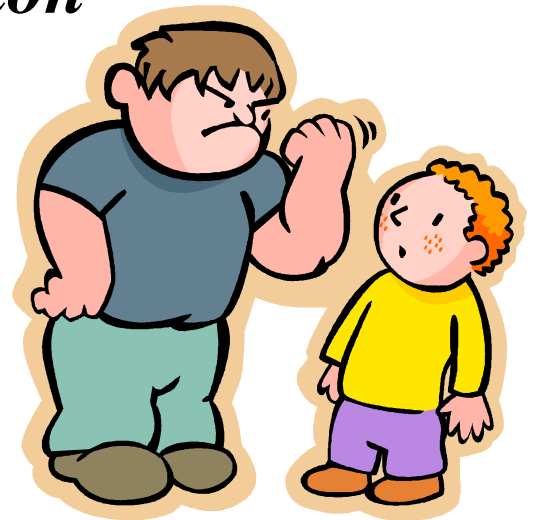


# GET TOUGH ON HARASSMENT, INTIMIDATION & BULLYING!

*Somerville Board of Education*

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# TOUGHEST ANTI-BULLYING LAW IN THE COUNTY

- 1. Zero-Tolerance approach to HIB.
- 2. Cases often involve multiple aggressors and multiple victims.
- 3. Purpose of the law is prevention not reaction.
- 4. Not always easy to identify when something is HIB which would trigger investigation protocol.
- 5. The law deals with off-campus conduct.
- 6. A significant amount of administrative time and resources will be monopolized by the law.



# New Jersey's Anti-Bullying Bill of Rights Act – N.J.S.A. 18:37-13 et seq. (1/5/11)

The legislature declares that:

1. a safe and civil environment in school is necessary for students to learn and achieve high academic standards;
2. harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and
3. since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.”

# Anti-Bullying Bills of Rights Act

(P.L. 2010, Chapter 122; Approved January 5, 2011)

- Legislative intent – “to strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of harassment, intimidation and bullying of students that occur in school and off school premises.”



# The Statistics:

- A 2009 study by the United States Departments of Justice and Education reported that 32% of students aged 12 through 18 were bullied in the previous school year.
- The study reported that 25% of the responding schools indicated that bullying was a daily or weekly problem.
- A 2009 study by the United States Centers for Disease Control and Prevention reported that the percentage of students bullied in New Jersey is 1 percentage point higher than the national median.
- In 2010, the chronic persistence of school bullying has led to student suicides across the country, including in New Jersey.

# Breaking down the definition of H.I.B.:

- "Harassment, intimidation or bullying" means:
- (WHAT?) any gesture, any written, verbal or physical act, or any *electronic communication*
- (HOW OFTEN?) whether it be by a single incident or series of incidents
- (MOTIVATED BY WHAT?) that is reasonably perceived as being motivated either by any actual or perceived characteristic,

# Breaking down the definition of H.I.B. continued:

- **(BASED ON WHAT CHARACTERISTICS?)** 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,
- **(WHERE & WHEN?)** that takes place on school property, at any school-sponsored function or on a school bus or off school grounds . . .
- **(THAT DOES WHAT?)** that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

## Meets 1 of the 4 additional criteria:

- **a.** 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
- **b.** has the effect of insulting or demeaning any student or group of students in such a way as to cause disruption in, or interference with, the orderly operation of the school; or
- **c.** Creates a hostile educational environment at school for the student; or
- **d.** Infringes on the rights of the student at school by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

# Cyber-Bullying



- Oftentimes bullying occurs electronically via email, text messages, websites, Facebook, etc.
- Districts have the right to discipline pupils for cyber-bullying which emanates off-campus “when it is reasonably necessary for the student’s physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being or other students, staff or school grounds.”
- Discipline shall be imposed only when the conduct “materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.” N.J.A.C. 6A:16-7.6.
- Some acts of cyber-bullying may require the District to notify law enforcement.

# Somerville's Compliance with the new HIB law:

**By September 1, 2011, the District had:**

- created and approved a new policy aligned with the law;
- trained administrators and staff on the new law;
- designed new procedures, protocol, and forms aligned with the new law;
- assigned trained Anti-Bullying Specialists to each school;
- appointed an Anti-Bullying Coordinator;
- appointed school safety teams;
- implemented an on-going training program on bullying issues.

# Anti-Bullying Specialist Duties:

- (1) chair the school safety team;
- (2) lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- (3) act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

- Anti-Bullying Coordinator

- Mr. Thomas Conroy – Anti-Bullying Coordinator



# Coordinator Duties:

- The district anti-bullying coordinator shall:
  - (1) be responsible for coordinating and strengthening the school district's policies;
  - (2) collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying;
  - (3) provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students; and
  - (4) execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent of schools.

# School Safety Team

- A school district shall form a school safety team to address issues such as harassment, intimidation, or bullying.
- The team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal:
  - a teacher in the school;
  - a school anti-bullying specialist;
  - a parent of a student in the school;
  - and other members to be determined by the principal.
- A school safety team shall meet at least two times per school year.

# School Safety Team Duties:

- The school safety team shall:
  - (1) receive any complaints of H.I.B. of students that have been reported to the principal;
  - (2) receive copies of any report prepared after an investigation of an incident of H.I.B.;
  - (3) identify and address patterns of H.I.B. of students in the school;

# School Safety Team Duties cont:

- (4) review and strengthen school climate and the policies of the school in order to prevent and address H.I.B. of students;
- (5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address H.I.B. of students;
- (6) participate in the training which the principal or the district anti-bullying coordinator may request;

# School Safety Team Duties cont:

- (7) collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address H.I.B. of students; and
- (8) execute such other duties as requested by the principal or district anti-bullying coordinator.

# Van Derveer Elementary Safety Team

Nicholas Diaz - Anti-Bullying Specialist

Dr. Ellyn Stein - Assistant to Specialist

Susan Haynes - Principal

Karen Tovi-Jones - School Social Worker

Jessica Markle - Teacher

Rose Jean-Baptiste - Parent

# Somerville Middle School Safety Team

Robert Reavey – Anti-Bullying Specialist

Jessica Eitner – Teacher/Assistant to  
Specialist

Helena Sroczyński – Assistant to Specialist

Stephen Spolarich - Parent

Loretta Kimmick - Parent

# Somerville High School Safety Team

Jeffrey Caulfield - Anti-Bullying Specialist

Dr. Tanya McDonald - School  
Psychologist/Assistant to Specialist

Gerard Foley - Administrator

Jeffrey Evans - Teacher

James Grady - Parent

# Pupil Confidentiality

- a parent who is a member of the school safety team shall not participate in the activities of the team which may compromise the confidentiality of a student
- *N.J.S.A. 18A:37-21* – the parents team member shall not participate in duties #1, 2 and 3.



# Legal Reporting Obligations:

- Anyone who has witnessed, or has reliable information that a student has been subject to H.I.B. shall report the incident to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying;
- A member of a board of education or a school employee who promptly reports an incident of H.I.B. to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in the district's policy, is ***immune*** from a cause of action for damages arising from any failure to remedy the reported incident.

# Disciplinary Consequences

- A school administrator who receives a report of H.I.B. from a district employee, and fails to initiate an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.



# Standards & Procedures for Reporting and Investigating H.I.B.

- All acts of H.I.B. shall be reported verbally to the school principal on the same day when the school employee witnessed or received reliable information regarding any such incident.
- The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services.
- All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal **within two school days** of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

# Standards & Procedures for Reporting and Investigating H.I.B.

- the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist.
- The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- While submission of an Incident Report Form to the Principal is not required, it is encouraged.

# Standards & Procedures for Reporting and Investigating H.I.B.

- The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying.
- In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.

# Standards & Procedures for Reporting and Investigating H.I.B.

- the results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and the superintendent may decide to provide:
  - intervention services;
  - establish training programs to reduce harassment, intimidation, or bullying;
  - impose discipline;
  - order counseling; or
  - take or recommend other appropriate action.

# Factors for Determining Consequences:

- Board Policy 5512.01 lists the following factors:
- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature & severity of the behavior;
- Incidences of past or continuing patterns of behavior;
- Relationship between the parties involved; and
- Context in which the alleged incidents occurred.

# The Investigation Results:

- The results shall be reported to the board no later than the board meeting which follows the completion of the investigation, along with information on any services provided, training established, or discipline imposed, or other action taken or recommended by the superintendent.
- Within 5 days after the results are reported to the board, the parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, including: (1) the nature of the investigation; (2) whether the district found evidence of H.I.B. ; (3) whether discipline was imposed; and/or (4) services provided to address the incident of H.I.B.

# Board-level Hearing:

- A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request.
- The board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education.



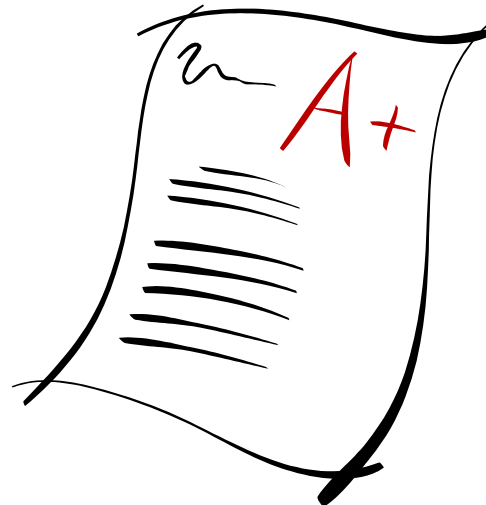
# Annual Report & Public Hearing

Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent shall report to the board all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period.



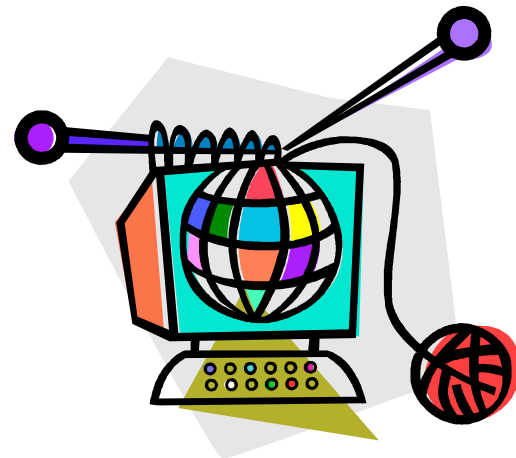
# Each School Shall be Graded:

- The report on H.I.B. shall be used to grade the high school for the purpose of assessing its effort to implement anti-bullying policies and programs .
- The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this subsection.



# The District Website:

- The new legislation requires the following information to be contained on the District website:
- The grade for the high school must be posted on the homepage of the district's website.
- A link to the H.I.B. report shall be available on the district's website.



# School & District Websites cont.

- The District's H.I.B. *policy* or a link to it shall be prominently posted on the home page of the District's website and distributed annually to parents/guardians of children in the District.
- There shall be listed on District's website the name, school phone number, school address and school email address of the district's *anti-bullying coordinator* and *anti-bullying specialist*.

# Training:

A school district shall provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students.



# Bullying Prevention Fund:

- The "Bullying Prevention Fund" shall be administered by the Commissioner to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.
- A school district may apply to the Department of Education for these grant monies.



# Bullying May Also Constitute Discriminatory Harassment

- Certain pupil misconduct that falls under the school's anti-bullying policy also may trigger responsibilities under State and/or Federal Anti-Discrimination laws such as Title VI, Title IX, the Americans with Disabilities Act or the N.J. Law Against Discrimination.



## *L.W. by L.G. v. Tom River Reg. Bd. of Ed.* (N.J. Supreme Court 2007).

- L.W. was persistently tormented from the time he was in the 4<sup>th</sup> grade through his Freshman year of high school based upon his perceived sexual orientation.
- L.G. filed a complaint with the New Jersey Division on Civil Rights alleging that the District violated the LAD because her son L.W. had been repeatedly subjected to harassment and bullying based upon his perceived sexual orientation.
- The case eventually reached the N.J. Supreme Court.

# The Court's Ruling:

- The Court held that the LAD permits a cause of action for student-to-student harassment/bullying if the District knew or should have known about the harassment and failed to take appropriate measures to end it.



# The Court's Ruling cont.

- To state a valid claim, the student must allege that:
  - 1. The discriminatory conduct would not have occurred “but for” the student’s protected characteristic.
  - 2. a reasonable student of the same age, maturity level and protected characteristic would consider the conduct sufficiently severe or pervasive enough to create an intimidating, hostile or offensive school environment; and
  - 3. The District failed to reasonably address such conduct.

# Judging The Reasonableness of the District's Response:

- The student's ages;
- Developmental and maturity levels;
- School Culture & Atmosphere
- Rareness or frequency of the conduct;
- Duration of Harassment;
- Whether violence was involved;
- Extent & Severity of the conduct;
- History of harassment within the district and among the participants;
- Effectiveness of the district's response;
- Whether the district considered alternative approaches; and
- Swiftness of the school district's reaction.



# To Summarize:

- The District must have **ZERO TOLERANCE** for harassment, intimidation and bullying.
- Be proactive in preventing the H.I.B. before it starts with training and education.
- When faced with a situation involving H.I.B. a swift response and strong response is essential.
- The District must take all reasonable measures to end the H.I.B.
- It is not enough simply to discipline the aggressors.
- Ongoing monitoring of the situation is very important.

# QUESTIONS?

