

Overview of Harassment, Intimidation, and Bullying (HIB)

Definition of HIB

This statutory definition of HIB might vary from the definitions of bullying provided by program professionals; schools are responsible for the HIB definition at *NJSA 18A:37-14*. The definition below has been separated into component parts for ease of reading and comprehension. Bold type has been added to emphasize selected provisions.

HIB Definition

HIB 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 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**;
- Takes place on school property, at any school-sponsored function, or on a school bus; or **off school grounds**, as provided for in *NJSA 18A:37-15.3*;
- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; **and that**
- A reasonable person should know, under the circumstances, will have the effect of **physically or emotionally harming** a student **or damaging the student's property** or placing a student in reasonable **fear of physical or emotional harm** to his person **or** damage to his property; **or**
- Has the effect of **insulting or demeaning** any student or group of students; **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.

Roles and Responsibilities

The ABR establishes new roles and responsibilities for central office and school staff. These requirements are described below:

District Anti-Bullying Coordinator – The CSA is required to appoint a district Anti-Bullying Coordinator (ABC). The CSA is encouraged, but not required, to appoint a school district employee to perform the ABC role. The responsibilities of the ABC include the following:

- Coordinating and strengthening the school district's policies to prevent, identify and address HIB of students;
- Collaborating with the ABS in the school district, the BOE and the CSA to prevent, identify and respond to HIB of students in the school district;
- In collaboration with CSA, **providing** data to the NJDOE regarding HIB of students;
- Executing other duties related to school HIB as requested by the CSA; and
- Meeting, at a minimum, twice each school year with the ABS(s) in the district to discuss and strengthen procedures and policies to prevent, identify and address HIB in the school district.

School Anti-Bullying Specialist – The principal in each school is required to appoint a School Anti-Bullying specialist (ABS). The ABS must be a guidance counselor, school psychologist, or other certified staff member trained to be the ABS from among the currently employed certified

staff in the school. The ABS is required to serve on and chair the School Safety Team. The aim is for the ABS to have this leadership role, rather than the principal. This same dynamic exists in other areas of the law (e.g., the ABS acts as the primary person for preventing, identifying and addressing HIB; the ABS leads HIB investigations in consultation with the principal), which requires someone other than the school administrator to perform these functions. Additionally, there is nothing in the law that would preclude the principal from appointing more than one ABS from currently employed school staff. The responsibilities of the ABS include the following:

- Chairing the School Climate Team;
- Leading the investigation of HIB incidents in the school; and
- Acting as the primary school official responsible for preventing, identifying and addressing HIB incidents in the school.

Since the principal is the one who must appoint school staff to this role, the legislative language and intent is for the ABS to be someone other than a school administrator (e.g., someone with a student support services or student advocacy point of view and function) to counter-balance the administrative, including disciplinary, point of view.

School Climate Team – A School Climate Team must be formed in each school in the school district. The team must be called either the school safety team or the school anti-bullying team to ensure ease of identification by parents, students and staff throughout the state. **The purpose of the team is to develop, foster and maintain a positive school climate by focusing on the ongoing, systematic operational procedures and educational practices in the school and to address issues, such as HIB, that affect school climate and culture.** The team must consist of the following members:

- The principal or his/her designee who, when possible, is a senior administrator in the school, and the following appointees of the principal –
- A teacher in the school;
- An Anti-Bullying Specialist;
- A parent of a student in the school; and
- Other members as determined by the principal.

The responsibilities of the team include the following:

- Receiving records of all complaints of HIB of students that have been reported to the principal*;
- Receiving copies of all reports prepared after an investigation of an HIB incident*;
- Identifying and addressing patterns of HIB of students in the school*;
- Reviewing and strengthening school climate and the policies of the school in order to prevent HIB of students;
- Educating the community, including students, teachers, administrative staff, and parents, to prevent and address HIB of students;
- Participating in the training required under the ABR and other training which the principal or the ABC may request. Additionally, the team must be provided professional development opportunities that may address effective practices of successful school climate programs or approaches;
- Meeting, at a minimum, twice each school year; and
- Executing other duties related to HIB as requested by the principal or ABC.

**Parents are NOT permitted to participate in the first three activities.*