express disapproval of the bullying child, bullying usually subsides. Most children who bully are sensitive to peer responses to their behavior.

Source: NJ Coalition for Bullying Awareness and Prevention (www.njbullying.org) Tel. 908-522-2581

Key Characteristics of Bullying

- ∞ Children who bully are not necessarily lacking in self-esteem, empathy, or general social skills. However, such children are more likely than children who do not bully to have lower competence in managing emotions, empathy, evaluation of consequences and problem solving. Many children who bully are popular among peers and with adults.
- ∞ While family and community environment, peer associations and personality traits do influence bullying behaviors, the most important factor determining the occurrence of bullying in schools is school climate. School climate is generally defined as the subjective experience or perception of the school by students and school personnel. School climate is primarily influenced by school norms, disciplinary practices, and the behavior of adults in the school.

Source: NJ Coalition for Bullying Awareness and Prevention (www.njbullying.org) Tel. 908-522-2581

Definition of Harassment, Intimidation & Bullying (HIB)

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Definition of Harassment, Intimidation and Bullying from the Anti-Bullying Bill of Rights Act N.J.S.A. 18A:37-14¹

Harassment, Intimidation or Bullying means:

- ∞ Any gesture, written, verbal or physical act or any electronic communication
- ∞ Single incident or a series of incidents

- ∞ **Reasonably** perceived as being motivated
- ∞ Either by an 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

Definition of Harassment, Intimidation and Bullying from the Anti-Bullying Bill of Rights Act N.J.S.A. 18A:37-14¹

- ∞ 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

- ∞ **And** that a reasonable person should know
 - Will have the effect of physically or emotionally harming a student or damaging the student's property, or

¹*Bullets are not in the law. The definitional statute is broken down into parts to facilitate ease in understanding. Emphasis added and some language deleted.*

Definition of Harassment, Intimidation and Bullying from the Anti-Bullying Bill of Rights Act N.J.S.A. 18A:37-14¹

- Or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property
- Has the effect of insulting or demeaning any group of students
- In a way to cause disruption in or interference with the orderly operation of the school
- 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



Timeline

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Anti-Bullying Bill of Rights



Timeline

Handling Complaints

- ∞ A school employee or contracted service provider who witnesses or receives reliable information regarding any incident of harassment, bullying or intimidation must verbally report the incident to the school principal on the same day the incident is witnessed or the reliable information is received
- ∞ Principal advises the parent or guardian of all students involved in the alleged incident; if appropriate, principal discusses availability of counseling and other services
- ∞ Within one school day of the report of the incident, the principal initiates an investigation which must be conducted by the school anti-bullying specialist; principal may appoint others to assist
- ∞ Within two school days of witnessing or receiving credible information regarding the incident, school employee or contracted service provider must provide a written report to the building principal



Timeline

Handling Complaints

- ∞ Investigation must be completed ASAP, but not later than ten school days after the date of the written report of the incident
- ∞ If relevant information comes in after the 10-day deadline, the ABS prepares an amendment to the investigation report
- ∞ The principal reports the results of the investigation to the Superintendent within two school days after the completion of the report
- ∞ Superintendent may decide to provide intervention services, establish training programs, impose discipline, order counseling or take other action
- ∞ Superintendent reports results of all investigations to board at the next meeting following completion of the investigation



Timeline

Handling Complaints

- ☞ Within five days after the board receives report from superintendent, parents or guardians of the parties to the investigation receive written information about the investigation from the superintendent
- ☞ After receiving the information, parent or guardian may request an executive session hearing before the board which shall be held within ten days of the request
- ☞ At the board meeting following the hearing the board issues a written decision to affirm, reject or modify the superintendent's decision
- ☞ Parents or guardians have 90 days to appeal the board's decision to the Commissioner of Education or 180 days to appeal the decision to the NJ Division on Civil Rights

Timeline

District Wide Requirements



- ☞ Within one year of being newly elected, appointed or re-elected a school board member shall complete a training program on HIB provided by the New Jersey School Board's Association
- ☞ Twice yearly, once between September 1 and January 1, once between January 1 and June 30 Superintendent reports to Board all incidents of violence, vandalism, harassment, intimidation or bullying which occurred during the previous reporting period
- ☞ The district anti-bullying coordinator meets with the school anti-bullying specialists at least twice a year
- ☞ Schools and districts annually establish and assess bullying prevention programs and other initiatives

Timeline

District Wide Requirements



- Information about district's HIB policy shall be incorporated into school's employee training program and provided to all staff, volunteers with significant student contact and persons contracted to provide services to students
- Board annually assesses bullying policy
- Week beginning with the first Monday in October is "Week of Respect." Week is to be observed by providing age-appropriate instruction on preventing HIB
- Each principal appoints a school safety team consisting of the principal, or designee, a teacher, the ABS, a parent and other members determined by the principal; the school safety team must meet at least twice a year

Reporting Incidents of HIB



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Initial Reporting

- ☞ **All** board members, school staff, volunteers and contracted service providers who have contact with pupils are required to verbally report alleged HIB violations to the principal or the principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident
- ☞ Also the reporter shall submit a report in writing to the principal within two school days of the verbal report



Reporting

- ☞ Pupils, parents, and visitors are encouraged to report alleged violations of this policy to the principal on the same day when the individual witnessed or received reliable information regarding any such incident
- ☞ Pupils, parents, and visitors may report an act of HIB anonymously
- ☞ Staff employees or board members CANNOT report acts of HIB anonymously
- ☞ School staff or administrators who receive a report of HIB and fail 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

Consequences & Remedial Actions

As per Board Policy 5512, *“The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Pupil Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying.”*

Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidents of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationship to pupils and the school district.

Other environmental factors not listed here.

Relevant Board Policies

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Board Policies

- 5350 – Pupil Suicide Prevention
- 5512 – Harassment, Intimidation & Bullying
- 5600 – Code of Conduct
- 8461 – Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol & Other Drug Abuse

HIB Reporting Forms

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Forms

Report of Allegations of HIB

SOUTH ORANGE-MAPLEWOOD SCHOOL DISTRICT
525 Academy Street • Maplewood, NJ 07040

Tel. # (973) 762-5600 • Web: www.southorangemaplewood.org



FORM TO REPORT ALLEGATIONS OF HARASSMENT, INTIMIDATION, BULLYING

Please complete as much detail as possible and submit to the building principal.

SCHOOL: _____ DATE OF ALLEGED INCIDENT: _____

Identify all actual, perceived or alleged characteristics that were or may have been motivational factors in the alleged bullying incident.

Race Gender
 Color Sexual Orientation
 Religion Gender Identity and Expression
 Ancestry Mental or Physical or Sensory Disability
 National Origin OTHER actual or perceived characteristic (list below)

Identify the alleged victim or victims:
Student ID of above
(To be completed by Central Office) _____

Identify the alleged bully or bullies:
Student ID above
(To be completed by Central Office) _____

Indicate how you learned that a student may have been the victim of harassment, intimidation or bullying:

Anonymous source Witnessed incident
 Informed by alleged victim
 Informed by other person (List below or attach separate list. Identify if person is a student, parent, staff person, or other.)

List any person who you know of or have reason to believe may have relevant information; indicate if student, parent, staff member or other:

Please continue to page 2

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Describe the nature of alleged harassment, intimidation or bullying. Include any gesture, any relevant written verbal or physical act(s), or any electronic communication (attach additional sheets if necessary). Include a description of the incidents as well as statements made.

Location of alleged harassment, intimidation or bullying. Check and complete all that apply:

School property. Identify: _____
 School-sponsored function. Identify location: _____
 School bus. Identify: _____
 Off school grounds. Describe: _____

Identify what harm you believe was or may have been caused by the alleged incident. (Check all that apply.)

Substantial disruption or interference with orderly operation of school or rights of others Creates a hostile educational environment
 Physical or emotional harm Interferes with student's education
 Insulting or demeaning Other (describe below)

Describe in narrative form what harm you believe was caused to the student and the basis for your belief.

Please attach any other pertinent information on a separate sheet.

Name of person reporting Date

Anonymous Date

(Anonymous reporting is an option for parents or students ONLY. Staff members may NOT submit an anonymous report. No disciplinary consequences may be imposed solely on the basis of an anonymous report.)

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HIB and ATHLETICS



- ∞ **SPORTSMANSHIP RULE/POLICY: NJSIAA**
- ∞ **HIGH STANDARDS OF COURTESY, FAIR PLAY AND SPORTSMANSHIP MUST BE FEATURED AT ASSOCIATION COMPETITIONS.**
- ∞ **It shall be the responsibility of each member school to insure that all individuals employed by or directly associated with the athletic program, including its Student-Athletes, comport themselves in a sportsmanlike manner when representing their school, especially at interscholastic events. Unsportsmanlike conduct shall subject the individual to disciplinary action. The member school with which the individual is associated may also be subject to disciplinary action if it is found that the member school's policies, actions, or failure to act, substantially contributed to the individual's conduct.**



HIB and ATHLETICS



- ∞ **Unsportsmanlike conduct shall include but not be limited to the following:**
- ∞ **a. Any person (athletic department, staff member, Student-Athlete or a fan or spectator associated with a member school) who strikes or physically abuses an official, opposing coach, player, or spectator.**
- ∞ **b. Any person (athletic department, staff member, Student-Athlete or a fan or spectator associated with a member school) who intentionally incites participants or spectators to violent or abusive action.**
- ∞ **c. Any person (athletic department, staff member, Student-Athlete or a fan or spectator associated with a member school) who uses obscene gestures or profane or unduly provocative language or action towards officials, opponents, or spectators.**



HIB and ATHLETICS



- ∞ **Unsportsmanlike conduct shall include but not be limited to the following:**
- ∞ **d. Any person (athletic department, staff member, Student Athlete, or a fan or spectator associated with a member school) who engages in harassing verbal or physical conduct related to race, gender, ethnicity disability, sexual orientation or religion at an interscholastic event.**
- ∞ **e. Any school or athletic staff member who is publicly critical of a game official, opponents and/or opposing coaches/players.**
- ∞ **f. The administration of a member school will be responsible for the unsportsmanlike conduct of that school's fans or spectators.**

Reflection on HIB

- ☞ It helps, now and then, to step back and take the long view.
- ☞ We cannot do everything and there is a sense of liberation in realizing that.
- ☞ This enables us to do something, and to do it very well.
- ☞ We plant seeds that one day will grow. We may never see the end results.
- ☞ It may be incomplete, but it is a beginning, a step along the way.
 - Paraphrased from Archbishop Oscar Romero

Helpful Links & Resources

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Helpful Resources

Administration/Parents

- ☞ District Website: www.southorangemaplewood.org
- ☞ District Policies:
<http://www.somds.k12.nj.us/189610121793241930/blank/browse.asp?A=383&BMDR N=2000&BCOB=0&C=55093>
- ☞ Individual School Websites
- ☞ <http://stopbullyingnow.com>
Researched based strategies to reduce bullying
- ☞ NJ Coalition for Bullying Awareness and Prevention:
www.njbullying.org
- ☞ NJ Department of Education
<http://www.state.nj.us/education/students/safety/behavior/hib/>

OFFICE OF CIVIL RIGHTS

RESOLUTION AGREEMENT

- ☞ Sage Educational Consultants, LLC (“Sage”) has been preparing its report to the Board based upon the following activities:
- ☞ During the months of March and April, Sage has met numerous times with the administrative teams of Columbia High School, Maplewood Middle School and South Orange Middle School to discuss issues relevant to the Resolution Agreement;
 - Sage has also met with teachers and students of Columbia High School, Maplewood Middle School and South Orange Middle School to discuss issues relevant to the Resolution Agreement;

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OCR/RESOLUTION AGREEMENT

- Sage has been studying data relevant to the Resolution Agreement provided by District schools and our Chief Information Officer, Paul Roth;
- On April 16, 2015, Sage and the District facilitated a community forum during which time Sage solicited feedback from the community regarding issues relevant to the Resolution Agreement;
- Sage will be providing initial feedback to the Board in May, 2015, based upon its data analysis and educational community outreach efforts in March and April, 2015;