

Harassment, Intimidation, and Bullying Student and Parent Rights

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Harassment, Intimidation, and Bullying (HIB) Laws

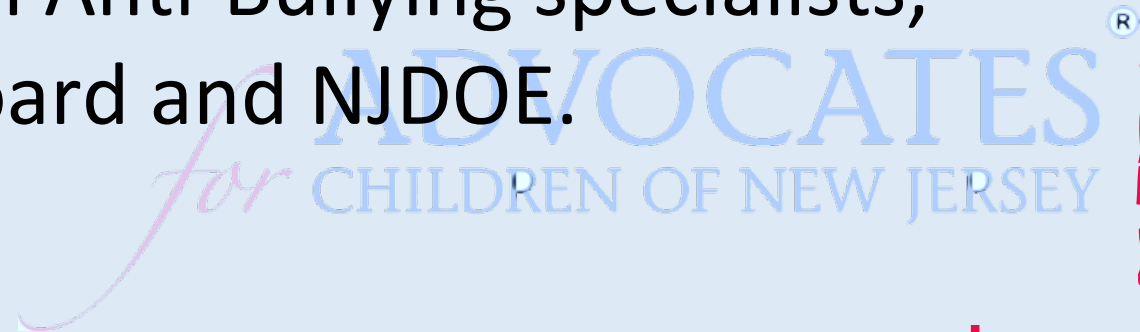
- All New Jersey schools are required to implement HIB policies and practices according to New Jersey Statutes and Regulations and guidance developed by the New Jersey Department of Education (NJDOE).
- Federal civil rights laws also require school districts to protect students from HIB motivated by discrimination.

See the resource page to learn more about these laws.



School District Staff Responsible to Implement HIB Laws

- **Principal** – investigates HIB reports, notifies parents, and reports findings to the Superintendent.
- **School Anti-Bullying Specialist** – prevents, identifies, leads investigations and addresses HIB incidents.
- **District Anti-Bullying Specialist** – coordinates and improves district HIB policies, works with Anti-Bullying specialists, reports HIB incidents to the Board and NJDOE.



What Kind of Conduct is Harassment, Intimidation, and Bullying (HIB)?

- The conduct must be based on certain characteristics.
 - Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, disability, or any other distinguishing characteristic.
 - E.g., height, weight, hairstyle.
 - Conduct that is reasonable to assume was based on an actual or perceived characteristic.
 - E.g., verbal statements made based on a false assumption of someone's religion, race, or national origin.

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What Kind of Conduct Can be HIB?

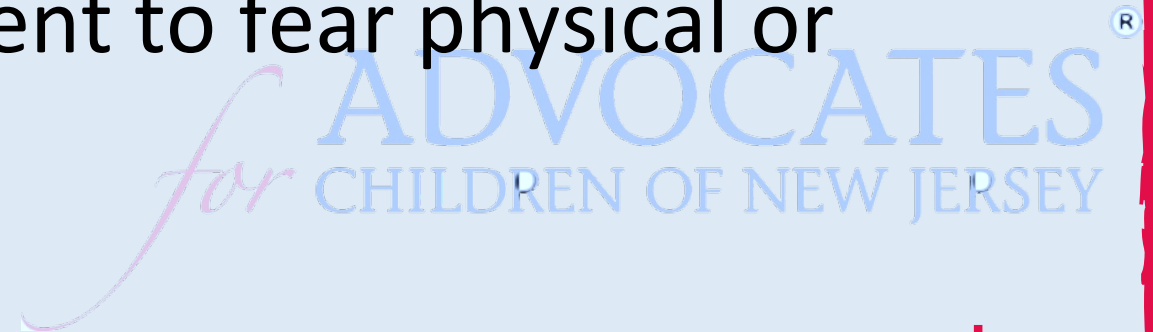
- Verbal
- Physical
- Written
- Psychological
- Social Media
(Cyberbullying)



Other Necessary Circumstances of HIB

To commit a HIB, the “bully” should reasonably know, under the circumstances:

- the conduct will physically or emotionally harm a student, **or**
- the conduct will damage a student’s property, **or**
- it is reasonable for a student to fear physical or emotional harm.



Other Necessary Circumstances of HIB

- A student or group of students are insulted or demeaned, **or**
- The school becomes a hostile environment because the HIB interferes with a student(s)' education or because of severe physical or emotional harm.



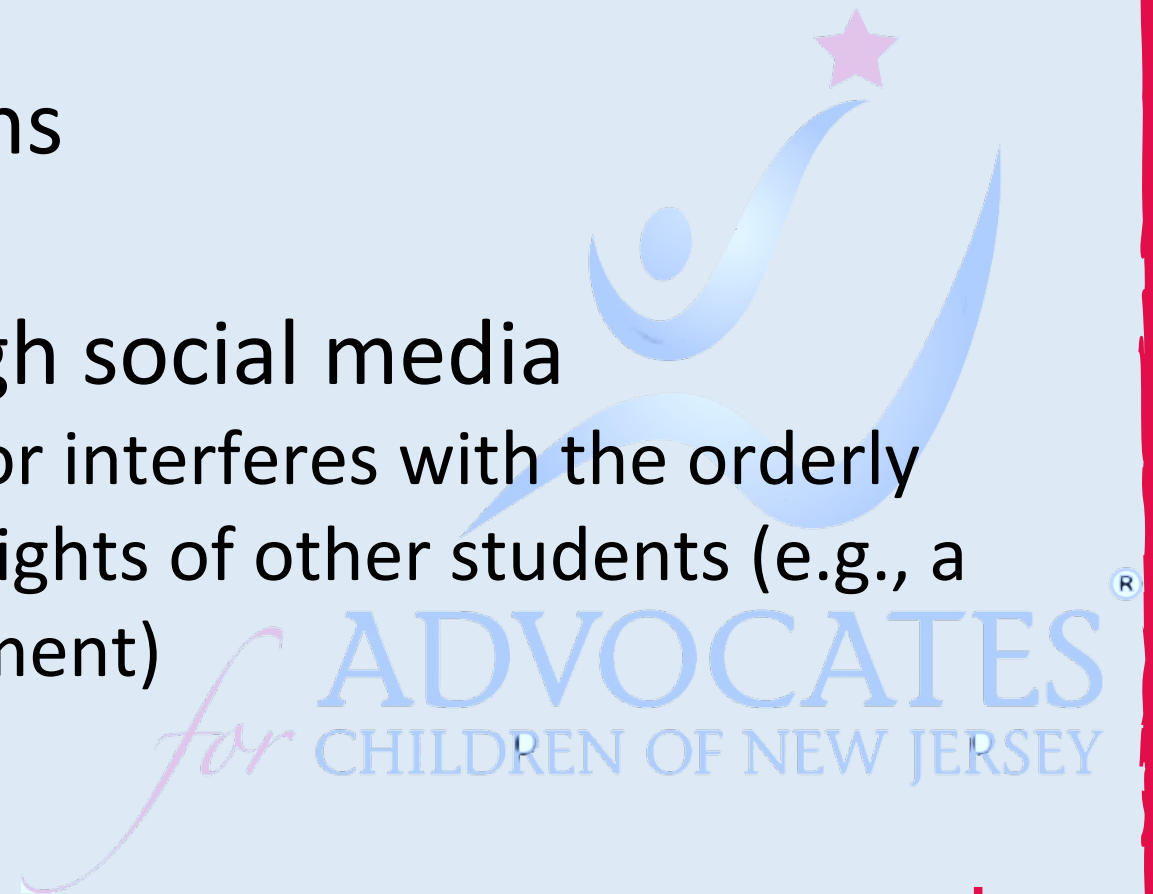
Who Can Commit HIB?

- One or more students
- A teacher or other school employee



Where Can HIB Occur?

- At school
- At school-sponsored functions
- On a school bus
- Outside of school and through social media
 - Only if it substantially disrupts or interferes with the orderly operation of the school or the rights of other students (e.g., a political or gender-based statement)



How Should HIB be Reported?

- Any school employee who witnesses or has reliable information should report a HIB to the appropriate school administrator:
 - Verbally on the same day
 - Written report within two days.

2022 Amendment to HIB Laws:

Staff must fill out NJDOE form (HIB 338) to report each allegation of HIB, even if staff doubt that HIB occurred.

See the resource page.

How Should HIB be Reported?

- Parents may report a HIB to the principal:
 - Verbal reports must be permitted.
 - Schools must promptly investigate parents' verbal reports and fill out HIB Form 338.
 - Parents may also report the HIB using the HIB Form 338.
- Schools must provide a way to submit the HIB 338 form online **anonymously**.

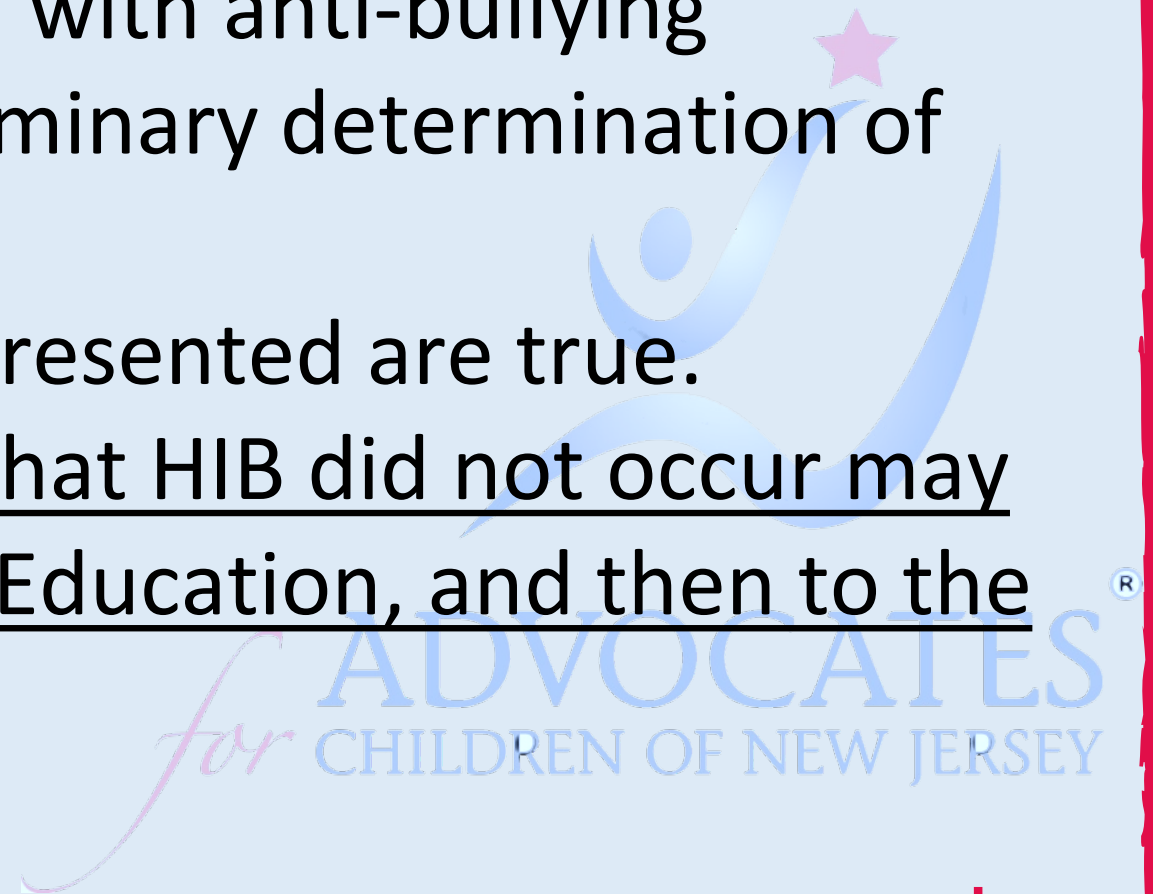


School's Responsibilities When HIB is Reported

- The principal must immediately notify the parents of the students
 - Must explain actual or perceived protected characteristics of the alleged offense, and
 - Consider the sensitivity of the circumstances of the incident when revealing facts in the notice to the parents.
- The HIB must be promptly investigated, but no more than ten school days from the date of the report.
- The principal sends the decision to the superintendent, who must send the decision to the Board of Education.

Districts May Have Policy Allowing a Preliminary HIB Determination

- The principal, in consultation with anti-bullying specialists, may make a preliminary determination of whether HIB occurred.
- They **must** assume all facts presented are true.
- Preliminary determinations that HIB did not occur may be appealed to the Board of Education, and then to the NJDOE Commissioner.



School's Responsibilities When HIB is Reported

- The Board of Education's written decision must be sent within five days to the parents of all involved students.
- HIB reports must be kept on file in the school.
- Investigation results leading to HIB findings must be placed in the student's record.
- Students who commit three HIBs must get an intervention plan created by the principal and appropriate staff, and approved by the Superintendent.
- HIB information must be on the school websites.

What Steps Can be Immediately Taken to Help a Student?

A support plan for the alleged victim, including:

- Counseling,
- Parent conferences,
- Evaluations,
- Use of adult monitors in corridors, cafeteria, and on buses,
- IEP/504 accommodations,
- HIB training for employees and student programs.



Challenging School Decisions

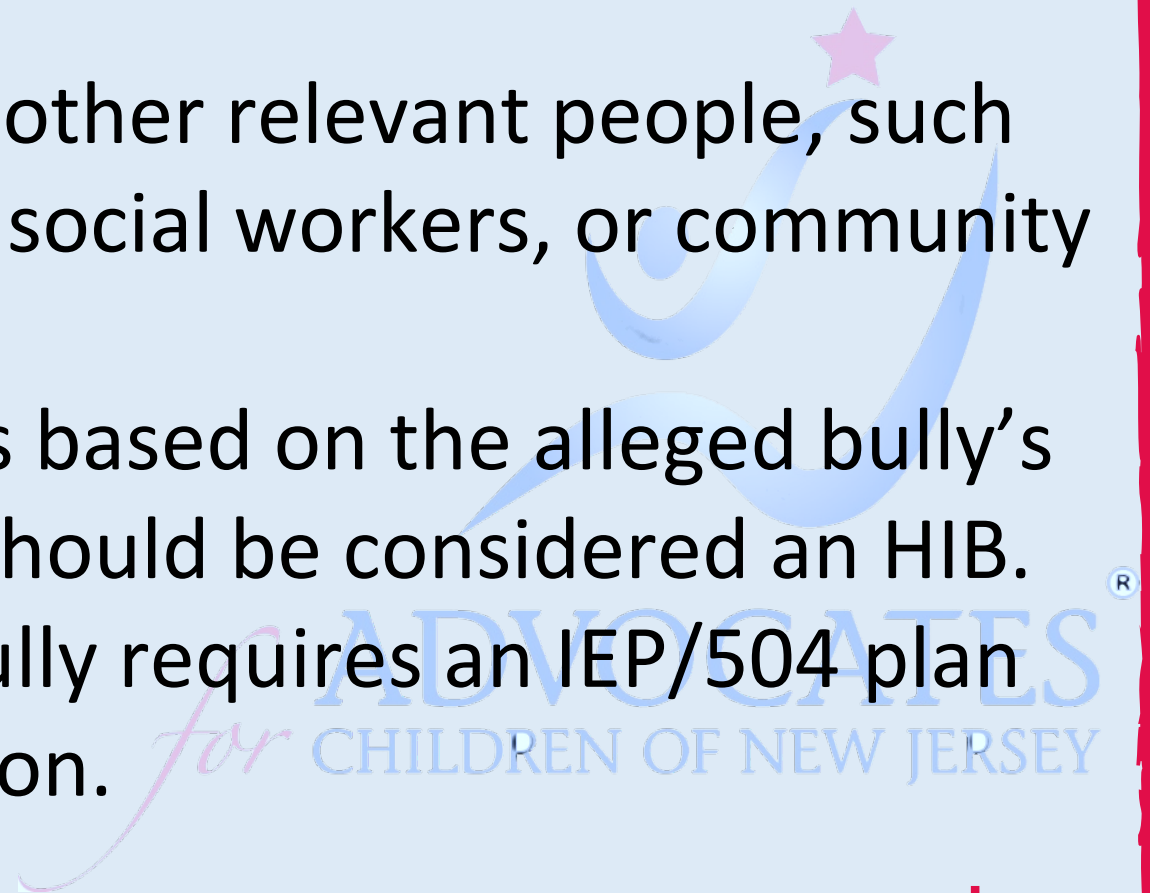
- Write to the Board of Education for a hearing within 60 days of the written decision – the hearing must take place within ten days of the written request.
- A complaint investigation with the County Office of Education can be requested if the district violated HIB laws.
- Appeal to the Commissioner of Education.
 - This can be done without first asking for a board hearing.
- File a complaint with the New Jersey Office for Civil Rights when the HIB includes discrimination claims.
- File a Due Process complaint regarding IEP/504 issues.

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HIB and Students with Disabilities

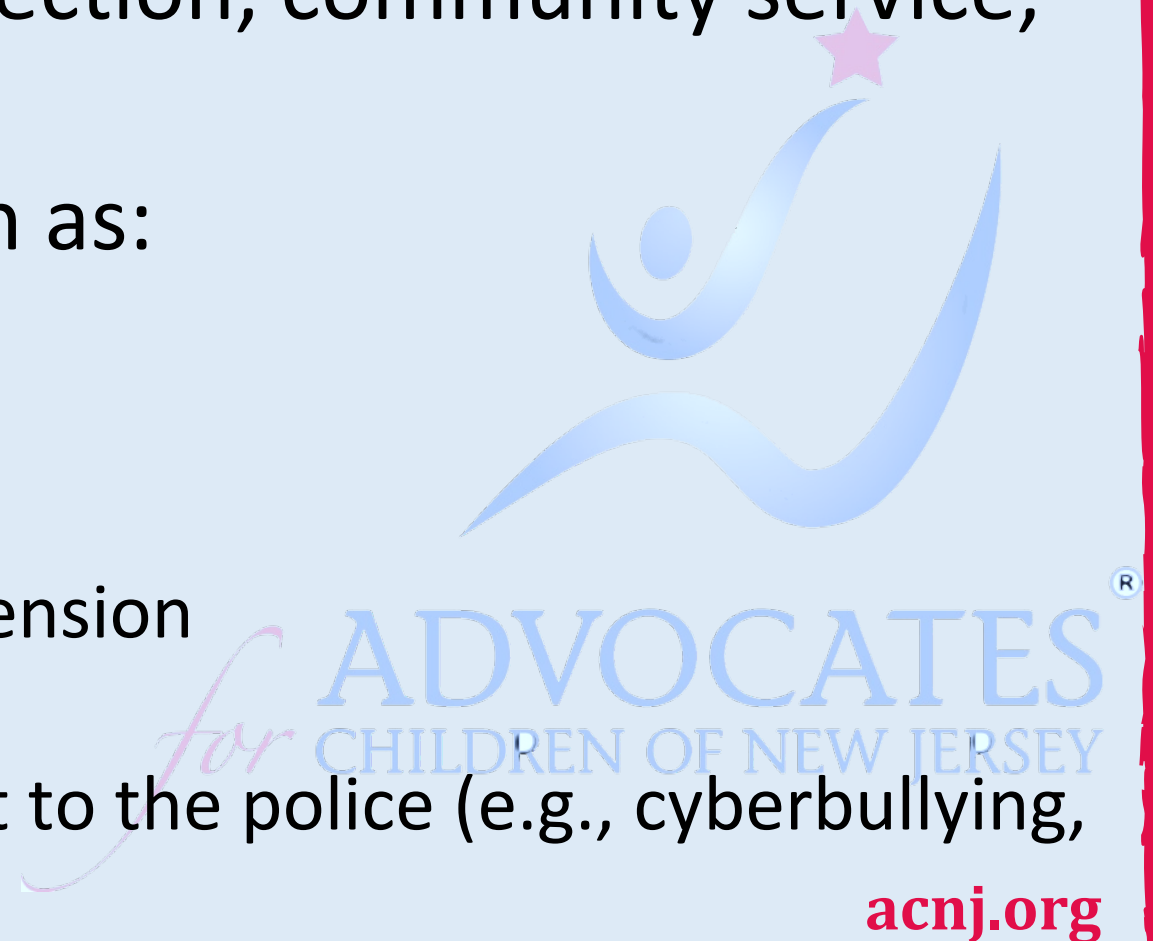
Write to request an IEP/504 Plan Team Meeting to discuss issues.

- Invite the school principal and other relevant people, such as teachers, the HIB specialist, social workers, or community providers.
- Discuss whether the conduct is based on the alleged bully's disability, and if the behavior should be considered an HIB.
- Discuss if the alleged victim/bully requires an IEP/504 plan modification or a new evaluation.



Possible Consequences of a HIB

- Positive supports and alternatives to discipline and suspension (e.g., written reflection, community service, counseling)
- Negative consequences, such as:
 - Temporary removal from class
 - Loss of privileges
 - Detention
 - In-school or out-of-school suspension
 - Expulsion
 - Schools may report the conduct to the police (e.g., cyberbullying, assault, sexual conduct)



Appealing a Suspension Based on HIB

- Request a meeting with the superintendent.
- Request a hearing with the Board of Education.
- Request a return to school for wrongful suspension by filing an Expedited Due Process Petition, or a Due Process Petition and Request Emergency Relief with NJDOE.
- Appeal the board decision to the Commissioner of the NJDOE.
- Contact the New Jersey Office for Civil Rights.

Discipline rights and appeal procedures are complicated, so it is advisable to consult with an attorney or advocate.

What if the Principal Determines that the Conduct is “Normal Peer Conflict” Instead of HIB?

Normal Conflict:

- Typical social interactions between peers, such as insults, verbal, or physical fights.
 - When helpful, school staff should implement academic, behavioral, social, and emotional interventions.
 - Disciplinary consequences for code of conduct violations may be appropriate.

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Resources

- New Jersey Department of Education links to laws and school and parent resources:

<https://www.nj.gov/education/safety/sandp/hib/>

- Federal laws and other information

<https://www.stopbullying.gov/resources/laws>

- 2022 Amendments to HIB:

<https://www.nj.gov/education/safety/sandp/hib/faq.shtml>

- HIB reporting form for parents:

https://www.nj.gov/education/safety/sandp/hib/docs/HIB_Incident_Form_ForFamilies.pdf

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Where to Get Help

For additional resources, visit acnj.org/kidlaw

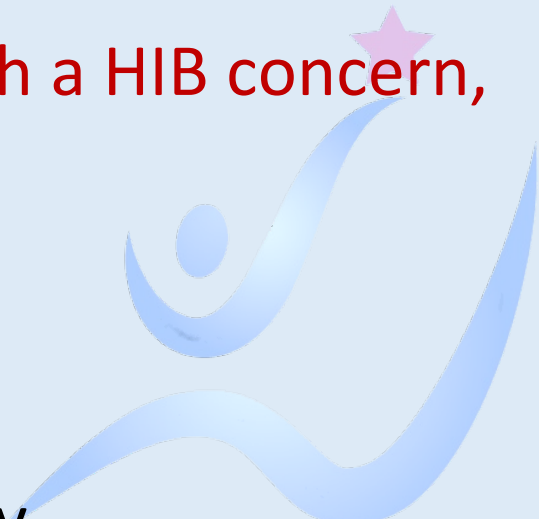
For more information and to request assistance with a HIB concern,
you may contact:

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