



Randolph Township Schools

Randolph Board of Education Business Session Meeting: April 19, 2016

President's Report: Al Matos

**Anti-bullying Bill of Rights Act (ABR) and harassment,
intimidation and bullying (HIB) LAW.**



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Anti-bullying Bill of Rights Act (ABR) and harassment, intimidation and bullying (HIB).

Although New Jersey's anti-bullying law was extremely comprehensive in the year 2002, a number of events proved that it was not as strong as it needed to be to protect students.

The first event that began to expose the law's weaknesses was a court case in the year 2007 against the Toms River Regional Schools Board of Education. A student in a Toms River school was being bullied because of his "perceived sexual orientation".

Cyber bullying has led to a number of incidents of teenage suicide, the most publicly known being the suicide of a Rutgers University student, Tyler Clementi. This event reignited the public's attention towards bullying and the policies that need to be implemented to protect students. New Jersey legislators reacted by unanimously supporting the New Jersey Anti-Bullying Bill of Rights Act

In November 2010, the New Jersey legislature passed the Anti-bullying Bill of Rights Act (ABR).

On January 5, 2011, Governor Chris Christie signed into law P.L.2010, Chapter 122, an act concerning HIB in school settings that amended various parts of the statutory law. In particular for school policies and procedures, the act amended N.J.S.A. 18A:37-13 et seq., which include the requirements for the prevention and intervention of HIB on and off school grounds, at school-sponsored functions and on school buses.



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The requirements in the ABR only apply to public school districts and charter schools, but not to private schools.

The New Law calls for:

- **Definition of HIB, District Staff Functions, Policy and Procedures, Programs, Training Requirements & Public Reporting**

Specifically, the law states:

“HIB means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or series of incidents, that: Is reasonably perceived as being motivated by 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;”

Game Changer..... Went from traditional bullying to bias based acts.



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District Policy

5512- HARASSMENT, INTIMIDATION, AND BULLYING (M)

“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;”

District Policy

5600 – STUDENT DISCIPLINE/CODE OF CONDUCT (M)

“The Student Discipline/Code of Conduct is established for the purposes outlined in N.J.A.C. 6A:167.1(b). Policy and Regulation 5600 include a description of student responsibilities that include expectations for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:328 and 13.1; a description of behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:372; and a description of student rights pursuant to N.J.A.C. 6A:167.1(c)3.i through vii.”



District Policy

4281- INAPPROPRIATE STAFF CONDUCT

“The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil’s health, safety and welfare. The Board strongly believes that school staff members have the public’s trust and confidence to protect the well-being of all pupils attending the school district.”

District Policy

3281- INAPPROPRIATE STAFF CONDUCT

“The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district’s educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils..”



The New Law

- **Intent is to strengthen standards for preventing, reporting, investigating, and responding to incidents of bullying and reduce the risk of suicide among students**
- **Effective September 2011**
- **Changes 13 statutes**
- **Affects districts and a number of state agencies, including NJDOE**
- **Defines “HIB” in different terms than traditional perceptions of bullying. Code of Conduct vs. HIB - must have bias component.**



EXAMPLE

Prior to the new HIB law, a group of older students pushing around another student would be considered a bullying act. Not so under the new HIB. The act performed by these students does violate the District's Code of Conduct Policy but does not rise to the level of a HIB infraction as defined by the new Law and the District's Policy

However, if the act described above is motivated by an actual or perceived characteristic such as race, religion, gender, sexual orientation, etc. or by any distinguishing characteristic such as the students call the student being pushed "skinny or fat or freckle face" and in fact the pushed student is skinny or fat or has freckles (or is perceived that way) than the act performed by these students would likely violate the District's HIB Policy due to their bias actions.



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The BoE and Administrators are implementing this new law with the same care and diligence to ensure a safe educational environment.

Both Code of Conduct and HIB Policy's work together to ensure effective implementation of a safe educational environment.

As per the appropriate policies, proper investigations are performed in a thorough and expeditious manner in compliance with district policy. Any disciplinary or corrective action for both Code of Conduct or HIB infractions are at the direction of the administrative staff in compliance with District Policy and applied in a fair and just matter to correct the unacceptable behavior or conduct.

Additional resources can be found at

<http://www.state.nj.us/education/students/safety/behavior/hib/#si>

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