

# **ANNUAL REPORT**



## **NEW JERSEY ANTI-BULLYING TASK FORCE**

January 26, 2016

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## **Executive Summary**

The Anti-Bullying Task Force (ABTF) was established in March 2012 as part of an amendment to the “*Anti-Bullying Bill of Rights Act*,” (ABR; *P.L.* 2010, *c.*122, *N.J.S.A.*18A:37-13.2 *et seq.*). The ABTF was established in order to: 1) provide guidance to school districts on available resources to assist in the implementation of the ABR, 2) examine the implementation of the ABR, 3) draft model regulations and submit them to the Commissioner of Education for use in promulgating regulations to implement provisions of the act, 4) present any recommendations regarding the ABR deemed to be necessary and appropriate, and 5) prepare a report within 180 days of its organizational meeting and annually for the following three years on the effectiveness of the act in addressing bullying in schools.

This report satisfies the requirements above and serves as the final report of the task force. The report provides an overview of ABTF activities, as well as findings and recommendations discussed the past year. Additionally, the report includes a complete list of recommendations made by the ABTF during our four-year tenure. This report is being submitted to the Commissioner of Education, to the Governor, and to the Legislature, in accordance with the requirements of section 2 of *P.L.* 1991, *c.*164 (C.52:14-19.1). This report and all prior reports are available on the New Jersey Department of Education (NJDOE) website at <http://www.state.nj.us/education/students/safety/behavior/hib/task/>.



## **Introduction**

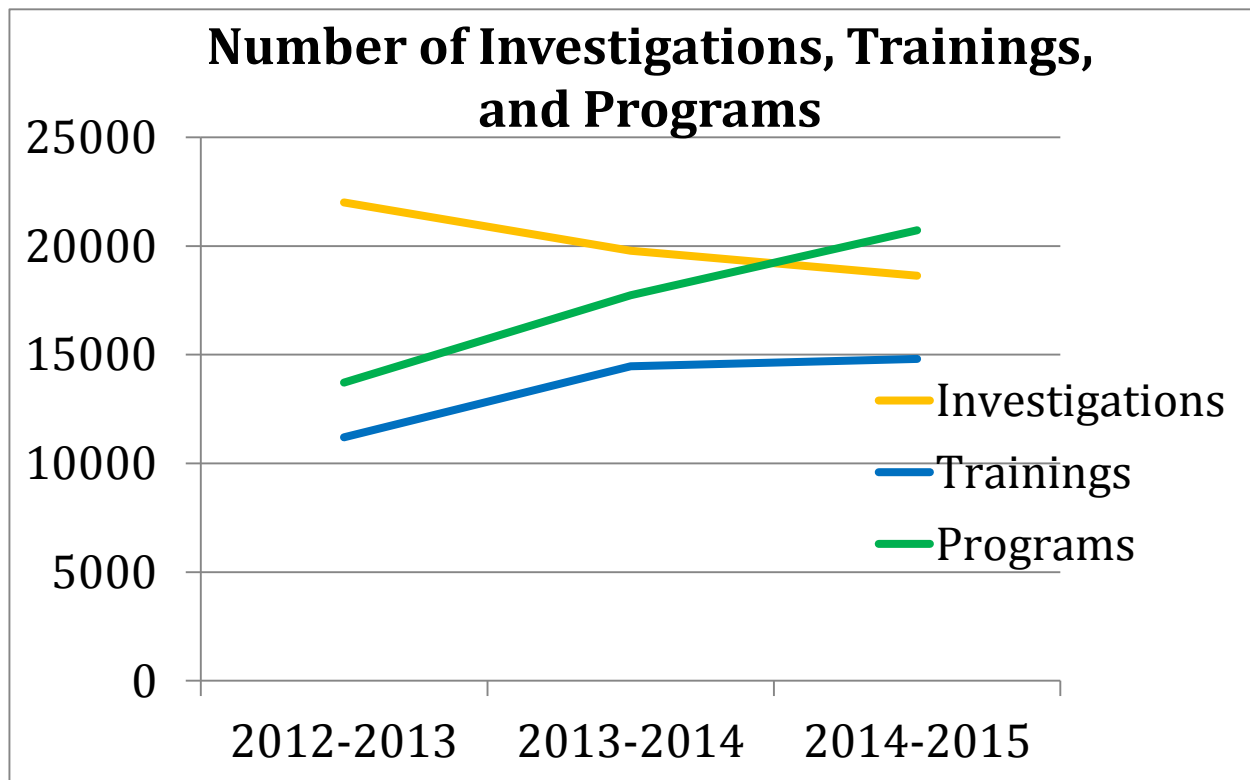
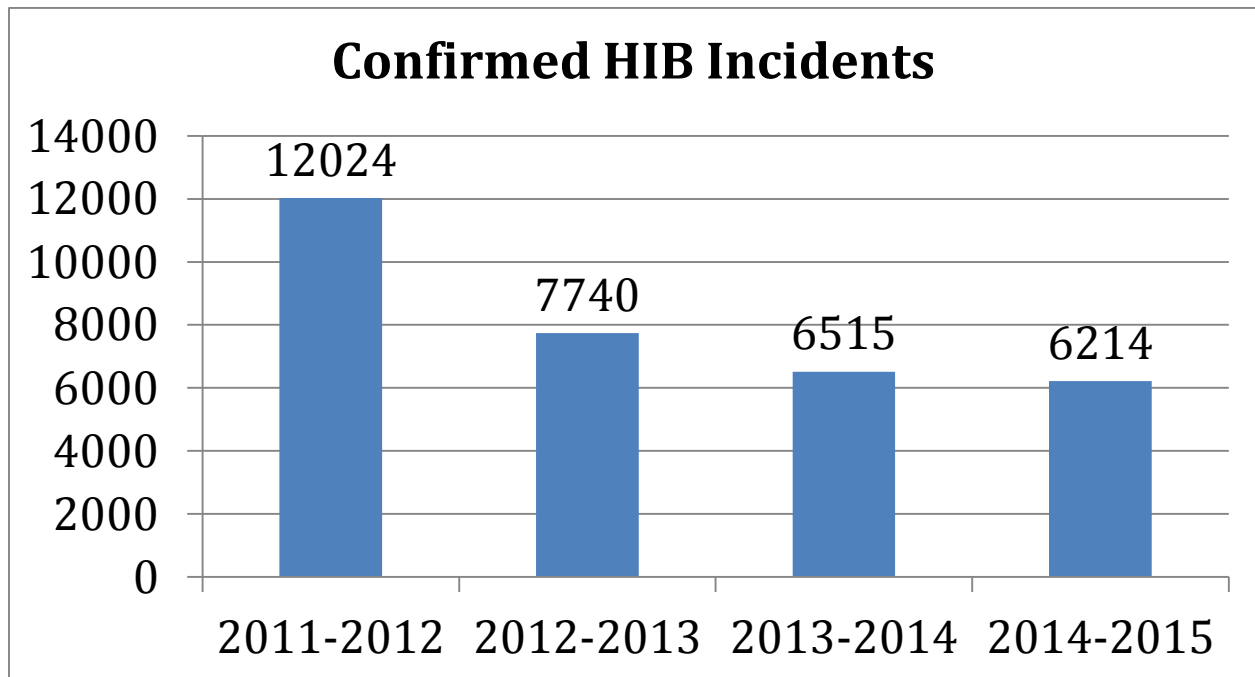
The ABTF, established in March 2012 as part of an amendment to the *Anti-Bullying Bill of Rights Act* (ABR; P.L. 2010, c.122 N.J.S.A. 18A:37-13.2 et seq.), consists of seven members with “background in, or special knowledge of, the legal, policy, educational, social or psychological aspects of bullying in the public schools” and were appointed in the following manner: 1) one appointed by the Senate President; 2) one appointed by the Speaker of the General Assembly; 3) one appointed jointly by the Senate President and the speaker of the General Assembly; and 4) four appointed by the Governor. The members of the Task Force, who serve without compensation, remained the same participants from the prior year are:

- Patricia Wright, Ed.M. – Chairperson: Appointed by Governor Chris Christie; Executive Director of the New Jersey Principals and Supervisors Association; Consultant to the New Jersey Bar Foundation’s Anti-Bullying Program; former teacher, assistant principal, principal and chief school administrator.
- Bradford C. Lerman, Psy.D. – Vice Chairperson: Appointed by Governor Chris Christie; Director of the Inclusive Schools Climate Initiative at the Graduate School of Applied and Professional Psychology at Rutgers University.
- Jessica de Koninck, Esq. – Appointed by then Speaker of the General Assembly Sheila Y. Oliver; President, Montclair Board of Education; independent consultant, former in-house Counsel and Anti-Bullying Coordinator, South Orange and Maplewood School District; former Director of Legislative Services, New Jersey Department of Education; and former in-house counsel, Trenton School District.
- Philip Hoyt Meisner, Esq. – Appointed by Senate President Stephen M. Sweeney; Vice President and Assistant General Counsel at Hudson Media, Inc.; former staff member in the New Jersey Legislature in the offices of Senator Loretta Weinberg, Assemblyman Gordon M. Johnson and Assemblywoman Valerie Vainieri Huttel specializing in policy and legislation, including the *Anti-Bullying Bill of Rights Act* and the 2012 Legislation creating the ABTF.
- Toni Pergolin – Appointed by Governor Chris Christie; President of Bancroft, a non-profit organization that annually serves 1,700 children and adults with autism, acquired brain injuries, and other intellectual or developmental disabilities, through a wide variety of programs in New Jersey, Pennsylvania and Delaware. Bancroft programs include an approved private school for over 200 students with disabilities.

- Luanne Peterpaul, Esq. – Appointed by the Senate President Stephen M. Sweeney and then Speaker of the General Assembly Sheila Y. Oliver; Partner in the law firm of GluckWalrath; Chair of Garden State Equality Action Fund and Co-Chair of its Anti-Bullying Initiative.
- Joseph L. Ricca, Jr., Ed.D. – Appointed by Governor Chris Christie; Morris County resident, former classroom teacher, assistant principal, principal and current Superintendent of the Elmsford Union Free School District, Elmsford, New York.

Over the past four years, the ABTF met regularly and focused its work on understanding the implementation of the ABR. In order to do this effectively, the ABTF heard from various stakeholders through focus groups, meetings and surveys. Through this work, we collectively believe that there is a vested interest in making the school environment safer for all New Jersey students. We are pleased to have noted a steady decline of harassment, intimidation, and bullying (HIB) incidents in schools and an increase in programs offered to students and staff to prevent HIB incidents. The *Commissioner's Annual Report to the Education Committees of the Senate and General Assembly on the Violence, Vandalism and Substance Abuse in New Jersey Public Schools* (V & V Report), from the period of July 1, 2012 to June 30, 2015, reported the following trends:<sup>1</sup>

<sup>1</sup> Excerpted from NJDOE PowerPoint presented to the State Board of Education at its August 5, 2015 meeting.



Although the number of incidents has declined over the past three years, 6,214 incidents of HIB is still too many. There is clearly more work to do and funds are needed to support the effort. The overarching goal of the ABR and the ABTF is to assist schools throughout the State of New Jersey to reduce HIB. As we end our taskforce work, we feel strongly that in order to sustain the progress made thus far, the ultimate goal of each district must be a continued focus on improving school climate and creating a culture of inclusivity and collaboration through the School Safety/School Climate Team (SS/SCT). In the past, funding requests of between 5 million and 9 million dollars have been submitted to the NJDOE. Based on this level of need, we urge the Legislature to annually appropriate funding of the Bullying Prevention Fund at the level equivalent to need. It is also imperative that annual state funding be provided to support school culture improvement plans, professional learning, student services and parent training programs.

This report, as in all prior years of the ABTF's existence, is based on our review of trend data and survey information to assess the effectiveness of the programs, training and resources provided. Section III of this report will address findings and recommendations based on the deliberations of the past year. The Appendix contains a summary of complete recommendations from the four-year tenure.

The Task Force thanks the following individuals for the critical assistance in providing necessary resources, material and for supporting the work of the Task Force:

- Susan Martz – Assistant Commissioner, Division of Learning Supports and Specialized Services.
- Kelly Allen – Manager, Office of Student Support Services, Division of Learning Supports and Specialized Services.

- Natalie Smith – Anti-Bullying Task Force Coordinator.
- Marci Green – Policy advisor from the Governor’s office.
- Stacy Barksdale-Jones – Assistant to the Executive Director of New Jersey Principals and Supervisors Association.
- David Nash, Director of LEGAL ONE/Director of Legal Education, Foundation for Educational Administration.

In addition, appreciation is extended to the New Jersey Principals and Supervisors Association for serving as host of the Task Force meetings. Thanks are also given to those who volunteered to provide information through participation in focus groups and surveys.

We have appreciated the opportunity to be a part of the ABTF and hope that our work played some part in improving the well-being of all students in New Jersey.

## **Section I: Committee Actions to Date**

As in prior years, the ABTF continued to meet during 2015 and obtained feedback from various sources to gain insight on some of the more challenging implementation issues. Surveys and data reports were also used to review trends in the effectiveness of the programs, training and resources dedicated to the initiative.

### Focus Groups/Feedback/Other Testimony

In the past reports, the ABTF opined on the feedback received during various focus groups and individual meetings. For a full listing of those meetings see Appendix J.<sup>2</sup> During the past year specifically, the ABTF communicated with the following:

- Representatives of the New Jersey Principals and Supervisors Association (NJPSA), New Jersey Association of School Administrators (NJASA) and New Jersey State Interscholastic Athletic Association (NJSIAA) attended an ABTF meeting to discuss concerns related to hazing.
- Rochelle Hendricks, Secretary of Higher Education, discussed the implementation of the ABR in higher education.
- Assemblywoman Valerie Vainieri Huttie sent a letter to the ABTF confirming that recommendations made thus far were aligned with the overall intent behind the ABR.<sup>3</sup>
- Assemblywoman Mary Pat Angelini attended an ABTF meeting at which she confirmed that the recommendations made thus far were aligned with the overall intent behind the ABR.

<sup>2</sup> See Appendix J for a complete list of Anti-Bullying Task Force focus groups and feedback meetings.

<sup>3</sup> The letter from Assemblywoman Valerie Vainieri Huttie can be found in Appendix I of this report.

### Survey Data

The ABTF developed surveys to solicit feedback and determine trends on the implementation of the ABR. The surveys were conducted annually online through Survey Monkey, for a three week period in October/November to anti-bullying specialists (ABSs), anti-bullying coordinators (ABCs), principals, chief school administrators (CSAs) and SS/SCT members.<sup>4</sup> New survey audiences were added over time. The table below shows the number of responses received each year:

	2012	2013	2014	2015
Anti-Bullying Specialists	391	473	361	313
Anti-Bullying Coordinators	168	151	198	152
Principals	-	121	182	167
Chief School Administrators	-	112	99	68
School Safety/School Climate Team Members	-	-	933	433
<b>Total Surveys Reviewed</b>	<b>559</b>	<b>857</b>	<b>1,773</b>	<b>1,133</b>

In the 2015 surveys, the ABTF added a section of questions to obtain feedback on the awareness and implementation of its recommendations to date. ABCs (73.5%) and chief school administrators (69.7%) report being the most aware of ABTF recommendations, followed by principals (60.8%), SS/SCT members (51.7%), and ABSs (48.5%). Out of the recommendations made, the recommendation concerning providing parent training on social-emotional learning

<sup>4</sup> All survey questions, summaries, and charts can be found in Appendices A, B, C, D, and E of this document.

skills as well as the procedural issues around reporting and investigating HIB incidents, and the recommendation to appoint more than one ABS to assist with conducting HIB investigations, were reported as least likely recommendations to be addressed in the past year, by all audiences surveyed. Also noteworthy, is less than half of all audiences surveyed indicated that their school or district developed or implemented a written school climate improvement plan in the past year (Principals: 44.4%, ABSs: 36.4%, SS/SCT members: 46.4%, ABCs: 32.7%, CSAs: 29.2%).

### Data Review

The ABTF reviewed the following data reports to analyze the effectiveness of the implementation of the ABR: 1) *Commissioner's Program and Guidance for Determining Grades under the ABR*, a self-assessment tool completed by the schools to assess their implementation efforts, 2) *Commissioner's Annual Report to the Education Committees of the Senate and General Assembly on the Violence Vandalism and Substance Abuse in New Jersey Public Schools July 1, 2014 to June 30, 2015* (V&V Report). The V&V Report includes trend data on HIB incidents reported by school districts on the Electronic Violence, Vandalism and Substance Abuse Incident Reporting System (EVVRS) for the 2014-2015 school year. The EVVRS is a data collection system developed and used by the NJDOE to meet the violence, vandalism and harassment, intimidation and bullying reporting requirements in *N.J.S.A. 18A:17-46*. The V&V Report also includes the data collected through the Harassment, Intimidation and Bullying-Investigations, Trainings and Programs (HIB-ITP) system. The HIB-ITP system was developed in 2011 to collect information on district and school efforts to comply with the ABR.



## **Section II: Status of Code Recommendations**

### Discussion

In accordance with its statutory charge, in its January 2014 report the ABTF made a variety of recommendations for changes to the New Jersey Administrative Code that, if adopted by the State Board of Education, would clarify and improve the efficiency of the implementation of the ABR by school districts. By letter dated December 24, 2014, the Commissioner of Education accepted or accepted with minor modifications most of the recommendations of the ABTF. The ABTF responded to the Commissioner's letter in its January 2015 report<sup>5</sup>. A full list of the recommendations the ABTF urges the State Board of Education to adopt at its February 2016 meeting appears as an appendix to this final report.<sup>6</sup> Regrettably, despite the Commissioner's concurrence with most of the ABTF's recommendations, the code amendments have not yet been introduced to the State Board of Education. The ABTF believes these recommendations are essential and urges immediate action by the State Board of Education.<sup>7</sup>

### Recommendations

- 1) The State Board of Education act to adopt the ABTF's proposed amendments to the New Jersey Administrative Code (see Appendix K) at its February 2016 board meeting.

<sup>5</sup> For access to the previous reports of the Anti-Bullying Task Force Annual Report, visit: <http://www.state.nj.us/education/students/safety/behavior/hib/task/>.

<sup>6</sup> See Appendices L, M, and N of this report for a complete summary of the Anti-Bullying Task Force recommendations to date.

<sup>7</sup> See Appendix K of this report for a list of the Anti-Bullying Task Force Proposed Amendments to the New Jersey Administrative Code.

### Section III: Findings and Recommendations

#### HIB Definition

Since its inception in July of 2012, the ABTF has focused on the HIB Definition in the ABR. In this final report the ABTF feels it is important to emphasize key past discussions related to the ABR.

#### Discussion: Power Imbalance

In its 2013 interim report the ABTF discussed concerns related to the inaccurate identification of HIB leading to the over-reporting of alleged HIB behaviors.<sup>8</sup> There was confusion in the field as to when an incident was HIB and when it was social conflict. The ABTF is pleased that the NJDOE supports our recommendation to include the term, power imbalance, in code revisions (see Appendix K). The concept of power imbalance is prevalent in the literature but not articulated in the ABR definition of HIB. The ABTF believes that recognition of the power imbalance will assist in helping practitioners identify HIB. In the ABTF report dated January 26, 2014, the ABTF stated the following:

*While the statute does not specifically reference power differential, research and experience have shown that the imbalance of power is a common denominator which is present in all bullying incidents. Power imbalance takes into account the relative power (actual or perceived) of the aggressor and target, in relation to specific distinguishing characteristics, such as physical strength, popularity or social standing, the use of embarrassing information related to the target, socio-economic status, or other characteristics that may, in fact, be fluid and change over time. These characteristics are just as real as race, ethnicity, sexual orientation, or others that are specified in the statute. However, they require the investigator to consider the context and the relative positions of the alleged aggressor and target, rather than focusing solely on the real or*

<sup>8</sup> For access to the 2013 Anti-Bullying Task Force Annual Report, visit:  
<http://www.state.nj.us/education/students/safety/behavior/hib/task/>.

*perceived characteristics of the target.*

### Discussion: Distinguishing Characteristics

The ABR protects all students, not only the protected classes. As stated in the January 26, 2014 report:

*Additionally, the specified characteristics (i.e., race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability) are not exclusive. By adding, 'any other distinguishing characteristic,' the Legislature's intent was clearly not to limit HIB to an incident that takes place because the HIB target has one of the specified characteristics. By viewing alleged HIB incidents through the lens of power differential, practitioners will be better able to identify those distinguishing characteristics that are less obvious, and emerge only when considering the relative positions of the aggressor and the target, in terms of popularity, social standing, social awkwardness, or other less tangible characteristics.*

The ABTF reaffirms the Legislature's intent to take this broader view of motivating characteristics.

Assemblywoman Valerie Vainieri Huttie, a prime sponsor of the ABR, authored a letter to the ABTF affirming the legislature's intent to include power imbalance as a tool to identify distinguishing characteristics.<sup>9</sup>

### Discussion: HIB and Hazing

The ABTF reiterates that the definition of HIB in the ABR encompasses hazing, therefore an incident of hazing should trigger the same protection and thorough investigation as an incident of HIB.

<sup>9</sup> The letter from Assemblywoman Valerie Vainieri Huttie can be found in Appendix I of this report.

As noted in the ABTF report dated January 26, 2015, “The investigative and preventative measures afforded by the ABR provide an appropriate, tested, and preexisting framework for handling instances of hazing.”

This year the ABTF held a meeting with representatives from NJPSA, NJSIAA, NJASA and the NJDOE to continue to discuss the issues surrounding hazing. These collaborative discussions led to the development and facilitation of a statewide symposium entitled *Beyond Hazing: The Impact of Athletics and Extra-Curricular Activities on School Climate/Culture*. This symposium was attended by over 200 educators who were actively engaged in presentations and breakout sessions that focused on building proactive action plans to improve school/district cultures and climates. A second conference is being planned.

### Recommendations

1. The ABTF reiterates its recommendation that the NJDOE issue formal guidance to assist practitioners in understanding the significance of power imbalance in HIB. The formal guidance should also assist practitioners in moving beyond the list of specified characteristics and considering characteristics in a broader, contextual sense that considers the relative positions of the alleged aggressor and target.
2. The ABTF reinforces its recommendation that practitioners recognize that the specified list of characteristics in the ABR is not exclusive, and that they incorporate the use of power imbalance to identify a broader range of potential characteristics.
3. NJSIAA in collaboration with the NJDOE and the state education associations continue to develop professional learning opportunities that target hazing and the role that sports play in the development of a positive school climate and culture.

## **Reporting and Investigation**

### **Discussion**

The ABTF recommends that the State Board of Education amend the administrative code to establish minimum criteria that must be met for a principal to initiate an HIB investigation. In light of some possible confusion, further clarification of this recommendation is appropriate. Both the ABTF and others have used the phrase “principal discretion” in describing this recommendation. The use of the word “discretion” is a misnomer. The proposed code language is not intended to afford discretion. Rather, it is intended to make clear that there is no statutory requirement that a reported allegation be investigated by the ABS when such allegations, if true, could not constitute HIB. The specific language proposed by the ABTF to amend *N.J.A.C.* 6A:16-7.7 is as follows:

**(e) Upon receipt of a report alleging harassment, intimidation or bullying, the school principal shall review the information presented to determine whether or not the facts presented, if true, would constitute HIB pursuant to *N.J.S.A. 18A:37-14*. When the facts presented, if true, do not satisfy the definition in law, the principal shall handle the matter consistent with the district’s code of student conduct. All other reports shall be referred to the anti-bullying specialist for investigation.**

**1. The use of the terms “harassment,” “intimidation,” and/or bullying,” in and of themselves, shall not determine whether or not the principal shall refer the matter to the anti-bullying specialist.**

**2. If additional information becomes available subsequent to the principal’s initial determination, the principal shall review said information and refer the matter to the anti-bullying specialist, as appropriate, pursuant to this section.**

Consistent with this recommendation the ABTF believes that guidance and other documents, both those promulgated by districts and by the NJDOE, including its excellent and recently

amended *Anti-Bullying Bill of Rights Act Questions and Answers* (ABR Q&A), should avoid and remove the use of the word “discretion” to reduce the possibility of confusion.<sup>10</sup>

The recommendation is based on the Legislature’s contemplation, that principals would use the procedures set forth in the ABR to determine whether an incident meets the minimum standard of the HIB definition before initiating an investigation and that districts should include such procedures in their local policies. Primary sponsor Assemblywoman Valerie Vainieri Huttel’s letter to the ABTF supports the need for a threshold determination by the principal and the importance of including this role in local HIB policy. In the letter to the ABTF she stated, “This recommendation comports with the legislative intent behind the ABR and the legislative expectation that school district boards of education would include such language in their policies.” The NJDOE guidance set forth in the ABR Q&A while not mandatory, provides school districts the option to adopt such local policies.

As amendments to the administrative code are made, the ABTF recommends that districts carefully review their HIB policies to make certain that local policies are fully consistent with regulatory language.

In addition to the Task Force’s recommendations addressing the role of the principal, the NJDOE’s recently revised ABR Q&A incorporates other recommendations of the ABTF including the application of the ABR to adult offenders and a discussion of protected categories. The ABTF thanks the NJDOE for this work.

<sup>10</sup> A copy of the NJDOE *Anti-Bullying Bill of Rights Act Questions and Answers* can be found in Appendix G of this document.

To assist principals in making the determination whether to initiate an investigation, the ABTF also recommends use of the Threshold Assessment Checklist tool.<sup>11</sup> This tool has recently been updated to include criteria about “power imbalance.”

## **Memorandum of Agreement**

### Discussion

The 2015 amendments to the Memorandum of Agreement Between Education and Law Enforcement Officials (MOA) address areas related to the ABR including cyber-harassment, hazing, sexting, and coordination of HIB and criminal investigations.<sup>12</sup>

The MOA was developed “to ensure cooperation between law enforcement and education officials and ultimately to protect the educational environment.” The MOA makes clear that investigations of HIB by schools must determine whether the behavior reported meets the statutory definition of HIB as contained in the ABR. In addition, the MOA provides an avenue for law enforcement to share information with appropriate school personnel. The key to sharing such information is based upon a finding that the information may be useful in maintaining order, safety, or discipline in the school or in planning programs relevant to a student’s educational and social development.

It is important to note that cyber-harassment, hazing, and sexting may each be a criminal offense, and may also form the basis of an HIB complaint. School officials must report any incident that may constitute a criminal offense to law enforcement.

<sup>11</sup> A copy of the Threshold Assessment Checklist tool can be found in Appendix H of this document.

<sup>12</sup> To view the Memorandum of Agreement Between Education and Law Enforcement Officials, visit: <http://www.nj.gov/education/students/safety/behavior/law/moa/>.

If a criminal investigation occurs simultaneously with an HIB investigation, law enforcement officials may ask a school district to suspend or stay its HIB investigation. School districts should abide by law enforcement's request. In so doing the school district should memorialize the request in writing and notify "the parent(s)/guardian(s) of the alleged perpetrator(s) and alleged victim(s) of law enforcement's request."

### Recommendations

1. Given the NJDOE guidance in its November 2015 *Questions and Answers* on the *Anti-Bullying Bill of Right Act*, the NJDOE should revise its minimum model policy language surrounding the principal's role in initiating an investigation by including the code language recommended by the ABTF.
2. Given the NJDOE guidance in its November 2015 *Questions and Answers* on the *Anti-Bullying Bill of Right Act*, school districts should adopt policies that include language surrounding the principal's role in initiating an investigation by including the language recommended by the ABTF (See Page 14).
3. School districts and the NJDOE should remove and avoid the use of the word "discretion" in any document concerning the principal's role in administration of the ABR.
4. School districts should carefully review the New Jersey Administrative Code as code revisions are made and modify or amend district HIB policies in accordance with those amendments.
5. Each district should review its MOA, which includes the 2015 amendments, to ensure proper collaboration when law enforcement intervention is appropriate and should utilize the local agreed upon Uniform Memorandum of Agreement to address issues of HIB, hazing, cyber-harassment, and sexting.



## **Resources**

### Discussion

Prior reports have emphasized the need for the continued development and availability of resources for effective implementation of the ABR. A primary concern has been the need for financial resources.

Overall, reported incidents of HIB in New Jersey's public schools have fallen while training and educational opportunities have increased throughout the state (HIB-ITP 2014-2015).

Progress has been made and the ABR has helped frame a conversation committed to improving the climate and culture of our public schools statewide. In contrast the New Jersey Legislature has failed to fund the Bullying Prevention Fund for two consecutive years. As identified in the ABTF's 2014 Annual Report, with all of the acknowledged success and progress made over the last four years, the scarcity of identified financial resources available for public schools and the supports required to sustain training and educational programming continue to present as areas of grave importance throughout the state's public schools. Absent direct, on-going support and a dedication of targeted financial resources by the State of New Jersey, programming may be reduced and effective implementation of the ABR will be in jeopardy. State support is needed to ensure that future students, parents/guardians, faculty, staff and other educational stakeholders will benefit from positive learning environments.

This lack of funding may be construed throughout the field and local communities as a sign that the State's concern related to HIB in public schools has waned and that the spirit of the ABR is no longer significant. It is strongly recommended that the Bullying Prevention Fund be appropriated annually in an amount necessary to support the level of need. In the 2013-2014

school year the requests totaled approximately 9 million dollars. As discussed in the past, the ABTF's research and review of data, both qualitative and quantitative, suggests that educational professionals in the field work hard to both identify and secure the necessary resources to fulfill their individual responsibilities under the ABR. Practitioners recognize that the lack of resources limits the ability to fulfill training and reporting requirements. Survey data identify that 48% of CSAs and 52% of ABCs believe that there are not enough financial resources available for the effective implementation of the ABR.<sup>13</sup>

Data collected by the ABTF during the 2015-2016 school year continues to suggest that sustained State and local support for the work associated with the ABR is necessary to continue the efforts presently underway in public schools. In surveys of ABSs conducted by the ABTF this year, almost 30% of the respondents indicated that additional funding is necessary to provide for the requirements of the ABR in public schools.<sup>14</sup>

As in the past, the NJDOE continues to support training opportunities throughout the State; however, there is a strong need for focused and State-wide training related to best practices in creating and sustaining healthy school climates. Finally, additional supports to the NJDOE's Division of Learning Supports and Specialized Services would provide for the expansion of this critical work.

#### Recommendation

1. The Legislature annually appropriate funding of the Bullying Prevention Fund at the level equivalent to need.

<sup>13</sup> See Appendices B and D of this document for ABC and CSA survey questions, summaries, and charts.

<sup>14</sup> See Appendix A of this document for ABS survey questions, summaries, and charts.

***The Role of the School Safety/School Climate Teams, Programs, Approaches and Instruction,  
Social and Emotional Learning and Training***

**Discussion**

The ABTF has made several recommendations related to the work of the SS/SCTs and the impact of creating a systemic approach to school climate improvement. It is for this reason the ABTF has included several components in this section of our final report. These sections should be viewed collectively and not in isolation as they need to be connected in order to build a coherent plan to improve school climate. Research supports that creating a positive school climate is the single best way to prevent HIB. The ABR requires that creating, fostering and maintaining such a climate is the role of the SS/SCT. The SS/SCT is in fact, at the heart of the spirit of the ABR. The recommended code revision to include the phrase “School Climate” in the name of the School Safety Team acknowledges this key role. If New Jersey schools are to continue to address HIB effectively, each SS/SCT plays a pivotal role. Since this team shares leadership for creating a vision of school climate it must be made up of teachers, administrators and parents. The team should also include representation from extra-curricular activities such as coaches and club advisors. The ABTF strongly recommends that students be engaged in planning and implementing school climate improvement efforts. Everyone in the school community is responsible for the school’s climate and culture.

Each SS/SCT must operate as a professional learning team focused on developing a positive and productive learning environment for both students and adults. This requires teams to collect and analyze school climate data related to all the components of school climate, not just HIB, and to develop action plans to address areas of concern. Data should be collected from

students, staff and parents to ensure each stakeholder has a voice. Less than half of all audiences surveyed indicated that their school or district developed or implemented a written school climate improvement plan in the past year (Principals: 44.4%, ABSs: 36.4%, SS/SCT members: 46.4%, ABCs: 32.7%, CSAs: 29.2%). Each SS/SCT should monitor implementation of its school climate plan, reflect on progress, and reassess and revise the plans to create a cycle of school climate improvement.

In an attempt to prevent HIB and enhance school climate it is critical that school improvement plans avoid implementing “one shot” programs, approaches and initiatives. Disjointed programs are not effective. Every piece of the school’s climate improvement plan must be purposeful and connected. This will help avoid “initiative fatigue” and instead result in a comprehensive and systemic approach to school climate improvement.

The ABR requires year-long grade appropriate instruction in bullying prevention. As noted in our last report, this necessitates consistent and comprehensive instruction in social and emotional learning skills that enables students to build healthy relationships with adults and peers. This instruction must be part of the school and district climate improvement plan. Like academic skills, social and emotional learning skills should be taught at every grade level and reinforced throughout the school day and through the code of student conduct, thus setting clear expectations for behavior.

SS/SCTs need on-going professional learning opportunities specific to their roles. In previous reports the ABTF has strongly recommended that SS/SCT training be provided to all members of these teams. The focus of such training should include the following:

1. Understanding the dimensions of school climate;

2. Collecting and analyzing school climate data;
3. Developing school climate goals and action plans to achieve those goals;
4. Implementing approaches to social and emotional learning and character education; and
5. Evaluating school climate improvement efforts.

The ABTF encourages each SS/SCT to use the NJDOE Self-Assessment tool<sup>15</sup>, as well as the recommendations made by the ABTF to guide its work. Team members must be clear about the role of the team in order for the team to achieve its intended goal, creating a school climate where HIB is least likely to occur.

### Other Training

In the first year of implementation, training often focused on the compliance and procedural implications of the legislation. This training should continue to ensure that each incident of HIB is identified and investigated in an appropriate manner. Districts must ensure that all new staff are appropriately trained. However, as noted in the previous section the emphasis in training must shift to a stronger focus on the overall improvement of the school and district culture and climate. The ABTF also recommends that districts provide training specifically related to hazing. This training should emphasize the development of student character, leadership and social and emotional learning skills.

Other areas that require continued professional learning include providing safe school environments for diverse and vulnerable populations. Staff would also benefit from professional

<sup>15</sup> The Self-Assessment for Determining Grades under the ABR can be found at:  
<http://www.nj.gov/education/students/safety/behavior/hib/guidance/AppendixA.pdf>.

resources that can assist them in developing and implementing a meaningful range of responses for both targets and offenders.

### Recommendations

1. District boards of education, superintendents, principals, anti-bullying coordinators, anti-bullying specialists, and SS/SCT members are all encouraged to review all recommendations made by the ABTF.
2. District boards of education should ensure that SS/SCTs create, implement, reflect on and advise school climate improvement plans.
3. Districts should continue to ensure all staff are properly trained on proper implementation of the ABR and district policy using the most current information.
4. NJDOE in collaboration with the state education associations should create professional learning opportunities that focus on current best practices related to developing a positive school climate.

### **Range of Responses**

#### **Discussion**

The reports of the ABTF have made clear that the range of responses must focus on the individuals involved in each incident– targets, offenders and, as appropriate, witnesses and bystanders. Additionally, each response must take into account the age and other characteristics pertinent to each of the individuals. With respect to offenders, disciplinary responses, including in-school and out-of-school suspension if required, should be accompanied by counseling and/or other remedial actions focused on shifting behavior. With respect to targets, the ABTF has a deep concern regarding the need for support of the most vulnerable populations, in particular those students who may lack support at home. Incidents involving transgender students, for example, require particular sensitivity, as does the issue of sharing information concerning a student’s gender identity or expression with parents or caregivers with whom a student may be reluctant to speak.

#### **Recommendation**

1. District boards of education should address the needs of their most vulnerable populations when developing policies, programs, training and procedures to support their most vulnerable populations.

## **Implementation of the ABR in Higher Education**

### **Discussion**

The ABTF strongly encourages institutions of higher education to actively and consistently implement the requirements of the ABR by institutions of higher education. Full implementation can assist in reducing incidents of HIB on New Jersey's college campuses. As a follow up to its January 2015 report, on November 16, 2015 the ABTF conferred by telephone with Rochelle Hendricks, Secretary of Higher Education. The task force is encouraged that the Secretary expressed strong support for effective implementation of the ABR. She also stated that she is about to launch an initiative to look at what institutions are doing about issues such as dating violence. The initiative will include a focus on harassment, intimidation and bullying. Recognizing that the work of her office will take place after the ABTF formally concludes, the Secretary invited continuing participation by members of the ABTF. Her office will begin by conducting a survey. Task force members look forward to participating in the Secretary's ongoing efforts. Efforts to eliminate incidents of HIB at New Jersey's public institutions of higher education must be a priority.

### **Recommendations**

1. The Secretary of Higher Education is strongly encouraged to facilitate a conversation among all institutions of higher education to share best practices in the implementation of the ABR.
2. The Secretary of Higher Education is again encouraged to send all boards of trustees of public institutions of higher education in New Jersey a written reminder of the specific requirements of the ABR.



## **Commissioner's Program for Determining Grades under the ABR**

### **Discussion**

During its tenure, the ABTF reviewed the implementation of the Commissioner's Program for Determining Grades under the ABR where each school must annually complete a self-assessment to evaluate school and district implementation of the ABR. In its last report the ABTF recommended that SS/SCTs, CSAs, principals and ABCs utilize information from their completed school self-assessment to ensure the school is fulfilling all statutory requirements of the ABR; develop action plans to strengthen school climate and the policies of the school to prevent HIB; educate parents and the community; and provide additional information to further explain the self-assessment ratings when posting on district and school webpages.

The ABTF's most recent survey of current SS/SCT members indicates that only 55% of SS/SCTs implemented all four recommendations to utilize information from the completed Self-Assessment.<sup>16</sup> The highest percentage of respondents (68%) indicated they implemented a plan to address requirements in the ABR where the school rating was below the requirements, while 273 respondents (67%), utilized the results to develop action plans to strengthen school climate and school policies. These survey results are consistent with information from the NJDOE where 84 percent of schools reported meeting or exceeding the requirements of the eight core elements, a 7% increase compared to last year. This year's grades reports results are a testament to the sustained commitment of districts and schools to implement the law and create positive learning environments that prevent HIB from occurring.

<sup>16</sup> See Appendix E of this document for SS/SCT survey questions, summaries, and charts.

The ABTF also recommended that the NJDOE identify schools with low scores on the Self-Assessment to provide needed training and provide technical assistance on completing the Self-Assessment. After the release of last year's HIB Grade Reports, the NJDOE identified 50 schools that did not meet at least half of the required core elements in 2013-2014 and conducted three regional trainings. Training participants were provided with an overview of the ABR, information on the Self-Assessment process, strategies for effective administration and an understanding of each core element. During the sessions, school staff also reviewed current data and identified areas for improvement. Schools were provided support to develop action plans to fulfill requirements. In order to provide statewide technical assistance on completing the Self-Assessment, the NJDOE developed an online module to facilitate accurate completion and submission of the Self-Assessment.<sup>17</sup>

### Recommendations

1. All schools are encouraged to use the results of self-assessment to inform the development and annual review of their school climate plans.
2. All schools should avail themselves of the NJDOE online training module.

<sup>17</sup> The NJDOE online Self-Assessment module can be found at:  
<http://www.state.nj.us/education/students/safety/behavior/hib/guidance>.

## **Section IV: Conclusion**

The members of the ABTF appreciate the opportunity to work with so many individuals who share our dedication and commitment to ensuring the well-being of all New Jersey students. As the work of the task force concludes, the responsibility to sustain the progress made in implementing the ABR shifts to the State Legislature, the NJDOE and each school district. We emphasize the following points that will make significant impact on the safety of our students:

- Implement all recommendations made by the ABTF.<sup>18</sup> Although the recommendations in the appendices are organized by the audience for which they are intended, they should be reviewed in their totality in order to better understand their intent. It will take the collaboration of all stakeholders to make these recommendations a reality.
- Prioritize focus on creating a culture of inclusivity and collaboration through the SS/SCTs.
- Institute and sustain annual financial support of ABR initiatives.

The number of HIB incidents has begun to plateau and without continued focus on these three areas, the ABTF is concerned that these statistics will begin to rise. We trust that everyone's concern for the safety of our students will not allow that to happen.

<sup>18</sup> See Appendices L, M, and N of this report for a complete summary of the Anti-Bullying Task Force recommendations to date.

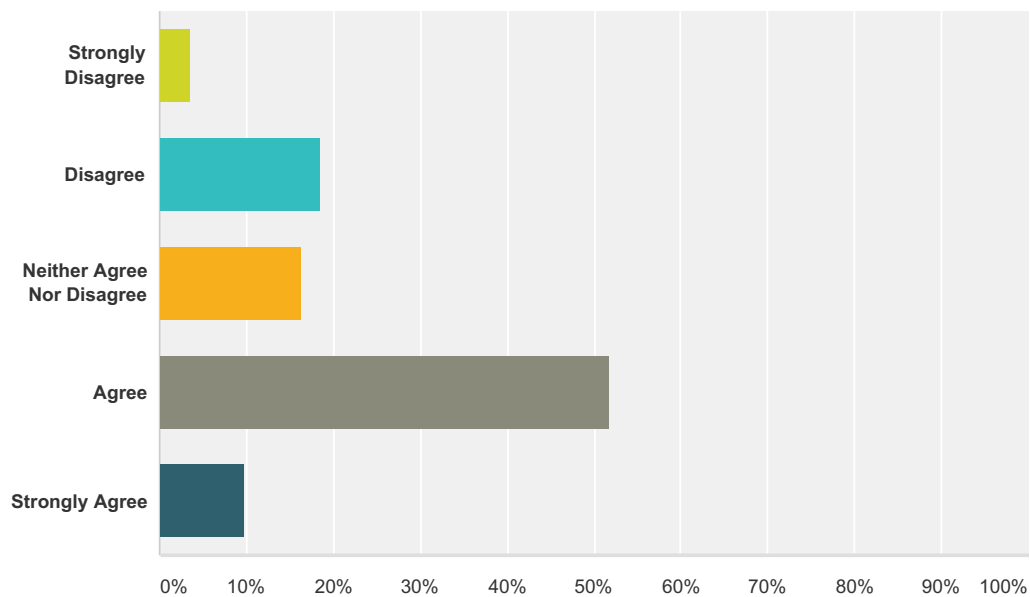
## Appendix A

### New Jersey Anti-Bullying Task Force Anti-Bullying Specialist Survey & Data 2015

NJ ABTF ABS Survey 2015

#### **Q1 There are enough training opportunities available for staff in our school to carry out the responsibilities specified in the ABR.**

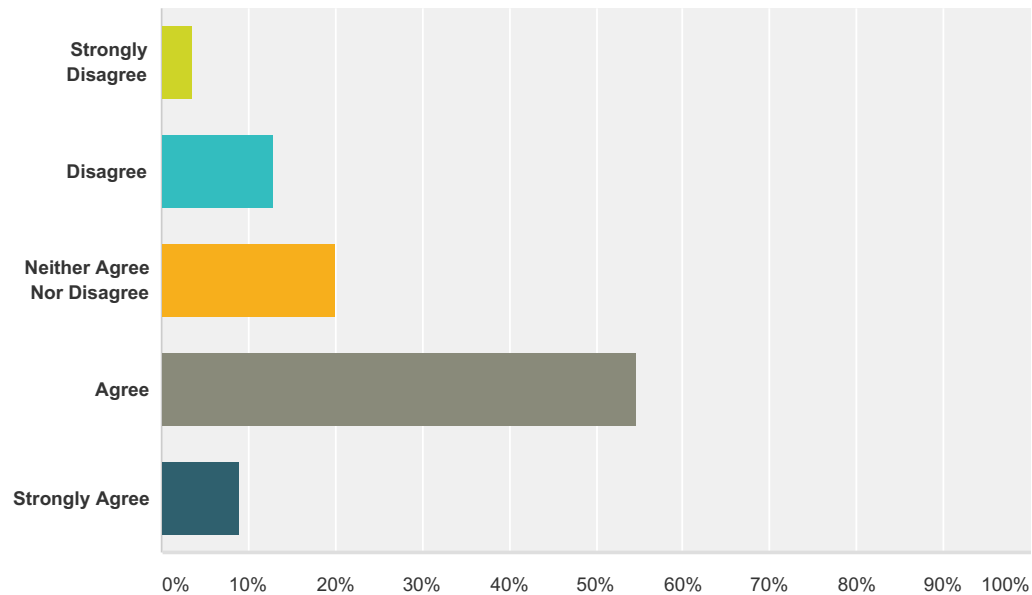
Answered: 313 Skipped: 2



Answer Choices	Responses	
Strongly Disagree	3.51%	11
Disagree	18.53%	58
Neither Agree Nor Disagree	16.29%	51
Agree	51.76%	162
Strongly Agree	9.90%	31
<b>Total</b>		<b>313</b>

**Q2 There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my school. (Note: This question is NOT addressing financial resources.)**

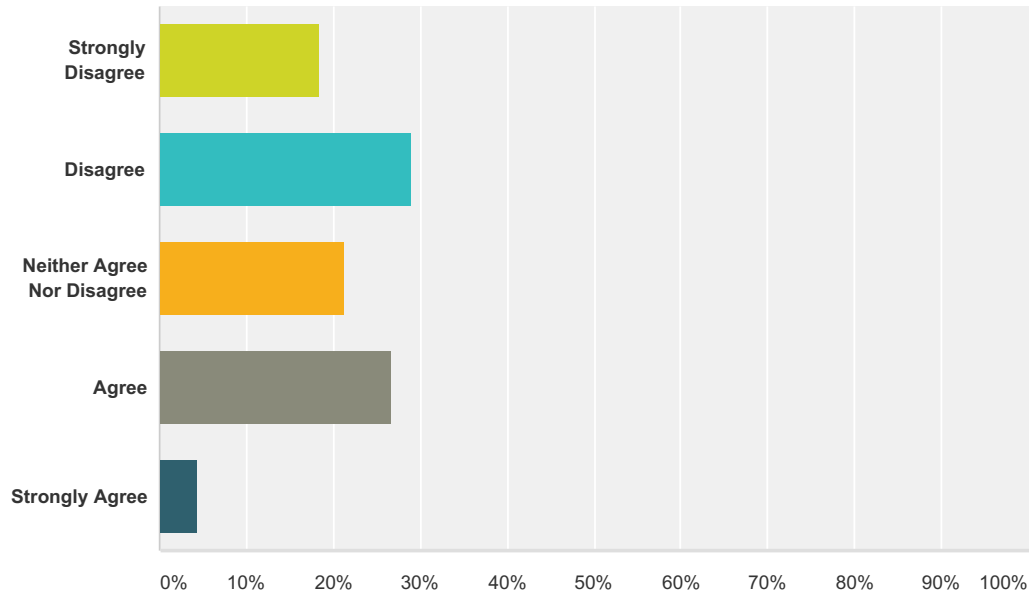
Answered: 315 Skipped: 0



Answer Choices	Responses	
Strongly Disagree	3.49%	11
Disagree	13.02%	41
Neither Agree Nor Disagree	20.00%	63
Agree	54.60%	172
Strongly Agree	8.89%	28
<b>Total</b>		<b>315</b>

**Q3 I believe that there are enough financial resources available for our school to carry out the school responsibilities specified in the ABR.**

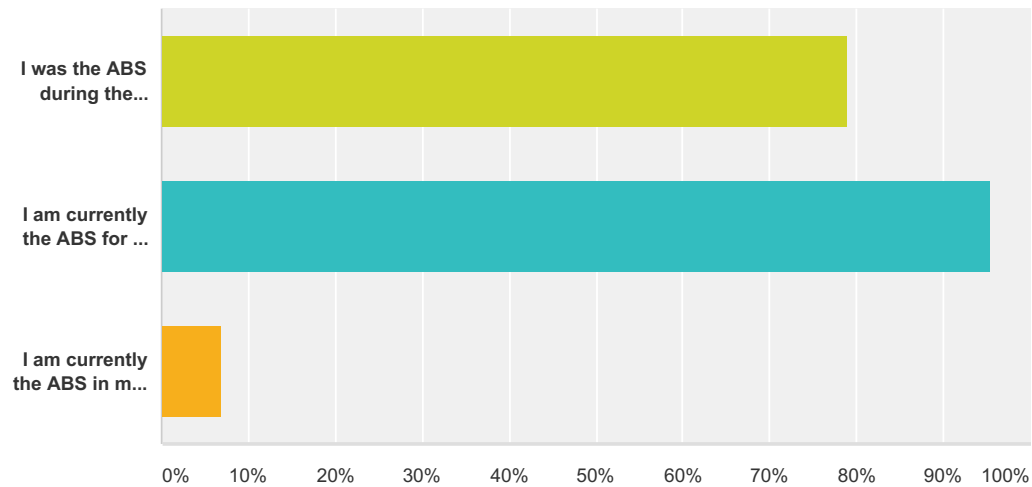
Answered: 314 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	18.47%	58
Disagree	28.98%	91
Neither Agree Nor Disagree	21.34%	67
Agree	26.75%	84
Strongly Agree	4.46%	14
<b>Total</b>		<b>314</b>

## Q4 What describes your role as ABS in your school? Check all that apply.

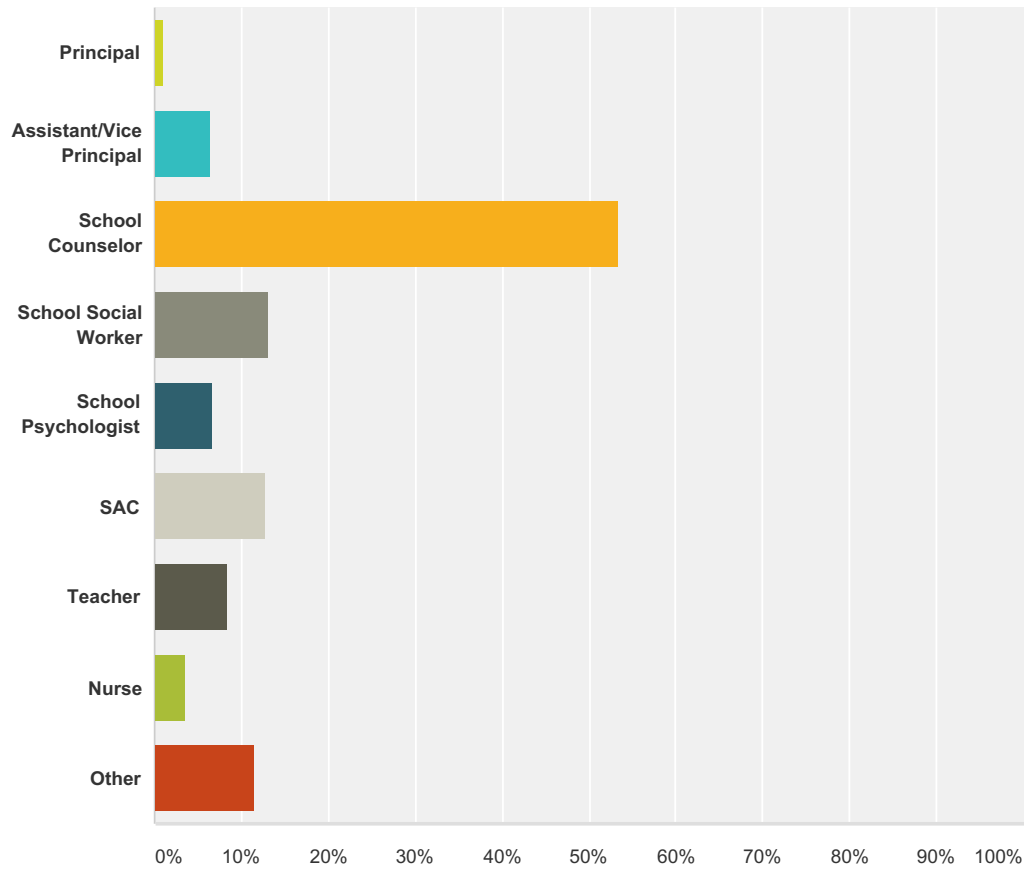
Answered: 308 Skipped: 7



Answer Choices	Responses	
I was the ABS during the 2014-2015 school year	78.90%	243
I am currently the ABS for the 2015-2016 school year	95.45%	294
I am currently the ABS in more than one school	6.82%	21
Total Respondents: 308		

**Q5 Please indicate the additional roles that you currently serve in your school. Check all that apply.**

Answered: 312 Skipped: 3

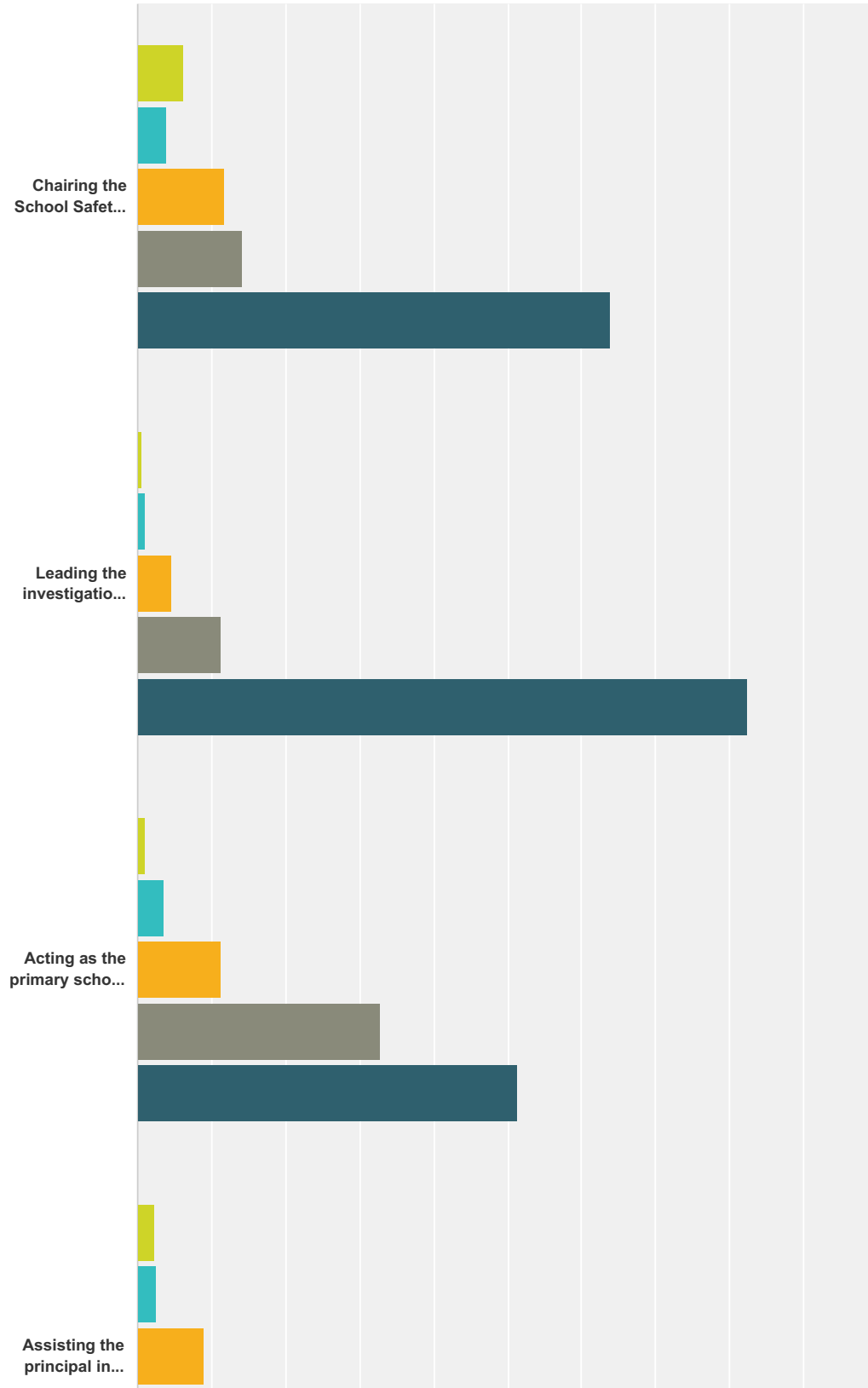


Answer Choices	Responses
Principal	0.96% 3
Assistant/Vice Principal	6.41% 20
School Counselor	53.53% 167
School Social Worker	13.14% 41
School Psychologist	6.73% 21
SAC	12.82% 40
Teacher	8.33% 26
Nurse	3.53% 11
Other	11.54% 36
<b>Total Respondents: 312</b>	

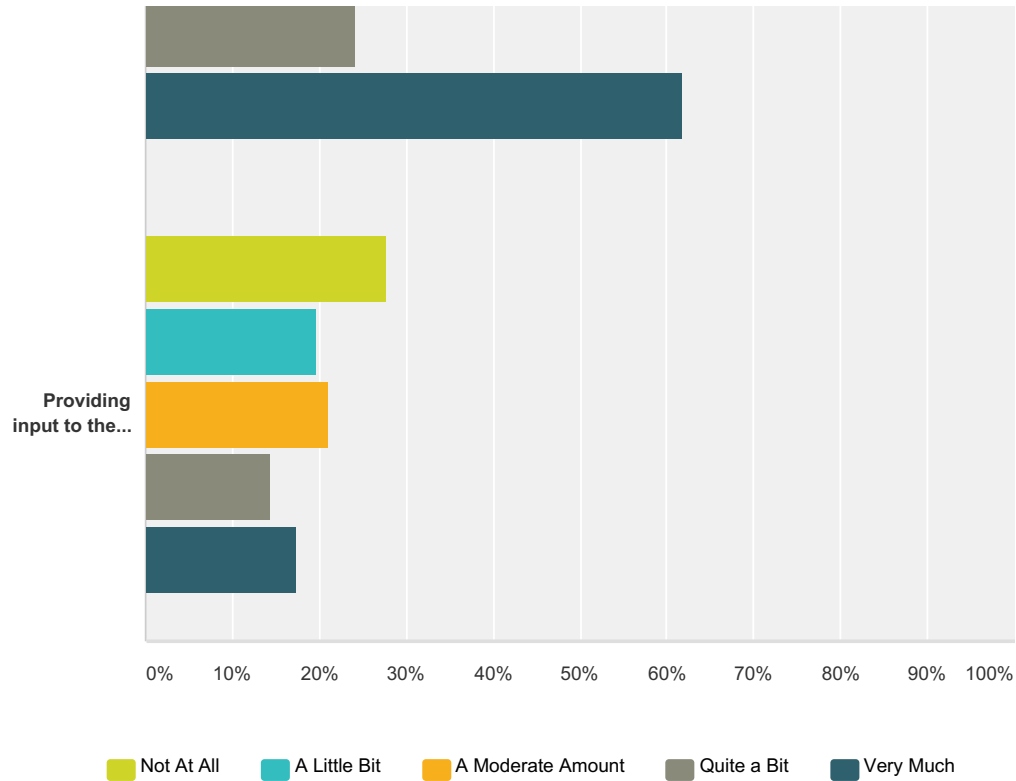


# **Q6 To what extent do you engage in implementation of the following requirements of the ABS role?**

Answered: 311 Skipped: 4



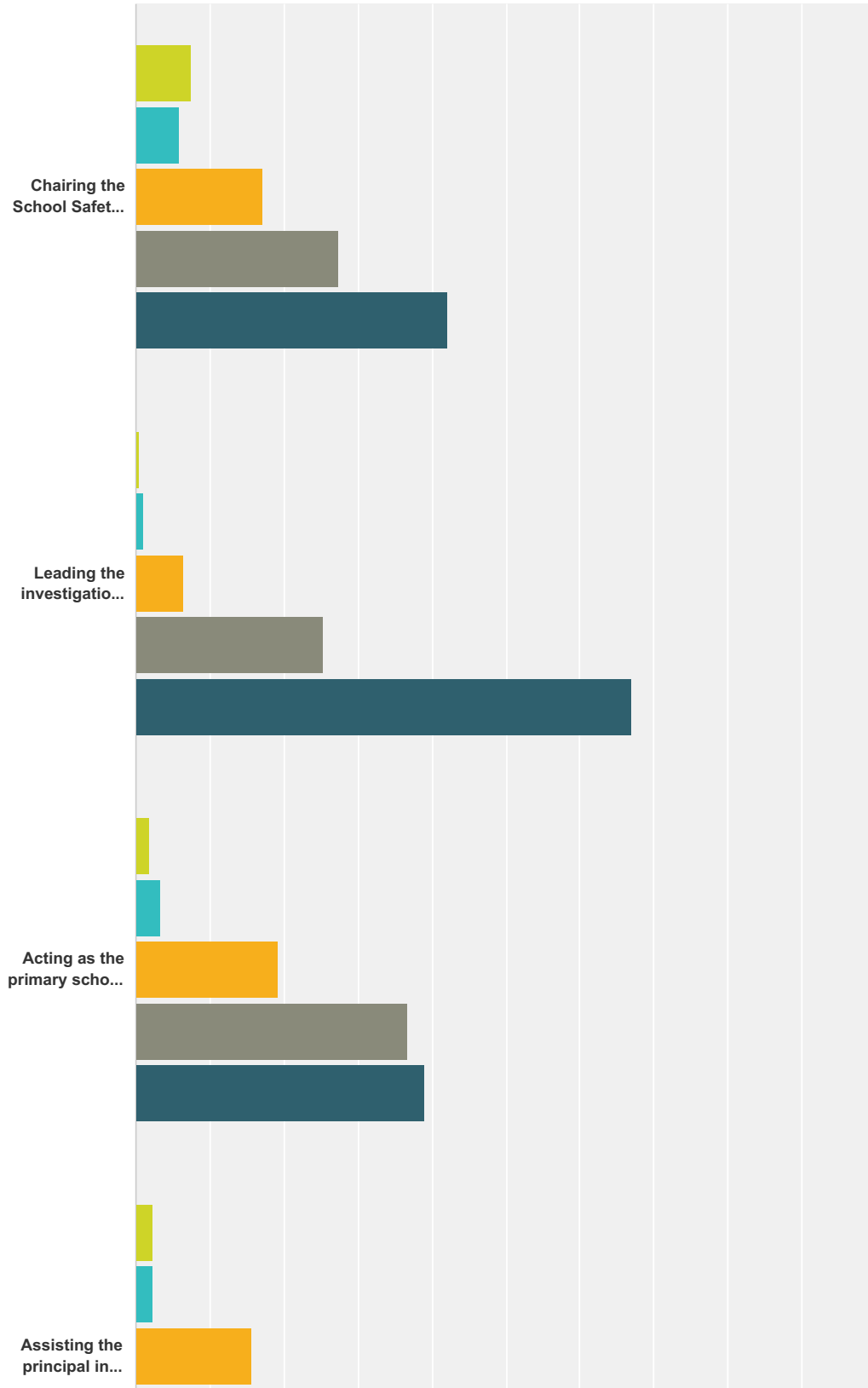
## NJ ABTF ABS Survey 2015



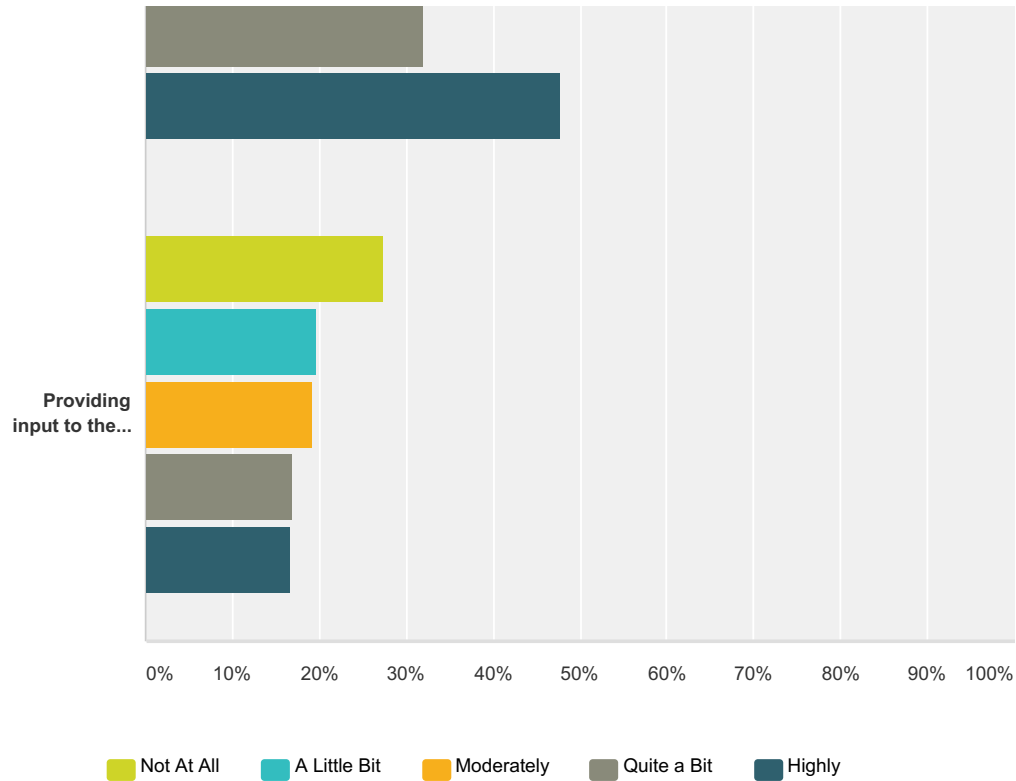
	Not At All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Chairing the School Safety Team	6.17% 19	3.90% 12	11.69% 36	14.29% 44	63.96% 197	308
Leading the investigation of reported HIB incidents	0.65% 2	0.97% 3	4.53% 14	11.33% 35	82.52% 255	309
Acting as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school	0.97% 3	3.57% 11	11.36% 35	32.79% 101	51.30% 158	308
Assisting the principal in defining a range of ways to respond to HIB	2.27% 7	2.59% 8	9.06% 28	24.27% 75	61.81% 191	309
Providing input to the local board of education on the annual re-evaluation, reassessment, and review of the district's HIB policy	27.69% 85	19.54% 60	21.17% 65	14.33% 44	17.26% 53	307

# **Q7 How effective do you think you have been in addressing the following ABS requirements?**

Answered: 311 Skipped: 4



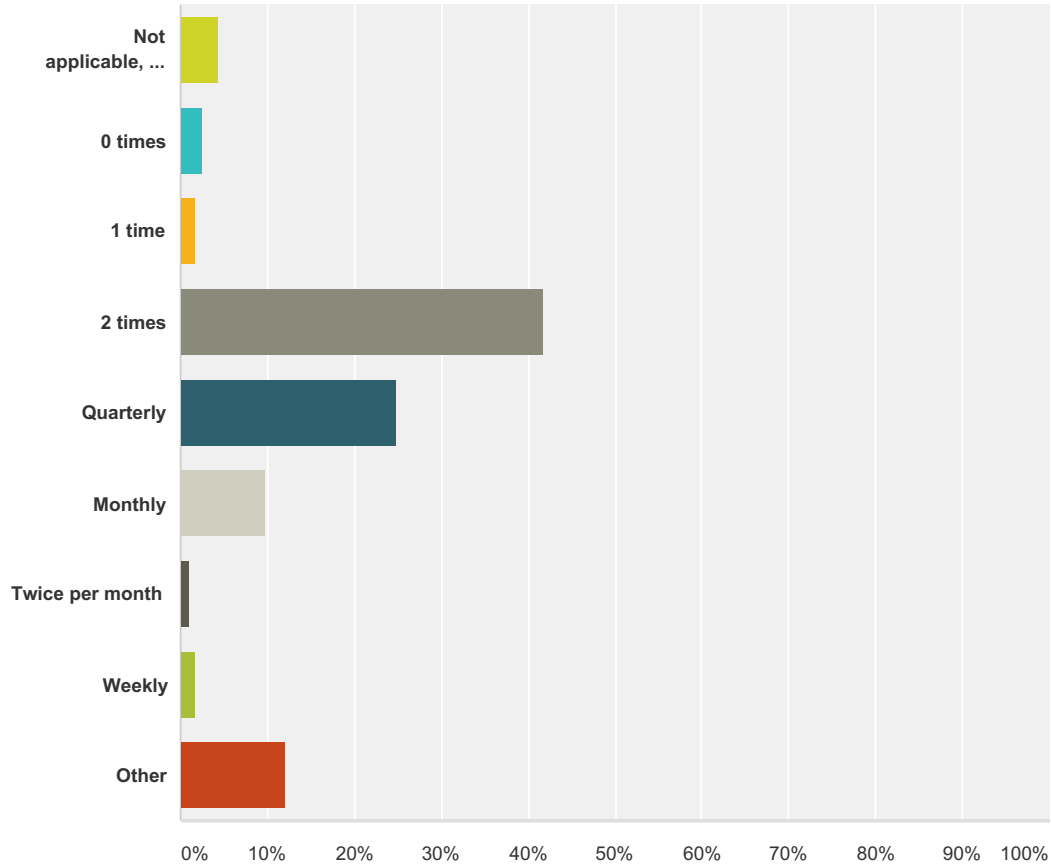
## NJ ABTF ABS Survey 2015



	Not At All	A Little Bit	Moderately	Quite a Bit	Highly	Total
Chairing the School Safety Team	7.47% 23	5.84% 18	17.21% 53	27.27% 84	42.21% 130	308
Leading the investigation of reported HIB incidents	0.32% 1	0.97% 3	6.47% 20	25.24% 78	66.99% 207	309
Acting as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school	1.95% 6	3.25% 10	19.16% 59	36.69% 113	38.96% 120	308
Assisting the principal in defining a range of ways to respond to HIB	2.28% 7	2.28% 7	15.64% 48	31.92% 98	47.88% 147	307
Providing input to the local board of education on the annual re-evaluation, reassessment, and review of the district's HIB policy	27.45% 84	19.61% 60	19.28% 59	16.99% 52	16.67% 51	306

## Q8 How often did you meet with your School Safety/School Climate Team during the 2014-2015 school year?

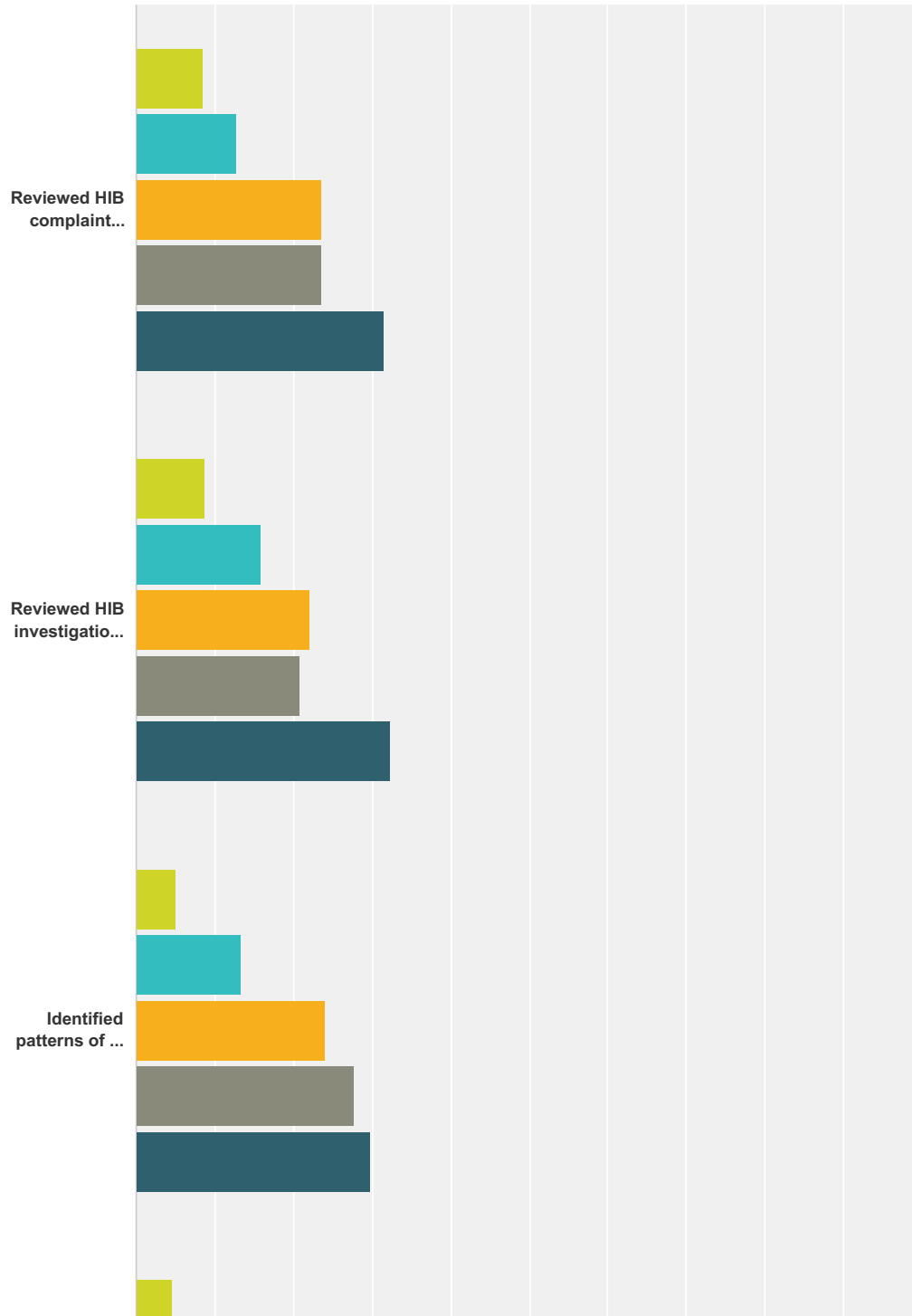
Answered: 313 Skipped: 2



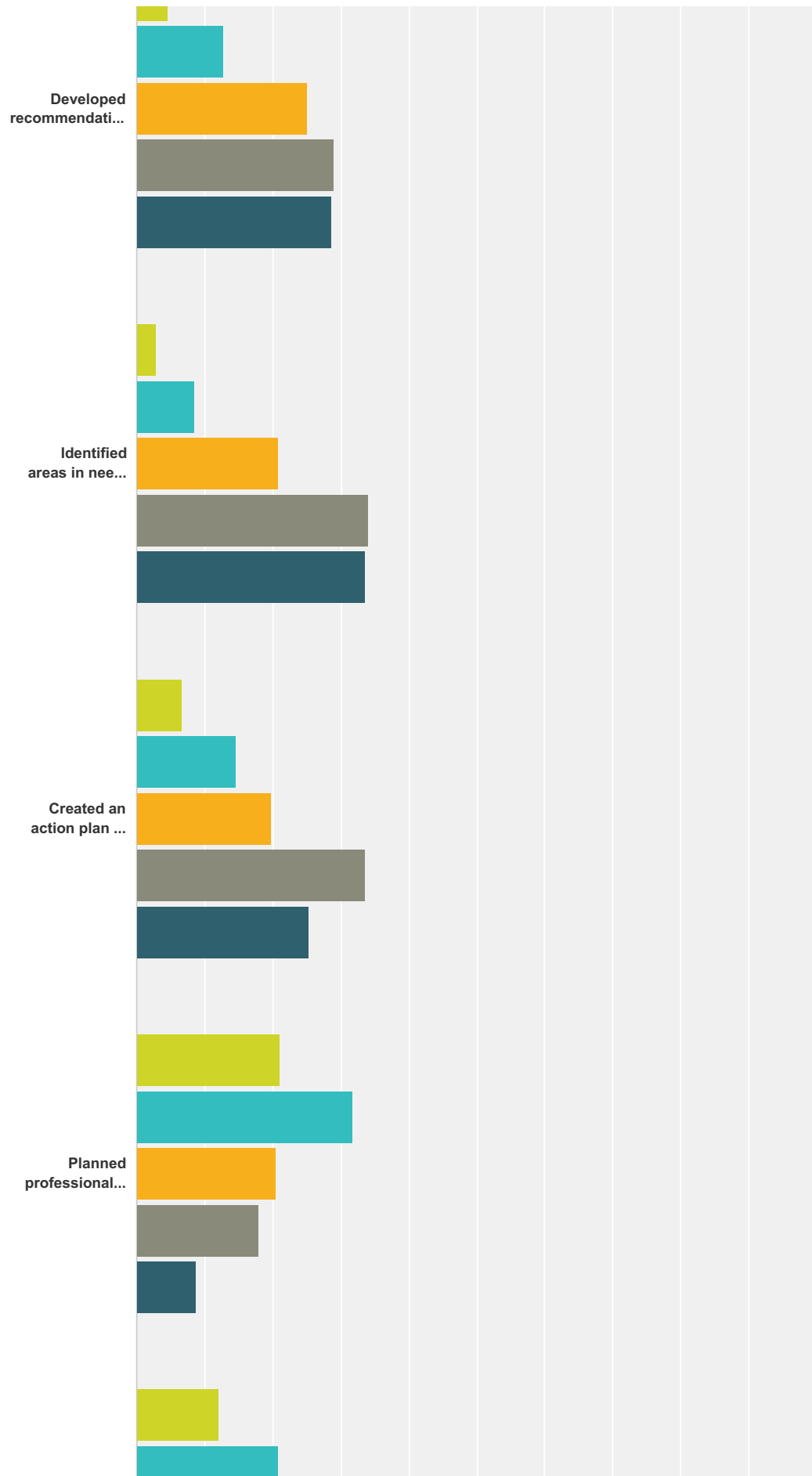
Answer Choices	Responses	
Not applicable, I was not the ABS during the 2014-2015 school year	4.47%	14
0 times	2.56%	8
1 time	1.60%	5
2 times	41.85%	131
Quarterly	24.92%	78
Monthly	9.90%	31
Twice per month	0.96%	3
Weekly	1.60%	5
Other	12.14%	38
<b>Total</b>		<b>313</b>

**Q9 Please rate how often each of the following activities was addressed by the School Safety/School Climate Team during the 2014-2015 school year. (You may skip this question if you were not on the School Safety/School Climate Team in the 2014-2015 school year.)**

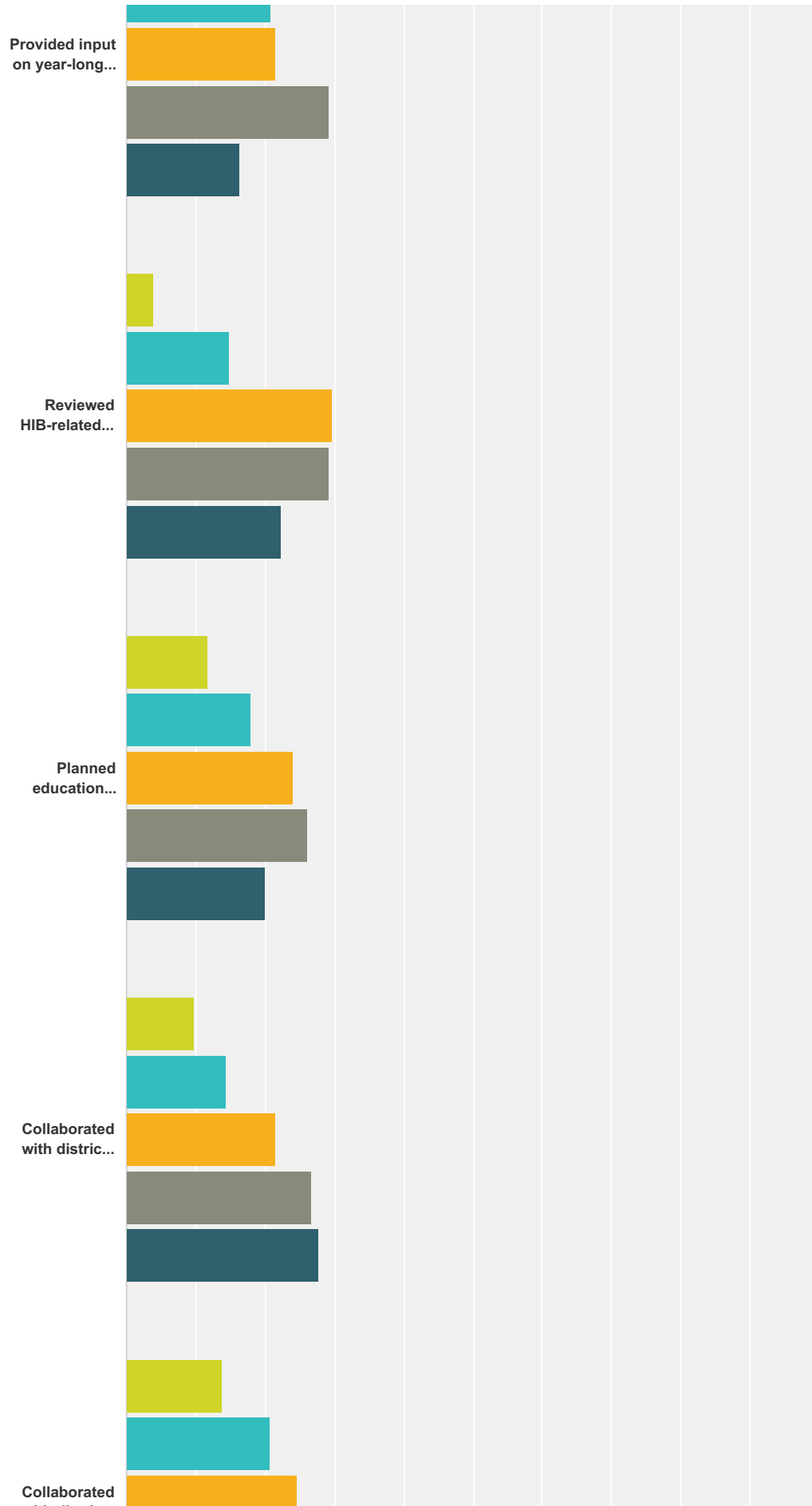
Answered: 288 Skipped: 27



# NJ ABTF ABS Survey 2015

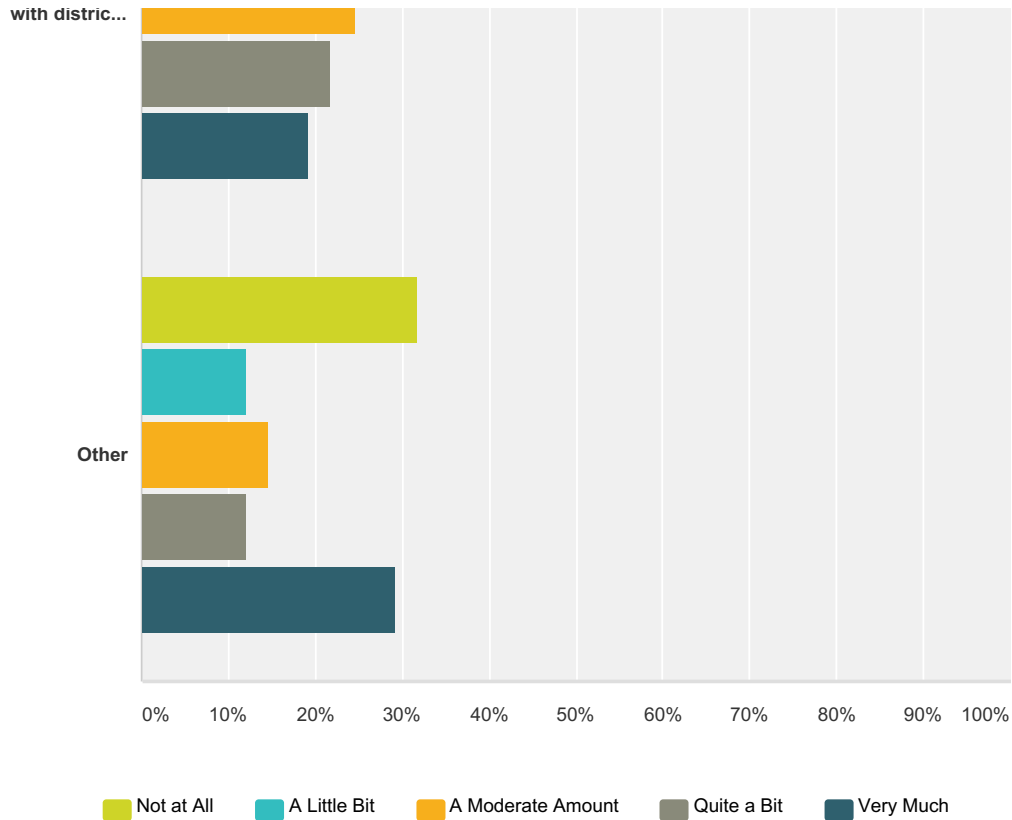


# NJ ABTF ABS Survey 2015





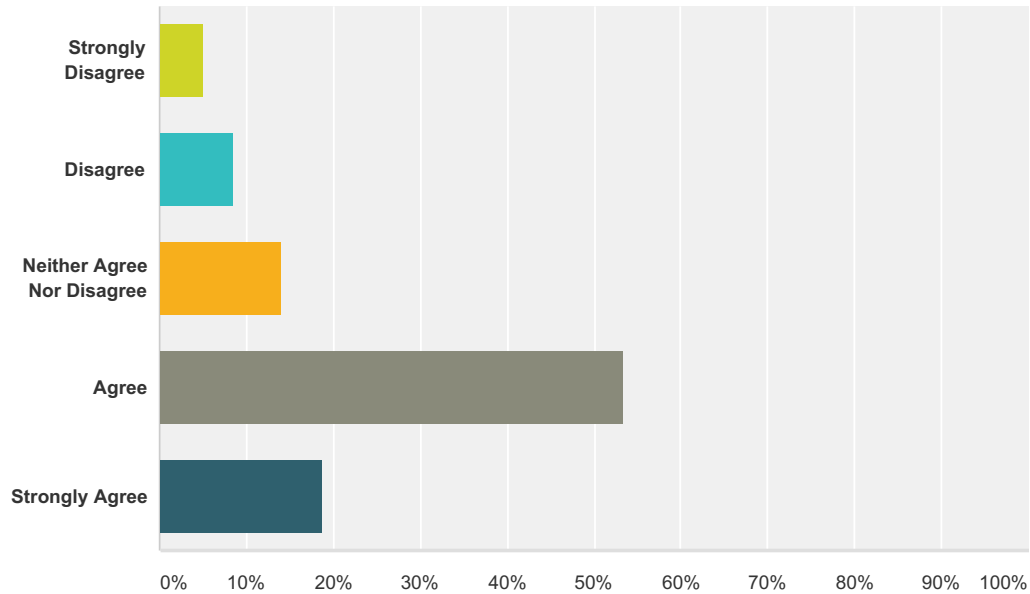
## NJ ABTF ABS Survey 2015



	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Reviewed HIB complaint records	8.48% 24	12.72% 36	23.67% 67	23.67% 67	31.45% 89	283
Reviewed HIB investigation reports	8.80% 25	15.85% 45	22.18% 63	20.77% 59	32.39% 92	284
Identified patterns of HIB by reviewing multiple data sources (e.g. incident reports, survey data, etc.)	4.93% 14	13.38% 38	23.94% 68	27.82% 79	29.93% 85	284
Developed recommendations to address identified patterns of HIB	4.59% 13	12.72% 36	25.09% 71	28.98% 82	28.62% 81	283
Identified areas in need for school climate improvement	2.84% 8	8.51% 24	20.92% 59	34.04% 96	33.69% 95	282
Created an action plan to improve school climate	6.74% 19	14.54% 41	19.86% 56	33.69% 95	25.18% 71	282
Planned professional development opportunities for teachers to prevent or address HIB	21.13% 60	31.69% 90	20.42% 58	17.96% 51	8.80% 25	284
Provided input on year-long instruction for HIB prevention	12.01% 34	20.85% 59	21.55% 61	29.33% 83	16.25% 46	283
Reviewed HIB-related school policies and procedures	3.89% 11	14.84% 42	29.68% 84	29.33% 83	22.26% 63	283
Planned education programs for the school community to prevent HIB	11.66% 33	18.02% 51	24.03% 68	26.15% 74	20.14% 57	283
Collaborated with district Anti-Bullying Coordinator to collect district-wide data	9.82% 28	14.39% 41	21.40% 61	26.67% 76	27.72% 79	285
Collaborated with district Anti-Bullying Coordinator to further develop district HIB policies	13.68% 39	20.70% 59	24.56% 70	21.75% 62	19.30% 55	285
Other	31.71% 13	12.20% 5	14.63% 6	12.20% 5	29.27% 12	41

**Q10 Please indicate the extent to which you agree or disagree:I believe that I have been adequately prepared (e.g., through training) to carry out the job responsibilities of the ABS.**

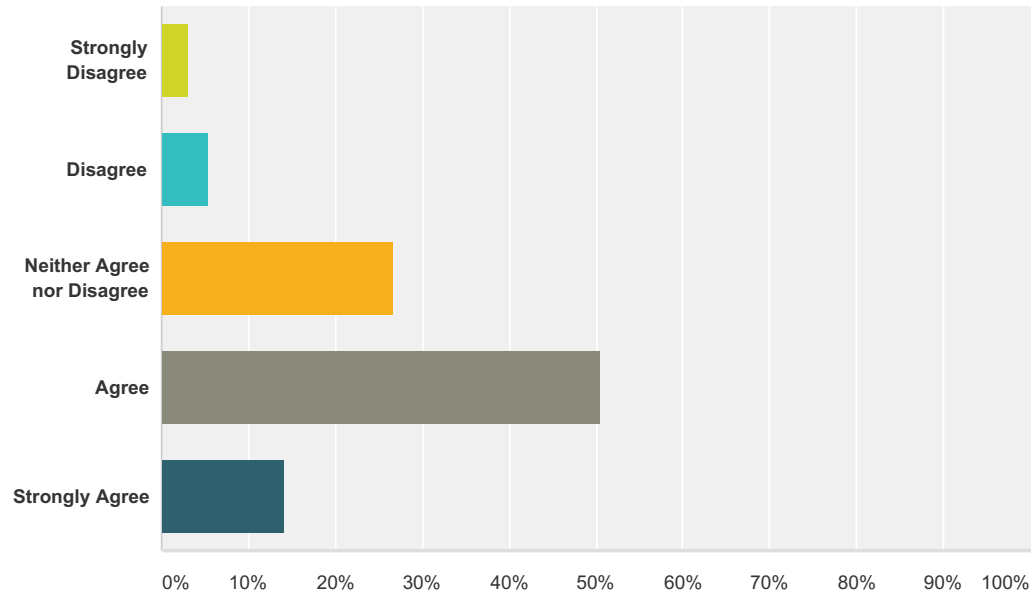
Answered: 313 Skipped: 2



Answer Choices	Responses	
Strongly Disagree	5.11%	16
Disagree	8.63%	27
Neither Agree Nor Disagree	14.06%	44
Agree	53.35%	167
Strongly Agree	18.85%	59
<b>Total</b>		<b>313</b>

**Q11 Please indicate the extent to which you agree or disagree: My role as the school ABS is having a positive impact on school climate.**

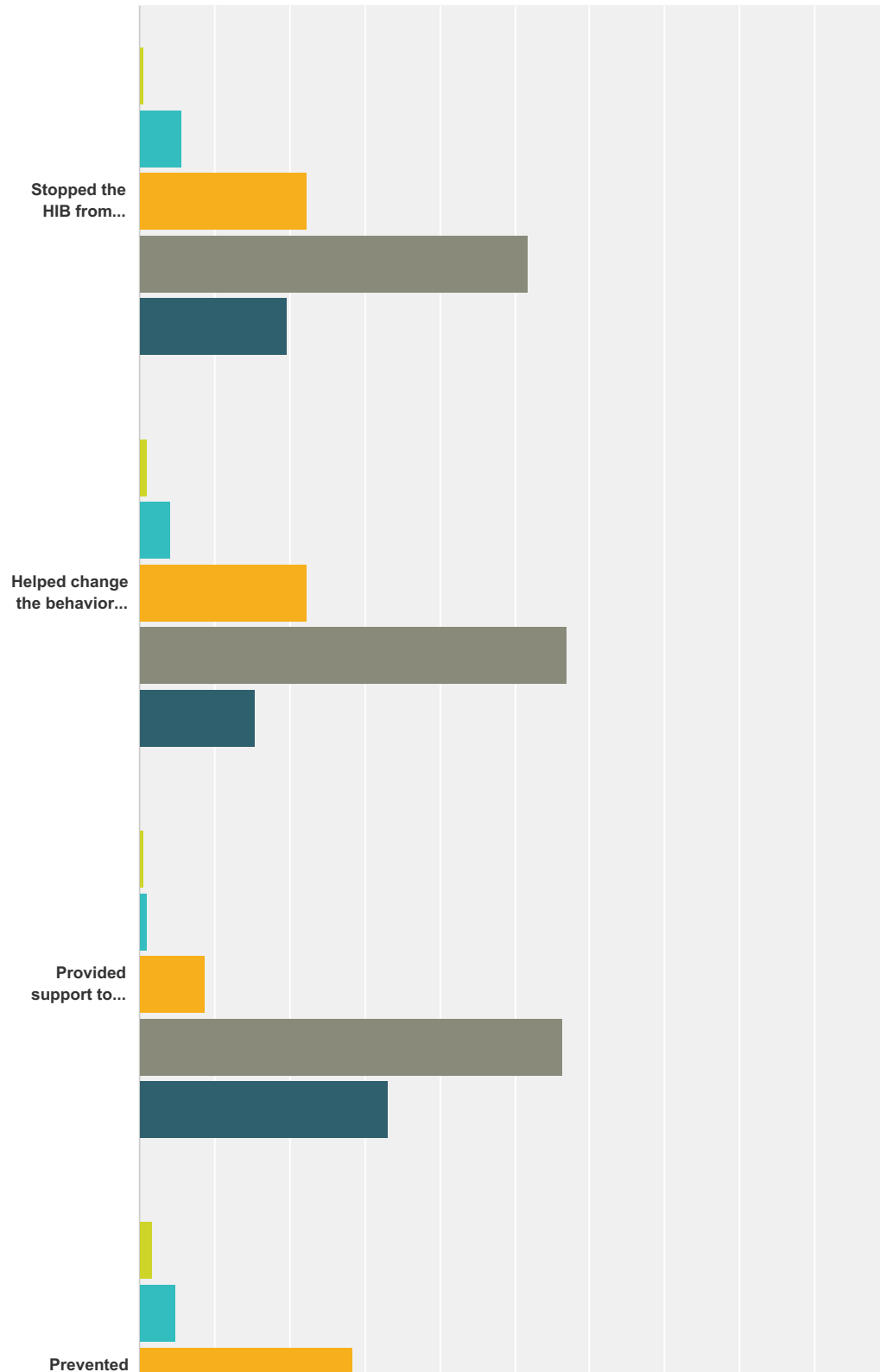
Answered: 311 Skipped: 4



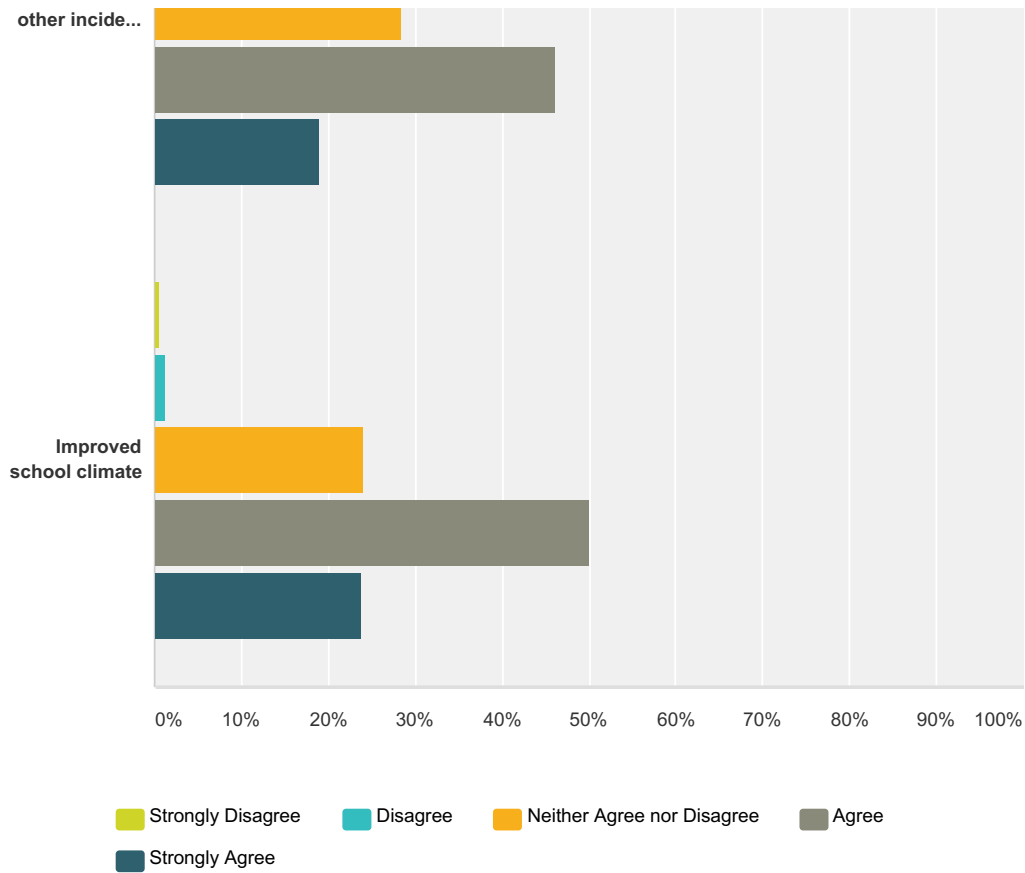
Answer Choices	Responses	
Strongly Disagree	3.22%	10
Disagree	5.47%	17
Neither Agree nor Disagree	26.69%	83
Agree	50.48%	157
Strongly Agree	14.15%	44
<b>Total</b>		<b>311</b>

**Q12 Please indicate the extent to which you agree or disagree: In my school, the range of responses we have implemented in response to confirmed incidents of HIB has:**

Answered: 308 Skipped: 7



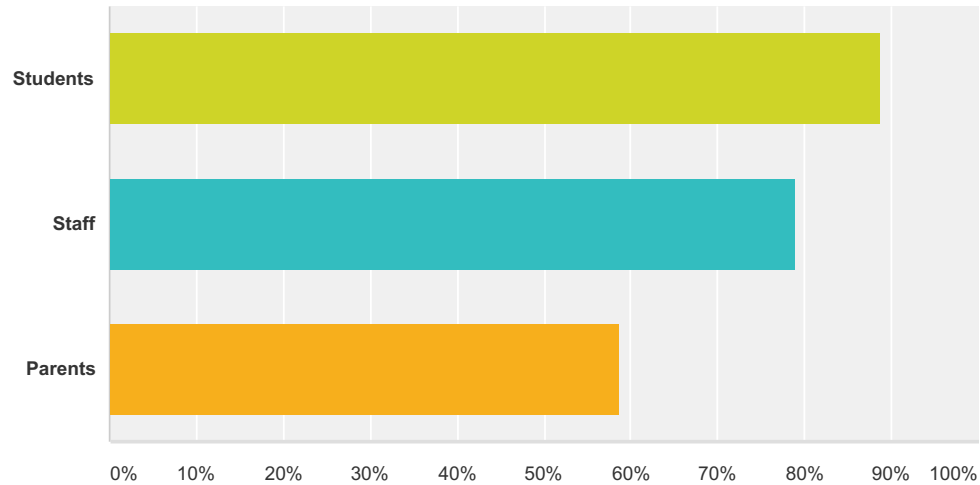
## NJ ABTF ABS Survey 2015



	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Total
Stopped the HIB from continuing	0.66% 2	5.57% 17	22.30% 68	51.80% 158	19.67% 60	305
Helped change the behavior of perpetrators	0.98% 3	4.26% 13	22.30% 68	57.05% 174	15.41% 47	305
Provided support to victims	0.66% 2	0.98% 3	8.85% 27	56.39% 172	33.11% 101	305
Prevented other incidents of HIB from starting	1.63% 5	4.90% 15	28.43% 87	46.08% 141	18.95% 58	306
Improved school climate	0.66% 2	1.32% 4	24.09% 73	50.17% 152	23.76% 72	303

**Q13 Since the implementation of the ABR in September 2011, please indicate if your school has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)**

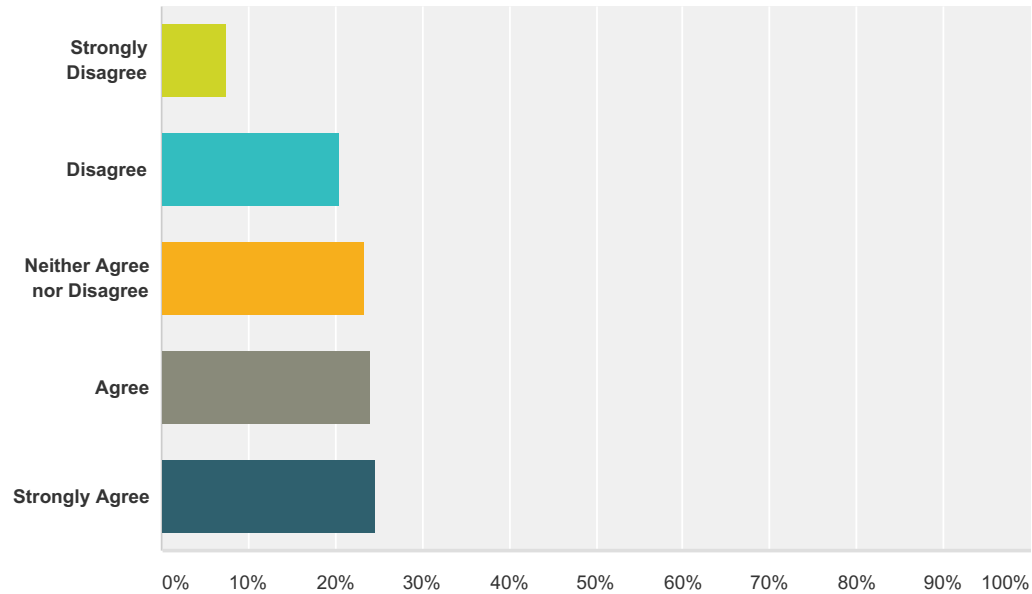
Answered: 257 Skipped: 58



Answer Choices	Responses	
Students	88.72%	228
Staff	78.99%	203
Parents	58.75%	151
Total Respondents: 257		

**Q14 Please indicate the extent to which you agree or disagree: I have had to give up other job responsibilities to carry out the role of ABS in my school.**

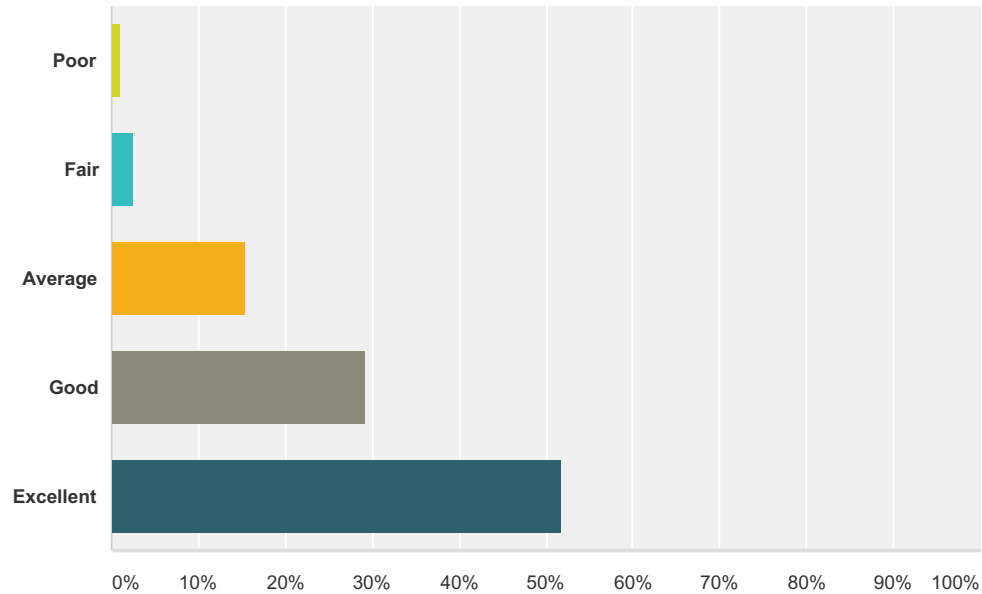
Answered: 308 Skipped: 7



Answer Choices	Responses	
Strongly Disagree	7.47%	23
Disagree	20.45%	63
Neither Agree nor Disagree	23.38%	72
Agree	24.03%	74
Strongly Agree	24.68%	76
<b>Total</b>		<b>308</b>

**Q15 How would you rate the quality of communication regarding HIB incidents between you, as the ABS, your school's principal, the district Anti-Bullying Coordinator, and the superintendent?**

Answered: 309 Skipped: 6

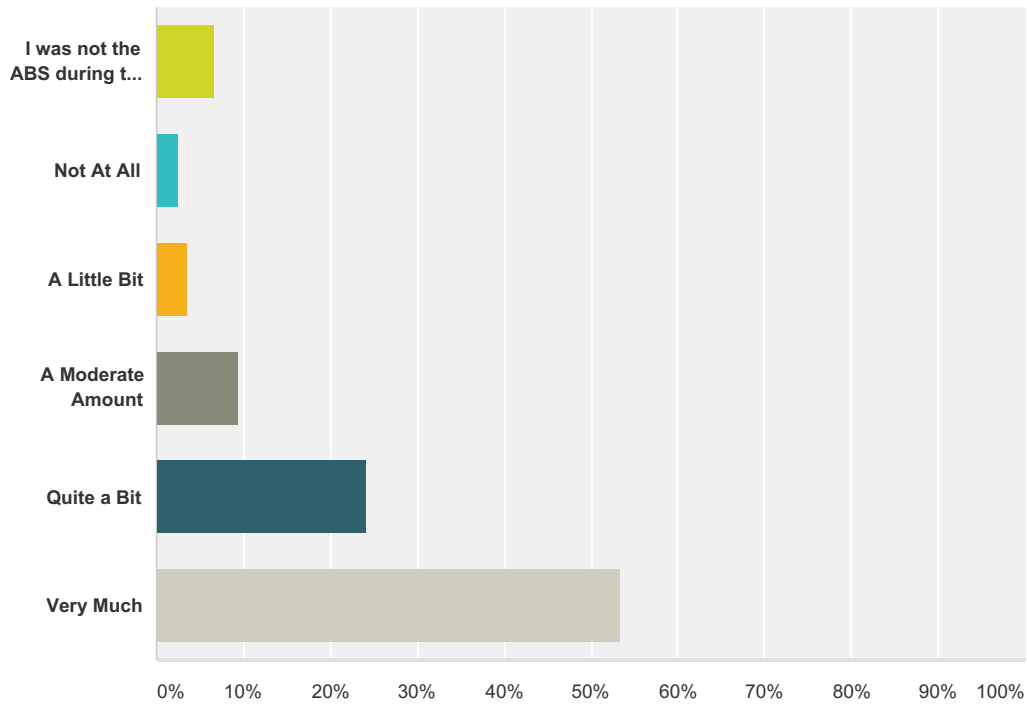


Answer Choices	Responses
Poor	0.97% 3
Fair	2.59% 8
Average	15.53% 48
Good	29.13% 90
Excellent	51.78% 160
<b>Total</b>	<b>309</b>



**Q16 In your role as the ABS, please indicate the extent to which you evaluated the implementation of the Anti-Bullying Bill of Rights in your school by supporting the completion of the 2014-2015 "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act."**

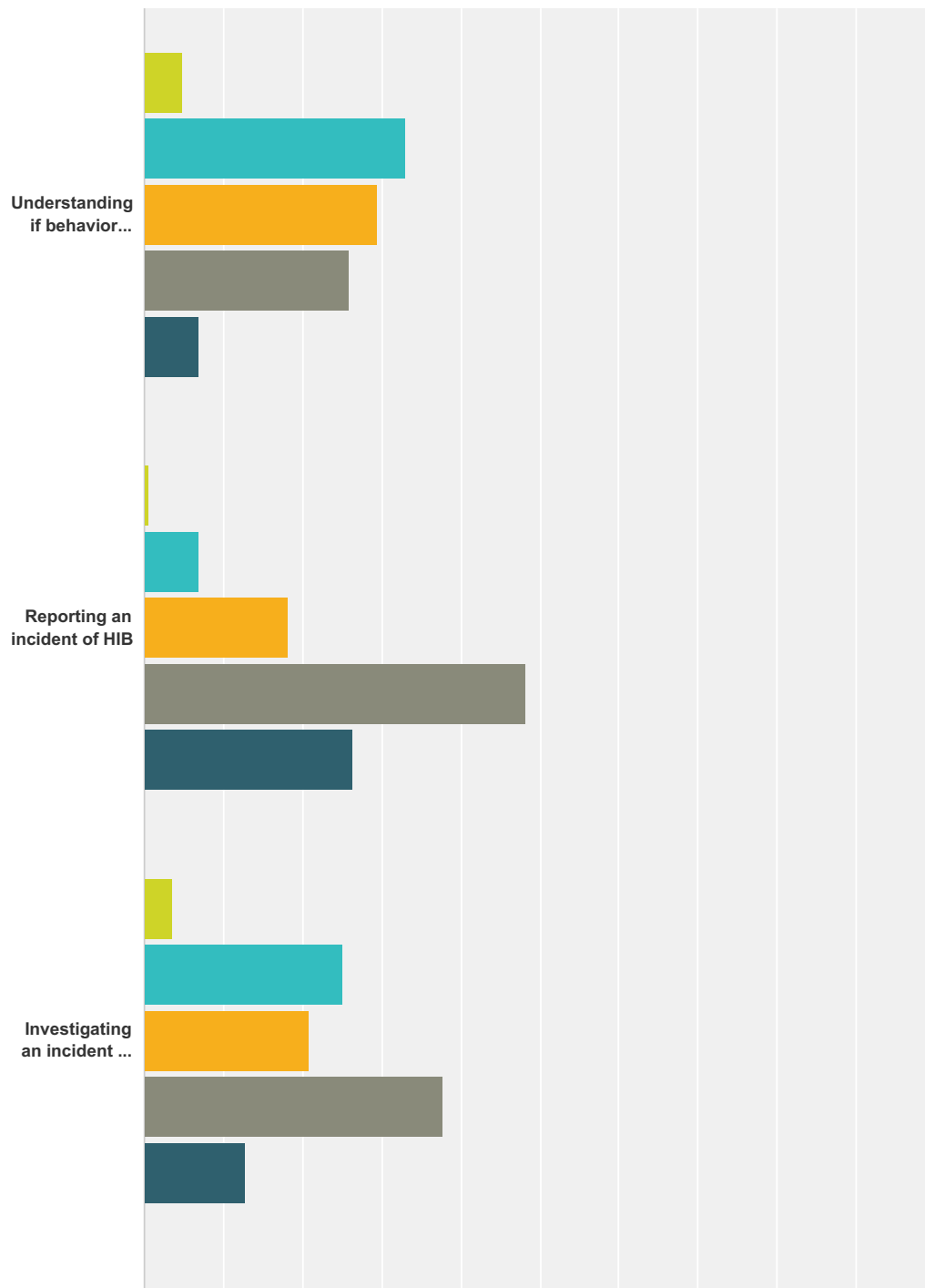
Answered: 310 Skipped: 5



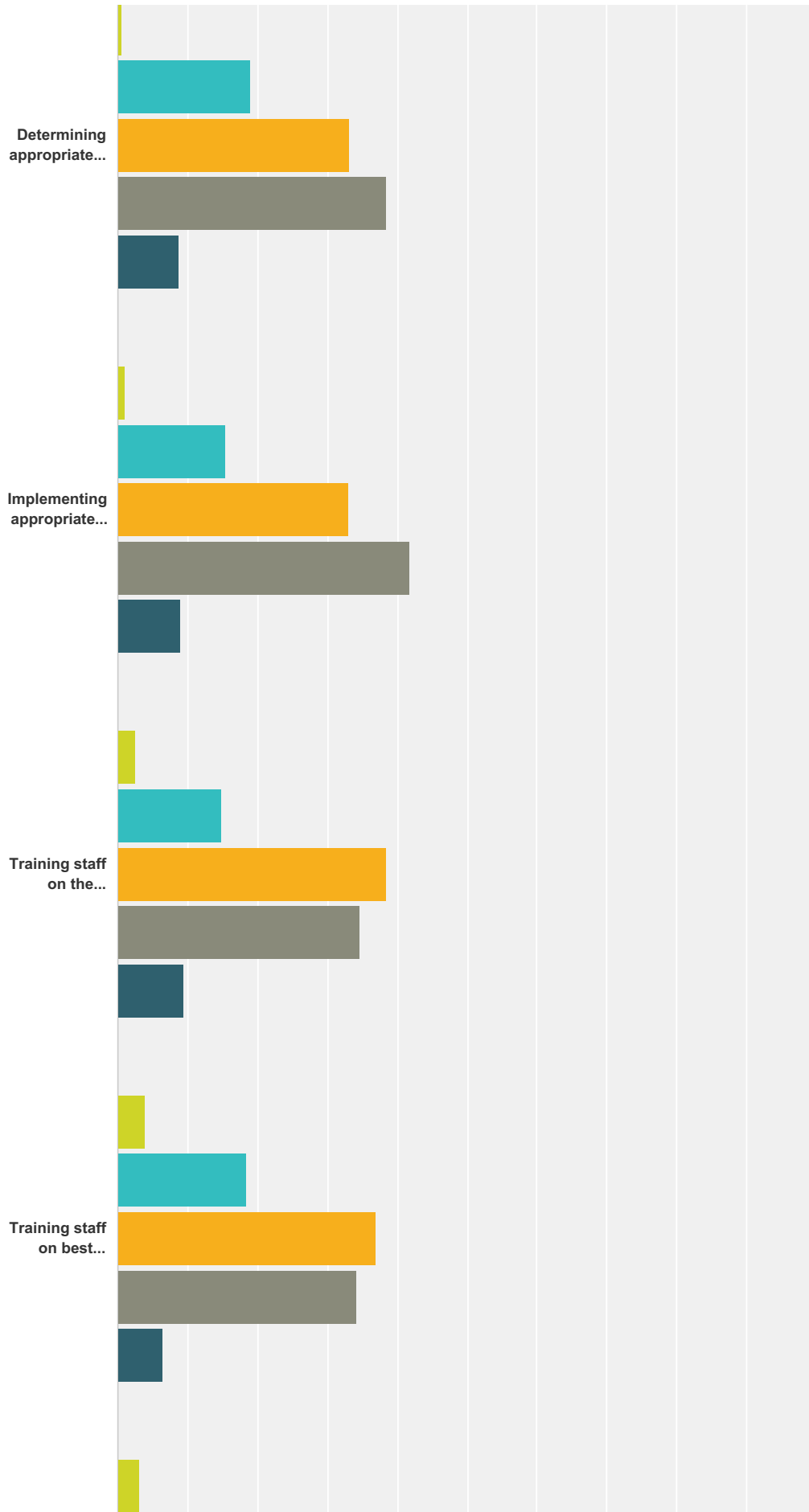
Answer Choices	Responses	
I was not the ABS during the self-assessment process	6.77%	21
Not At All	2.58%	8
A Little Bit	3.55%	11
A Moderate Amount	9.35%	29
Quite a Bit	24.19%	75
Very Much	53.55%	166
<b>Total</b>		<b>310</b>

**Q17 Please indicate the degree to which it has been easy or challenging for your school to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.**

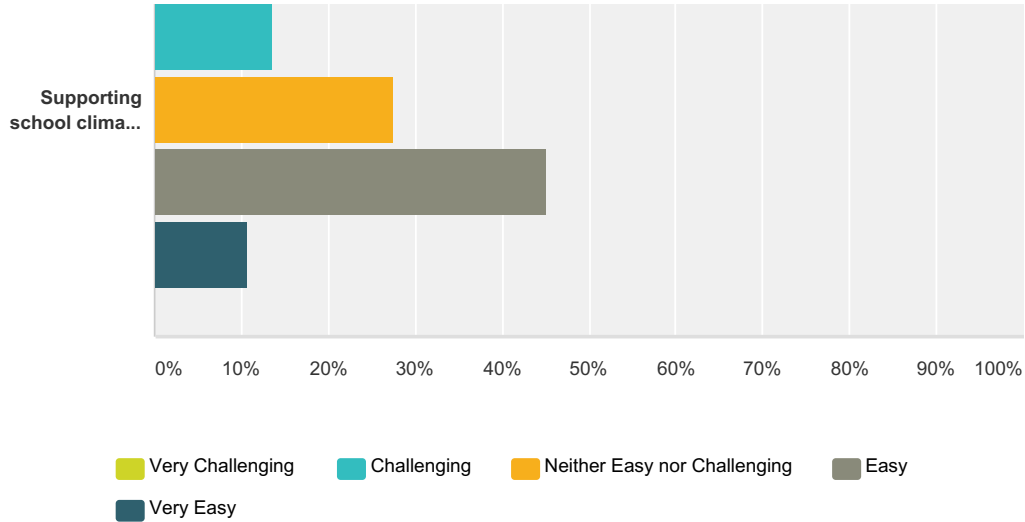
Answered: 312 Skipped: 3



# NJ ABTF ABS Survey 2015



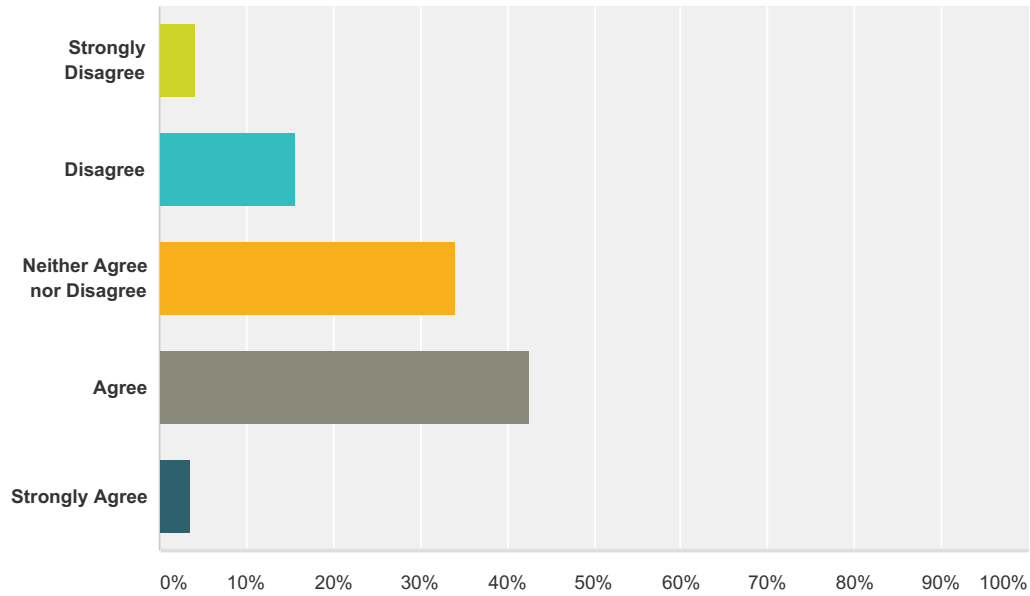
## NJ ABTF ABS Survey 2015



	Very Challenging	Challenging	Neither Easy nor Challenging	Easy	Very Easy	Total
Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB)	4.85% 15	33.01% 102	29.45% 91	25.89% 80	6.80% 21	309
Reporting an incident of HIB	0.65% 2	6.80% 21	18.12% 56	48.22% 149	26.21% 81	309
Investigating an incident of HIB	3.58% 11	25.08% 77	20.85% 64	37.79% 116	12.70% 39	307
Determining appropriate responses to an incident of HIB	0.66% 2	19.02% 58	33.11% 101	38.36% 117	8.85% 27	305
Implementing appropriate responses to an incident of HIB	0.99% 3	15.46% 47	32.89% 100	41.78% 127	8.88% 27	304
Training staff on the Anti-Bullying Bill of Rights	2.59% 8	14.89% 46	38.51% 119	34.63% 107	9.39% 29	309
Training staff on best practices for HIB prevention	3.92% 12	18.30% 56	36.93% 113	34.31% 105	6.54% 20	306
Supporting school climate improvement efforts	3.22% 10	13.50% 42	27.65% 86	45.02% 140	10.61% 33	311

**Q18 Please indicate the extent to which you agree or disagree: In my school, parents understand student rights and district responsibilities under the ABR.**

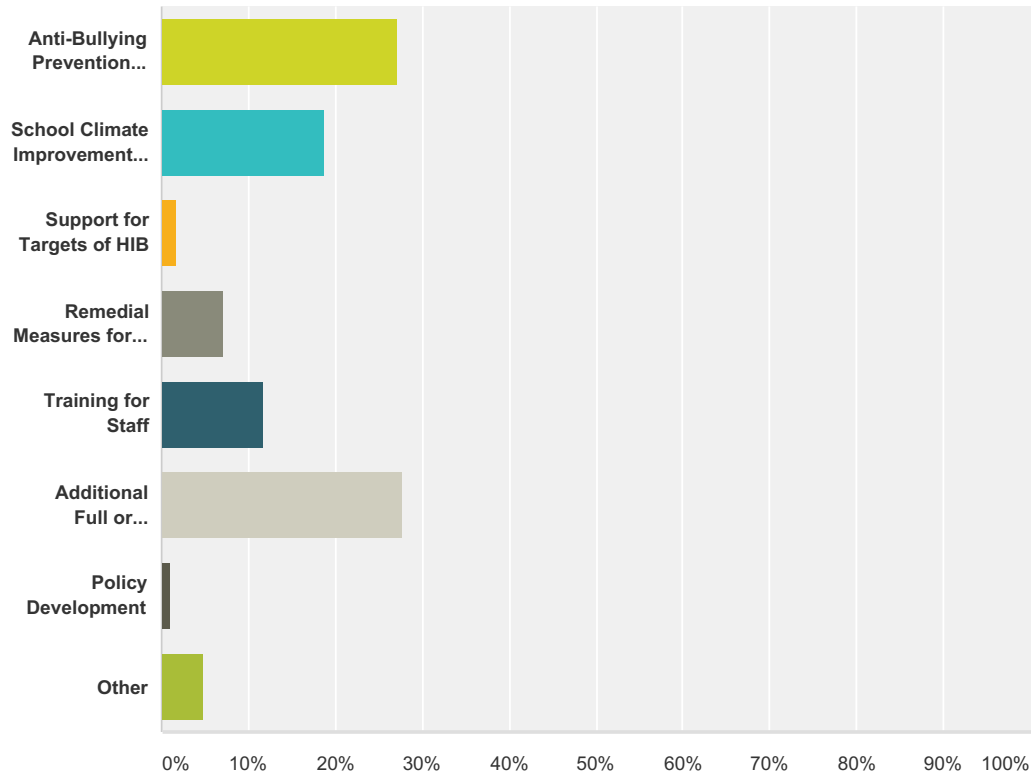
Answered: 312 Skipped: 3



Answer Choices	Responses	
Strongly Disagree	4.17%	13
Disagree	15.71%	49
Neither Agree nor Disagree	33.97%	106
Agree	42.63%	133
Strongly Agree	3.53%	11
<b>Total</b>		<b>312</b>

**Q19 If additional funds were available to implement the ABR, what is the most important area for which your school would need funds?**

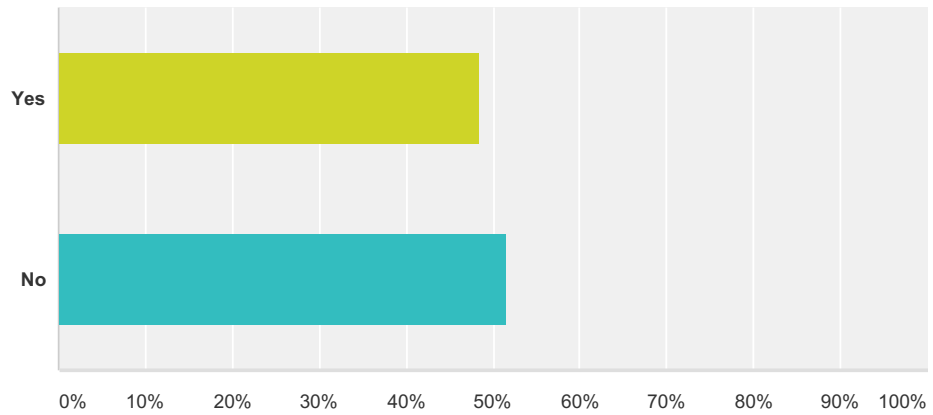
Answered: 309 Skipped: 6



Answer Choices	Responses	
Anti-Bullying Prevention Programs/Approaches/Initiatives	27.18%	84
School Climate Improvement Efforts	18.77%	58
Support for Targets of HIB	1.62%	5
Remedial Measures for Perpetrators of HIB	7.12%	22
Training for Staff	11.65%	36
Additional Full or Part-Time Staff/Staff Time to Address Required Responsibilities under ABR	27.83%	86
Policy Development	0.97%	3
Other	4.85%	15
<b>Total</b>		<b>309</b>

**Q20 Are you familiar with the specific recommendations that the ABTF has made to school districts to date?**

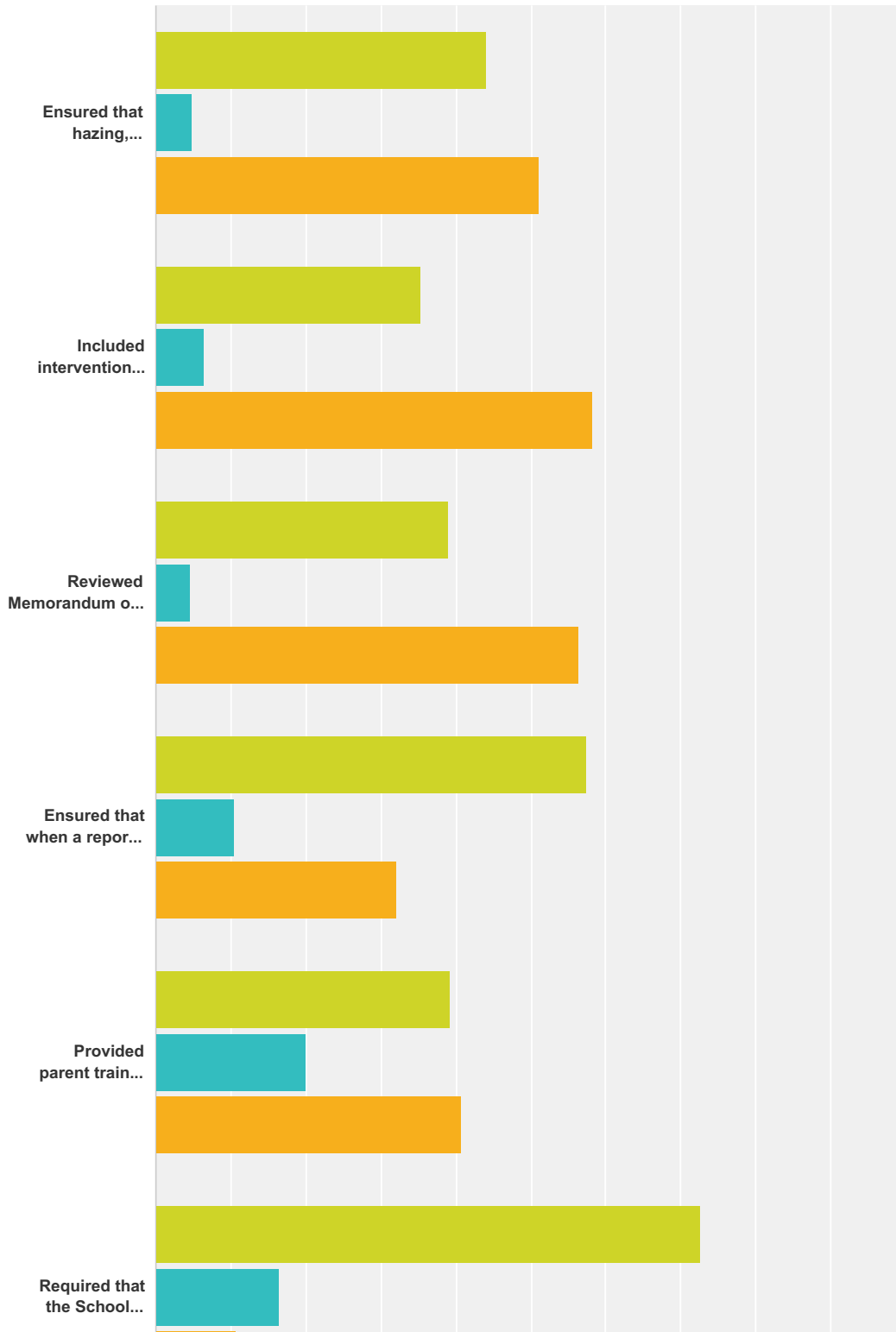
Answered: 307 Skipped: 8



Answer Choices	Responses	
Yes	48.53%	149
No	51.47%	158
Total		307

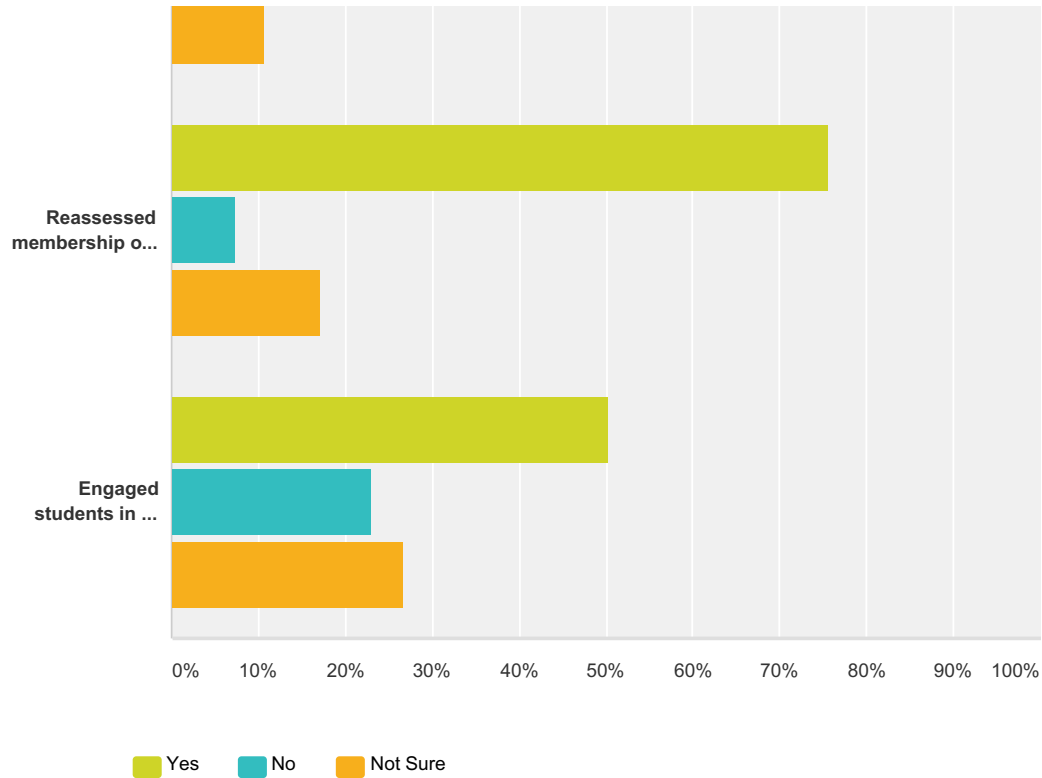
**Q21 The Anti-Bullying Task Force has made the following recommendations to school districts. Please indicate whether or not your school or district has addressed the following, in the past year:**

Answered: 309 Skipped: 6





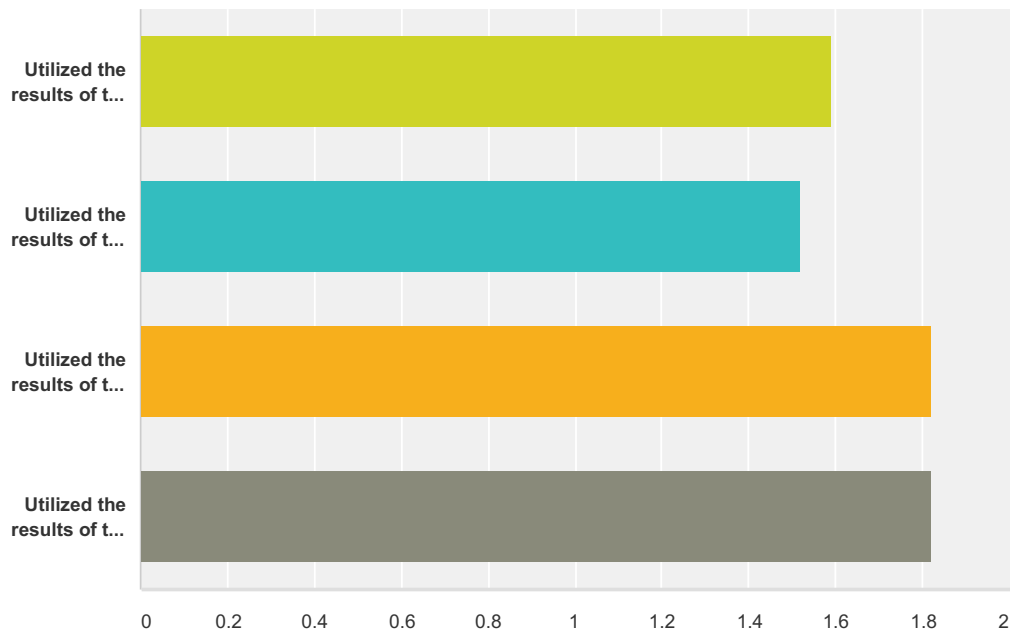
## NJ ABTF ABS Survey 2015



	Yes	No	Not Sure	Total
Ensured that hazing, including but not limited to athletics, is addressed in the district Code of Student Conduct	43.97% 135	4.89% 15	51.14% 157	307
Included intervention and prevention strategies related to hazing in required trainings under the ABR	35.18% 108	6.51% 20	58.31% 179	307
Reviewed Memorandum of Agreement with law enforcement officials to ensure proper collaboration when law enforcement intervention is appropriate for incidents of HIB and hazing	39.02% 119	4.59% 14	56.39% 172	305
Ensured that when a report of HIB is made that involves an allegation of conduct based on a protected class, that both the Affirmative Action Officer and the ABS are notified	57.33% 176	10.42% 32	32.25% 99	307
Provided parent training on social-emotional learning skills as well as the procedural issues around reporting and investigating HIB incidents	39.14% 119	20.07% 61	40.79% 124	304
Required that the School Safety/School Climate Team meet more than twice per year	72.73% 224	16.56% 51	10.71% 33	308
Reassessed membership of the School Safety/School Climate Team to ensure that it is representative of the school community	75.66% 230	7.24% 22	17.11% 52	304
Engaged students in the work of the School Safety/School Climate Team	50.33% 153	23.03% 70	26.64% 81	304

**Q22 The Anti-Bullying Task Force has made the following recommendations to school districts concerning the "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights." Please indicate whether or not your school or district has addressed the following, in the past year:**

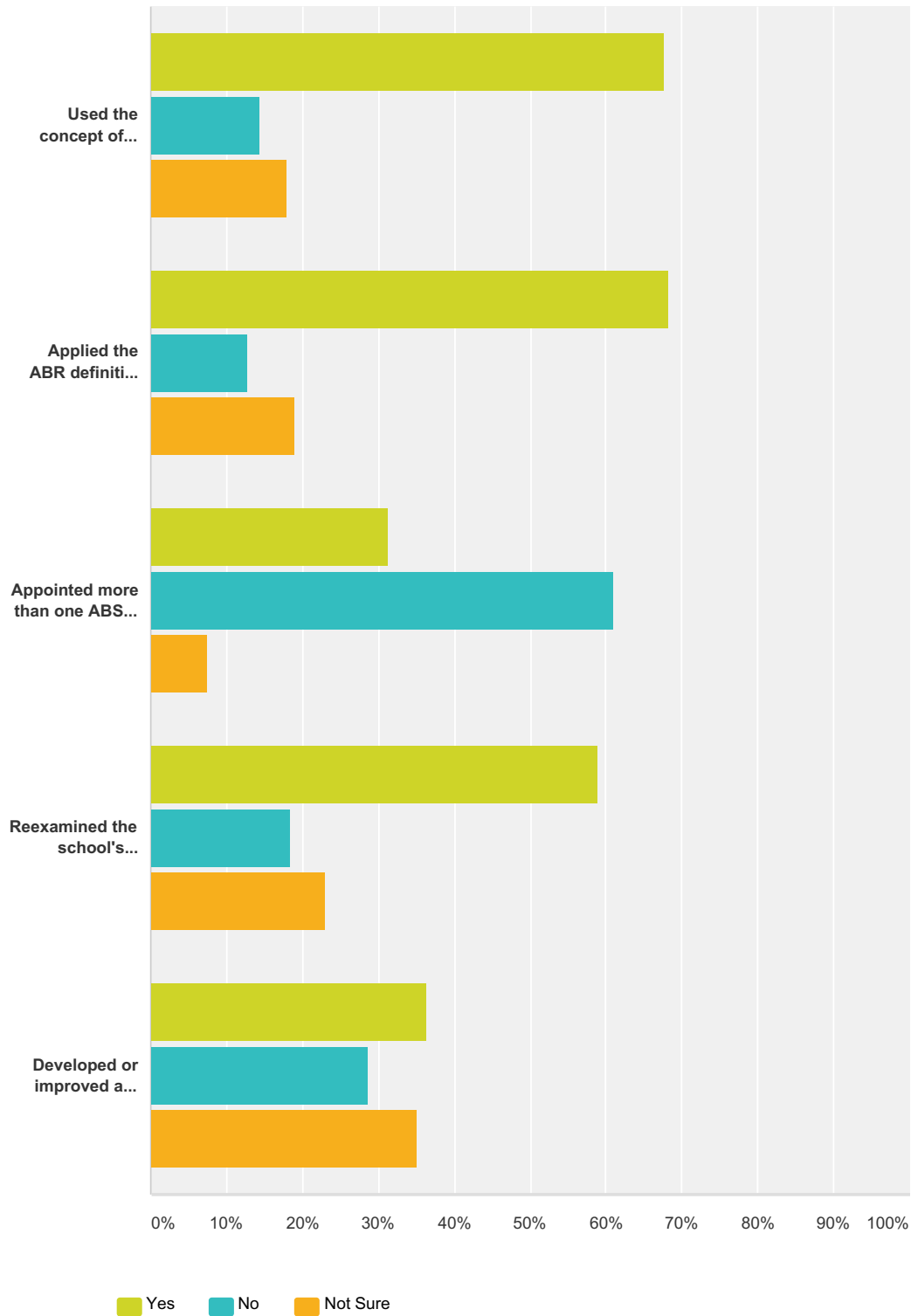
Answered: 308 Skipped: 7



	Yes	No	Not Sure	Total	Weighted Average
Utilized the results of the Self-Assessment by reviewing each indicator rated as "partially meets the requirements" or "does not meet the requirements" and implemented a plan to address those ABR requirements	67.86% 209	4.87% 15	27.27% 84	308	1.59
Utilized the results of the Self-Assessment to develop action plans to strengthen school climate and school policies	71.43% 220	5.19% 16	23.38% 72	308	1.52
Utilized the results of the Self-Assessment to educate parents and the community about HIB prevention, programs, approaches, and other initiatives, as well as the district's HIB policy when presenting the official grade report to the board of ed	53.90% 166	10.06% 31	36.04% 111	308	1.82
Utilized the results of the Self-Assessment to include additional information to explain self-assessment ratings and district/school actions when posting the grade report on district and school webpages	55.37% 170	6.84% 21	37.79% 116	307	1.82

**Q23 Please also indicate whether or not your school has done the following in the past year:**

Answered: 308 Skipped: 7



## NJ ABTF ABS Survey 2015

	Yes	No	Not Sure	Total
Used the concept of "power imbalance" when determining if a reported incident is an incident of HIB	<b>67.54%</b> 206	<b>14.43%</b> 44	<b>18.03%</b> 55	305
Applied the ABR definition of HIB to incidents not involving a "protected category" when determining an incident of HIB	<b>68.30%</b> 209	<b>12.75%</b> 39	<b>18.95%</b> 58	306
Appointed more than one ABS to assist with conducting HIB investigations	<b>31.35%</b> 95	<b>61.06%</b> 185	<b>7.59%</b> 23	303
Reexamined the school's approach to year-long HIB prevention instruction and incorporated a systemic approach to teaching social and emotional learning skills	<b>58.82%</b> 180	<b>18.30%</b> 56	<b>22.88%</b> 70	306
Developed or improved a written school climate improvement plan	<b>36.39%</b> 111	<b>28.52%</b> 87	<b>35.08%</b> 107	305

**Q24 Please provide any additional  
comments regarding the ABTF  
recommendations to date.**

Answered: 24 Skipped: 291

**Q25 If you have any additional comments regarding your role as ABS or about the ABR, please include them here.**

Answered: 50 Skipped: 265

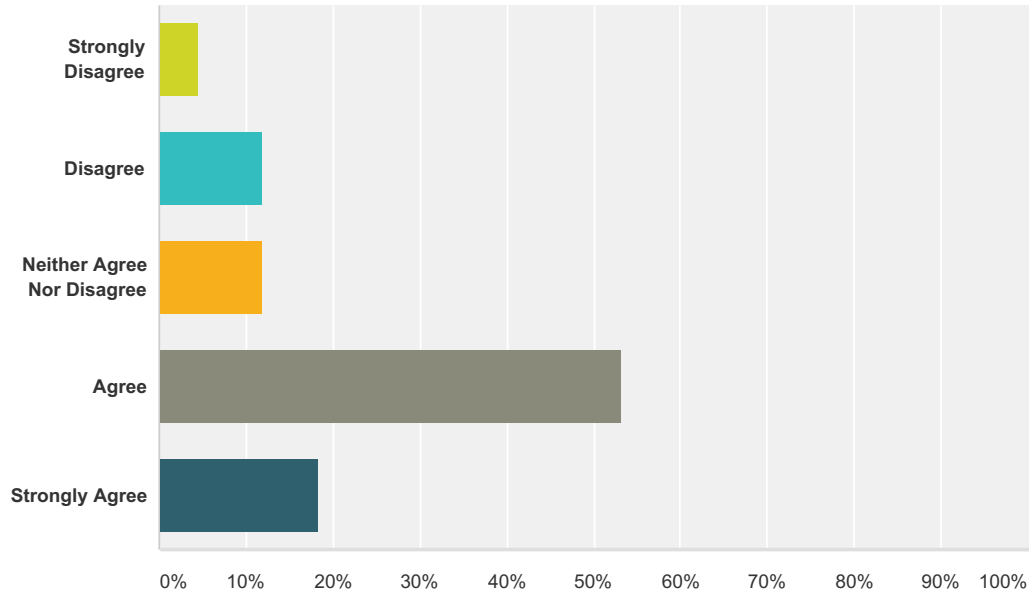
## Appendix B

### New Jersey Anti-Bullying Task Force Anti-Bullying Coordinator Survey & Data 2015

NJ ABTF ABC Survey 2015

**Q1 There are enough training opportunities available for staff in our district to carry out the responsibilities specified in the ABR.**

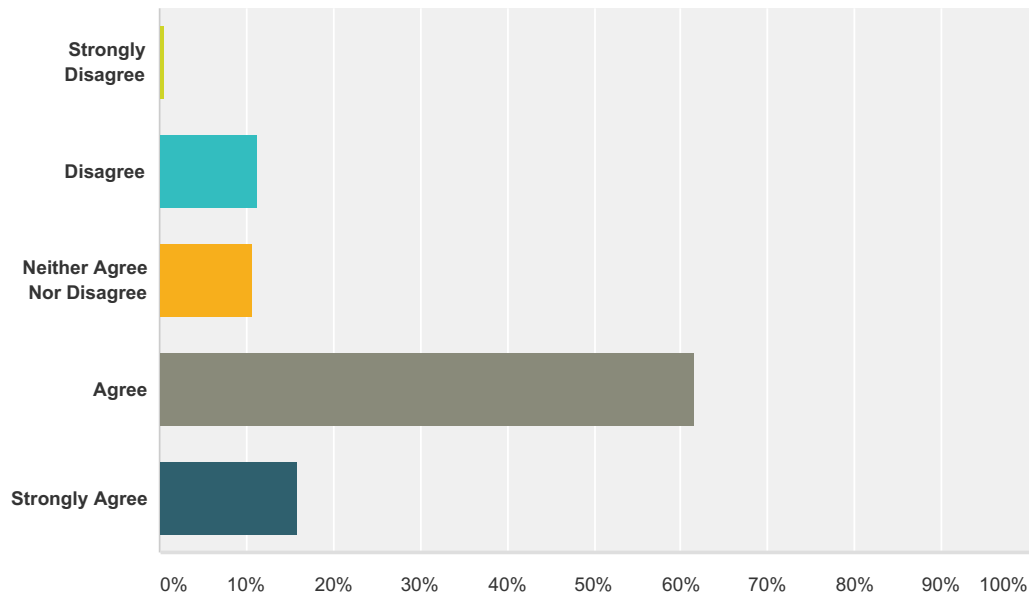
Answered: 152 Skipped: 0



Answer Choices	Responses	
Strongly Disagree	4.61%	7
Disagree	11.84%	18
Neither Agree Nor Disagree	11.84%	18
Agree	53.29%	81
Strongly Agree	18.42%	28
Total		152

**Q2 There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my district. (Note: This question is NOT addressing financial resources.)**

Answered: 151 Skipped: 1

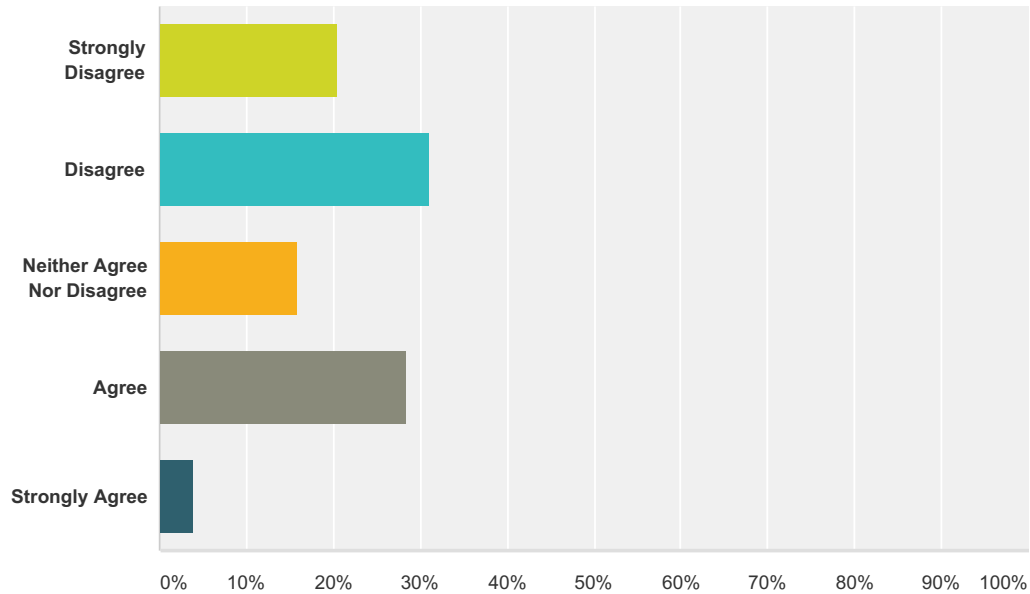


Answer Choices	Responses
Strongly Disagree	0.66% 1
Disagree	11.26% 17
Neither Agree Nor Disagree	10.60% 16
Agree	61.59% 93
Strongly Agree	15.89% 24
<b>Total</b>	<b>151</b>



**Q3 I believe that there are enough financial resources available for our district to carry out the responsibilities specified in the ABR.**

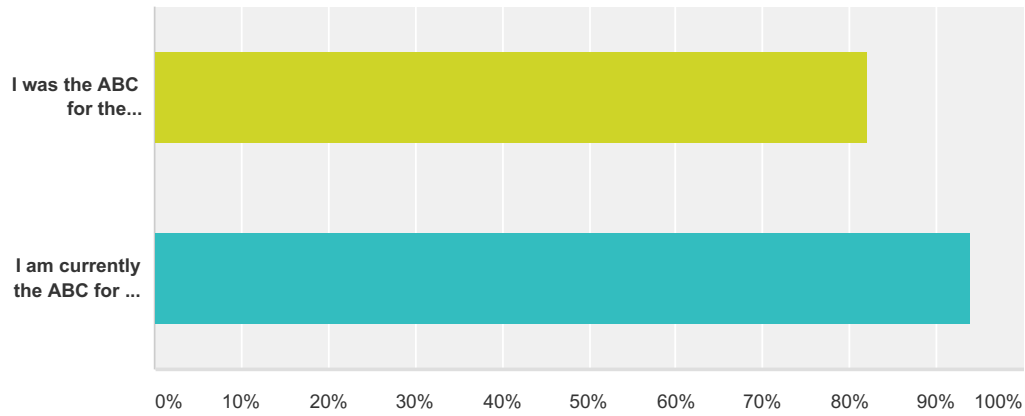
Answered: 151 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	20.53%	31
Disagree	31.13%	47
Neither Agree Nor Disagree	15.89%	24
Agree	28.48%	43
Strongly Agree	3.97%	6
<b>Total</b>		<b>151</b>

**Q4 What best describes your role as ABC in your district? Please check all that apply.**

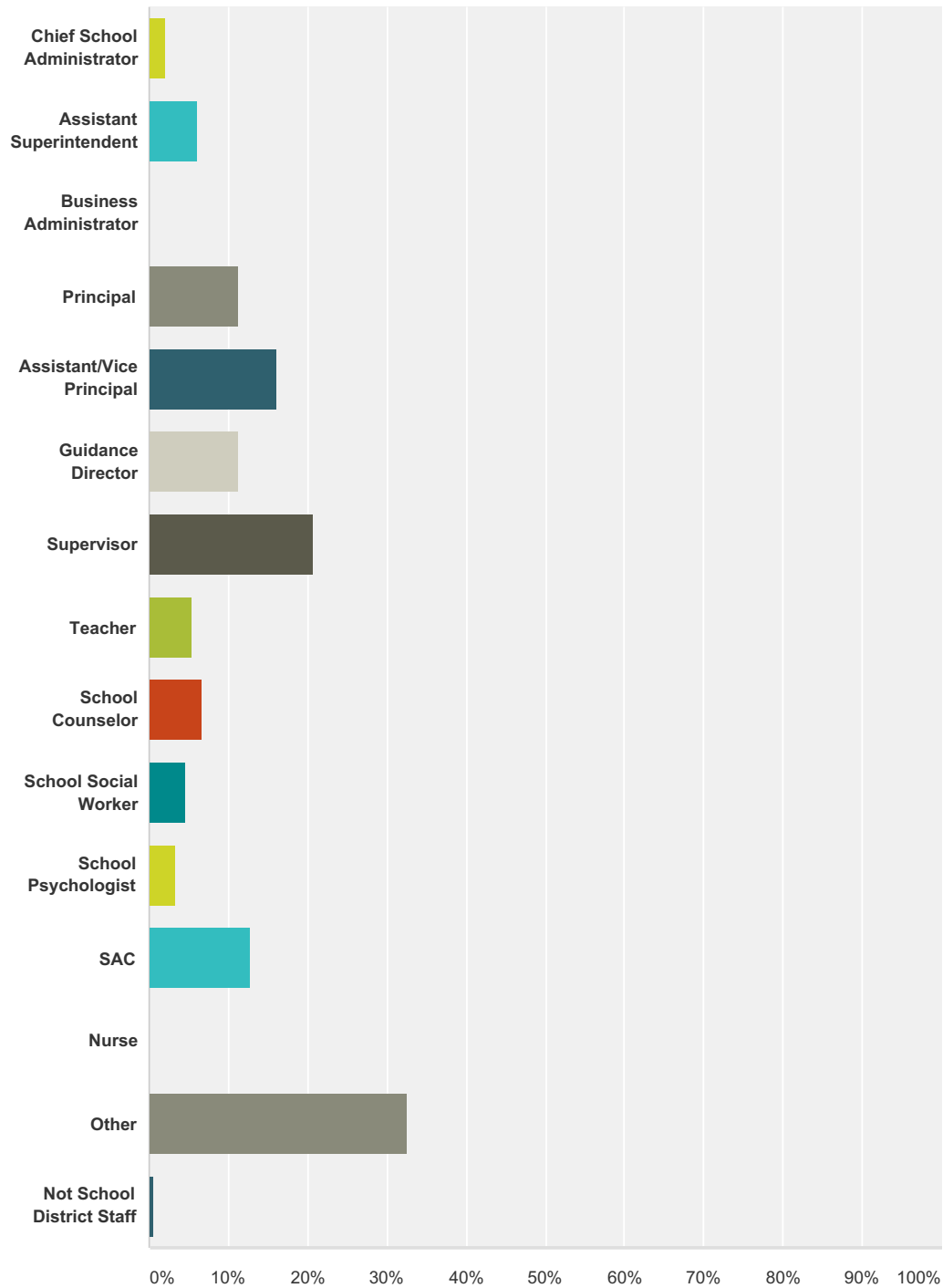
Answered: 151 Skipped: 1



Answer Choices	Responses	
I was the ABC for the 2014-2015 school year	82.12%	124
I am currently the ABC for the 2015-2016 school year	94.04%	142
Total Respondents: 151		

**Q5 Please indicate the additional roles that you currently serve in your district. Check all that apply.**

Answered: 150 Skipped: 2



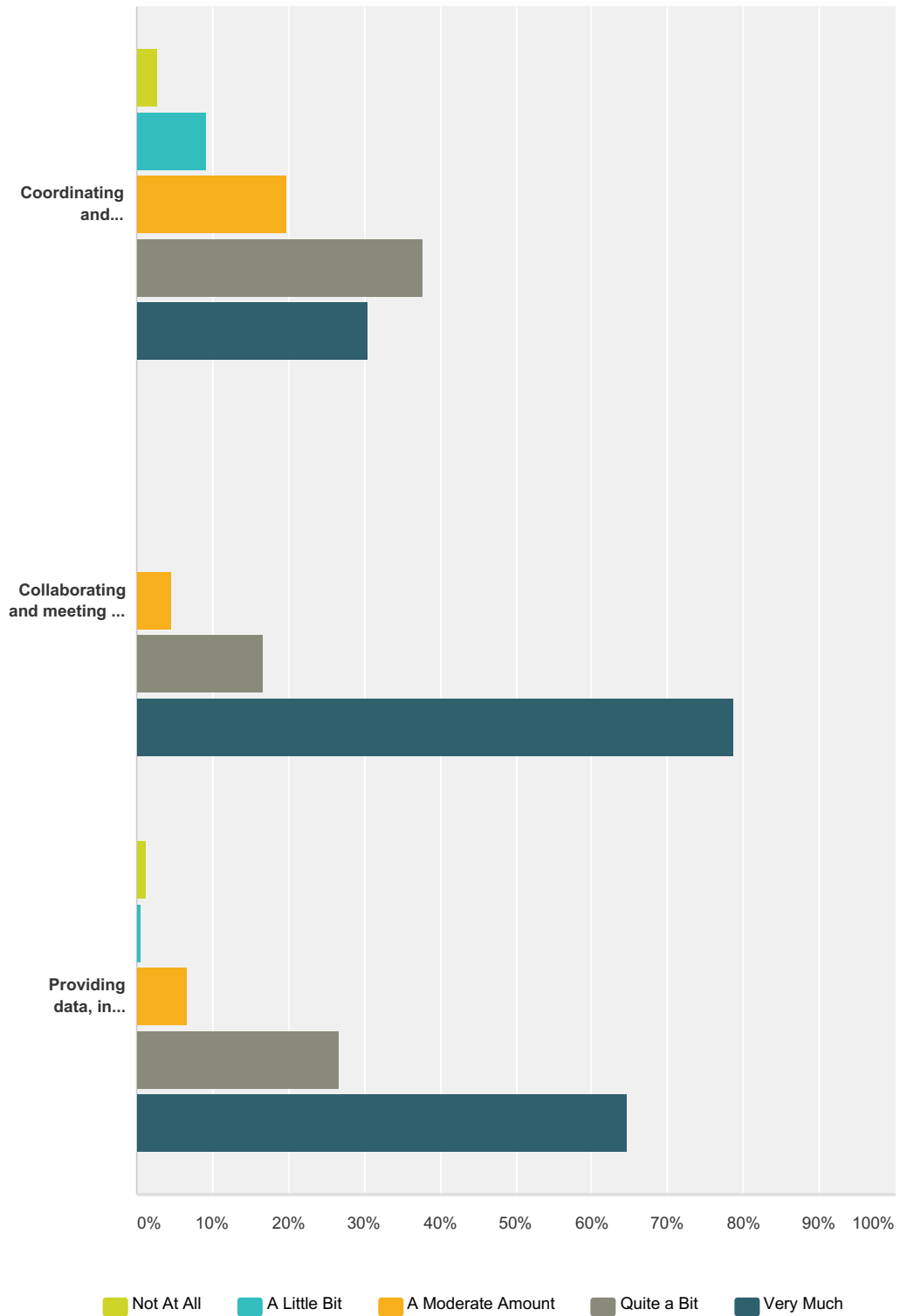
Answer Choices	Responses
Chief School Administrator	2.00% 3

## NJ ABTF ABC Survey 2015

Assistant Superintendent	6.00%	9
Business Administrator	0.00%	0
Principal	11.33%	17
Assistant/Vice Principal	16.00%	24
Guidance Director	11.33%	17
Supervisor	20.67%	31
Teacher	5.33%	8
School Counselor	6.67%	10
School Social Worker	4.67%	7
School Psychologist	3.33%	5
SAC	12.67%	19
Nurse	0.00%	0
Other	32.67%	49
Not School District Staff	0.67%	1
<b>Total Respondents: 150</b>		

**Q6 Please indicate the extent to which you have been able to implement the following requirements of the ABC role.**

Answered: 151 Skipped: 1

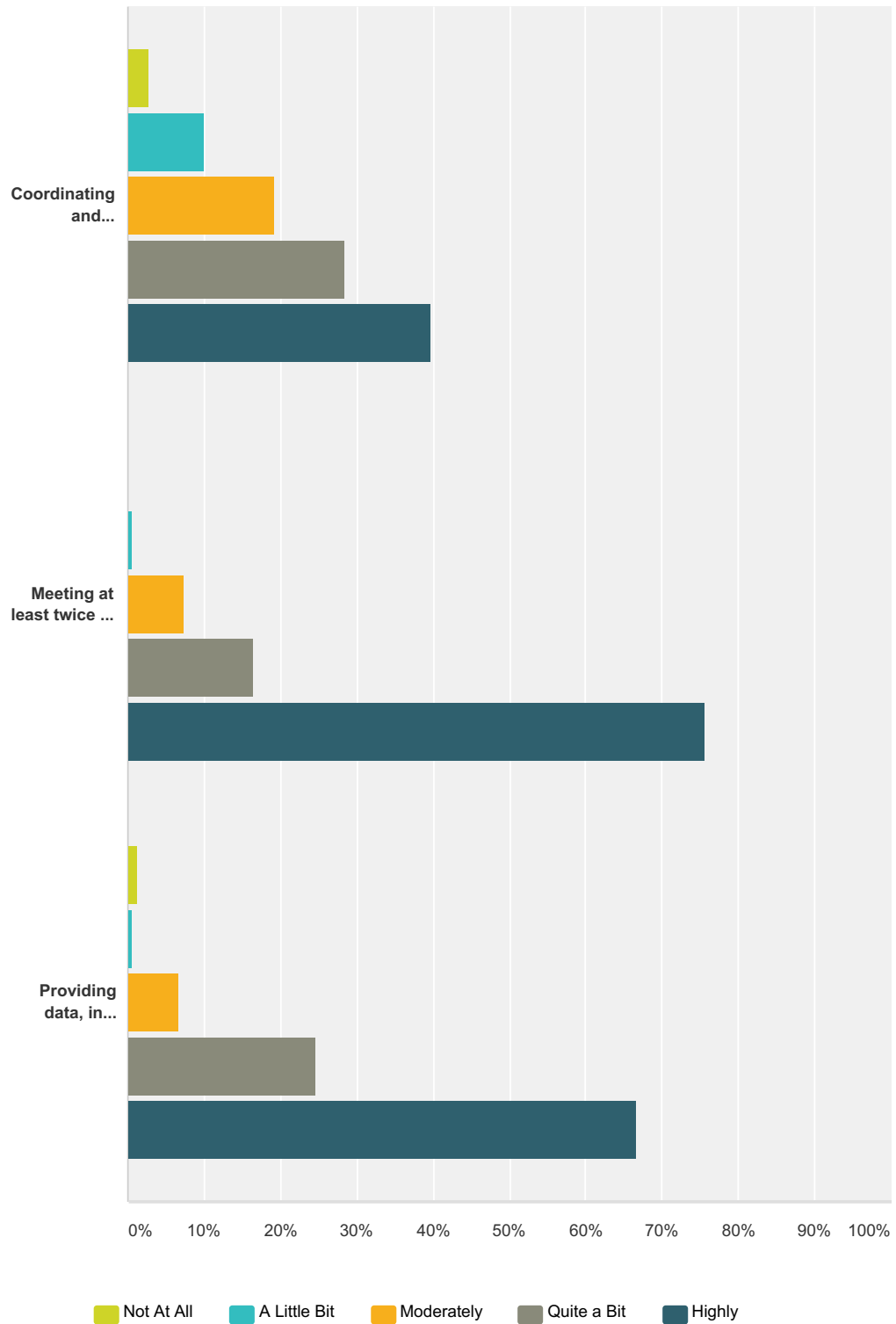


## NJ ABTF ABC Survey 2015

	Not At All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Coordinating and strengthening district HIB policy to prevent, identify, and address HIB	<b>2.65%</b> 4	<b>9.27%</b> 14	<b>19.87%</b> 30	<b>37.75%</b> 57	<b>30.46%</b> 46	151
Collaborating and meeting at least twice per year with the school Anti-Bullying Specialists in the district	<b>0.00%</b> 0	<b>0.00%</b> 0	<b>4.67%</b> 7	<b>16.67%</b> 25	<b>78.67%</b> 118	150
Providing data, in collaboration with the superintendent to the New Jersey Department of Education	<b>1.33%</b> 2	<b>0.67%</b> 1	<b>6.67%</b> 10	<b>26.67%</b> 40	<b>64.67%</b> 97	150

**Q7 How effective do you think you have been in addressing the following ABC requirements?**

Answered: 151 Skipped: 1



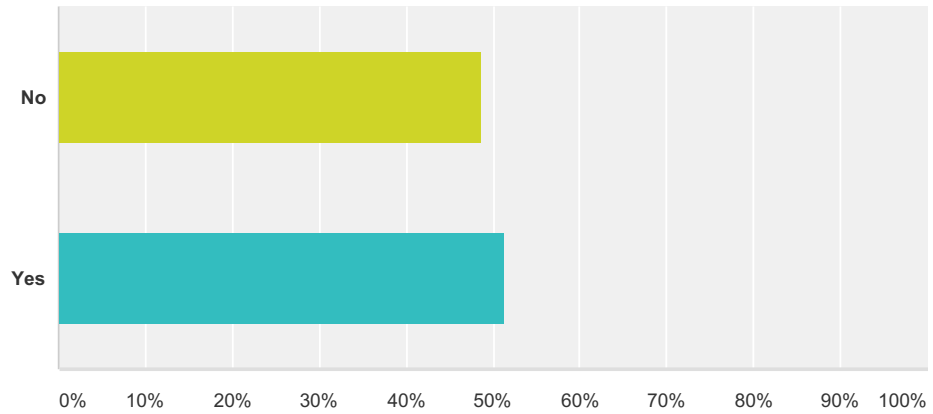
## NJ ABTF ABC Survey 2015

	Not At All	A Little Bit	Moderately	Quite a Bit	Highly	Total
Coordinating and strengthening district HIB policy to prevent, identify, and address HIB	2.65% 4	9.93% 15	19.21% 29	28.48% 43	39.74% 60	151
Meeting at least twice per year with the district Anti-Bullying Specialists	0.00% 0	0.66% 1	7.28% 11	16.56% 25	75.50% 114	151
Providing data, in collaboration with the superintendent to the New Jersey Department of Education	1.33% 2	0.67% 1	6.67% 10	24.67% 37	66.67% 100	150



**Q8 Have you been asked to perform other related duties in your role as the district ABC? (These are duties other than listed in the previous question.)**

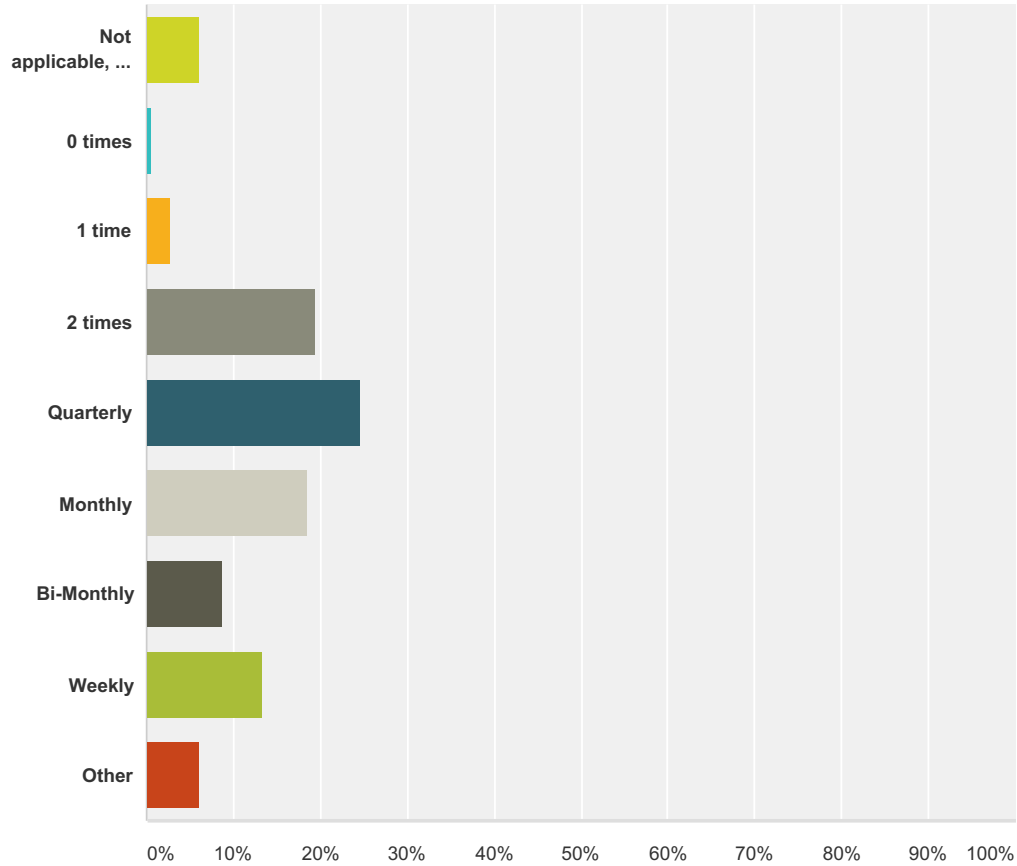
Answered: 148 Skipped: 4



Answer Choices	Responses	
No	48.65%	72
Yes	51.35%	76
<b>Total</b>		<b>148</b>

### Q9 How often did you, as the district ABC, meet with the ABS's in your district during the 2014-2015 school year?

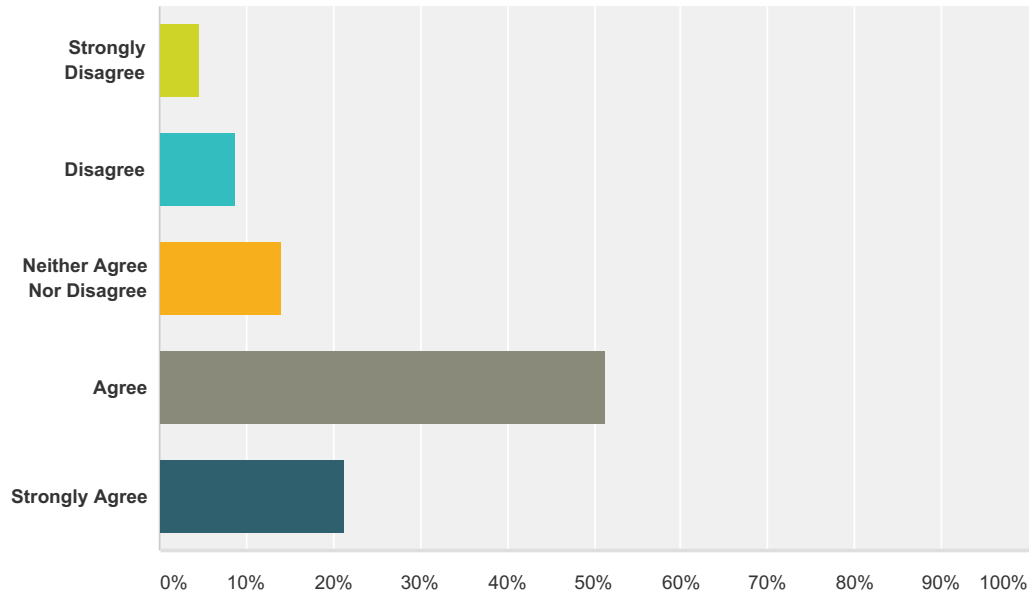
Answered: 150 Skipped: 2



Answer Choices	Responses
Not applicable, I was not the ABC in the 2013-2014 school year	6.00% 9
0 times	0.67% 1
1 time	2.67% 4
2 times	19.33% 29
Quarterly	24.67% 37
Monthly	18.67% 28
Bi-Monthly	8.67% 13
Weekly	13.33% 20
Other	6.00% 9
<b>Total</b>	<b>150</b>

**Q10 Please indicate the extent to which you agree or disagree:I believe that I have been adequately prepared (e.g., through training) to carry out the job responsibilities of the ABC.**

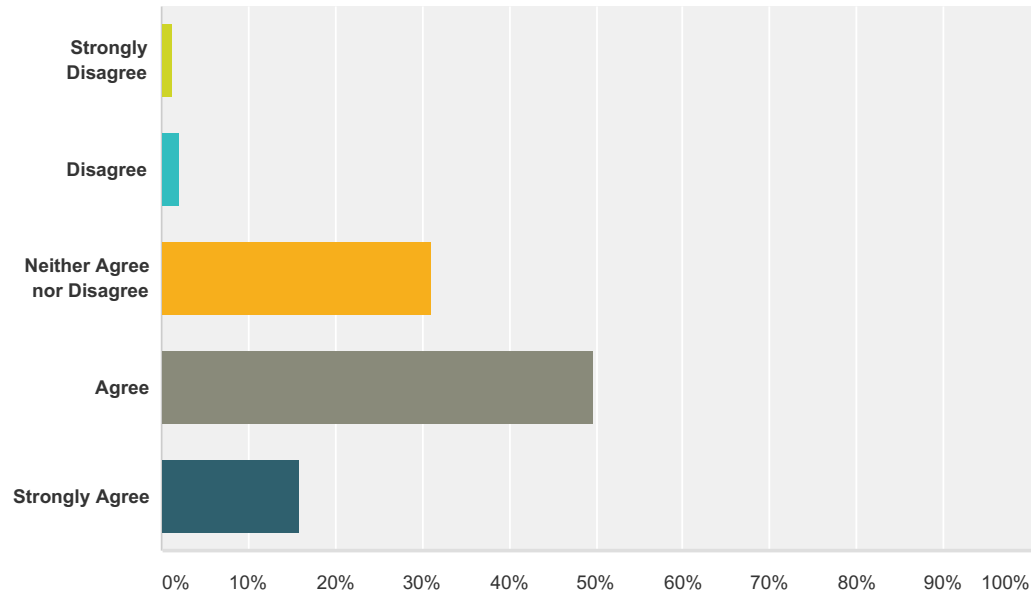
Answered: 150 Skipped: 2



Answer Choices	Responses	
Strongly Disagree	4.67%	7
Disagree	8.67%	13
Neither Agree Nor Disagree	14.00%	21
Agree	51.33%	77
Strongly Agree	21.33%	32
<b>Total</b>		<b>150</b>

**Q11 Please indicate the extent to which you agree or disagree: My role as the district ABC is having a positive impact on school climate.**

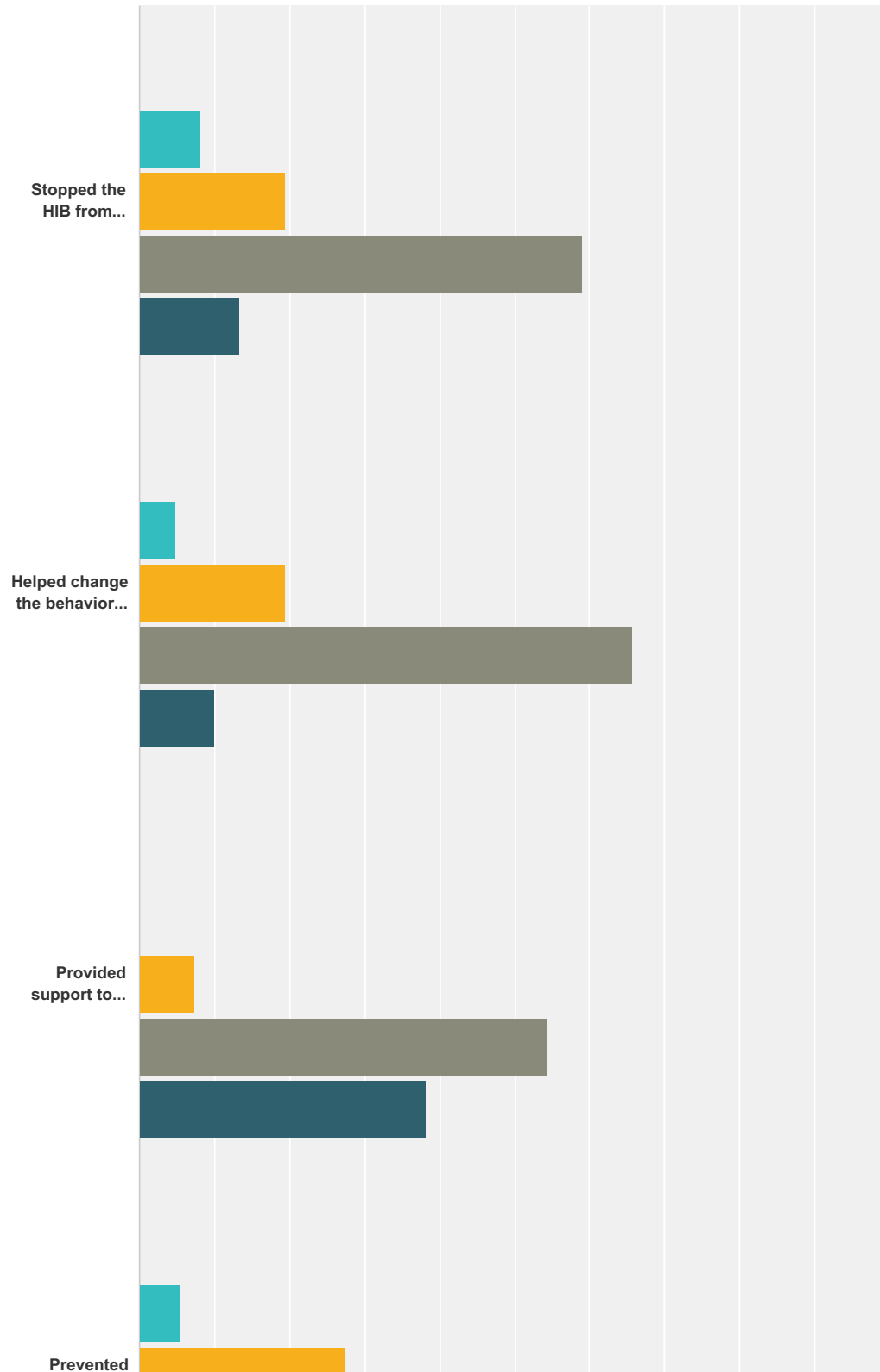
Answered: 151 Skipped: 1



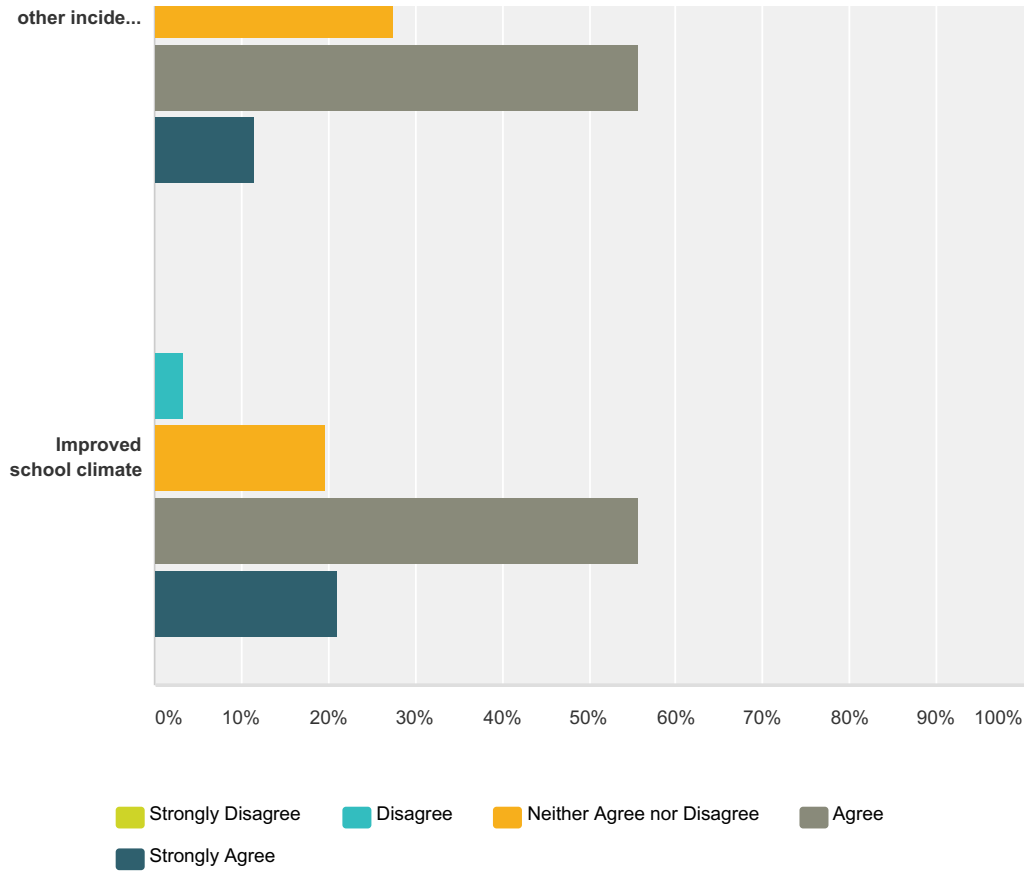
Answer Choices	Responses	
Strongly Disagree	1.32%	2
Disagree	1.99%	3
Neither Agree nor Disagree	31.13%	47
Agree	49.67%	75
Strongly Agree	15.89%	24
<b>Total</b>		<b>151</b>

**Q12 Please indicate the extent to which you agree or disagree: In my district, the range of responses we have implemented in response to confirmed incidents of HIB has:**

Answered: 149 Skipped: 3



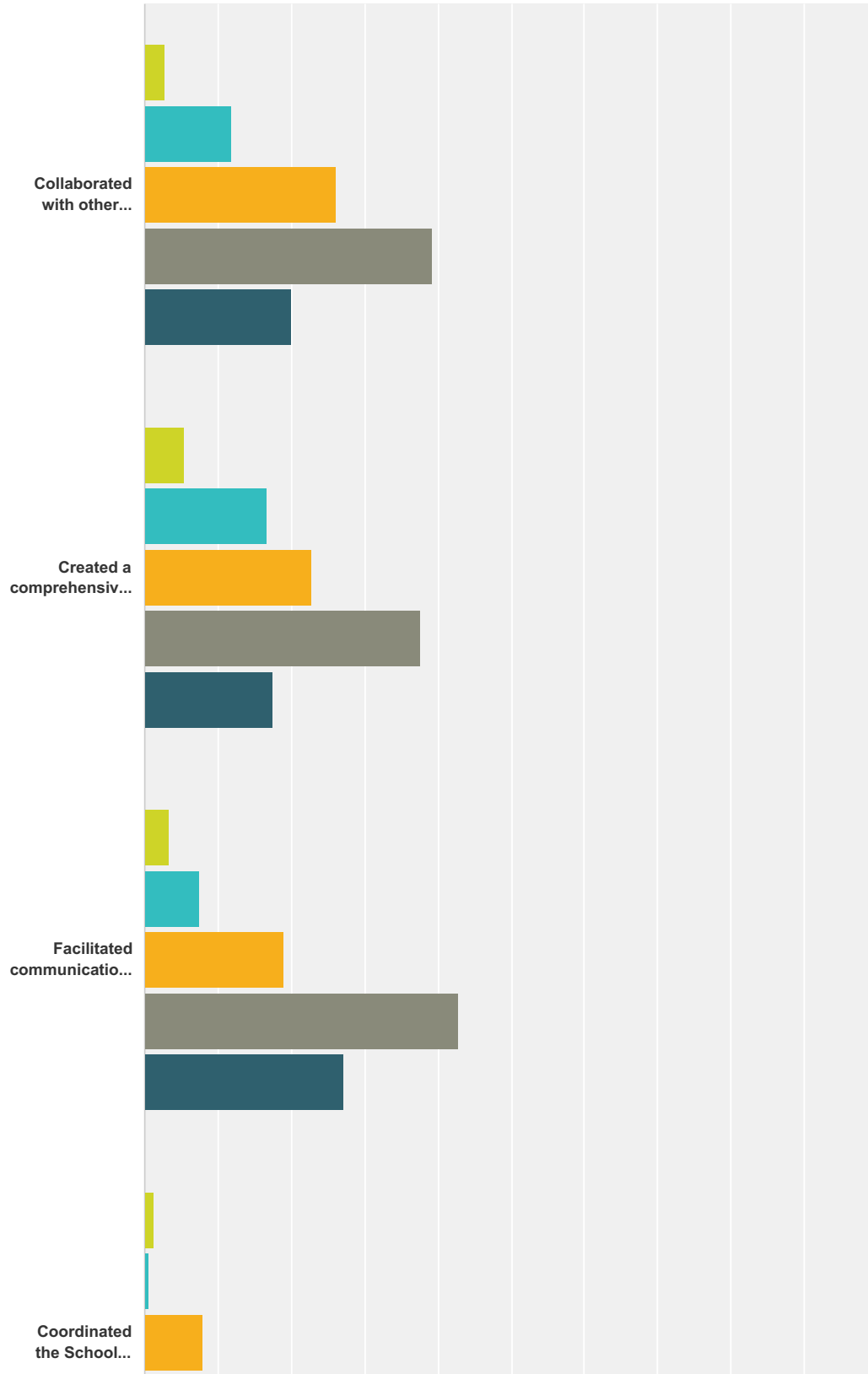
## NJ ABTF ABC Survey 2015



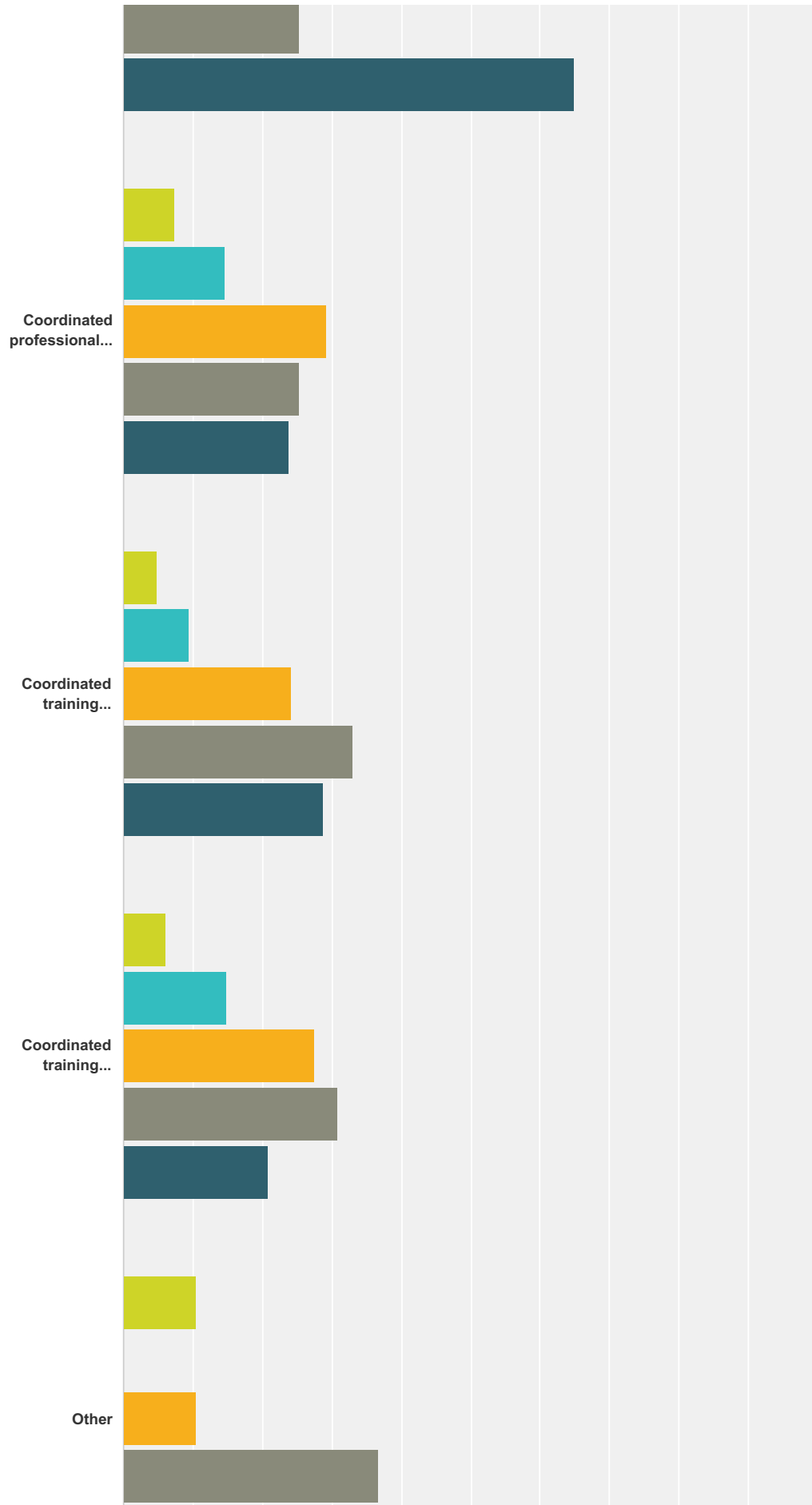
	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Total
Stopped the HIB from continuing	0.00% 0	8.05% 12	19.46% 29	59.06% 88	13.42% 20	149
Helped change the behavior of perpetrators	0.00% 0	4.70% 7	19.46% 29	65.77% 98	10.07% 15	149
Provided support to victims	0.00% 0	0.00% 0	7.38% 11	54.36% 81	38.26% 57	149
Prevented other incidents of HIB from starting	0.00% 0	5.37% 8	27.52% 41	55.70% 83	11.41% 17	149
Improved school climate	0.00% 0	3.40% 5	19.73% 29	55.78% 82	21.09% 31	147

**Q13 Please indicate the extent to which you have implemented the following activities in your role as district ABC:**

Answered: 151 Skipped: 1

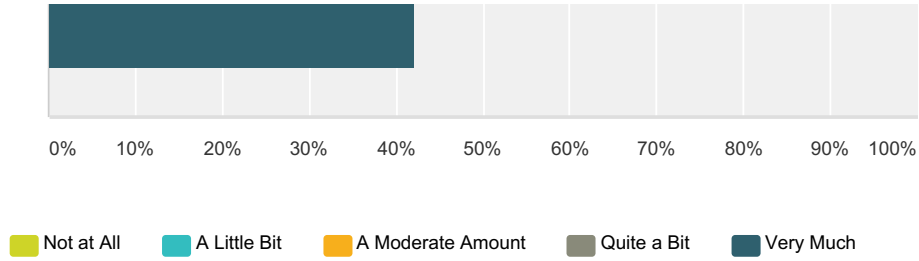


# NJ ABTF ABC Survey 2015





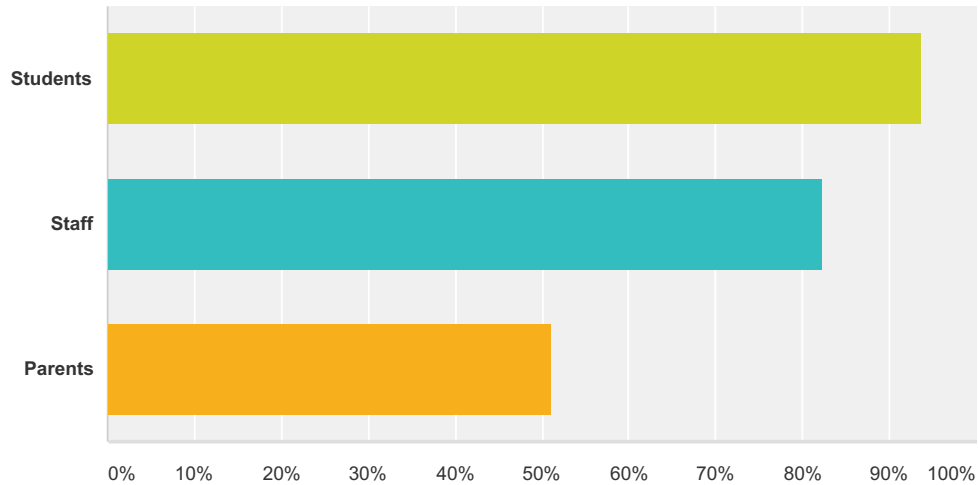
## NJ ABTF ABC Survey 2015



	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Collaborated with other school staff to address patterns of HIB in our schools.	2.67% 4	12.00% 18	26.00% 39	39.33% 59	20.00% 30	150
Created a comprehensive HIB prevention plan across the district	5.37% 8	16.78% 25	22.82% 34	37.58% 56	17.45% 26	149
Facilitated communication across schools in the district regarding best practices to prevent and address HIB	3.40% 5	7.48% 11	19.05% 28	42.86% 63	27.21% 40	147
Coordinated the School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act	1.32% 2	0.66% 1	7.95% 12	25.17% 38	64.90% 98	151
Coordinated professional development for School Safety Team Members	7.28% 11	14.57% 22	29.14% 44	25.17% 38	23.84% 36	151
Coordinated training opportunities for school staff on preventing and addressing HIB	4.70% 7	9.40% 14	24.16% 36	32.89% 49	28.86% 43	149
Coordinated training opportunities for school staff on school climate improvement	6.04% 9	14.77% 22	27.52% 41	30.87% 46	20.81% 31	149
Other	10.53% 2	0.00% 0	10.53% 2	36.84% 7	42.11% 8	19

**Q14 Since the implementation of the ABR in September 2011, please indicate if your district has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)**

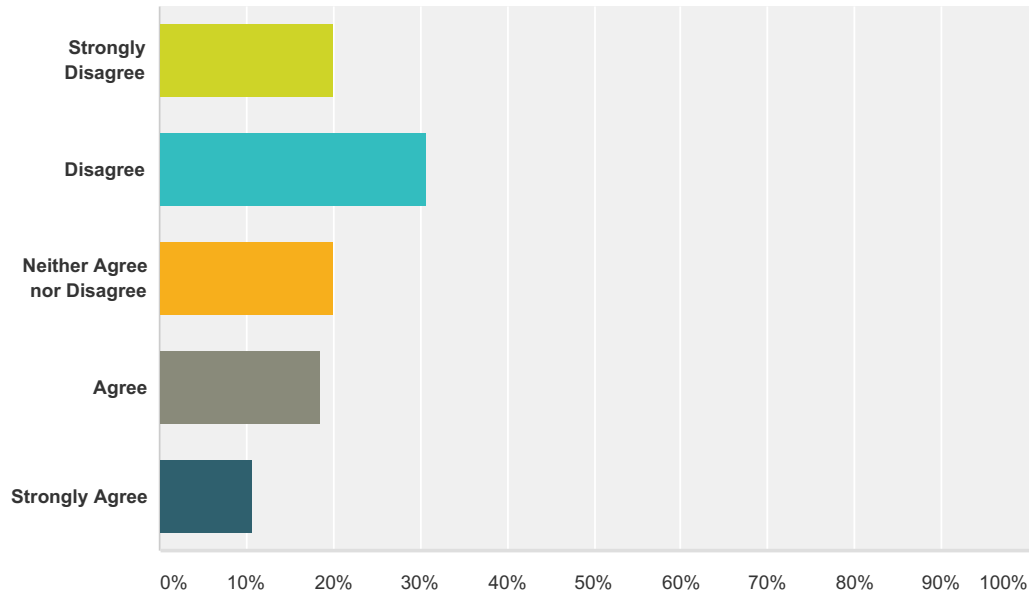
Answered: 129 Skipped: 23



Answer Choices	Responses	
Students	93.80%	121
Staff	82.17%	106
Parents	51.16%	66
Total Respondents: 129		

**Q15 Please indicate the extent to which you agree or disagree: I have had to give up other job responsibilities to carry out the role of ABC in my district.**

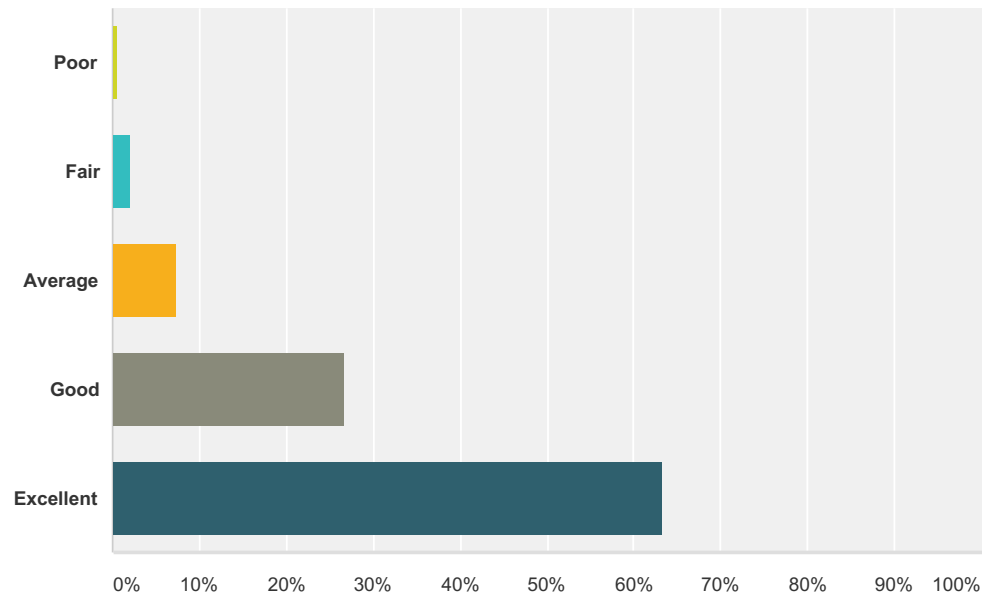
Answered: 150 Skipped: 2



Answer Choices	Responses	
Strongly Disagree	20.00%	30
Disagree	30.67%	46
Neither Agree nor Disagree	20.00%	30
Agree	18.67%	28
Strongly Agree	10.67%	16
<b>Total</b>		<b>150</b>

**Q16 How would you rate the quality of communication regarding HIB incidents between the school Anti-Bullying Specialists throughout your district, school principals, you as the ABC, and the superintendent?**

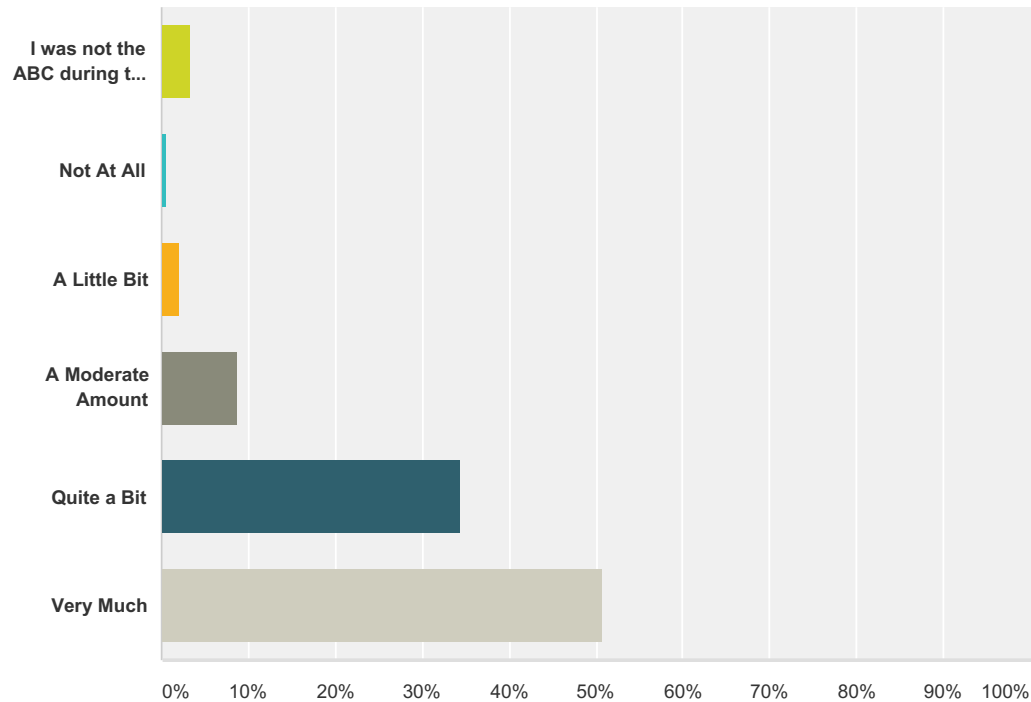
Answered: 150 Skipped: 2



Answer Choices	Responses	
Poor	0.67%	1
Fair	2.00%	3
Average	7.33%	11
Good	26.67%	40
Excellent	63.33%	95
<b>Total</b>		<b>150</b>

**Q17 In your role as the ABC, please indicate the extent to which you evaluated the implementation of the Anti-Bullying Bill of Rights in your school by supporting the completion of the 2014-2015 "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act."**

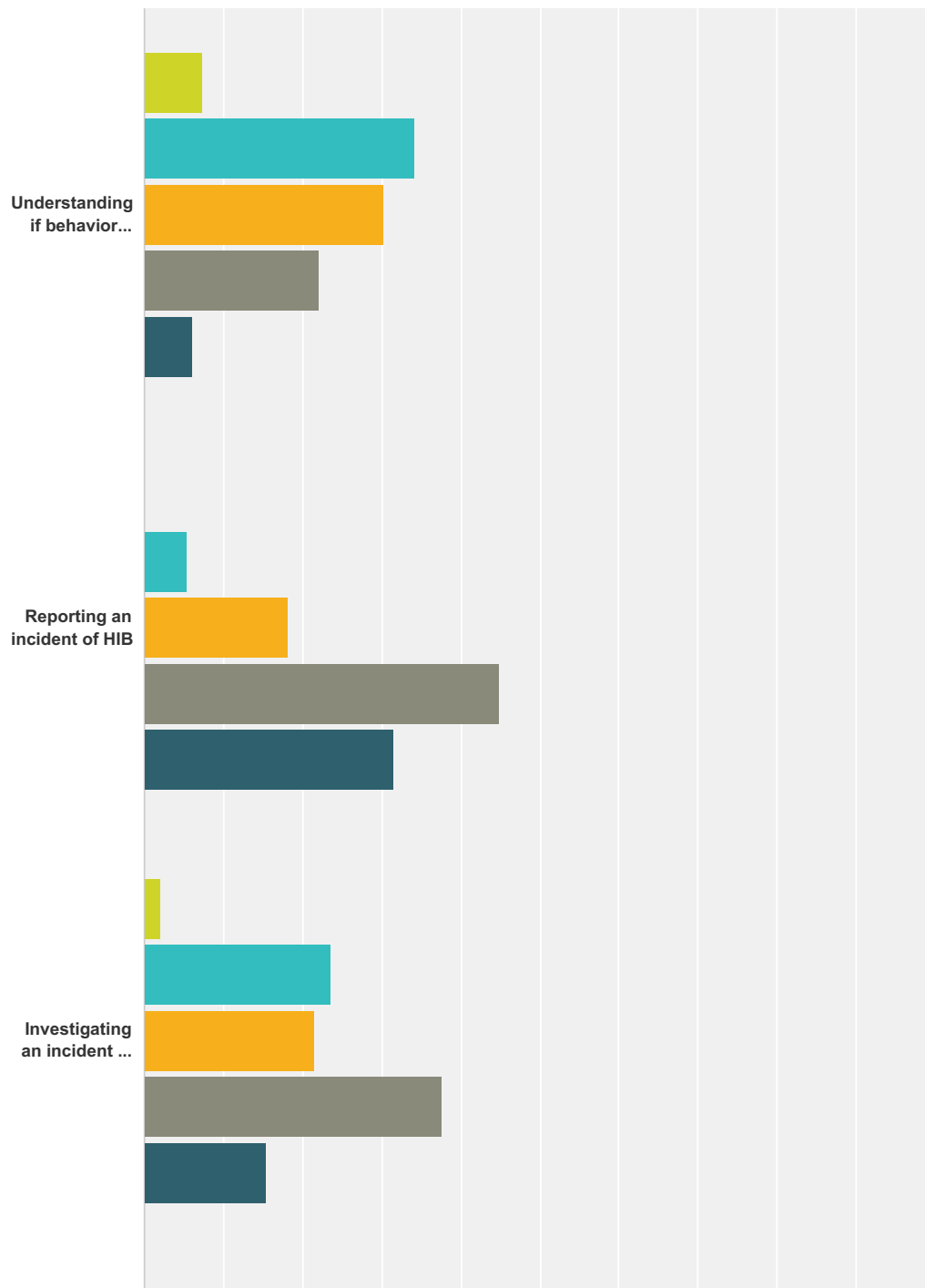
Answered: 148 Skipped: 4



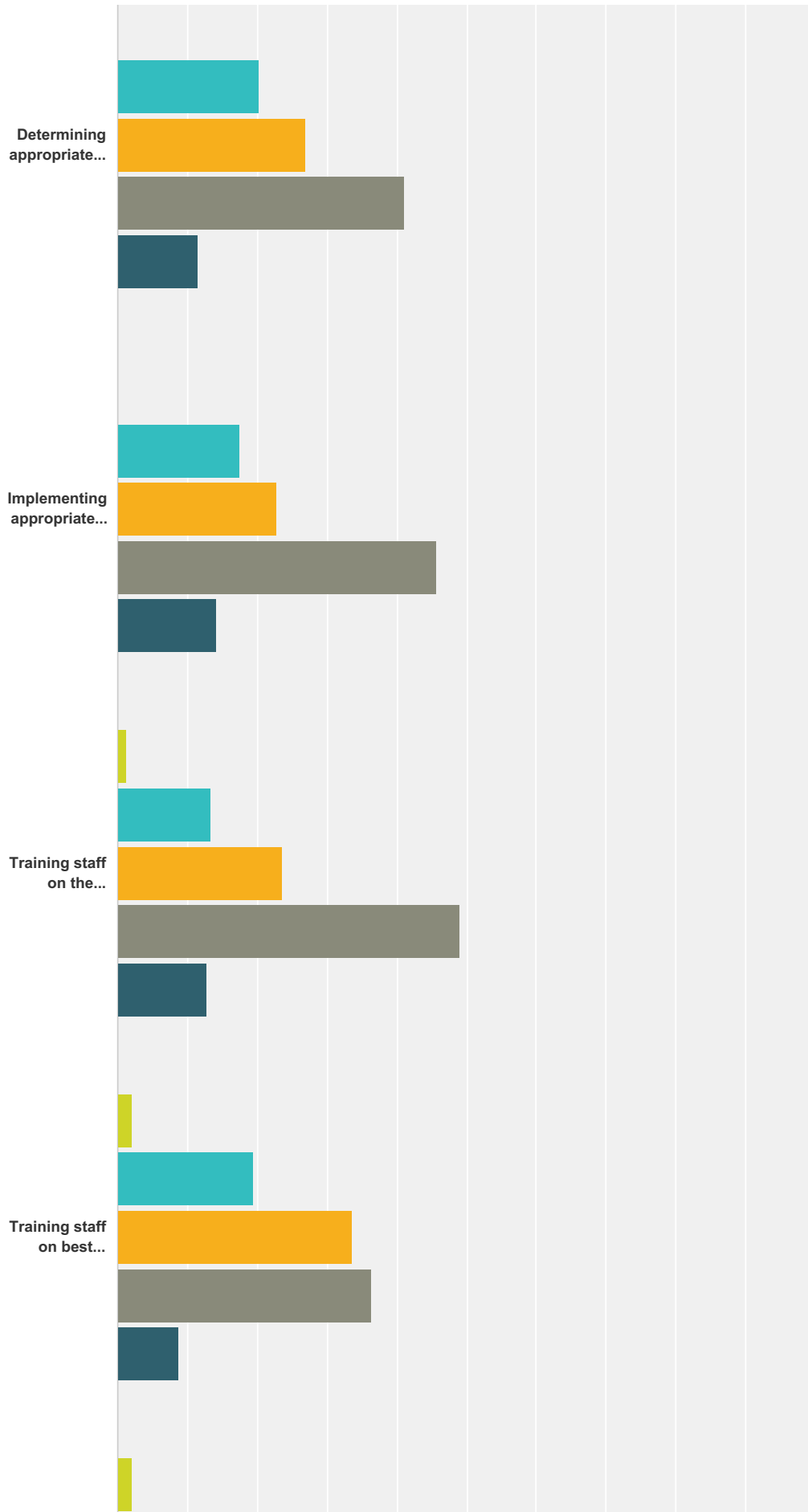
Answer Choices	Responses	
I was not the ABC during the self assessment process	3.38%	5
Not At All	0.68%	1
A Little Bit	2.03%	3
A Moderate Amount	8.78%	13
Quite a Bit	34.46%	51
Very Much	50.68%	75
<b>Total</b>		<b>148</b>

**Q18 Please indicate the degree to which it has been easy or challenging for your district to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.**

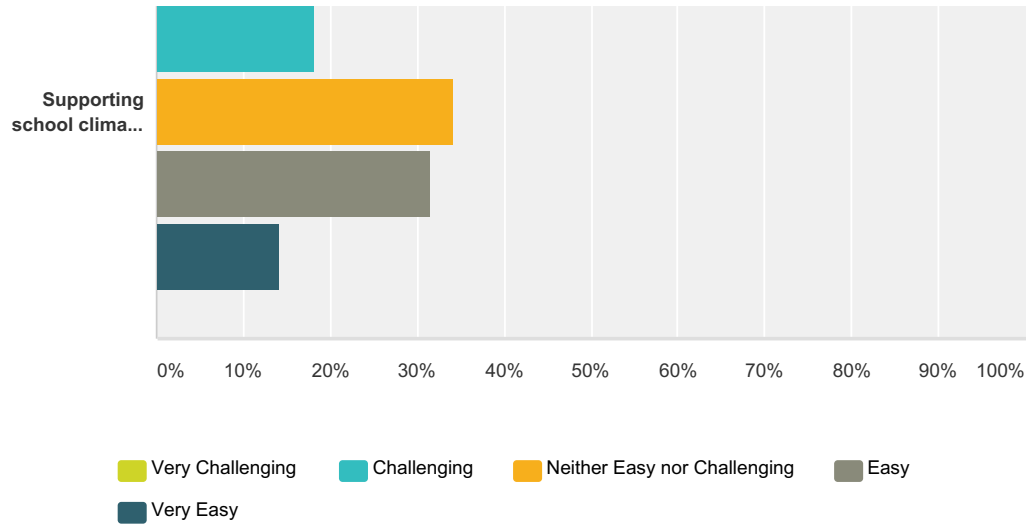
Answered: 149 Skipped: 3



# NJ ABTF ABC Survey 2015



## NJ ABTF ABC Survey 2015

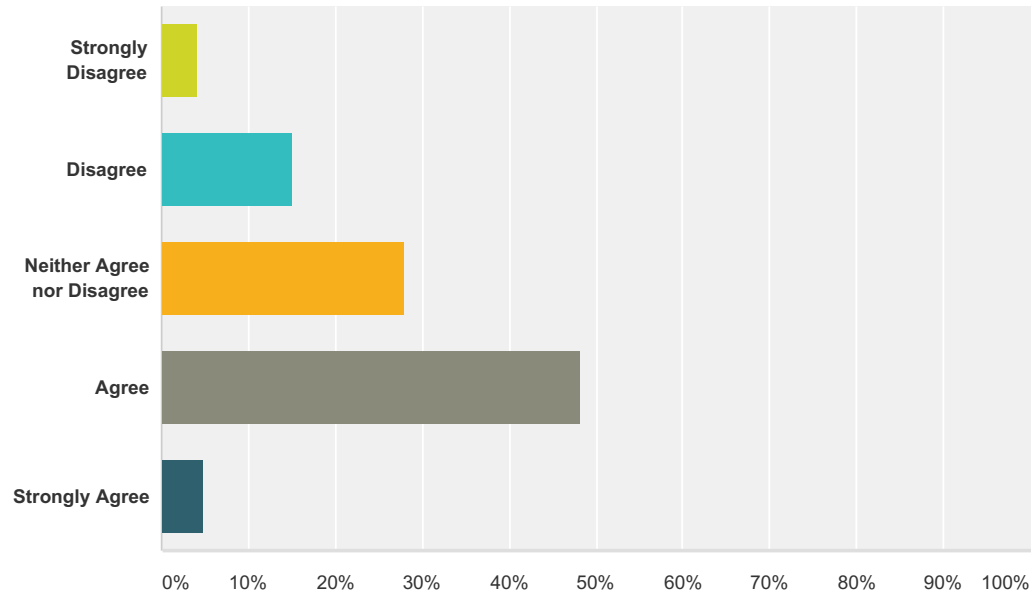


	Very Challenging	Challenging	Neither Easy nor Challenging	Easy	Very Easy	Total
Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB)	7.38% 11	34.23% 51	30.20% 45	22.15% 33	6.04% 9	149
Reporting an incident of HIB	0.00% 0	5.37% 8	18.12% 27	44.97% 67	31.54% 47	149
Investigating an incident of HIB	2.01% 3	23.49% 35	21.48% 32	37.58% 56	15.44% 23	149
Determining appropriate responses to an incident of HIB	0.00% 0	20.27% 30	27.03% 40	41.22% 61	11.49% 17	148
Implementing appropriate responses to an incident of HIB	0.00% 0	17.45% 26	22.82% 34	45.64% 68	14.09% 21	149
Training staff on the Anti-Bullying Bill of Rights	1.34% 2	13.42% 20	23.49% 35	48.99% 73	12.75% 19	149
Training staff on best practices for HIB prevention	2.01% 3	19.46% 29	33.56% 50	36.24% 54	8.72% 13	149
Supporting school climate improvement efforts	2.01% 3	18.12% 27	34.23% 51	31.54% 47	14.09% 21	149



**Q19 Please indicate the extent to which you agree or disagree: In my district, parents understand student rights and district responsibilities under the ABR.**

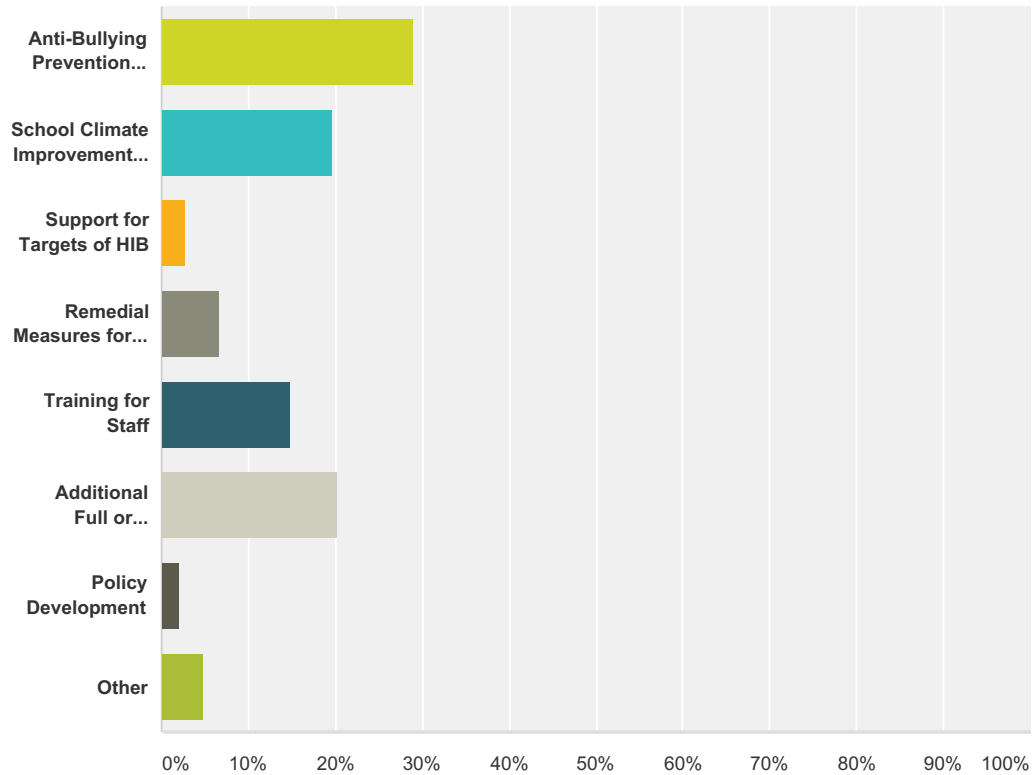
Answered: 147 Skipped: 5



Answer Choices	Responses	
Strongly Disagree	4.08%	6
Disagree	14.97%	22
Neither Agree nor Disagree	27.89%	41
Agree	48.30%	71
Strongly Agree	4.76%	7
<b>Total</b>		<b>147</b>

## Q20 If additional funds were available to implement the ABR, what is the most important area for which your district would need funds?

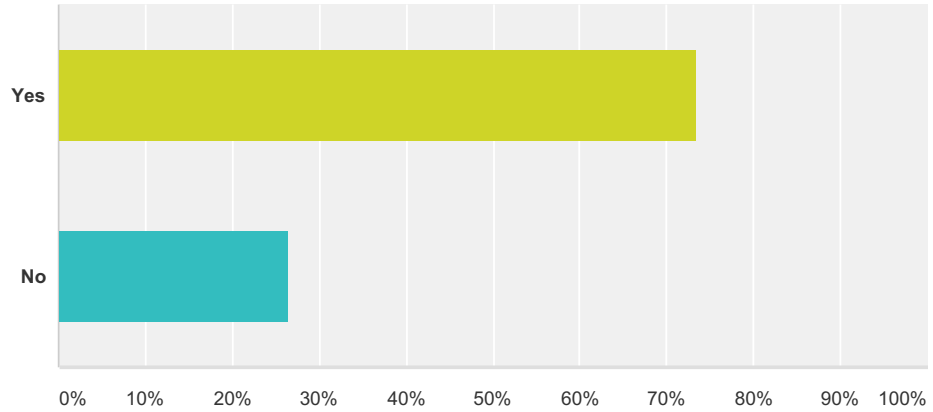
Answered: 148 Skipped: 4



Answer Choices	Responses	
Anti-Bullying Prevention Programs/Approaches/Initiatives	29.05%	43
School Climate Improvement Efforts	19.59%	29
Support for Targets of HIB	2.70%	4
Remedial Measures for Perpetrators of HIB	6.76%	10
Training for Staff	14.86%	22
Additional Full or Part-Time Staff/Staff Time to Address Required Responsibilities under ABR	20.27%	30
Policy Development	2.03%	3
Other	4.73%	7
<b>Total</b>		<b>148</b>

**Q21 Are you familiar with the specific recommendations that the ABTF has made to school districts to date?**

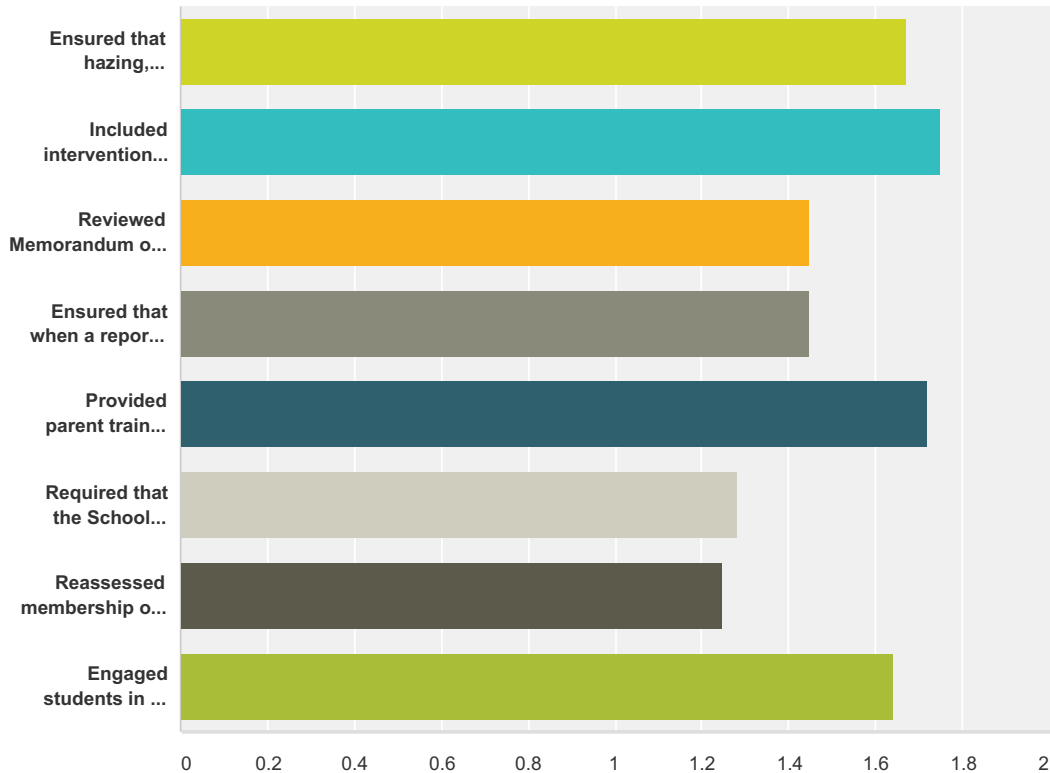
Answered: 147 Skipped: 5



Answer Choices	Responses	
Yes	73.47%	108
No	26.53%	39
Total		147

**Q22 The Anti-Bullying Task Force has made the following recommendations to school districts. Please indicate whether or not your school or district has addressed the following, in the past year:**

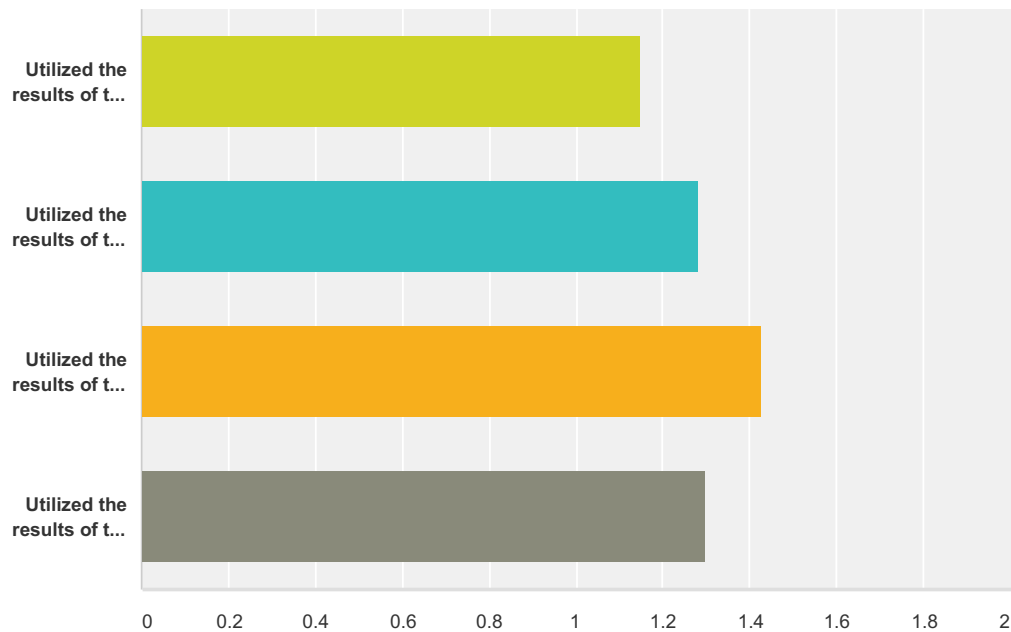
Answered: 150 Skipped: 2



	Yes	No	Not Sure	Total	Weighted Average
Ensured that hazing, including but not limited to athletics, is addressed in the district Code of Student Conduct	58.39% 87	16.11% 24	25.50% 38	149	1.67
Included intervention and prevention strategies related to hazing in required trainings under the ABR	52.70% 78	19.59% 29	27.70% 41	148	1.75
Reviewed Memorandum of Agreement with law enforcement officials to ensure proper collaboration when law enforcement intervention is appropriate for incidents of HIB and hazing	74.32% 110	6.76% 10	18.92% 28	148	1.45
Ensured that when a report of HIB is made that involves an allegation of conduct based on a protected class, that both the Affirmative Action Officer and the ABS are notified	70.95% 105	13.51% 20	15.54% 23	148	1.45
Provided parent training on social-emotional learning skills as well as the procedural issues around reporting and investigating HIB incidents	46.62% 69	35.14% 52	18.24% 27	148	1.72
Required that the School Safety/School Climate Team meet more than twice per year	76.51% 114	18.79% 28	4.70% 7	149	1.28
Reassessed membership of the School Safety/School Climate Team to ensure that it is representative of the school community	81.08% 120	12.84% 19	6.08% 9	148	1.25
Engaged students in the work of the School Safety/School Climate Team	51.68% 77	32.21% 48	16.11% 24	149	1.64

**Q23 The Anti-Bullying Task Force has made the following recommendations to school districts concerning the "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights." Please indicate whether or not your school or district has addressed the following, in the past year:**

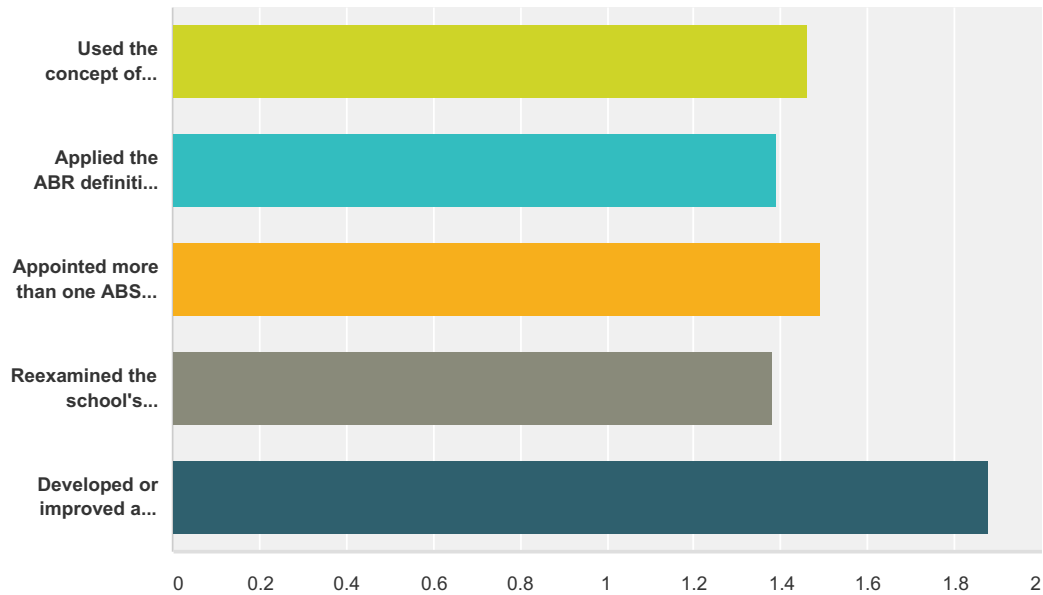
Answered: 144 Skipped: 8



	Yes	No	Not Sure	Total	Weighted Average
Utilized the results of the Self-Assessment by reviewing each indicator rated as "partially meets the requirements" or "does not meet the requirements" and implemented a plan to address those ABR requirements	89.58% 129	5.56% 8	4.86% 7	144	1.15
Utilized the results of the Self-Assessment to develop action plans to strengthen school climate and school policies	79.86% 115	12.50% 18	7.64% 11	144	1.28
Utilized the results of the Self-Assessment to educate parents and the community about HIB prevention, programs, approaches, and other initiatives, as well as the district's HIB policy when presenting the official grade report to the board of ed	71.53% 103	13.89% 20	14.58% 21	144	1.43
Utilized the results of the Self-Assessment to include additional information to explain self-assessment ratings and district/school actions when posting the grade report on district and school webpages	80.28% 114	9.15% 13	10.56% 15	142	1.30

**Q24 Please also indicate whether or not your school or district has done the following in the past year:**

Answered: 149 Skipped: 3



	Yes	No	Not Sure	Total	Weighted Average
Used the concept of "power imbalance" when determining if a reported incident is an incident of HIB	66.44% 99	21.48% 32	12.08% 18	149	1.46
Applied the ABR definition of HIB to incidents not involving a "protected category" when determining an incident of HIB	73.83% 110	13.42% 20	12.75% 19	149	1.39
Appointed more than one ABS to assist with conducting HIB investigations	55.70% 83	39.60% 59	4.70% 7	149	1.49
Reexamined the school's approach to year-long HIB prevention instruction and incorporated a systemic approach to teaching social and emotional learning skills	71.62% 106	18.92% 28	9.46% 14	148	1.38
Developed or improved a written school climate improvement plan	32.65% 48	46.26% 68	21.09% 31	147	1.88

**Q25 Please provide any additional  
comments regarding the ABTF  
recommendations to date.**

Answered: 16 Skipped: 136

**Q26 If you have any additional comments regarding your role as ABC or about the ABR, please include them here.**

Answered: 17 Skipped: 135

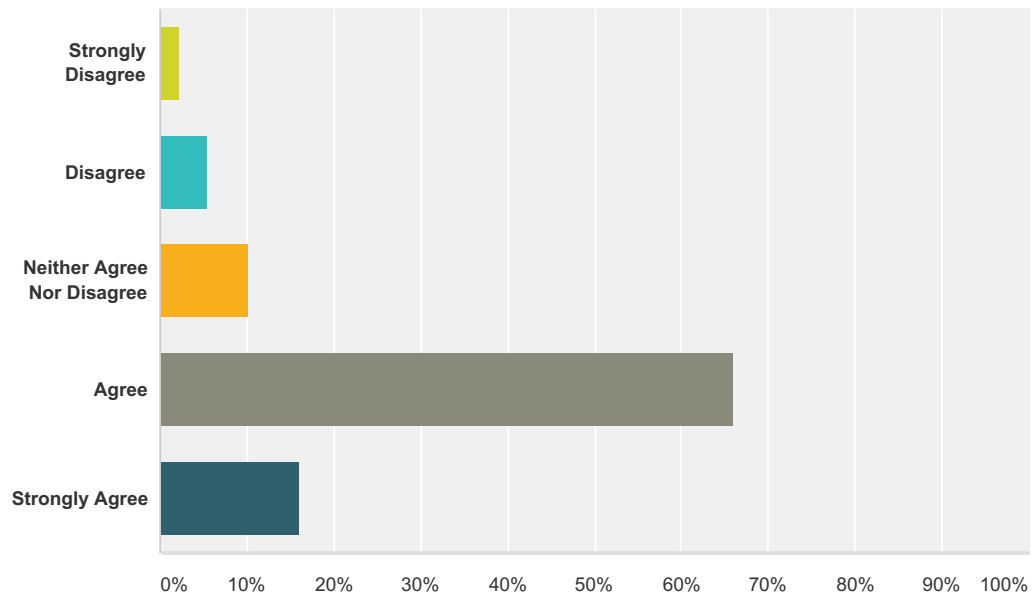


**Appendix C**  
New Jersey Anti-Bullying Task Force Anti-  
Bullying Principal Survey & Data 2015

NJ ABTF Principal Survey 2015

**Q1 There are enough training opportunities available for staff in our school to carry out the responsibilities specified in the ABR.**

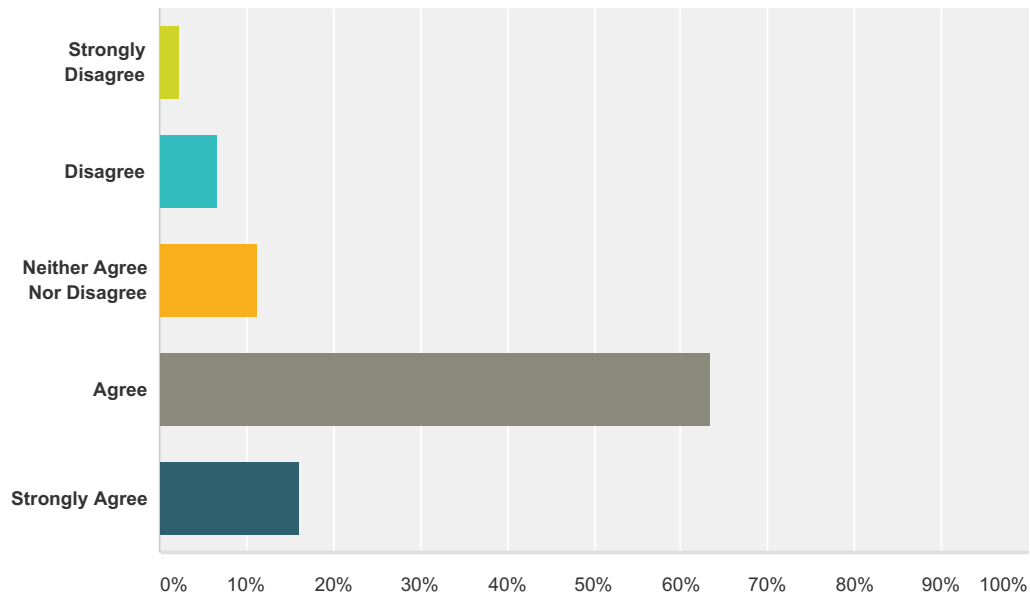
Answered: 167 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	2.40%	4
Disagree	5.39%	9
Neither Agree Nor Disagree	10.18%	17
Agree	65.87%	110
Strongly Agree	16.17%	27
<b>Total</b>		<b>167</b>

**Q2 There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my school. (Note: This question is NOT addressing financial resources.)**

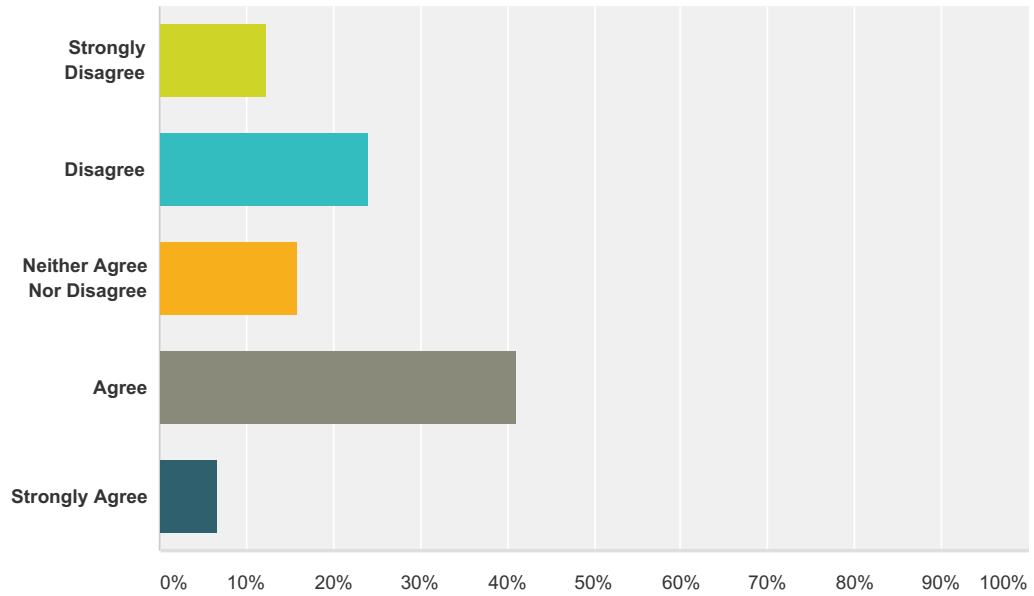
Answered: 167 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	2.40%	4
Disagree	6.59%	11
Neither Agree Nor Disagree	11.38%	19
Agree	63.47%	106
Strongly Agree	16.17%	27
<b>Total</b>		<b>167</b>

**Q3 I believe that there are enough financial resources available for our school to carry out the school responsibilities specified in the ABR.**

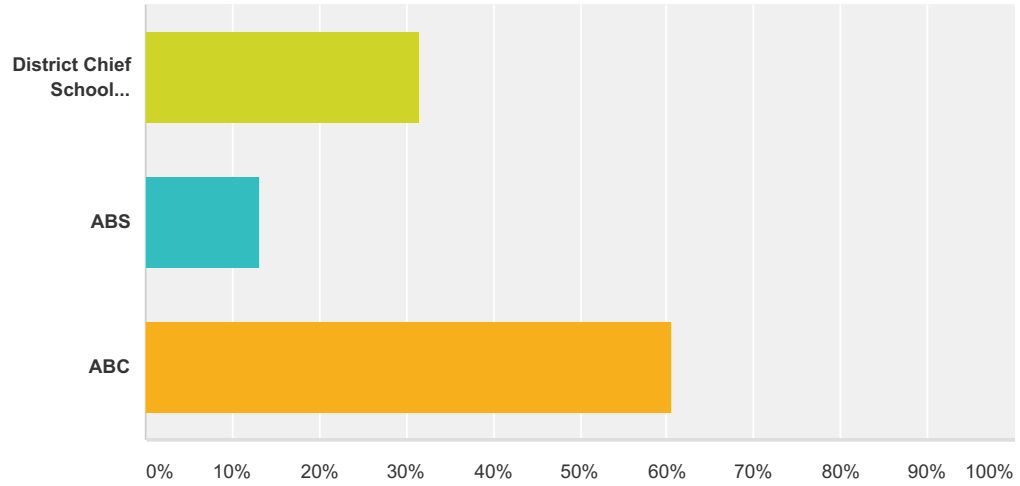
Answered: 163 Skipped: 5



Answer Choices	Responses	
Strongly Disagree	12.27%	20
Disagree	23.93%	39
Neither Agree Nor Disagree	15.95%	26
Agree	41.10%	67
Strongly Agree	6.75%	11
<b>Total</b>		<b>163</b>

**Q4 In your role as principal, do you also serve as any of the following? Check all that apply.**

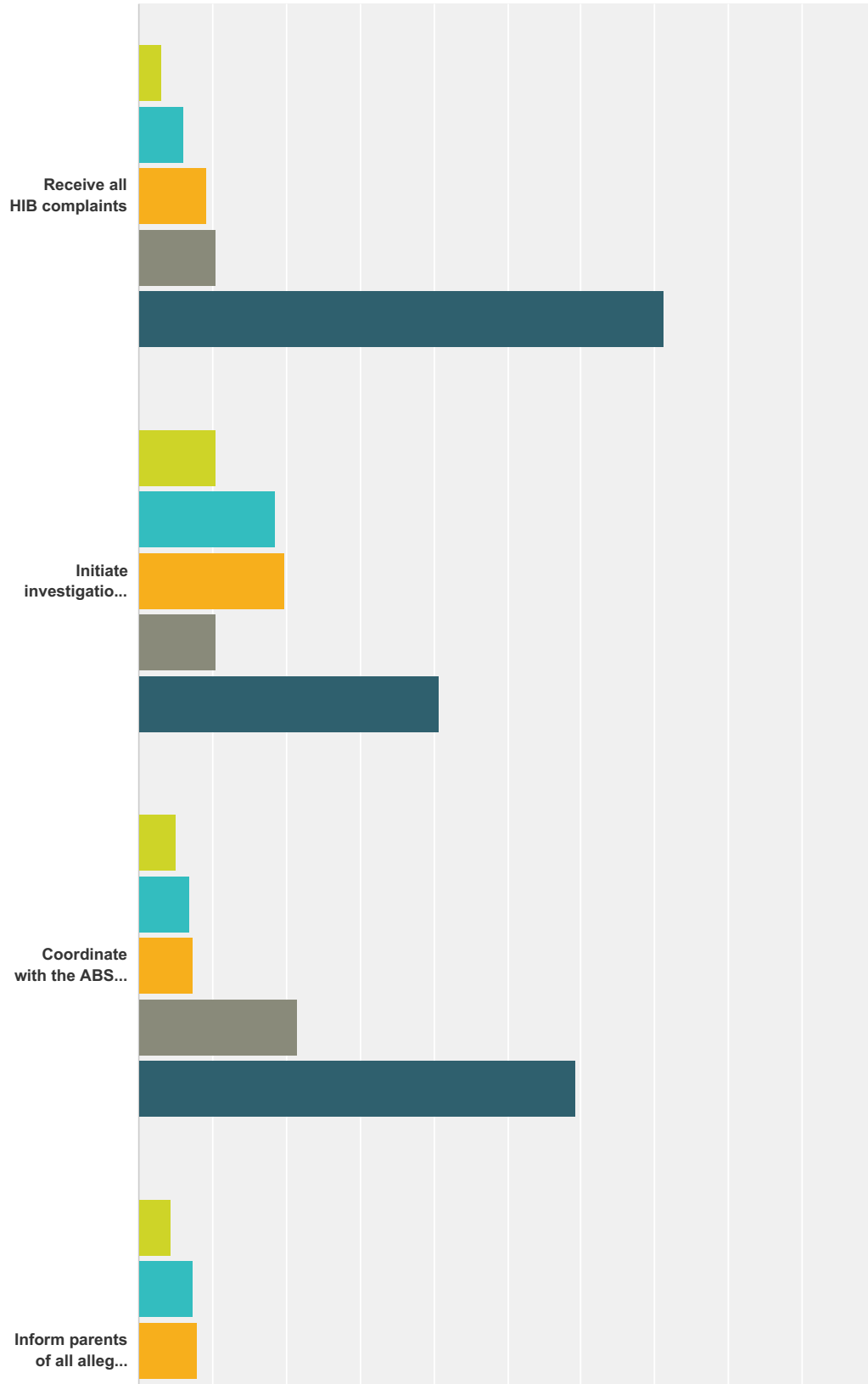
Answered: 38 Skipped: 130

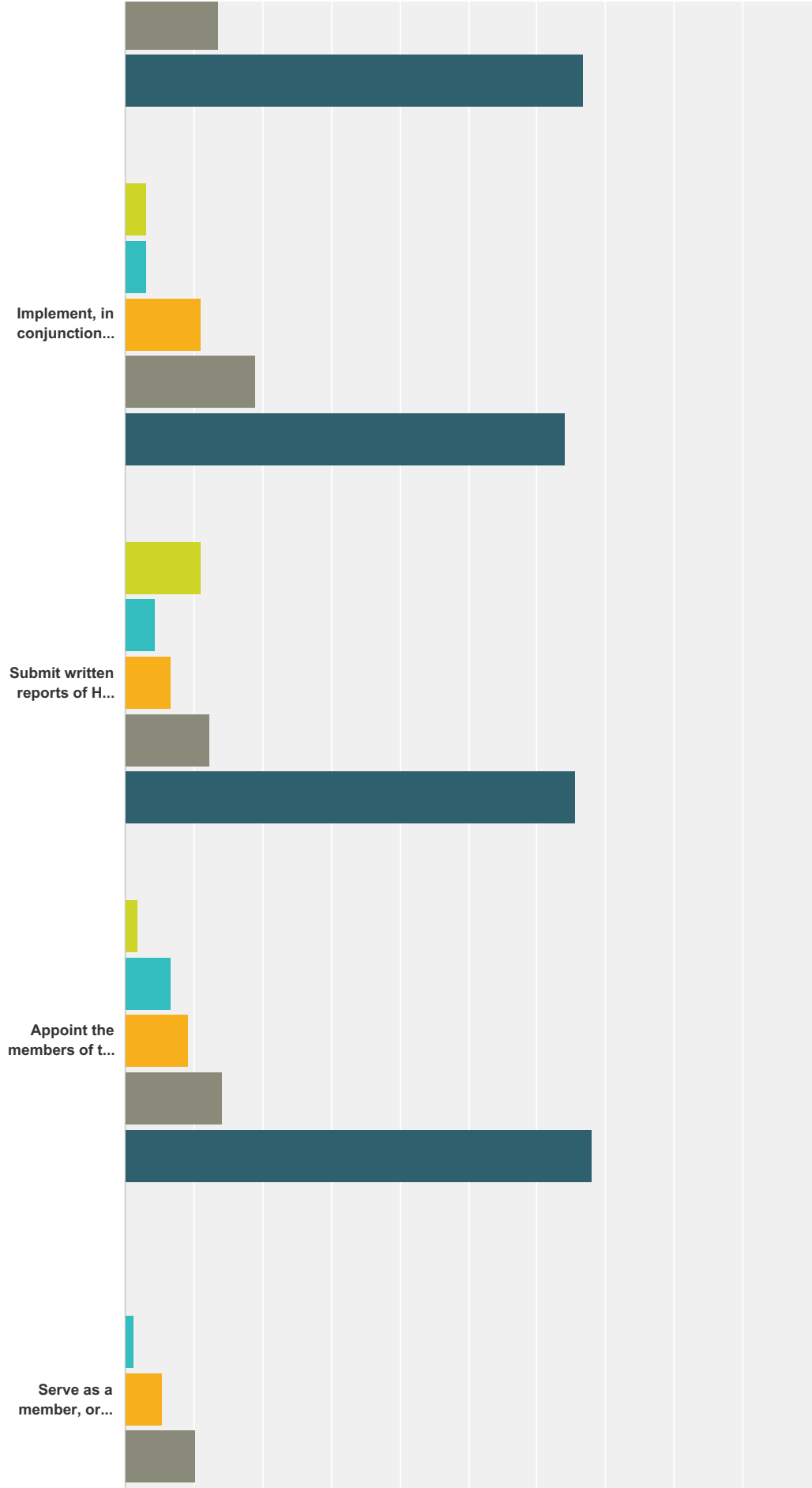


Answer Choices	Responses	
District Chief School Administrator	31.58%	12
ABS	13.16%	5
ABC	60.53%	23
Total Respondents: 38		

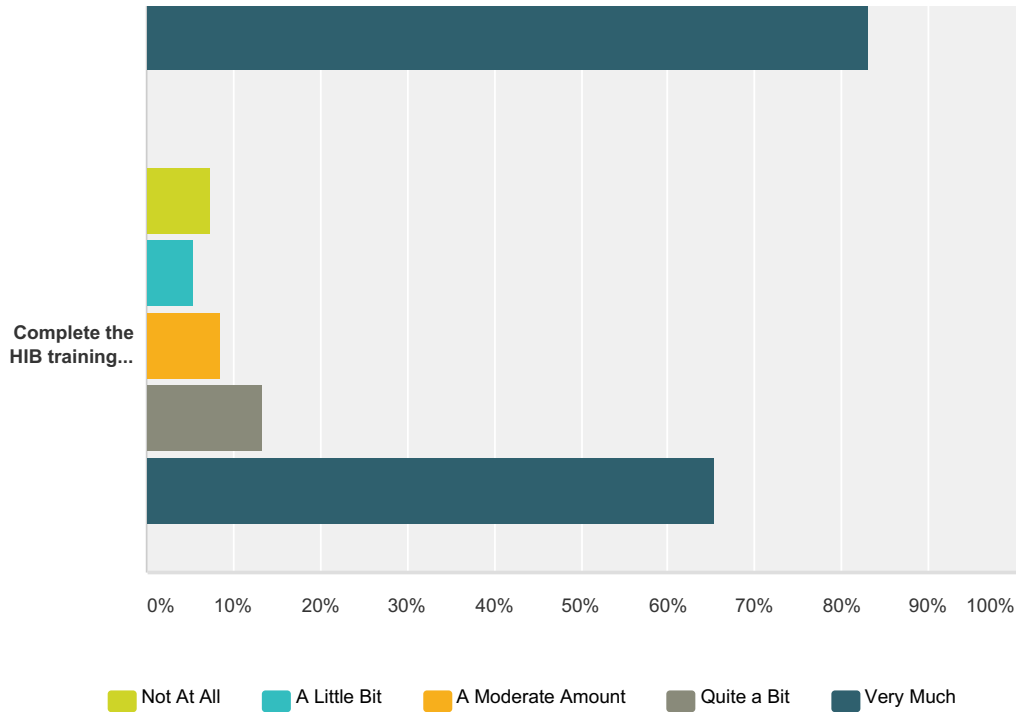
**Q5 Please indicate the extent to which you implement the following requirements under the ABR, in your role as principal.**

Answered: 166 Skipped: 2





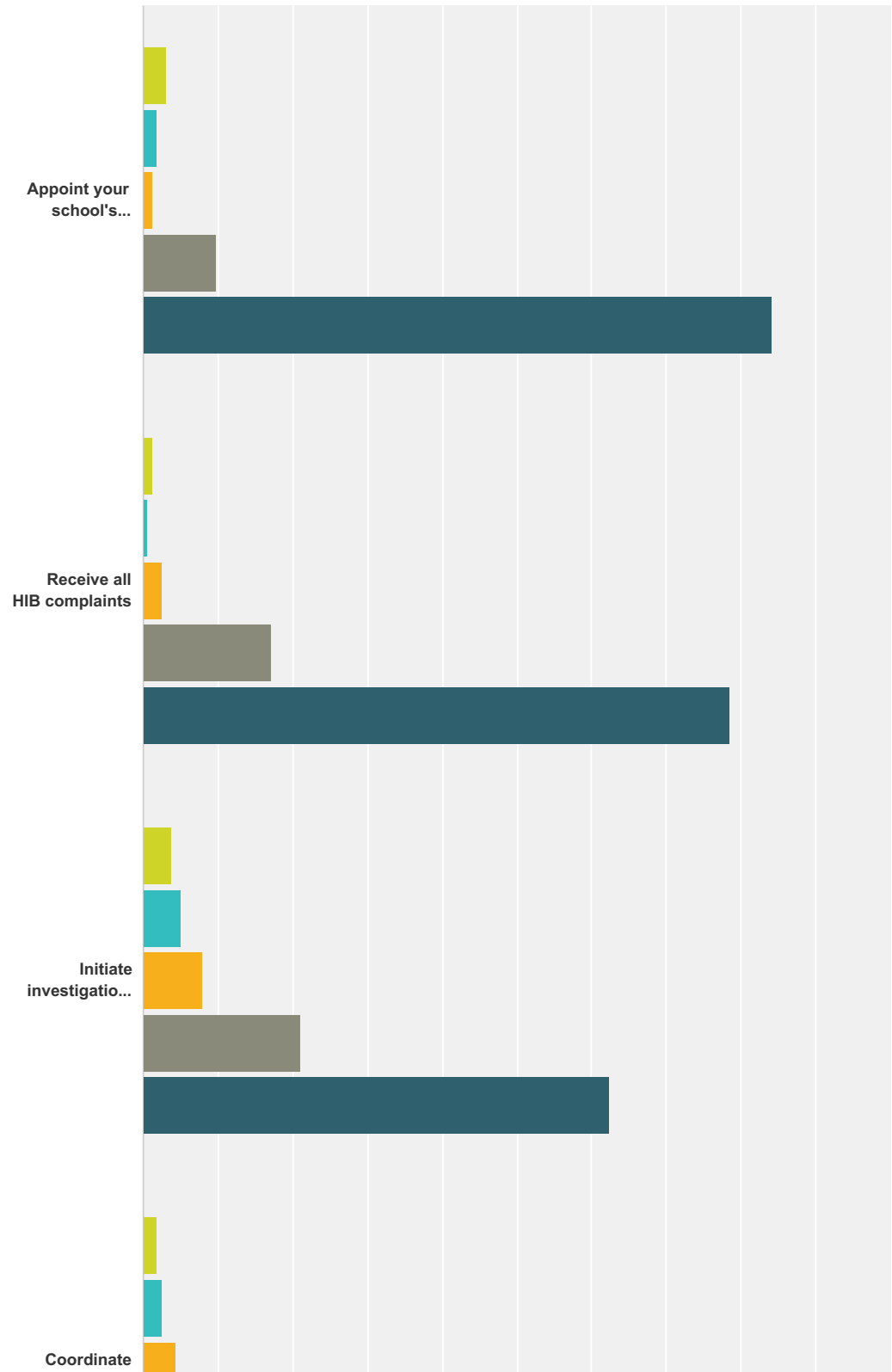
## NJ ABTF Principal Survey 2015



	Not At All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Receive all HIB complaints	3.07% 5	6.13% 10	9.20% 15	10.43% 17	71.17% 116	163
Initiate investigations of HIB	10.49% 17	18.52% 30	19.75% 32	10.49% 17	40.74% 66	162
Coordinate with the ABS in investigating reported HIB incidents	4.94% 8	6.79% 11	7.41% 12	21.60% 35	59.26% 96	162
Inform parents of all alleged perpetrators and targets	4.29% 7	7.36% 12	7.98% 13	13.50% 22	66.87% 109	163
Implement, in conjunction with the ABS, the range of responses to HIB established by the BOE	3.05% 5	3.05% 5	10.98% 18	18.90% 31	64.02% 105	164
Submit written reports of HIB investigations to CSA within two days of the completion of the investigations	11.04% 18	4.29% 7	6.75% 11	12.27% 20	65.64% 107	163
Appoint the members of the School Safety Team (SST)	1.84% 3	6.75% 11	9.20% 15	14.11% 23	68.10% 111	163
Serve as a member, or appoint a designee, of the SST	0.00% 0	1.20% 2	5.42% 9	10.24% 17	83.13% 138	166
Complete the HIB training for school leaders	7.32% 12	5.49% 9	8.54% 14	13.41% 22	65.24% 107	164

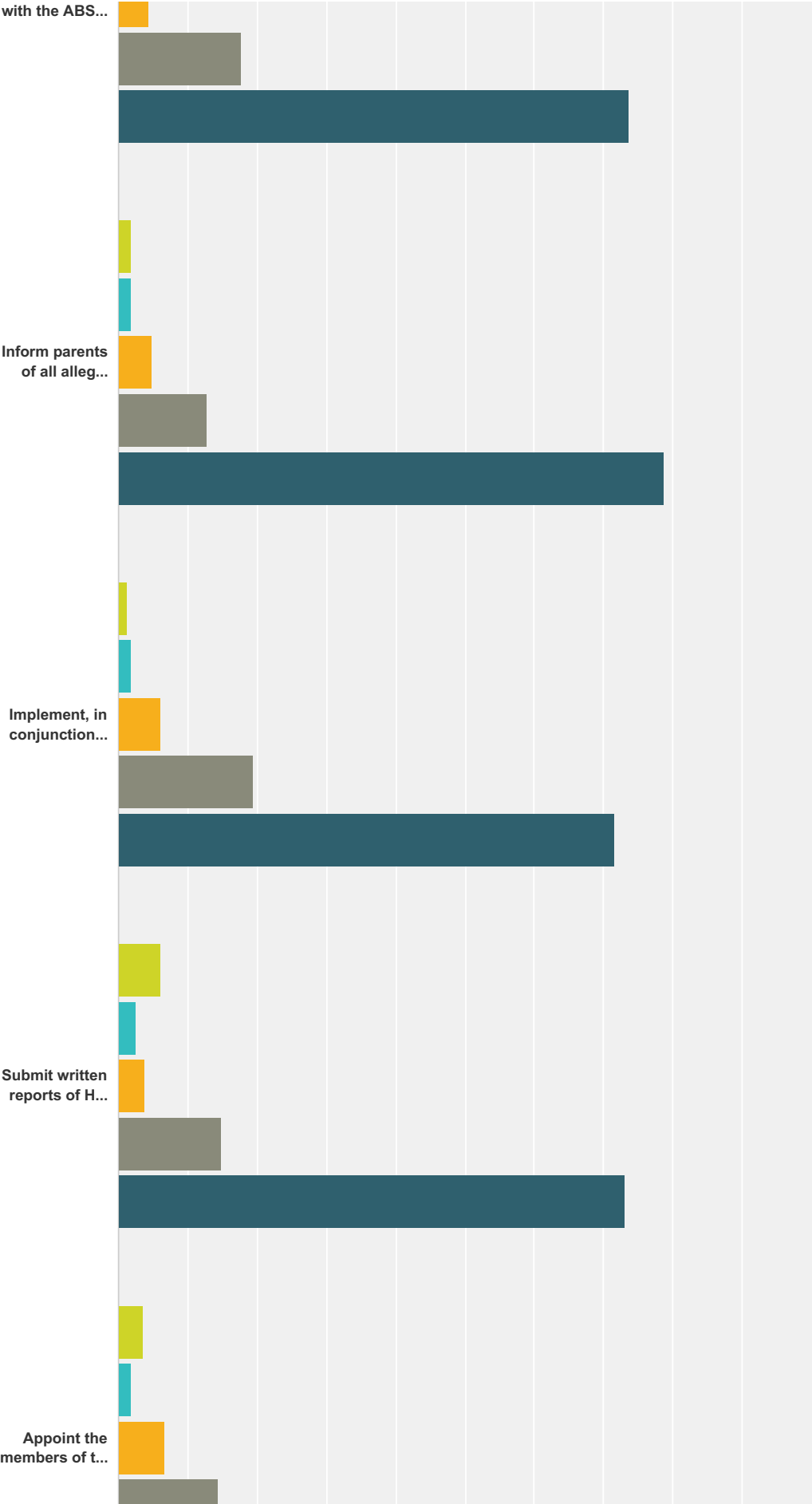
**Q6 How effective do you think you have been in implementing the following requirements under the ABR, in your role as principal.**

Answered: 166 Skipped: 2

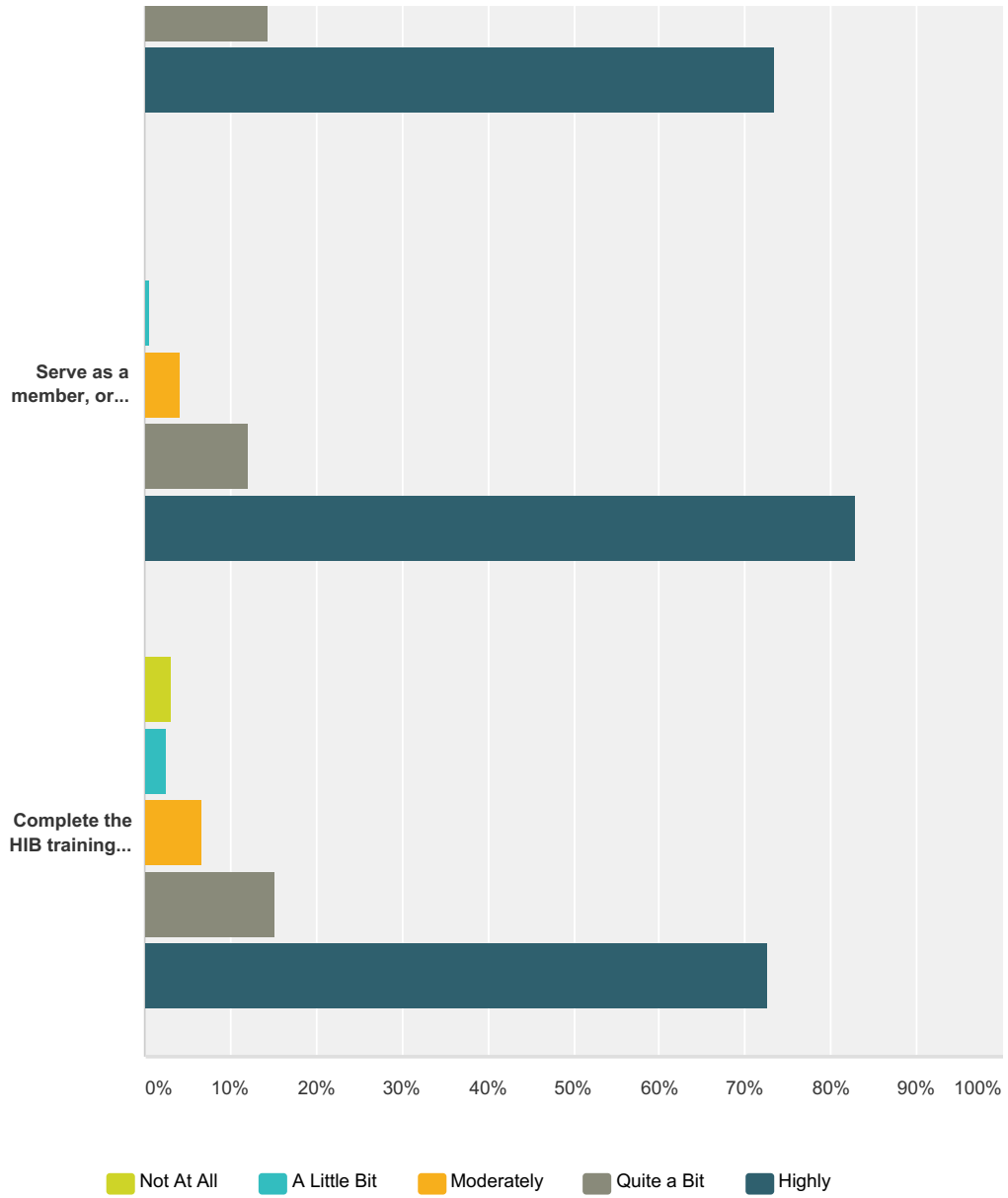




NJ ABTF Principal Survey 2015



# NJ ABTF Principal Survey 2015



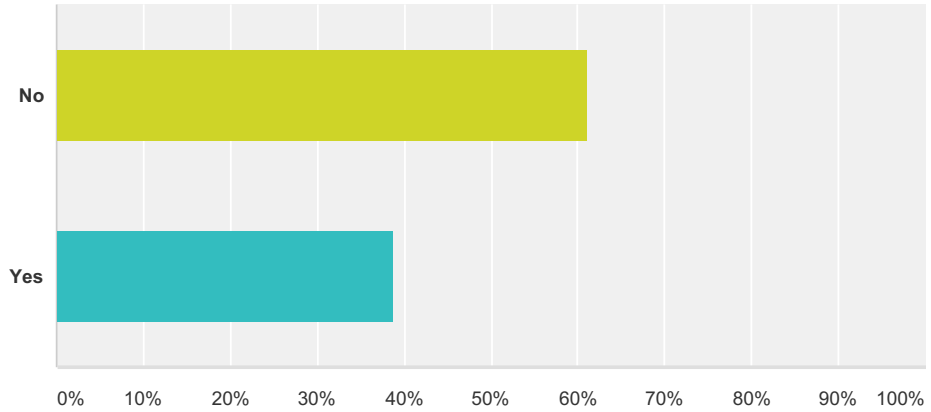
	Not At All	A Little Bit	Moderately	Quite a Bit	Highly	Total
Appoint your school's Anti-Bullying Specialist (ABS)	3.07% 5	1.84% 3	1.23% 2	9.82% 16	84.05% 137	163
Receive all HIB complaints	1.23% 2	0.61% 1	2.45% 4	17.18% 28	78.53% 128	163
Initiate investigations of HIB	3.70% 6	4.94% 8	8.02% 13	20.99% 34	62.35% 101	162
Coordinate with the ABS in investigating reported HIB incidents	1.84% 3	2.45% 4	4.29% 7	17.79% 29	73.62% 120	163
Inform parents of all alleged perpetrators and targets	1.82% 3	1.82% 3	4.85% 8	12.73% 21	78.79% 130	165
Implement, in conjunction with the ABS, the range of responses to HIB established by the BOE	1.21% 2	1.82% 3	6.06% 10	19.39% 32	71.52% 118	165
Submit written reports of HIB investigations to CSA within two days of the completion of the investigations	6.13% 10	2.45% 4	3.68% 6	14.72% 24	73.01% 119	163

## NJ ABTF Principal Survey 2015

Appoint the members of the School Safety Team (SST)	<b>3.61%</b> 6	<b>1.81%</b> 3	<b>6.63%</b> 11	<b>14.46%</b> 24	<b>73.49%</b> 122	166
Serve as a member, or appoint a designee, of the SST	<b>0.00%</b> 0	<b>0.61%</b> 1	<b>4.27%</b> 7	<b>12.20%</b> 20	<b>82.93%</b> 136	164
Complete the HIB training for school leaders	<b>3.03%</b> 5	<b>2.42%</b> 4	<b>6.67%</b> 11	<b>15.15%</b> 25	<b>72.73%</b> 120	165

**Q7 Have you asked your school's Anti-Bullying Specialist (ABS) to perform other duties in the role of ABS that are in addition to the requirements specified in the ABR?**

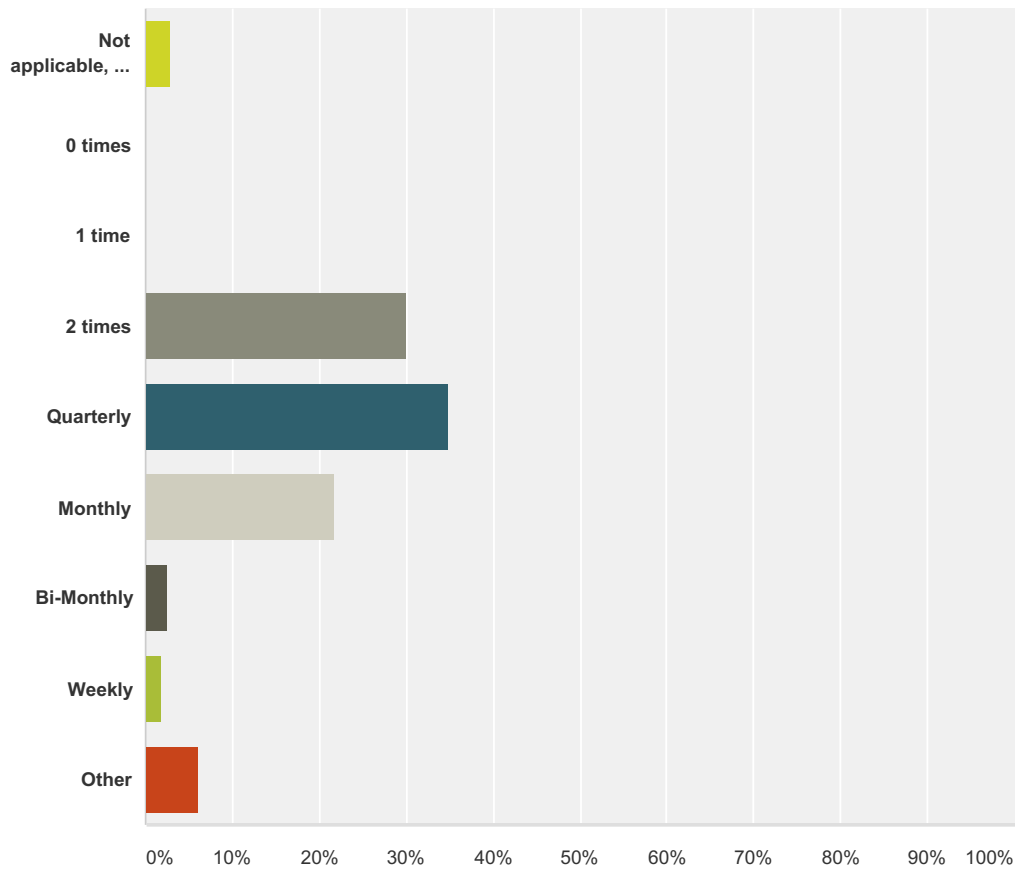
Answered: 165 Skipped: 3



Answer Choices	Responses	
No	61.21%	101
Yes	38.79%	64
<b>Total</b>		<b>165</b>

## Q8 How often did your School Safety Team meet during the 2014-2015 school year?

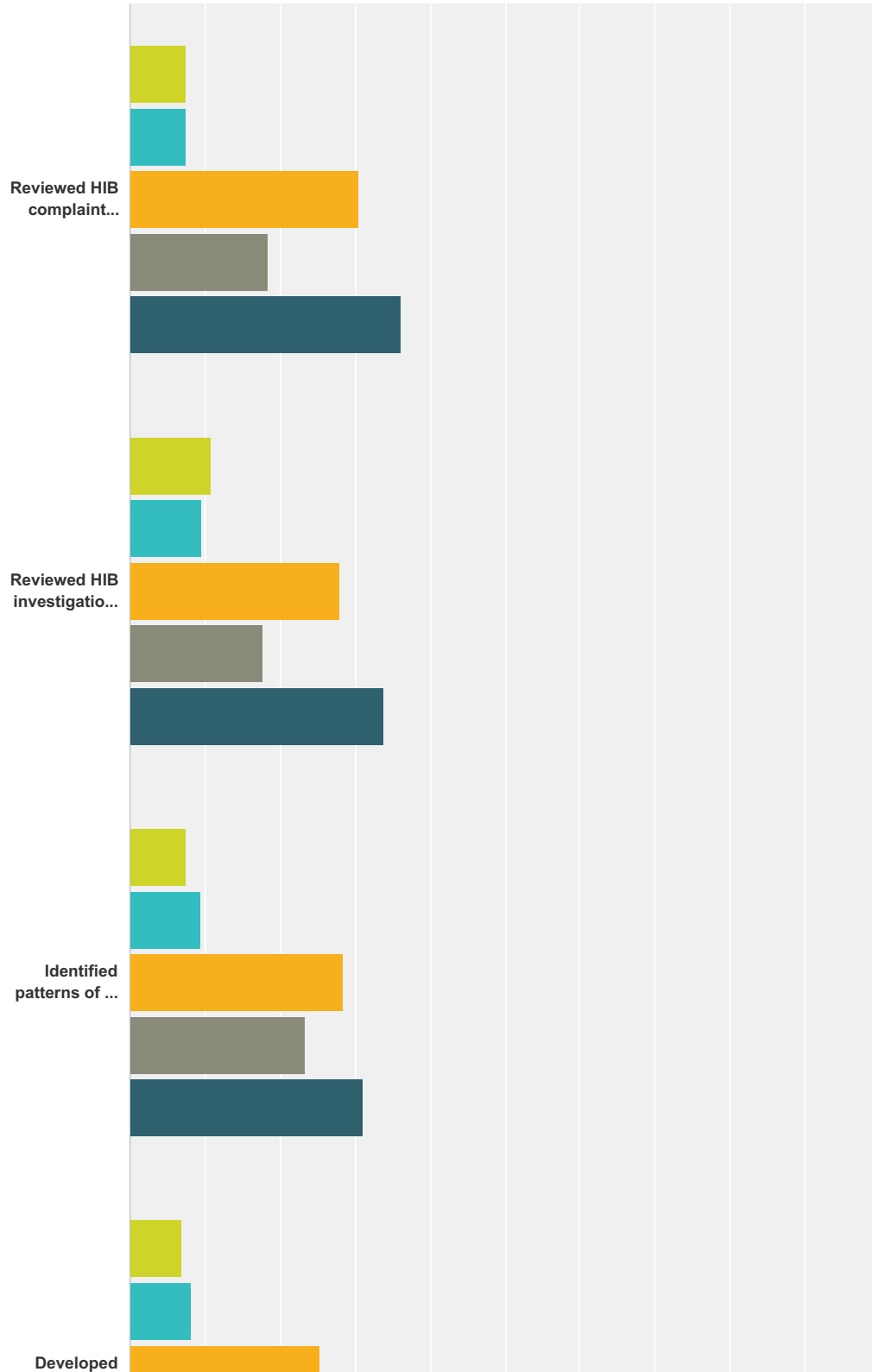
Answered: 166 Skipped: 2



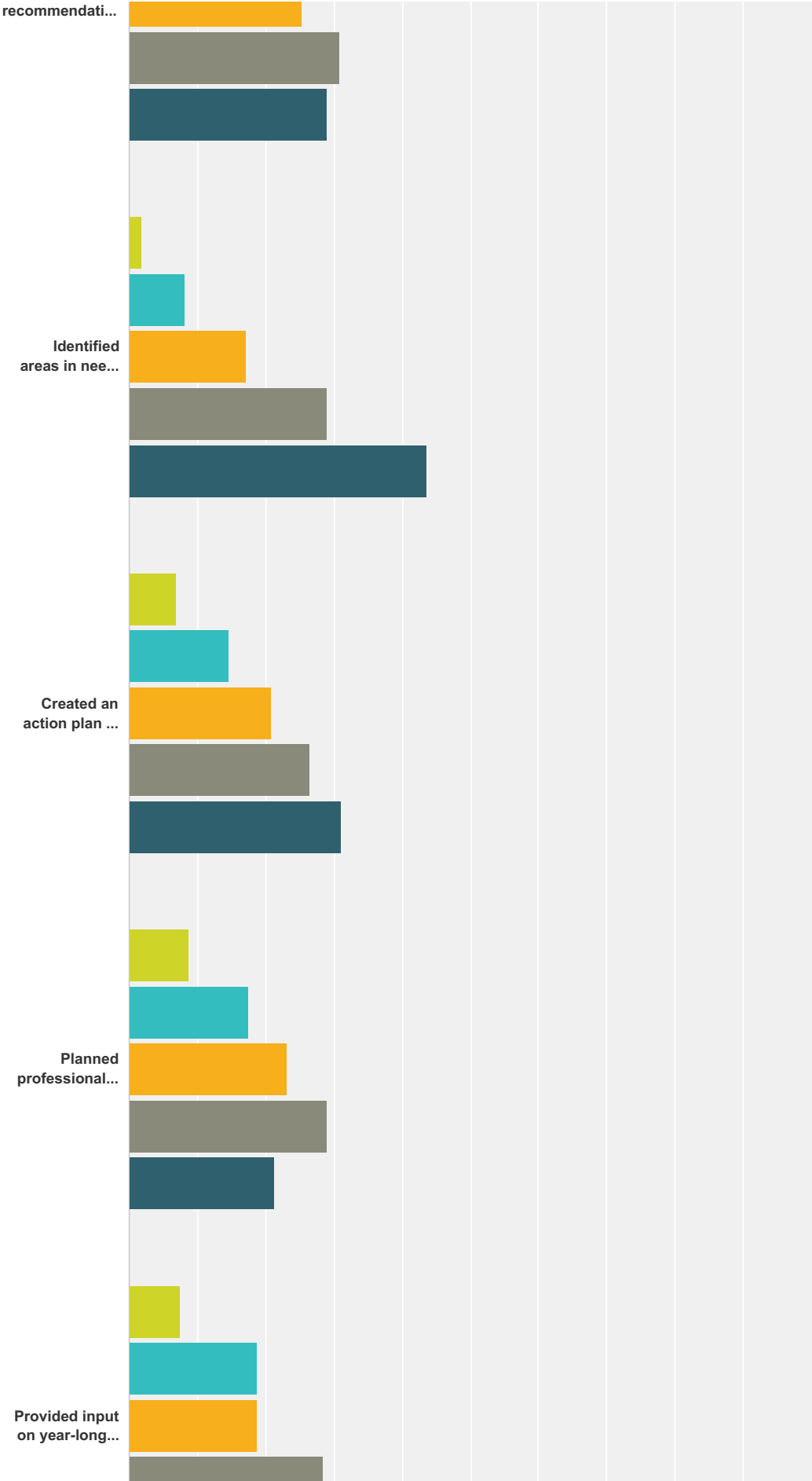
Answer Choices	Responses	
Not applicable, I was not on the School Safety Team during the 2014-2015 school year	3.01%	5
0 times	0.00%	0
1 time	0.00%	0
2 times	30.12%	50
Quarterly	34.94%	58
Monthly	21.69%	36
Bi-Monthly	2.41%	4
Weekly	1.81%	3
Other	6.02%	10
<b>Total</b>		<b>166</b>

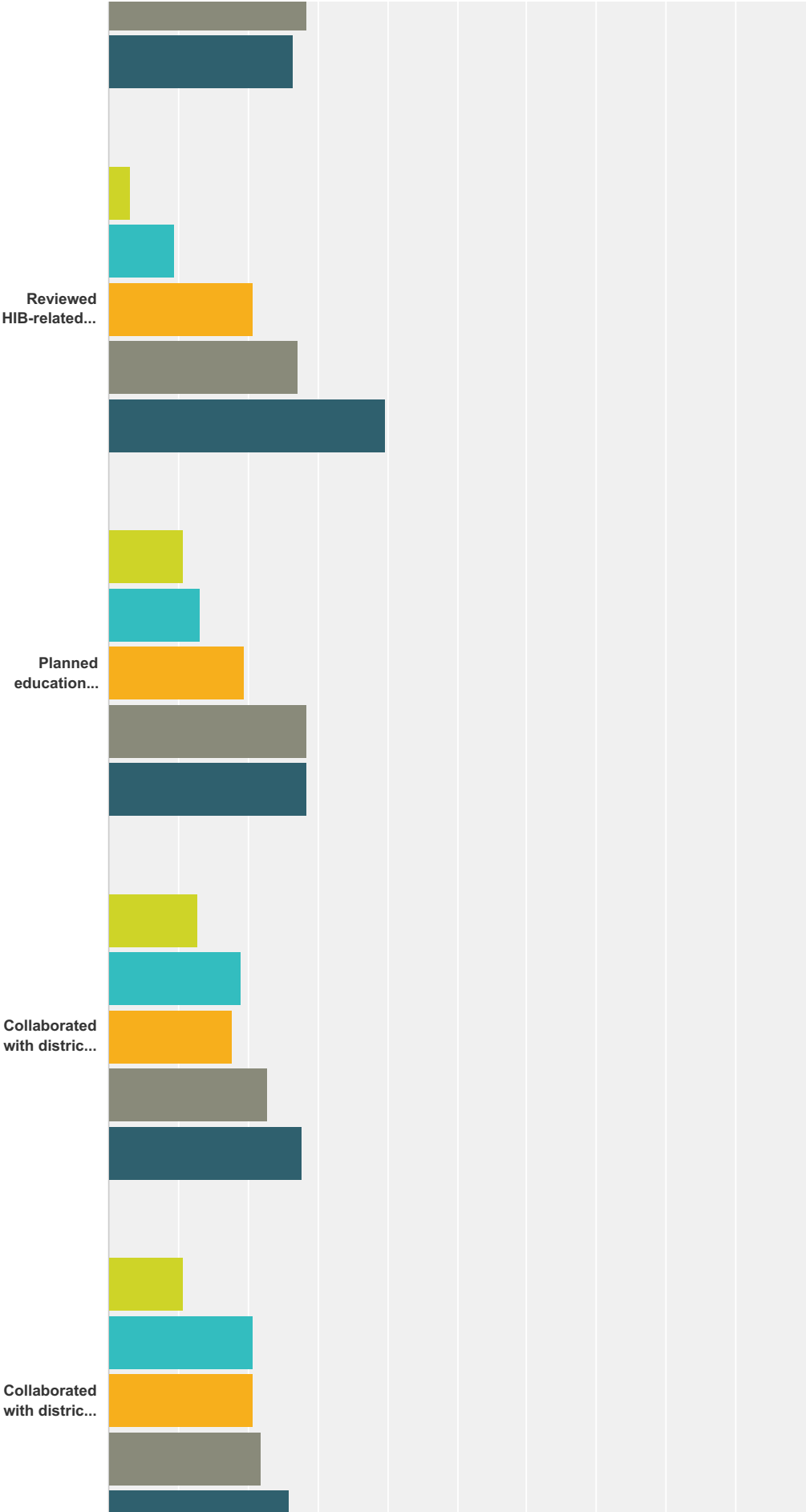
**Q9 Please rate how often each of the following activities was addressed by the School Safety Team during the 2014-2015 school year.**

Answered: 161 Skipped: 7



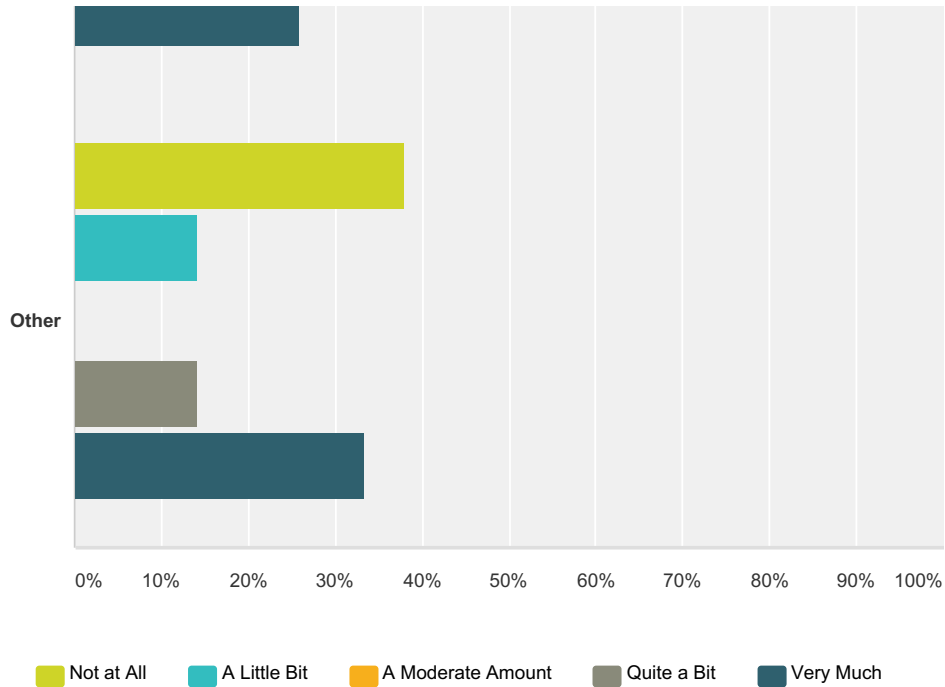
NJ ABTF Principal Survey 2015







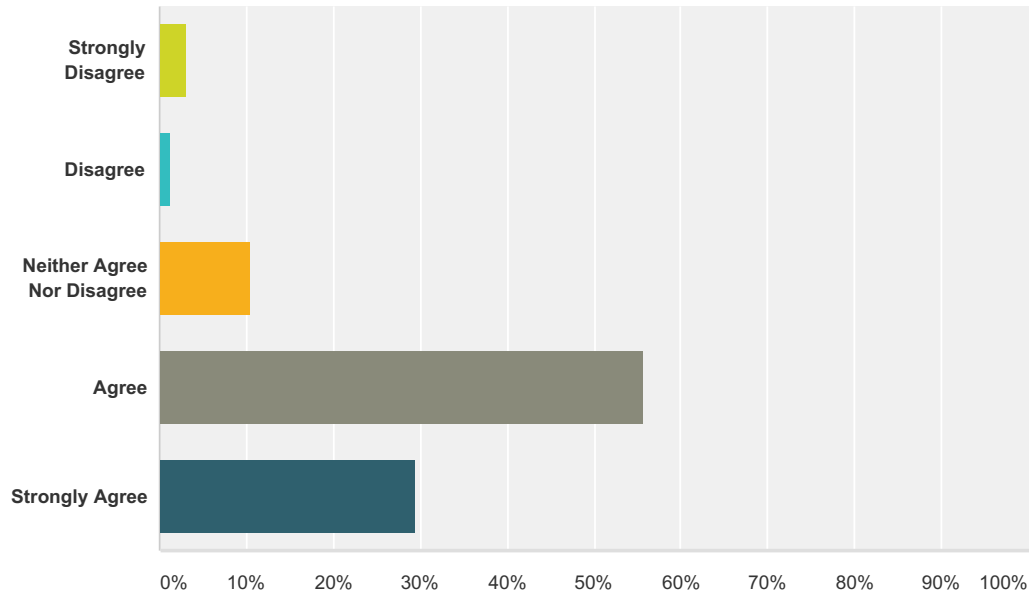
## NJ ABTF Principal Survey 2015



	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Reviewed HIB complaint records	7.59% 12	7.59% 12	30.38% 48	18.35% 29	36.08% 57	158
Reviewed HIB investigation reports	10.83% 17	9.55% 15	28.03% 44	17.83% 28	33.76% 53	157
Identified patterns of HIB by reviewing multiple data sources (e.g. incident reports, survey data, etc.)	7.59% 12	9.49% 15	28.48% 45	23.42% 37	31.01% 49	158
Developed recommendations to address identified patterns of HIB	6.92% 11	8.18% 13	25.16% 40	30.82% 49	28.93% 46	159
Identified areas in need for school climate improvement	1.90% 3	8.23% 13	17.09% 27	29.11% 46	43.67% 69	158
Created an action plan to improve school climate	6.96% 11	14.56% 23	20.89% 33	26.58% 42	31.01% 49	158
Planned professional development opportunities for teachers to prevent or address HIB	8.81% 14	17.61% 28	23.27% 37	28.93% 46	21.38% 34	159
Provided input on year-long instruction for HIB prevention	7.55% 12	18.87% 30	18.87% 30	28.30% 45	26.42% 42	159
Reviewed HIB-related school policies and procedures	3.14% 5	9.43% 15	20.75% 33	27.04% 43	39.62% 63	159
Planned education programs for the school community to prevent HIB	10.69% 17	13.21% 21	19.50% 31	28.30% 45	28.30% 45	159
Collaborated with district Anti-Bullying Coordinator to collect district-wide data	12.66% 20	18.99% 30	17.72% 28	22.78% 36	27.85% 44	158
Collaborated with district Anti-Bullying Coordinator to further develop district HIB policies	10.69% 17	20.75% 33	20.75% 33	22.01% 35	25.79% 41	159
Other	38.10% 8	14.29% 3	0.00% 0	14.29% 3	33.33% 7	21

**Q10 Please indicate the extent to which you agree or disagree: I am adequately prepared (e.g., through training) to carry out my job responsibilities under the ABR.**

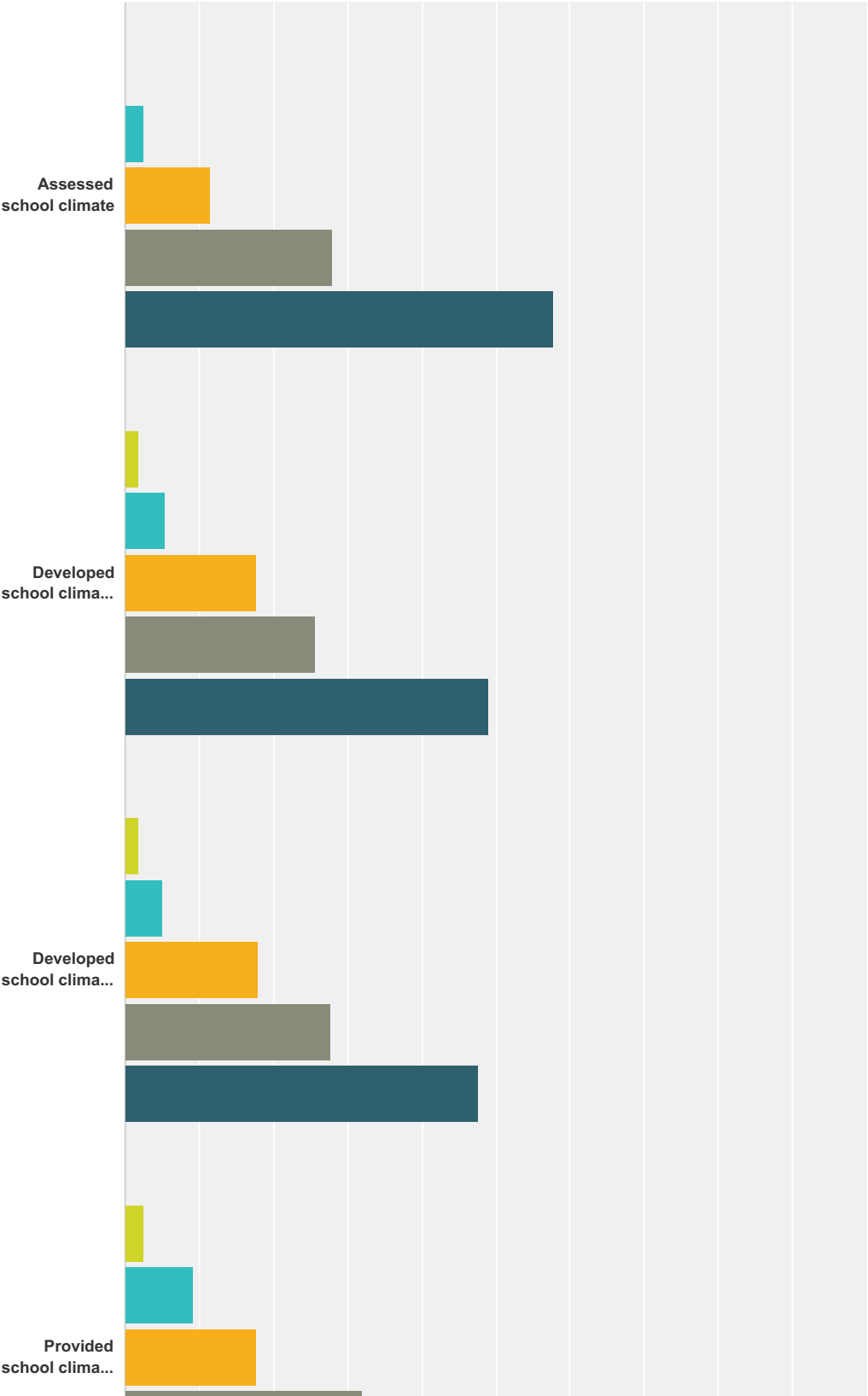
Answered: 163 Skipped: 5



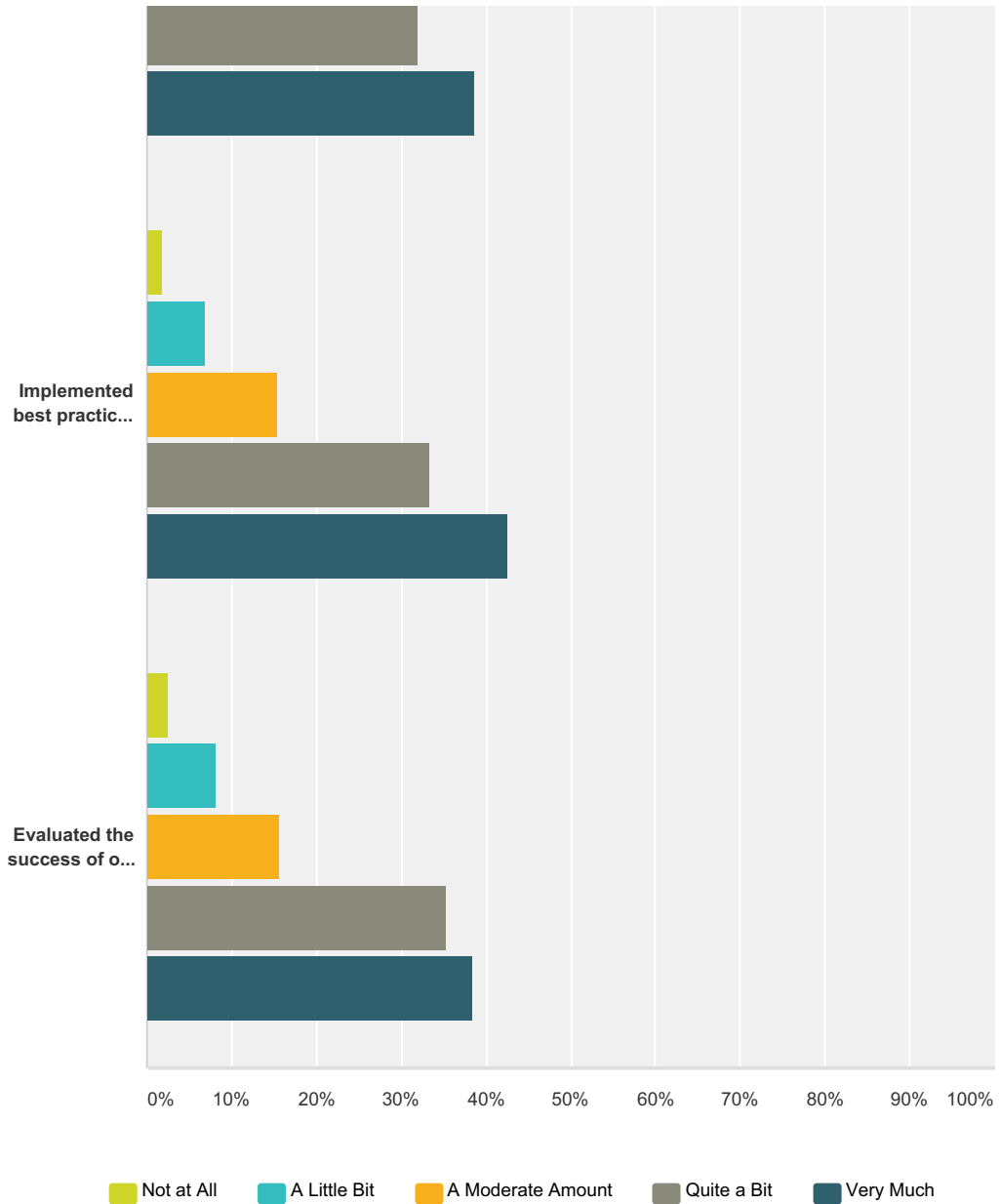
Answer Choices	Responses	
Strongly Disagree	3.07%	5
Disagree	1.23%	2
Neither Agree Nor Disagree	10.43%	17
Agree	55.83%	91
Strongly Agree	29.45%	48
<b>Total</b>		<b>163</b>

**Q11 Please indicate the extent to which you engaged in the following activities to improve school climate in your school:**

Answered: 164 Skipped: 4



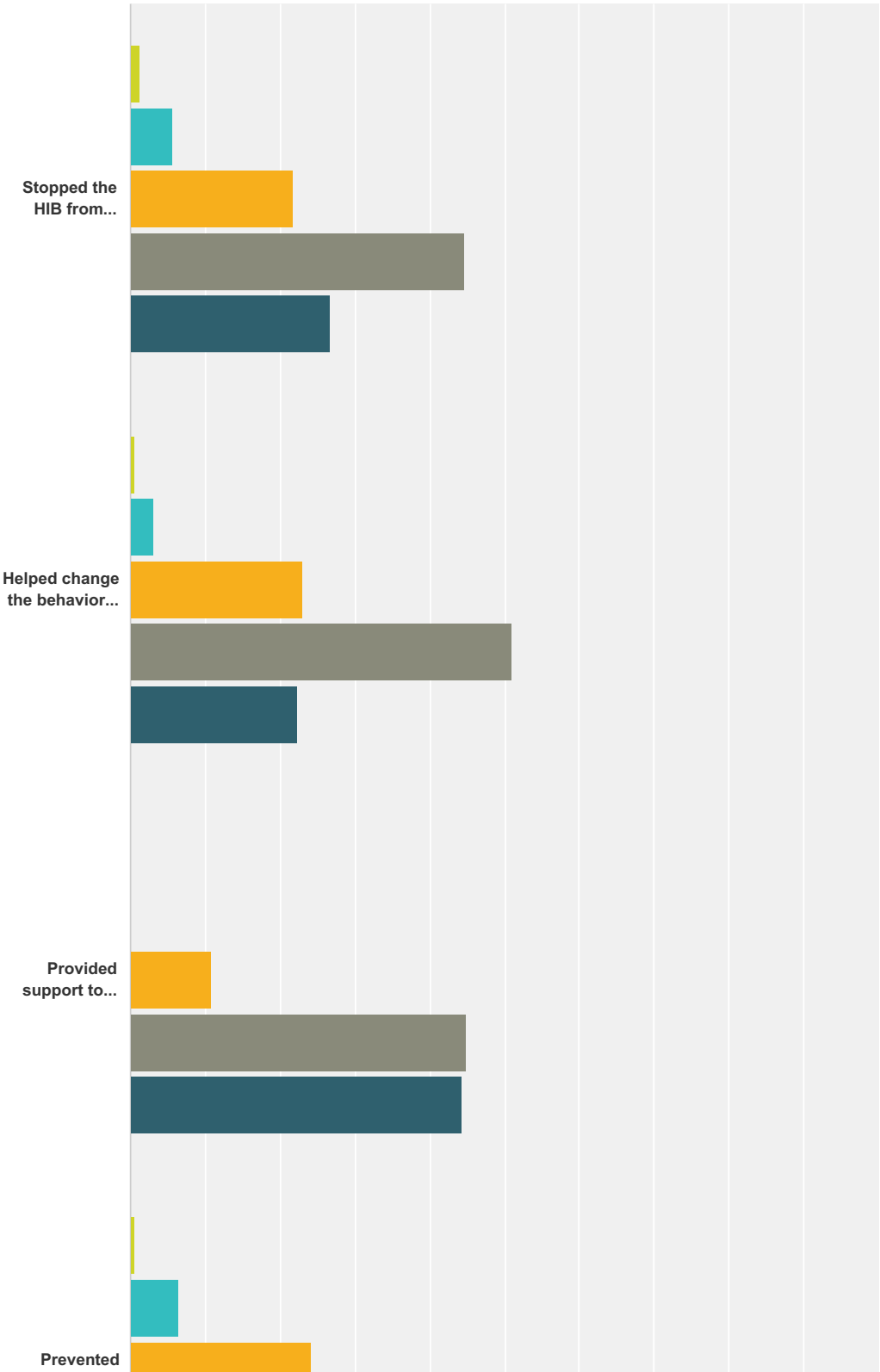
# NJ ABTF Principal Survey 2015



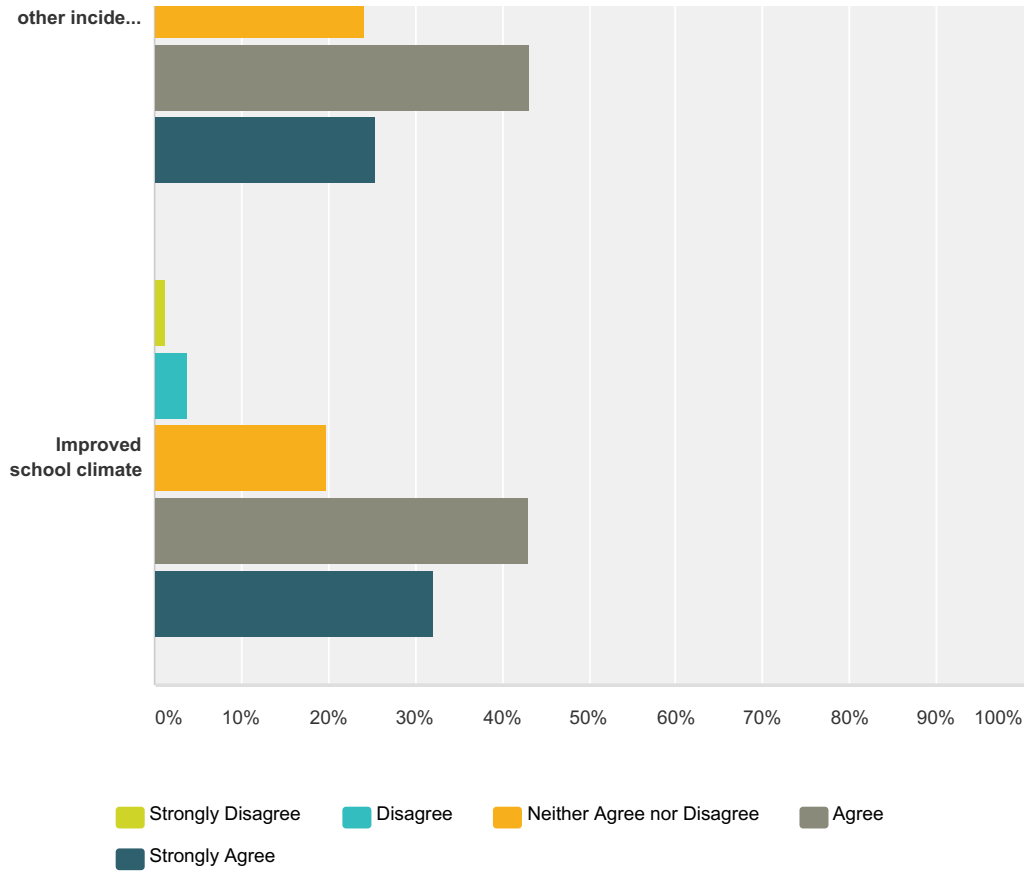
	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Assessed school climate	0.00% 0	2.44% 4	11.59% 19	28.05% 46	57.93% 95	164
Developed school climate improvement goals	1.84% 3	5.52% 9	17.79% 29	25.77% 42	49.08% 80	163
Developed school climate improvement plans	1.85% 3	4.94% 8	17.90% 29	27.78% 45	47.53% 77	162
Provided school climate related training to staff	2.45% 4	9.20% 15	17.79% 29	31.90% 52	38.65% 63	163
Implemented best practices in school climate improvement	1.85% 3	6.79% 11	15.43% 25	33.33% 54	42.59% 69	162
Evaluated the success of our school climate improvement efforts	2.52% 4	8.18% 13	15.72% 25	35.22% 56	38.36% 61	159

**Q12 Please indicate the extent to which you agree or disagree:In my school, the range of responses we have implemented in response to confirmed incidents of HIB has:**

Answered: 158 Skipped: 10



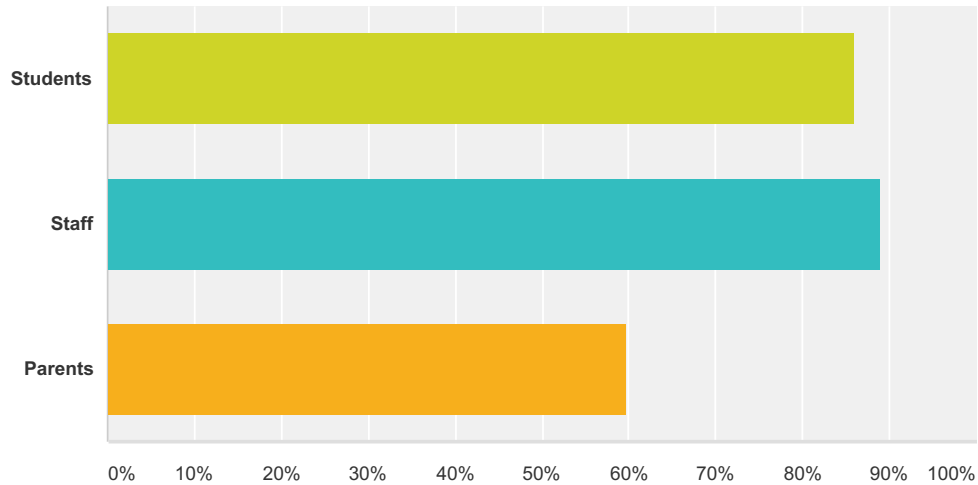
## NJ ABTF Principal Survey 2015



	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Total
Stopped the HIB from continuing	1.27% 2	5.73% 9	21.66% 34	44.59% 70	26.75% 42	157
Helped change the behavior of perpetrators	0.64% 1	3.18% 5	22.93% 36	50.96% 80	22.29% 35	157
Provided support to victims	0.00% 0	0.00% 0	10.90% 17	44.87% 70	44.23% 69	156
Prevented other incidents of HIB from starting	0.64% 1	6.37% 10	24.20% 38	43.31% 68	25.48% 40	157
Improved school climate	1.28% 2	3.85% 6	19.87% 31	42.95% 67	32.05% 50	156

**Q13 Since the implementation of the ABR in September 2011, please indicate if your school has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)**

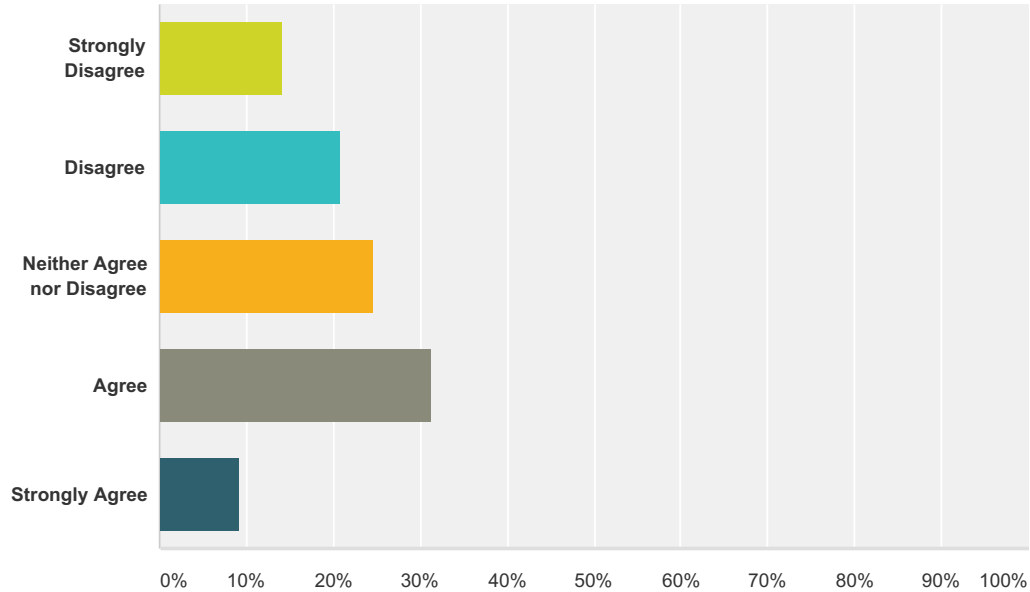
Answered: 144 Skipped: 24



Answer Choices	Responses	
Students	86.11%	124
Staff	88.89%	128
Parents	59.72%	86
Total Respondents: 144		

**Q14 Please indicate the extent to which you agree or disagree: Staff members in my school have given up other job responsibilities to carry out the requirements of the ABR.**

Answered: 163 Skipped: 5

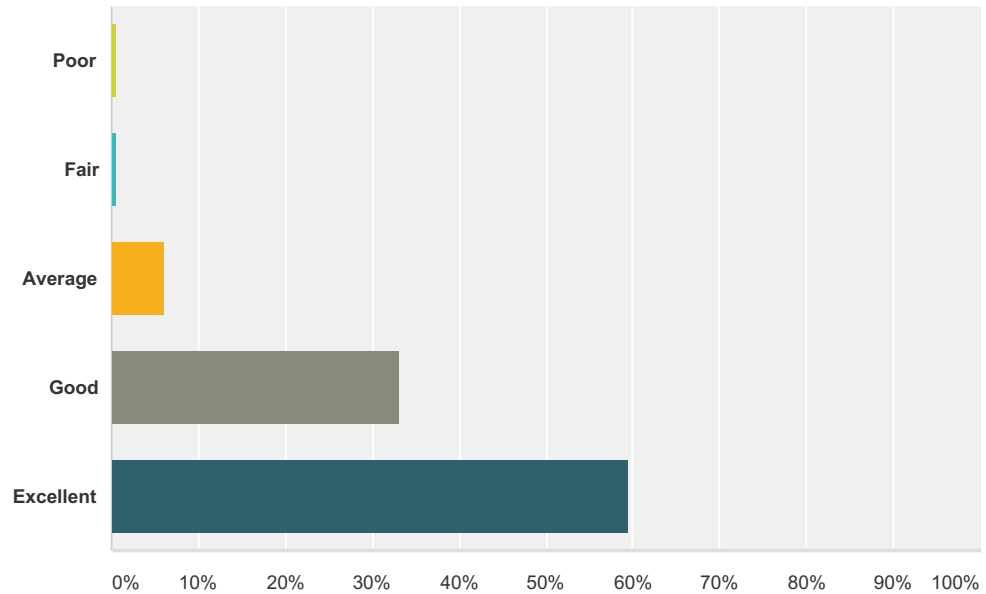


Answer Choices	Responses	
Strongly Disagree	14.11%	23
Disagree	20.86%	34
Neither Agree nor Disagree	24.54%	40
Agree	31.29%	51
Strongly Agree	9.20%	15
<b>Total</b>		<b>163</b>



**Q15 How would you rate the quality of communication regarding HIB incidents between you as principal, the ABS, the district Anti-Bullying Coordinator, and the superintendent?**

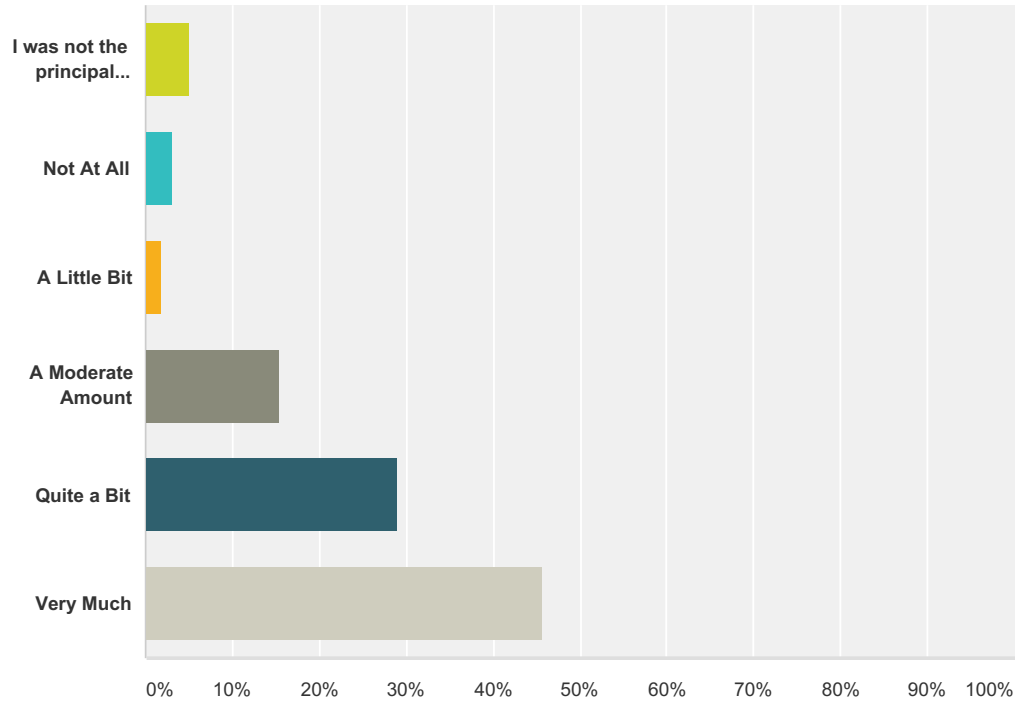
Answered: 163 Skipped: 5



Answer Choices	Responses
Poor	0.61% 1
Fair	0.61% 1
Average	6.13% 10
Good	33.13% 54
Excellent	59.51% 97
<b>Total</b>	<b>163</b>

**Q16 In your role as the principal, please indicate the extent to which you evaluated the implementation of the Anti-Bullying Bill of Rights in your school by supporting the completion of the 2014-2015 "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act."**

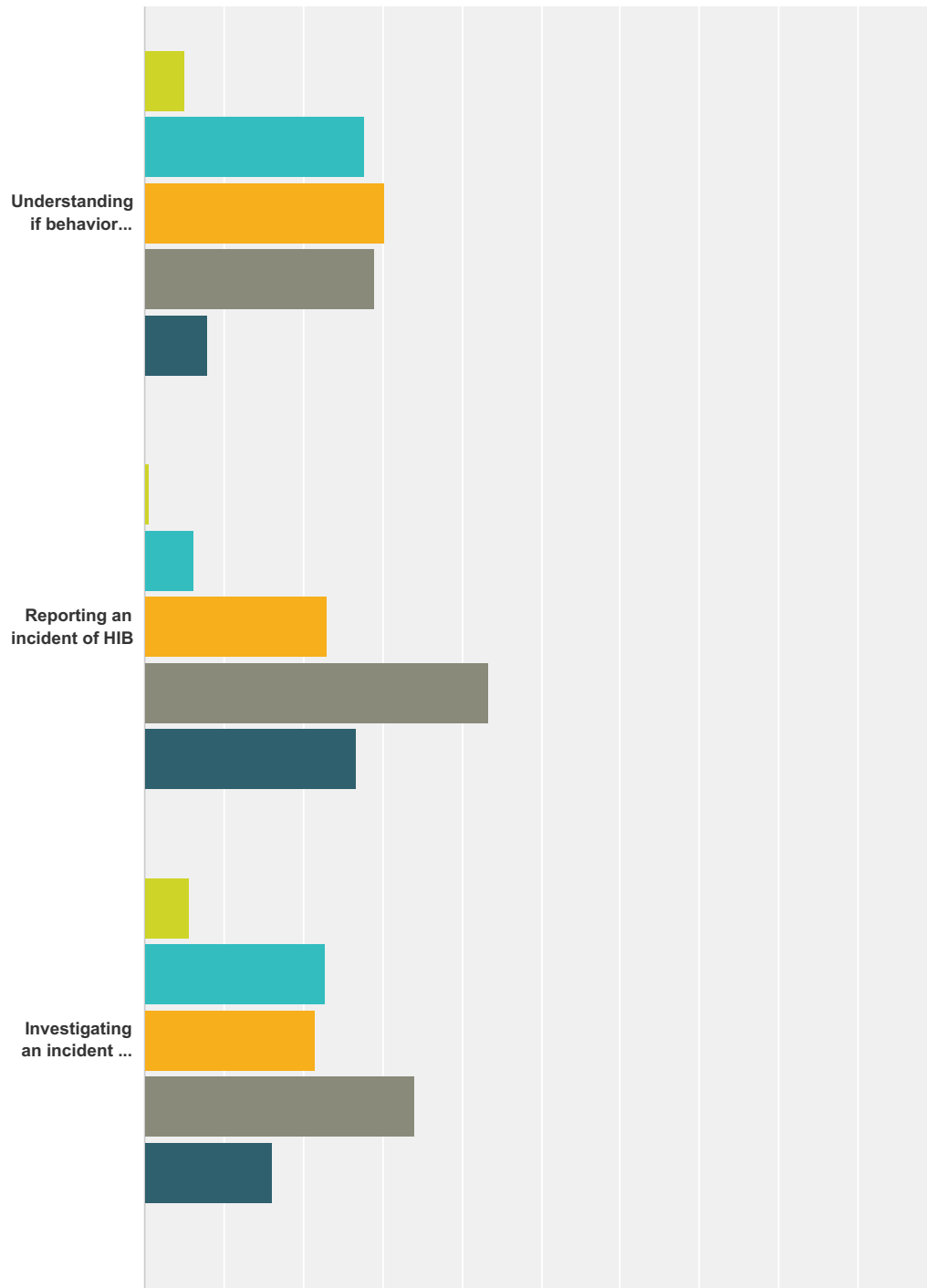
Answered: 162 Skipped: 6

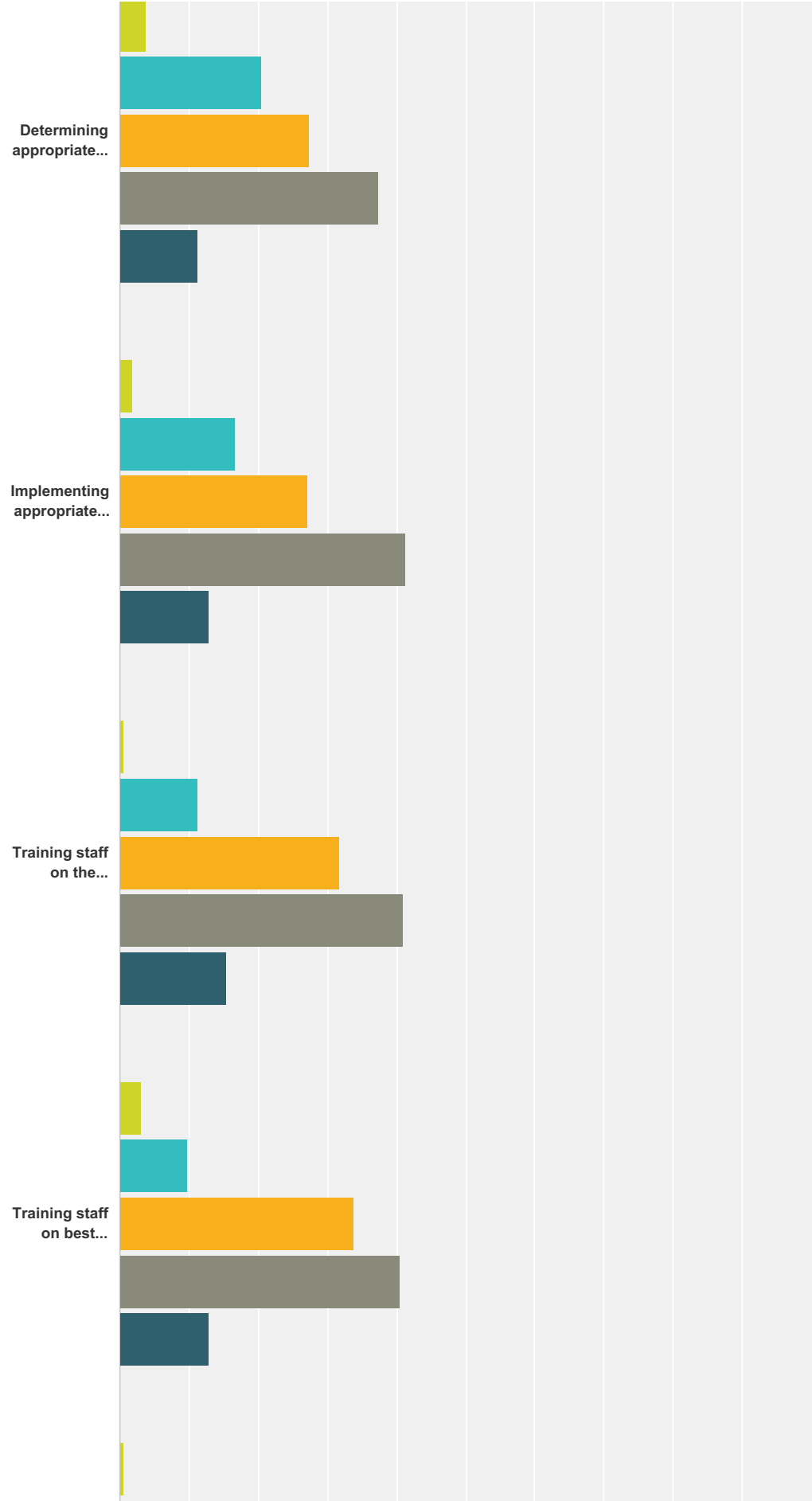


Answer Choices	Responses	
I was not the principal during the self assessment process	4.94%	8
Not At All	3.09%	5
A Little Bit	1.85%	3
A Moderate Amount	15.43%	25
Quite a Bit	29.01%	47
Very Much	45.68%	74
<b>Total</b>		<b>162</b>

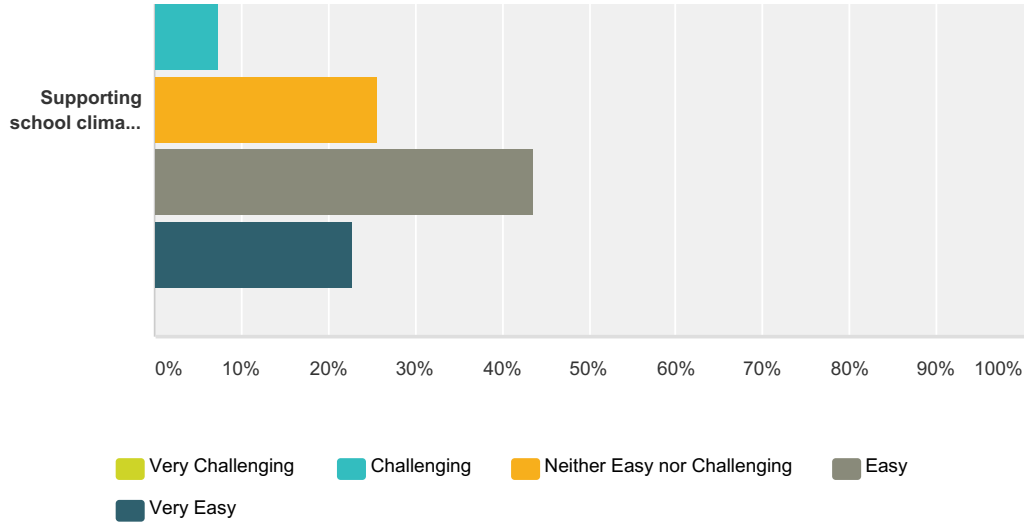
**Q17 Please indicate the degree to which it has been easy or challenging for your school to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.**

Answered: 163 Skipped: 5





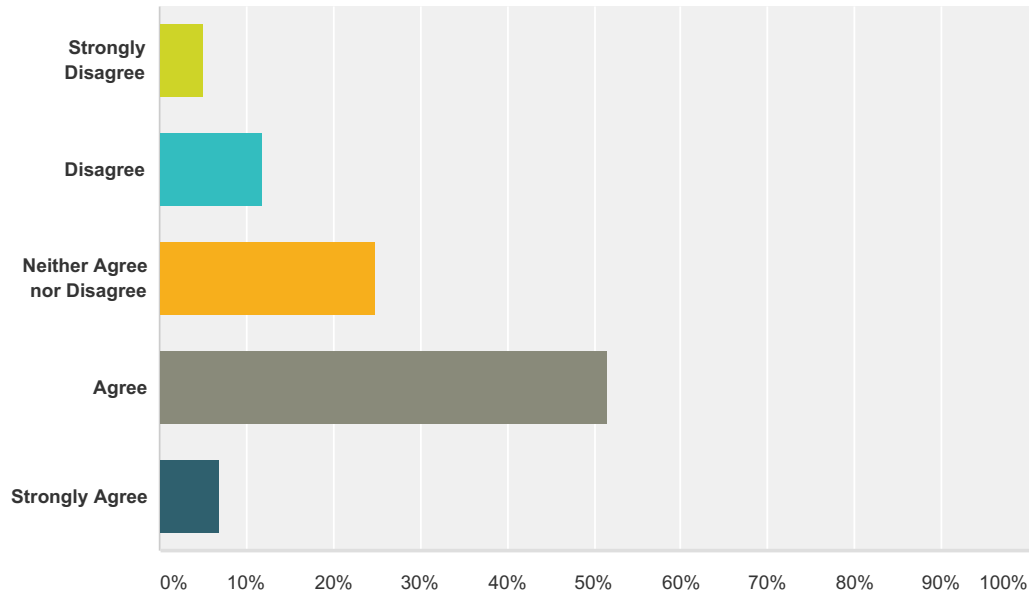
## NJ ABTF Principal Survey 2015



	Very Challenging	Challenging	Neither Easy nor Challenging	Easy	Very Easy	Total
Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB)	4.94% 8	27.78% 45	30.25% 49	29.01% 47	8.02% 13	162
Reporting an incident of HIB	0.62% 1	6.21% 10	22.98% 37	43.48% 70	26.71% 43	161
Investigating an incident of HIB	5.56% 9	22.84% 37	21.60% 35	33.95% 55	16.05% 26	162
Determining appropriate responses to an incident of HIB	3.73% 6	20.50% 33	27.33% 44	37.27% 60	11.18% 18	161
Implementing appropriate responses to an incident of HIB	1.85% 3	16.67% 27	27.16% 44	41.36% 67	12.96% 21	162
Training staff on the Anti-Bullying Bill of Rights	0.62% 1	11.18% 18	31.68% 51	40.99% 66	15.53% 25	161
Training staff on best practices for HIB prevention	3.07% 5	9.82% 16	33.74% 55	40.49% 66	12.88% 21	163
Supporting school climate improvement efforts	0.61% 1	7.36% 12	25.77% 42	43.56% 71	22.70% 37	163

**Q18 Please indicate the extent to which you agree or disagree: In my school, parents understand student rights and district responsibilities under the ABR.**

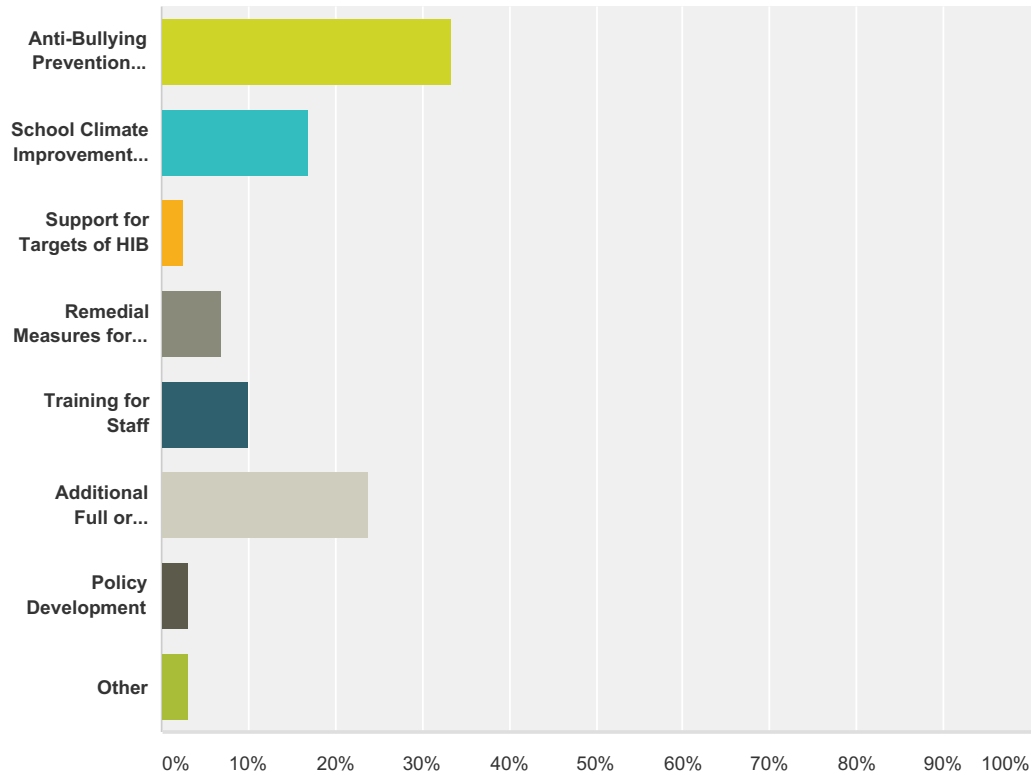
Answered: 161 Skipped: 7



Answer Choices	Responses	
Strongly Disagree	4.97%	8
Disagree	11.80%	19
Neither Agree nor Disagree	24.84%	40
Agree	51.55%	83
Strongly Agree	6.83%	11
<b>Total</b>		<b>161</b>

**Q19 If additional funds were available to implement the ABR, what is the most important area for which your school would need funds?**

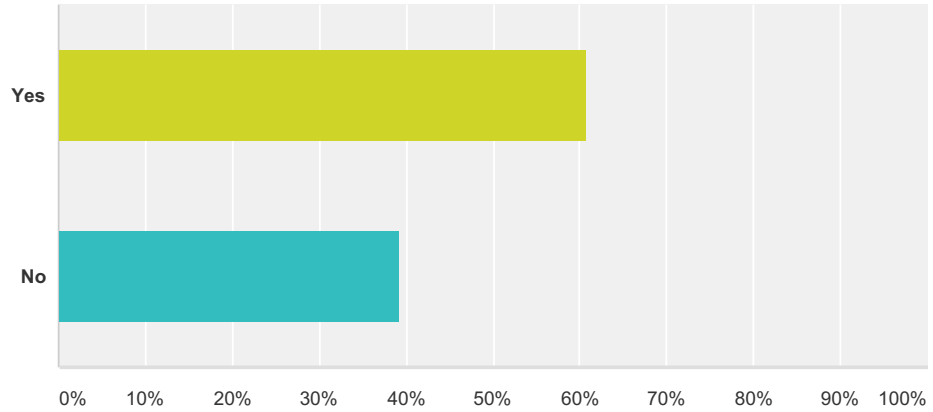
Answered: 159 Skipped: 9



Answer Choices	Responses	
Anti-Bullying Prevention Programs/Approaches/Initiatives	33.33%	53
School Climate Improvement Efforts	16.98%	27
Support for Targets of HIB	2.52%	4
Remedial Measures for Perpetrators of HIB	6.92%	11
Training for Staff	10.06%	16
Additional Full or Part-Time Staff/Staff Time to Address Required Responsibilities under ABR	23.90%	38
Policy Development	3.14%	5
Other	3.14%	5
<b>Total</b>		<b>159</b>

**Q20 Are you familiar with the specific recommendations that the ABTF has made to school districts to date?**

Answered: 158 Skipped: 10

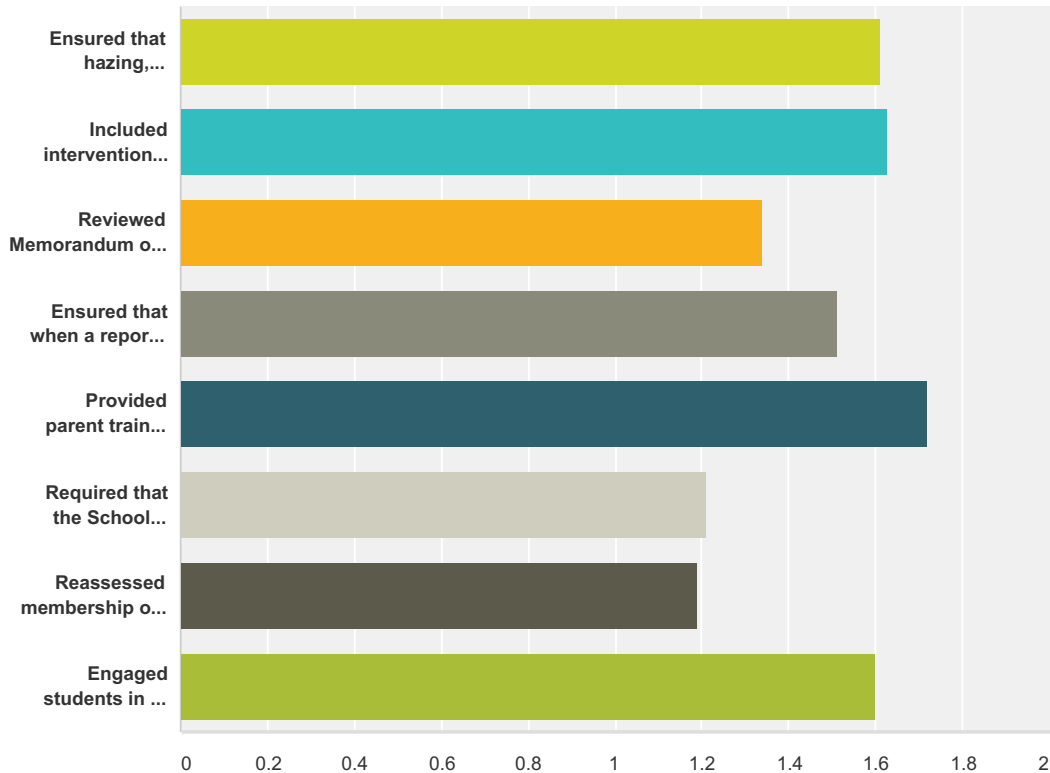


Answer Choices	Responses	
Yes	60.76%	96
No	39.24%	62
<b>Total</b>		<b>158</b>



**Q21 The Anti-Bullying Task Force has made the following recommendations to school districts. Please indicate whether or not your school or district has addressed the following, in the past year:**

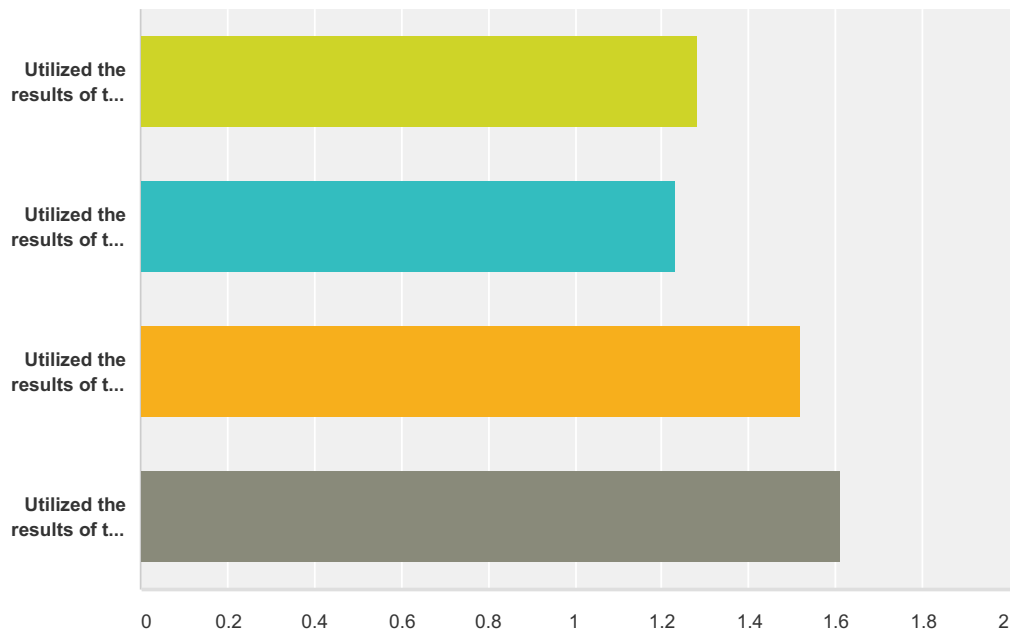
Answered: 160 Skipped: 8



	Yes	No	Not Sure	Total	Weighted Average
Ensured that hazing, including but not limited to athletics, is addressed in the district Code of Student Conduct	64.38% 103	10.63% 17	25.00% 40	160	1.61
Included intervention and prevention strategies related to hazing in required trainings under the ABR	61.88% 99	13.13% 21	25.00% 40	160	1.63
Reviewed Memorandum of Agreement with law enforcement officials to ensure proper collaboration when law enforcement intervention is appropriate for incidents of HIB and hazing	80.00% 128	5.63% 9	14.37% 23	160	1.34
Ensured that when a report of HIB is made that involves an allegation of conduct based on a protected class, that both the Affirmative Action Officer and the ABS are notified	70.89% 112	6.96% 11	22.15% 35	158	1.51
Provided parent training on social-emotional learning skills as well as the procedural issues around reporting and investigating HIB incidents	48.75% 78	30.63% 49	20.63% 33	160	1.72
Required that the School Safety/School Climate Team meet more than twice per year	82.39% 131	13.84% 22	3.77% 6	159	1.21
Reassessed membership of the School Safety/School Climate Team to ensure that it is representative of the school community	87.50% 140	6.25% 10	6.25% 10	160	1.19
Engaged students in the work of the School Safety/School Climate Team	53.46% 85	32.70% 52	13.84% 22	159	1.60

**Q22 The Anti-Bullying Task Force has made the following recommendations to school districts concerning the "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights." Please indicate whether or not your school or district has addressed the following, in the past year:**

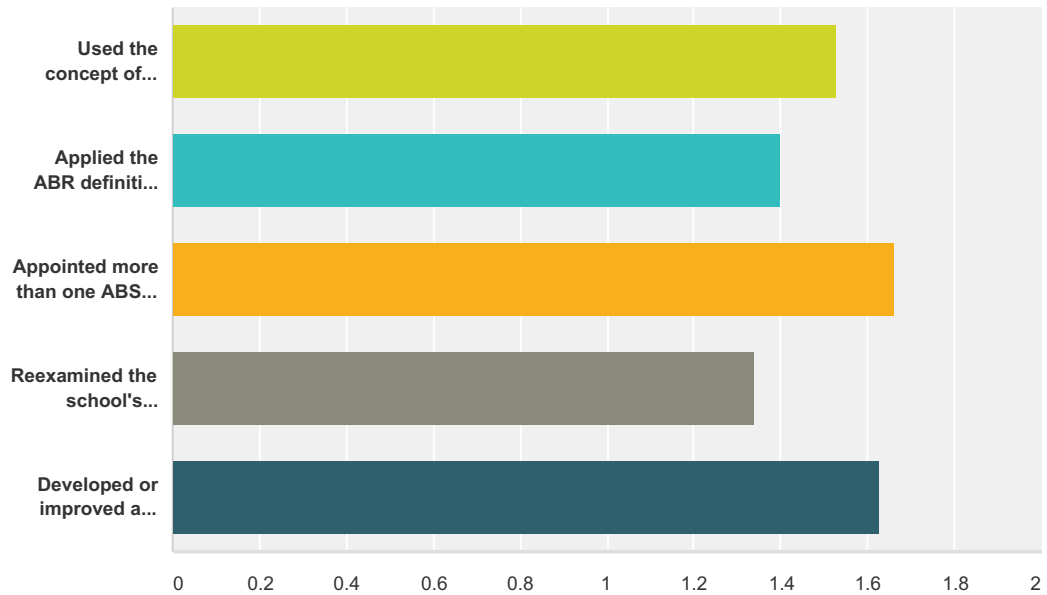
Answered: 157 Skipped: 11



	Yes	No	Not Sure	Total	Weighted Average
Utilized the results of the Self-Assessment by reviewing each indicator rated as "partially meets the requirements" or "does not meet the requirements" and implemented a plan to address those ABR requirements	83.97% 131	3.85% 6	12.18% 19	156	1.28
Utilized the results of the Self-Assessment to develop action plans to strengthen school climate and school policies	85.35% 134	6.37% 10	8.28% 13	157	1.23
Utilized the results of the Self-Assessment to educate parents and the community about HIB prevention, programs, approaches, and other initiatives, as well as the district's HIB policy when presenting the official grade report to the board of ed	65.61% 103	16.56% 26	17.83% 28	157	1.52
Utilized the results of the Self-Assessment to include additional information to explain self-assessment ratings and district/school actions when posting the grade report on district and school webpages	61.94% 96	15.48% 24	22.58% 35	155	1.61

**Q23 Please also indicate whether or not your school has done the following in the past year:**

Answered: 157 Skipped: 11



	Yes	No	Not Sure	Total	Weighted Average
Used the concept of "power imbalance" when determining if a reported incident is an incident of HIB	67.31% 105	12.18% 19	20.51% 32	156	1.53
Applied the ABR definition of HIB to incidents not involving a "protected category" when determining an incident of HIB	75.48% 117	9.03% 14	15.48% 24	155	1.40
Appointed more than one ABS to assist with conducting HIB investigations	36.94% 58	60.51% 95	2.55% 4	157	1.66
Reexamined the school's approach to year-long HIB prevention instruction and incorporated a systemic approach to teaching social and emotional learning skills	70.32% 109	25.16% 39	4.52% 7	155	1.34
Developed or improved a written school climate improvement plan	44.44% 68	47.71% 73	7.84% 12	153	1.63

**Q24 Please provide any additional  
comments regarding the ABTF  
recommendations to date.**

Answered: 7 Skipped: 161

**Q25 If you have any additional comments regarding your role as principal in relation to implementing the ABR, or about the ABR itself, please include them here.**

Answered: 8 Skipped: 160

## Appendix D

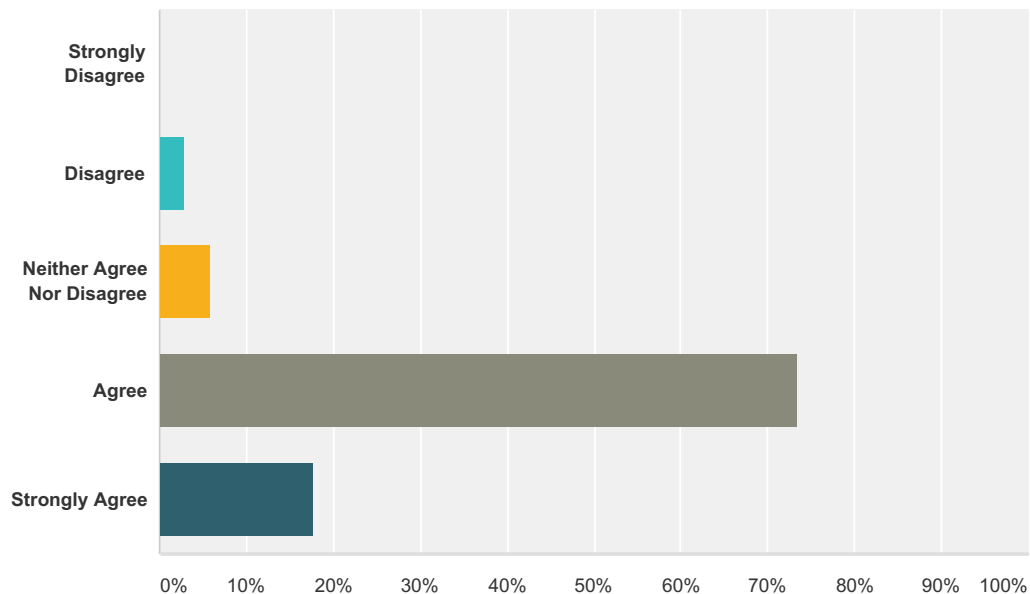
### New Jersey Anti-Bullying Task Force

### Anti-Bullying Chief School Administrator Survey & Data 2015

#### NJ ABTF Chief School Administrator Survey 2015

#### **Q1 There are enough training opportunities available for staff in our district or charter school to carry out the responsibilities specified in the ABR.**

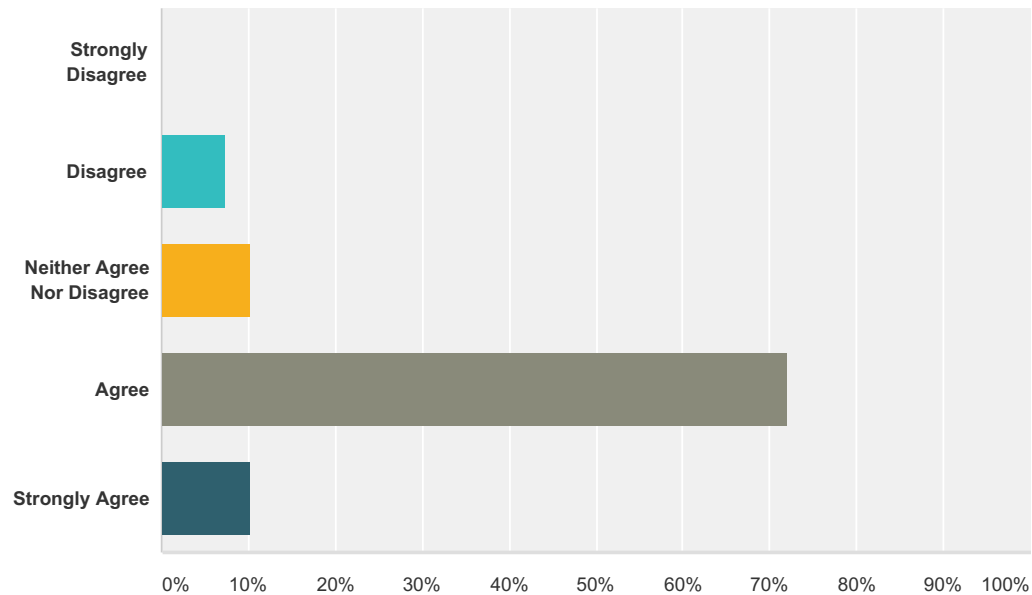
Answered: 68 Skipped: 0



Answer Choices	Responses	
Strongly Disagree	0.00%	0
Disagree	2.94%	2
Neither Agree Nor Disagree	5.88%	4
Agree	73.53%	50
Strongly Agree	17.65%	12
Total		68

**Q2 There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my district or charter school. (Note: This question is NOT addressing financial resources.)**

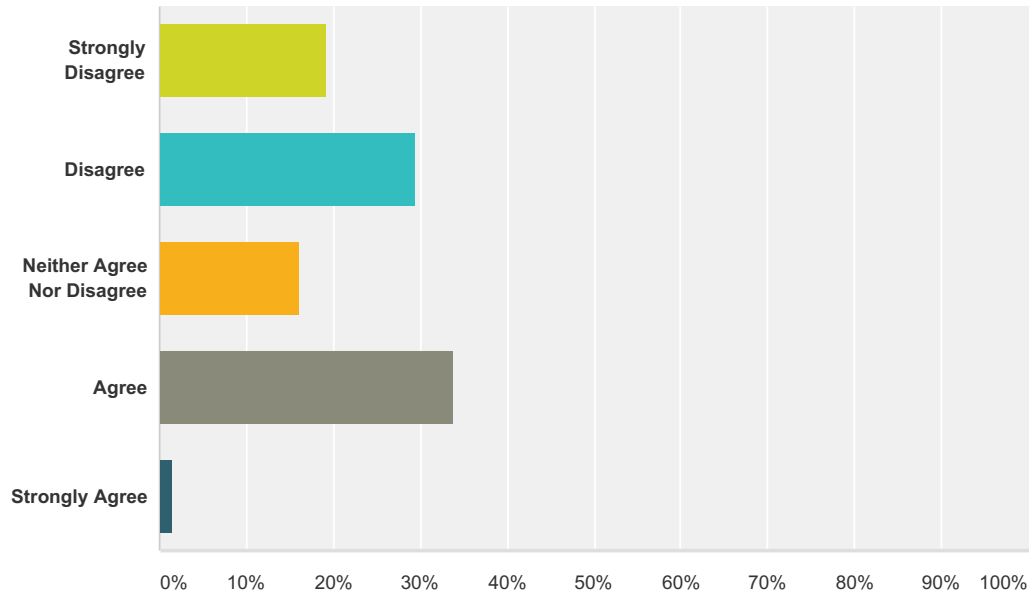
Answered: 68 Skipped: 0



Answer Choices	Responses	
Strongly Disagree	0.00%	0
Disagree	7.35%	5
Neither Agree Nor Disagree	10.29%	7
Agree	72.06%	49
Strongly Agree	10.29%	7
<b>Total</b>		<b>68</b>

**Q3 I believe that there are enough financial resources available for our district or charter school to carry out the school responsibilities specified in the ABR.**

Answered: 68 Skipped: 0

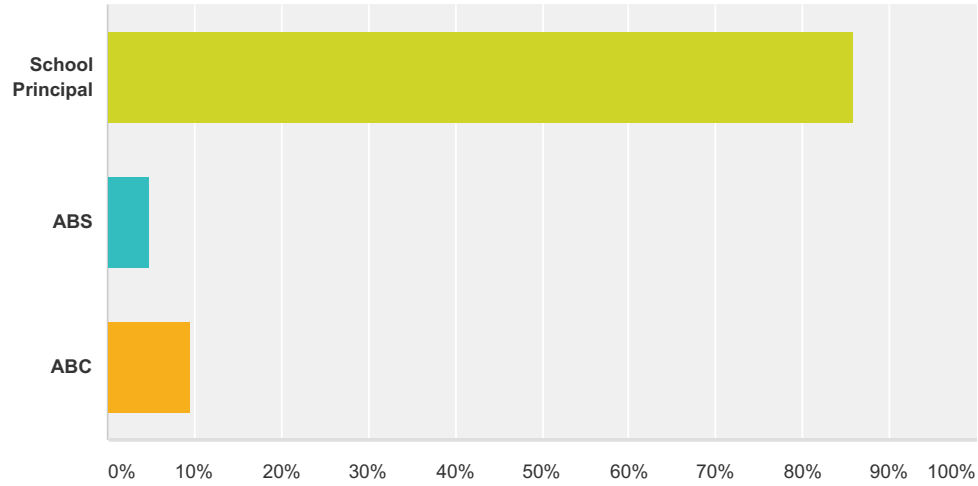


Answer Choices	Responses	
Strongly Disagree	19.12%	13
Disagree	29.41%	20
Neither Agree Nor Disagree	16.18%	11
Agree	33.82%	23
Strongly Agree	1.47%	1
<b>Total</b>		<b>68</b>



**Q4 In your role as chief school administrator, do you also serve as any of the following? Check all that apply.**

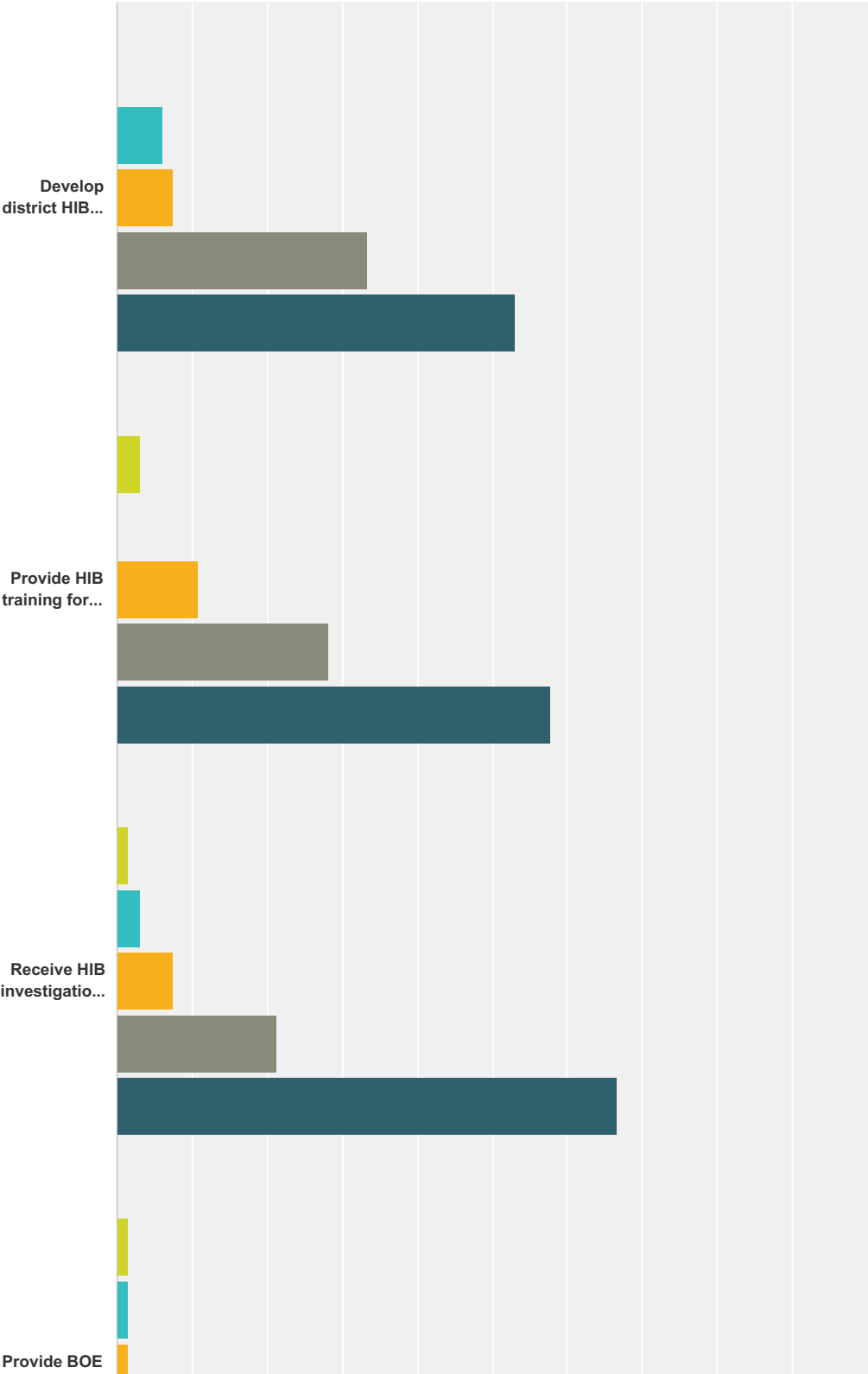
Answered: 21 Skipped: 47



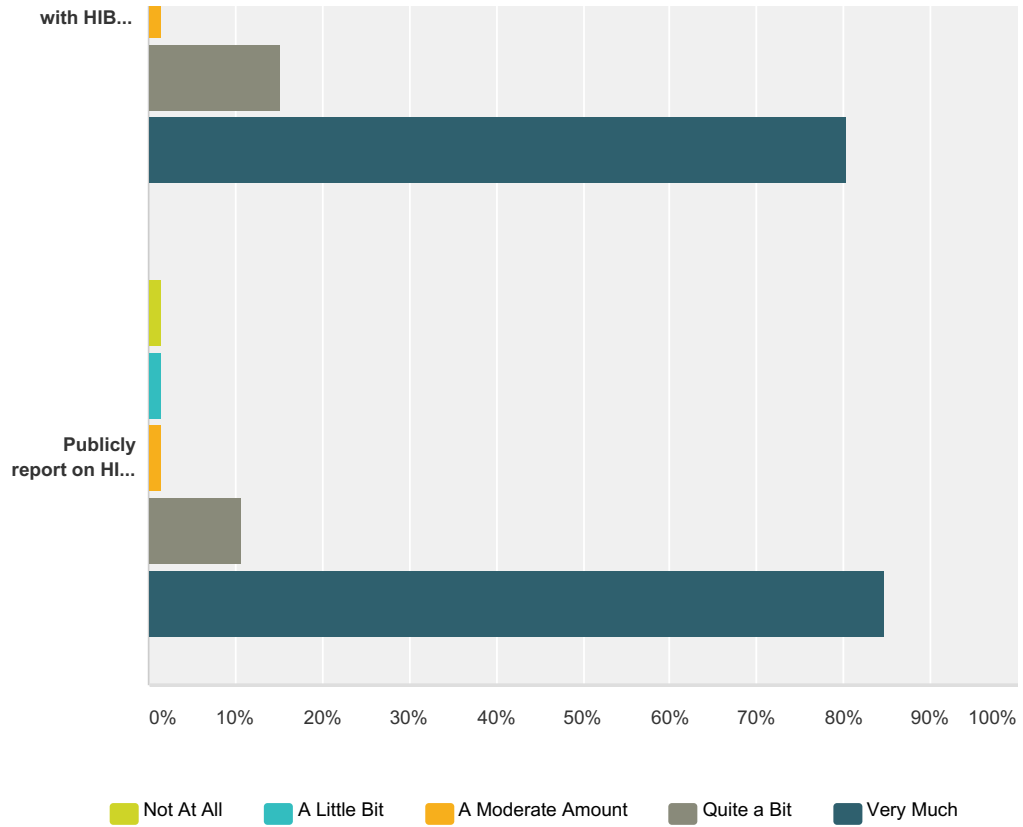
Answer Choices	Responses	
School Principal	85.71%	18
ABS	4.76%	1
ABC	9.52%	2
<b>Total</b>		<b>21</b>

**Q5 Please indicate the extent to which you have been able to implement the following requirements under the ABR, in your role as chief school administrator.**

Answered: 66 Skipped: 2



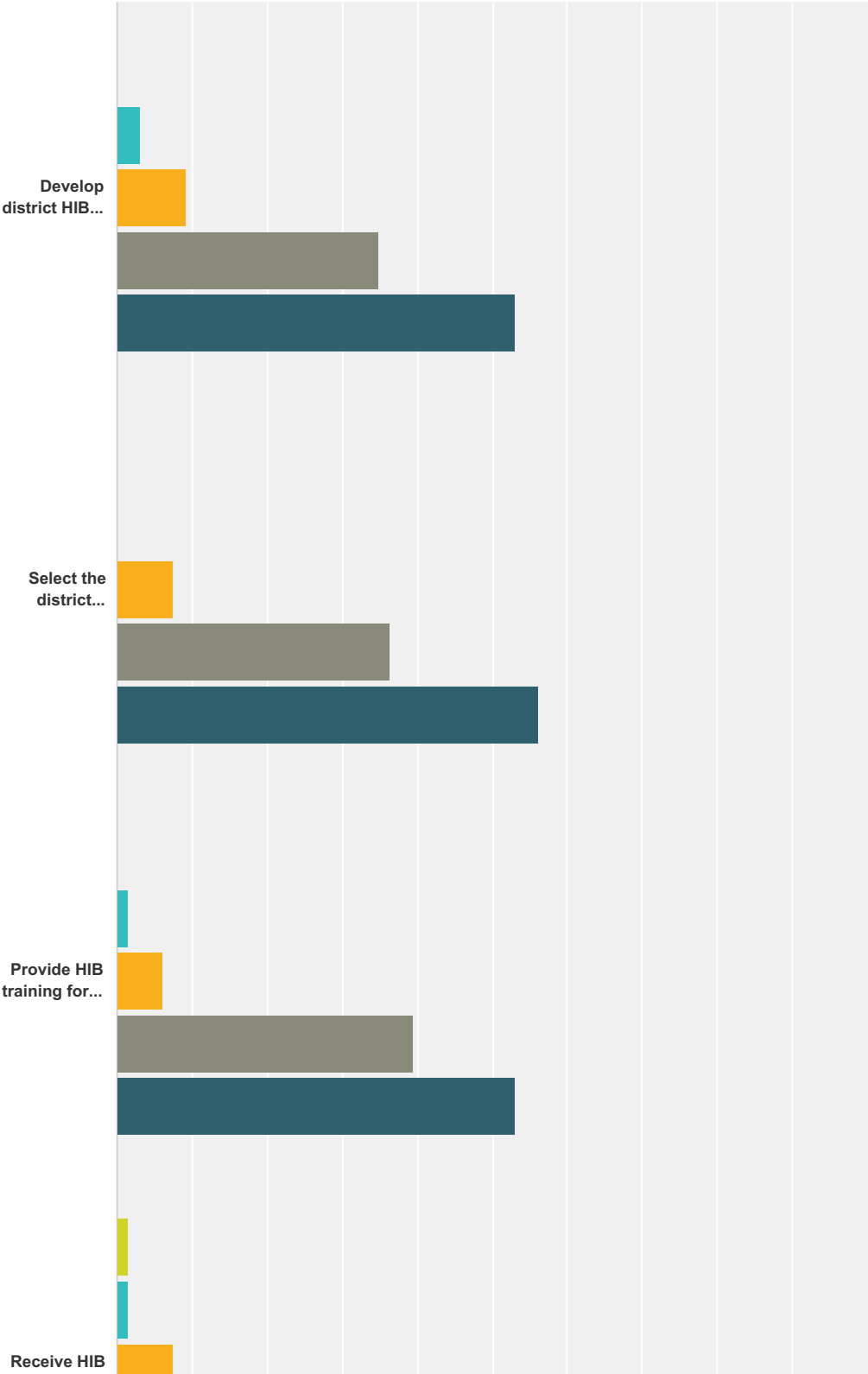
## NJ ABTF Chief School Administrator Survey 2015



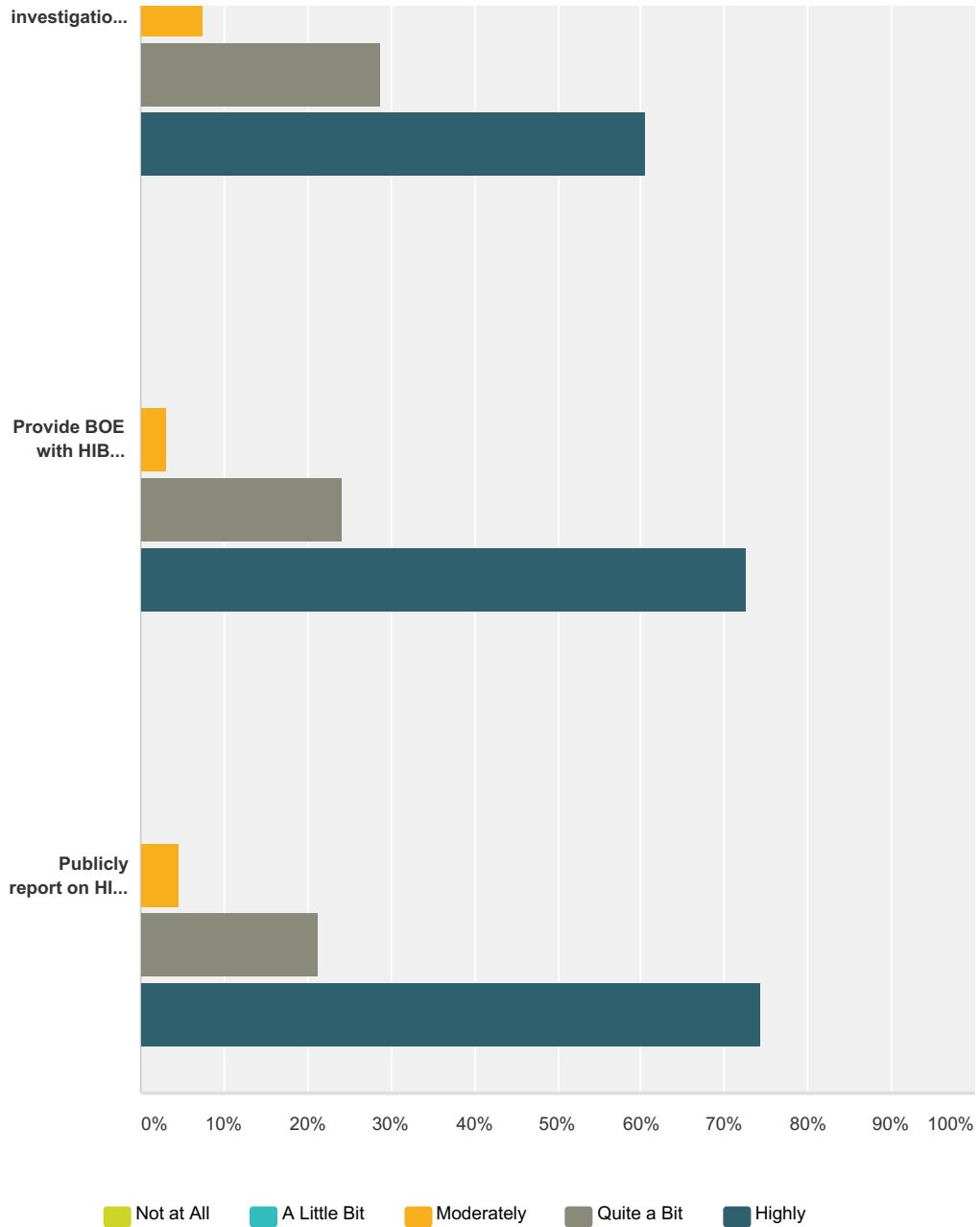
	Not At All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Develop district HIB policy in consultation with the school community for BOE adoption	0.00% 0	6.06% 4	7.58% 5	33.33% 22	53.03% 35	66
Provide HIB training for school leaders	3.13% 2	0.00% 0	10.94% 7	28.13% 18	57.81% 37	64
Receive HIB investigation reports and make recommendations for intervention	1.52% 1	3.03% 2	7.58% 5	21.21% 14	66.67% 44	66
Provide BOE with HIB investigation reports	1.52% 1	1.52% 1	1.52% 1	15.15% 10	80.30% 53	66
Publicly report on HIB for each reporting period to BOE and provide report to NJDOE	1.52% 1	1.52% 1	1.52% 1	10.61% 7	84.85% 56	66

**Q6 How effective do you think you have been addressing the following requirements in your role as chief school administrator?**

Answered: 66 Skipped: 2



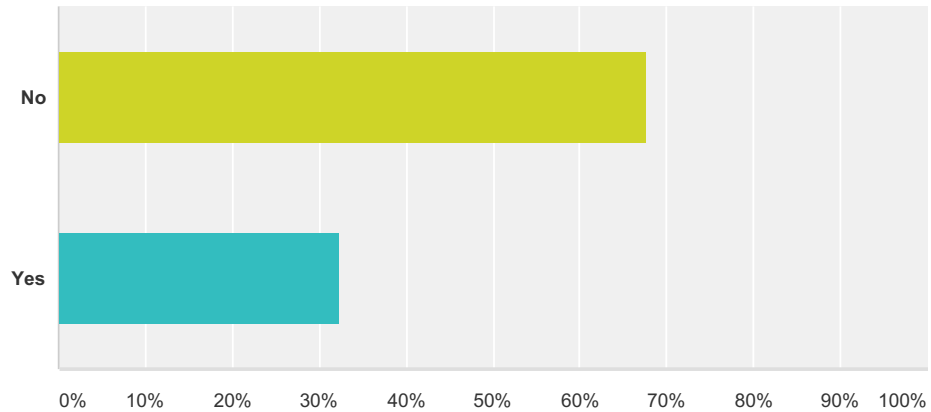
## NJ ABTF Chief School Administrator Survey 2015



	Not at All	A Little Bit	Moderately	Quite a Bit	Highly	Total
Develop district HIB policy in consultation with the school community for BOE adoption	0.00% 0	3.03% 2	9.09% 6	34.85% 23	53.03% 35	66
Select the district Anti-Bullying Coordinator (ABC)	0.00% 0	0.00% 0	7.58% 5	36.36% 24	56.06% 37	66
Provide HIB training for school leaders	0.00% 0	1.52% 1	6.06% 4	39.39% 26	53.03% 35	66
Receive HIB investigation reports and make recommendations for intervention	1.52% 1	1.52% 1	7.58% 5	28.79% 19	60.61% 40	66
Provide BOE with HIB investigation reports	0.00% 0	0.00% 0	3.03% 2	24.24% 16	72.73% 48	66
Publicly report on HIB for each reporting period to BOE and provide report to NJDOE	0.00% 0	0.00% 0	4.55% 3	21.21% 14	74.24% 49	66

**Q7 Have you asked your district Anti-Bullying Coordinator (ABC) to perform other duties in the role of ABC that are in addition to the requirements specified in the ABR?**

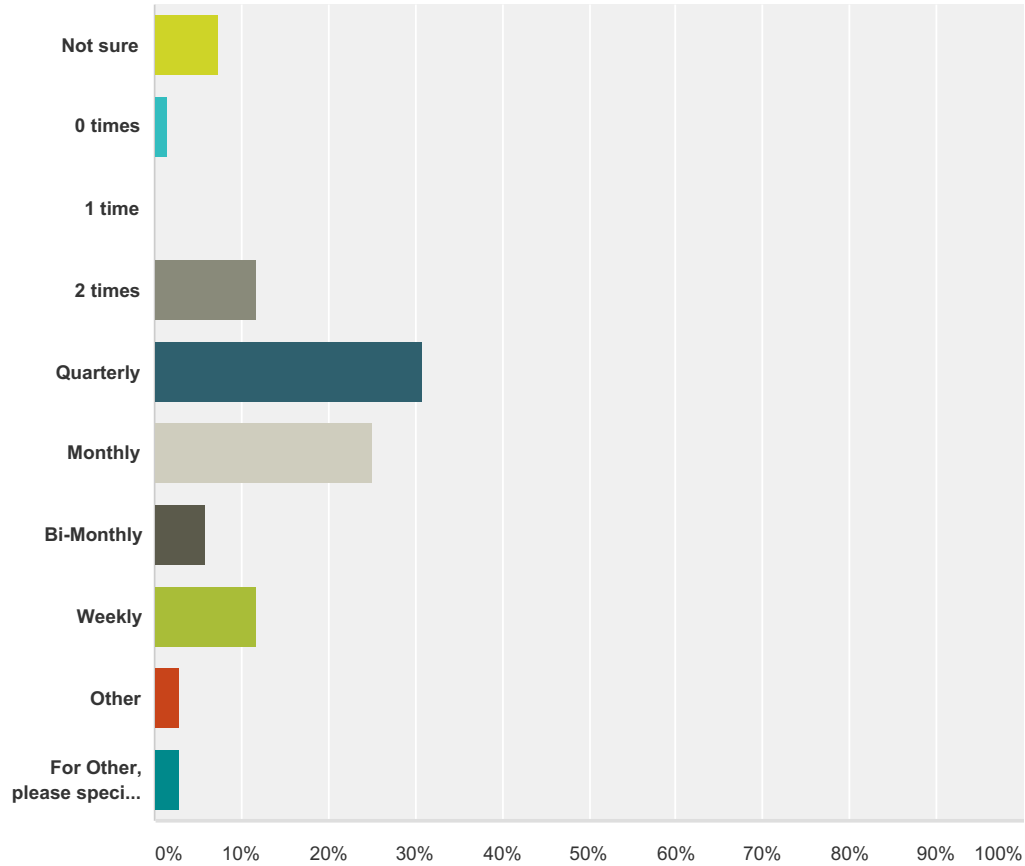
Answered: 68 Skipped: 0



Answer Choices	Responses	
No	67.65%	46
Yes	32.35%	22
Total		68

**Q8 How often did your district ABC meet with the ABS's in your district during the 2014-2015 school year?**

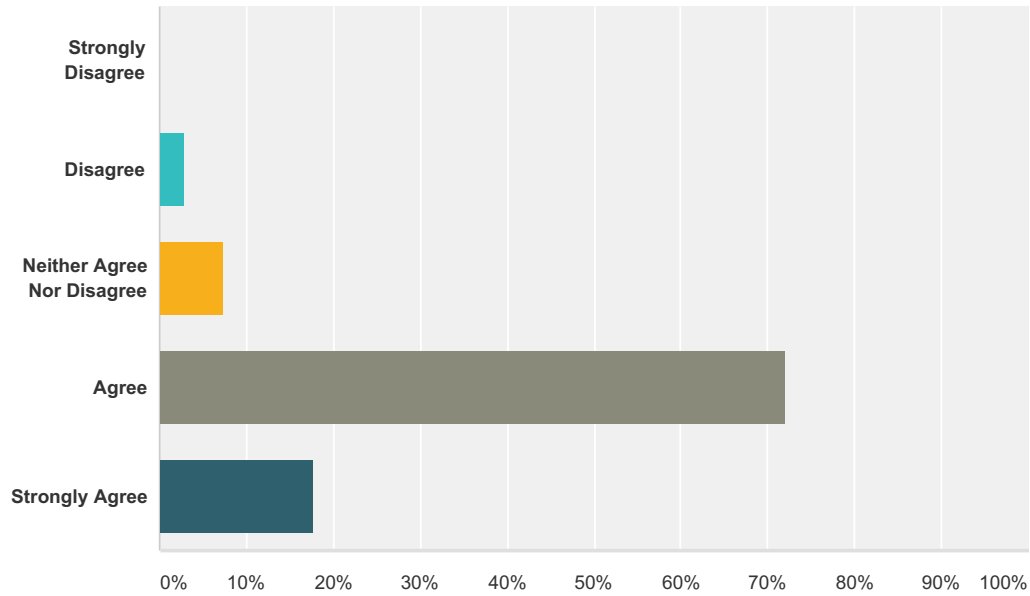
Answered: 68 Skipped: 0



Answer Choices	Responses	
Not sure	7.35%	5
0 times	1.47%	1
1 time	0.00%	0
2 times	11.76%	8
Quarterly	30.88%	21
Monthly	25.00%	17
Bi-Monthly	5.88%	4
Weekly	11.76%	8
Other	2.94%	2
For Other, please specify the total number of times during the 2014-2015 school year.	2.94%	2
<b>Total</b>	<b>68</b>	

**Q9 Please indicate the extent to which you agree or disagree: I am adequately prepared (e.g., through training) to carry out my job responsibilities under the ABR.**

Answered: 68 Skipped: 0

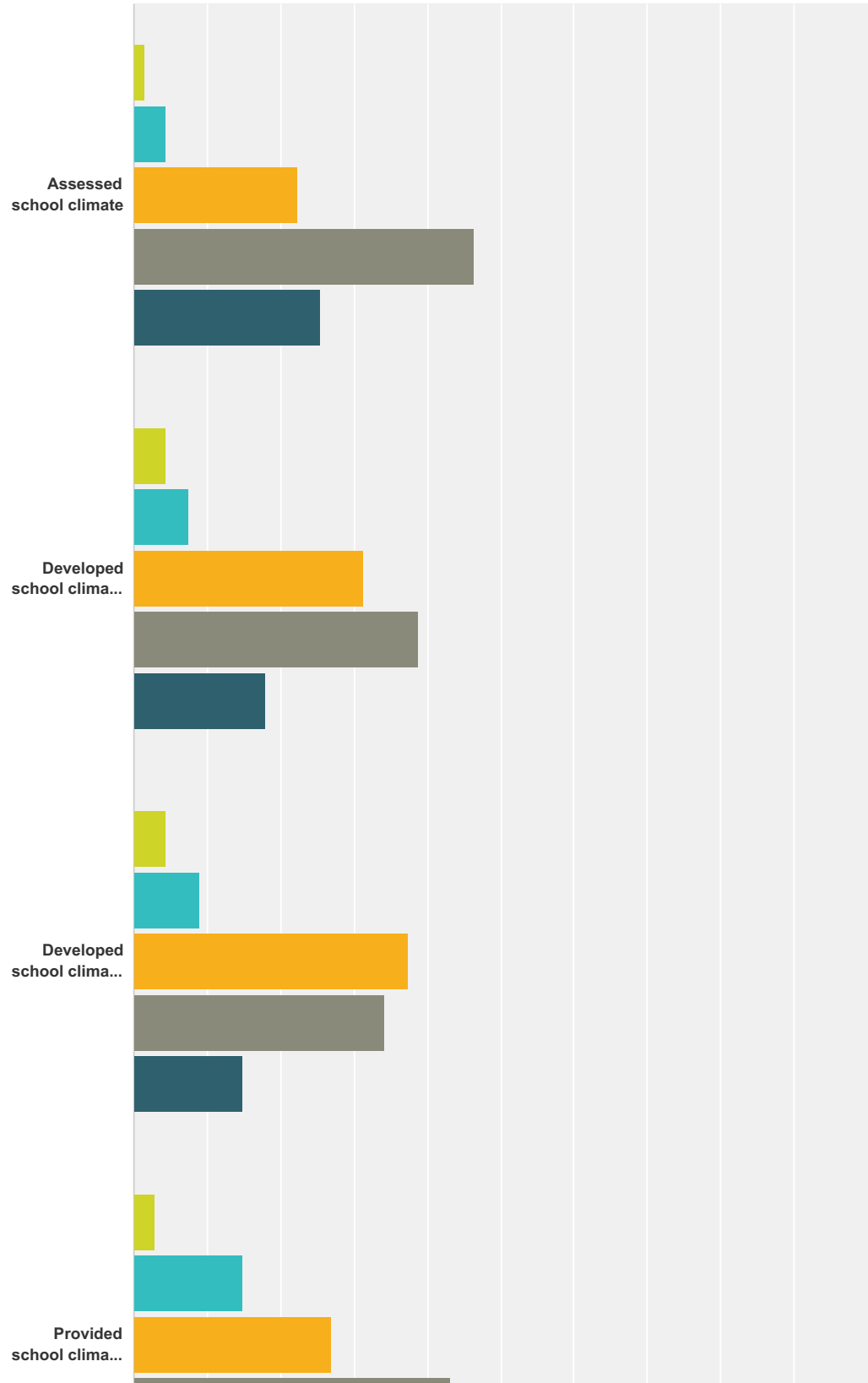


Answer Choices	Responses	
Strongly Disagree	0.00%	0
Disagree	2.94%	2
Neither Agree Nor Disagree	7.35%	5
Agree	72.06%	49
Strongly Agree	17.65%	12
<b>Total</b>		<b>68</b>

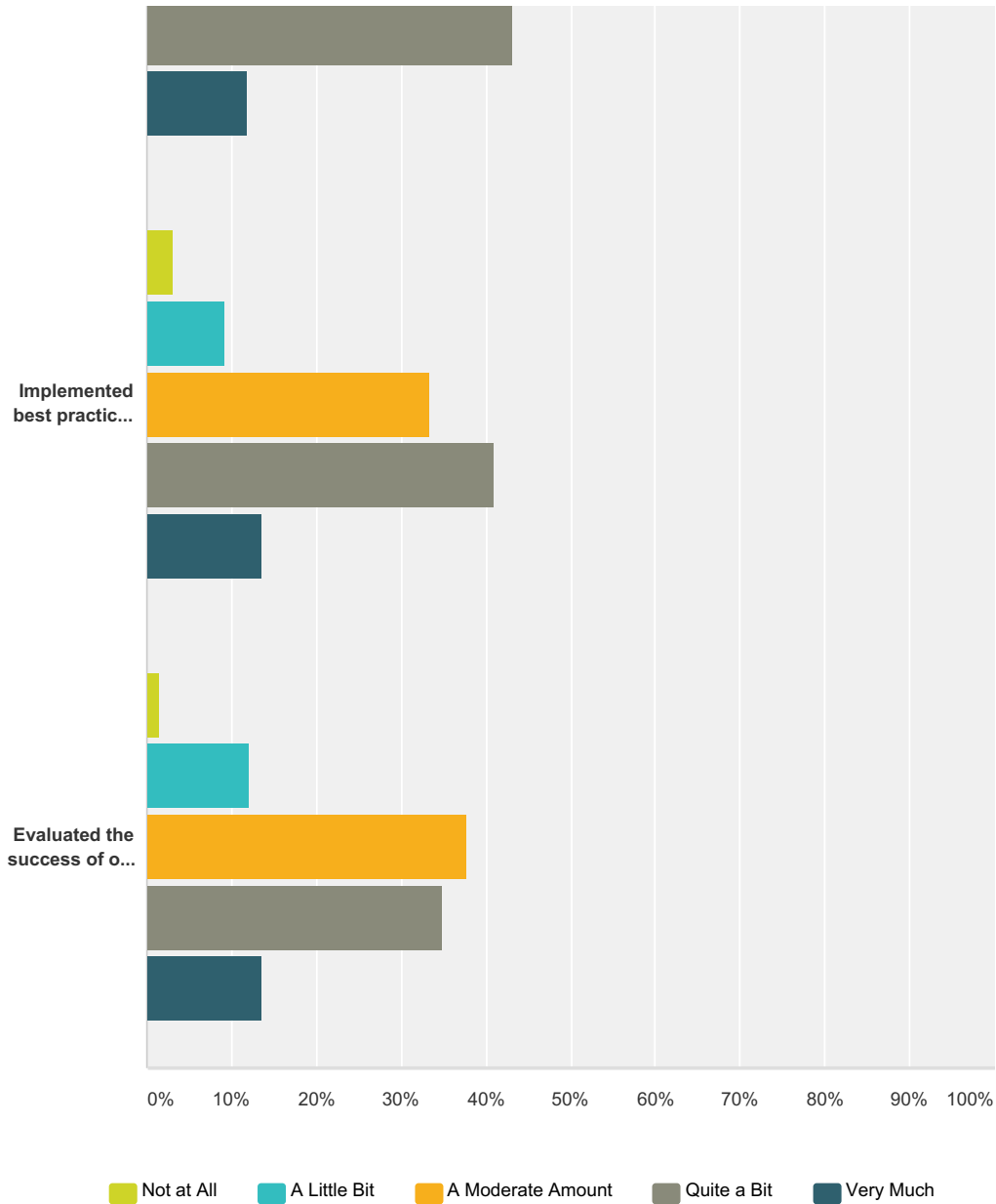


**Q10 Please indicate the extent to which you engaged in the following activities to improve school climate in your district:**

Answered: 67   Skipped: 1



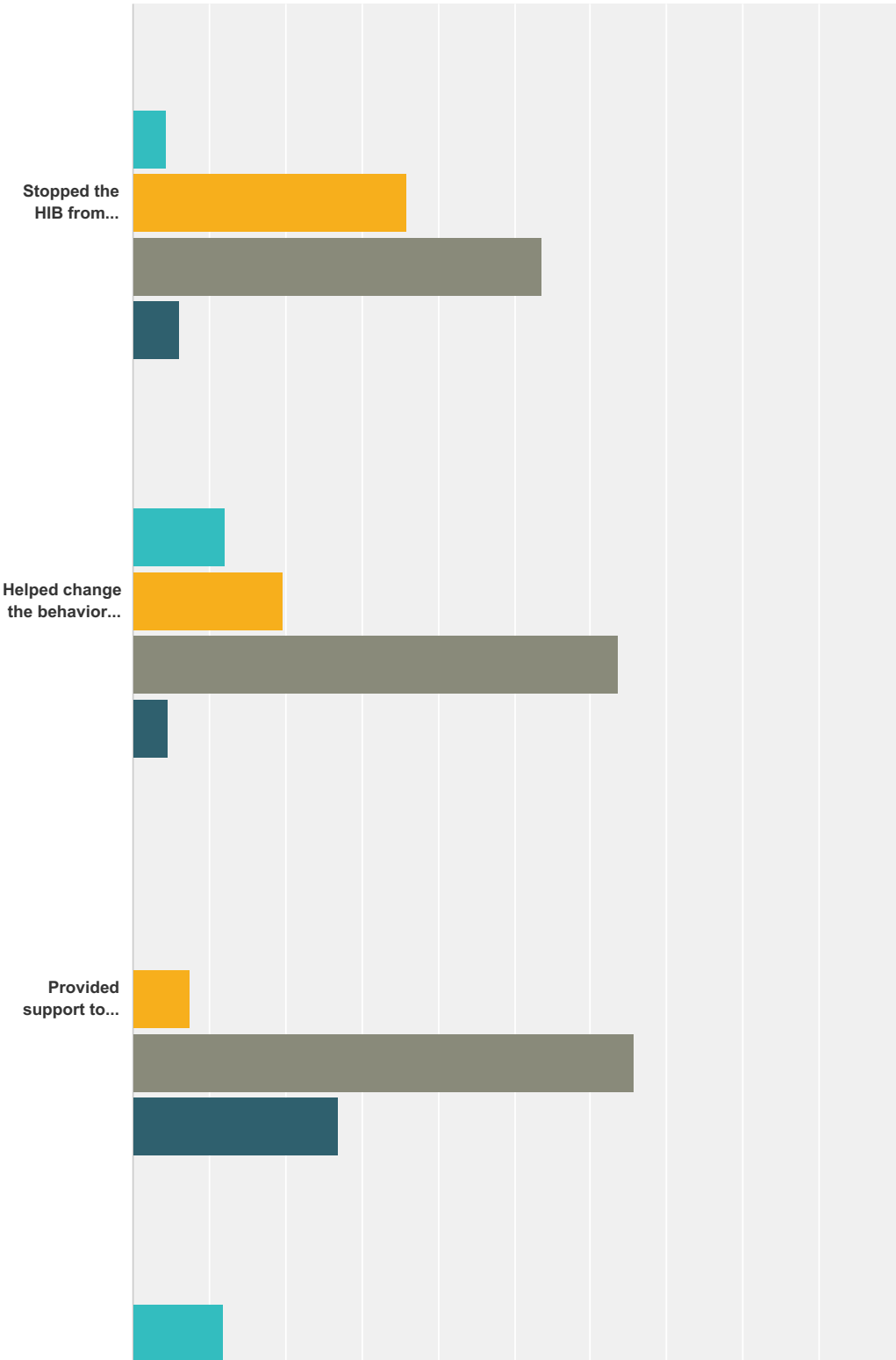
# NJ ABTF Chief School Administrator Survey 2015



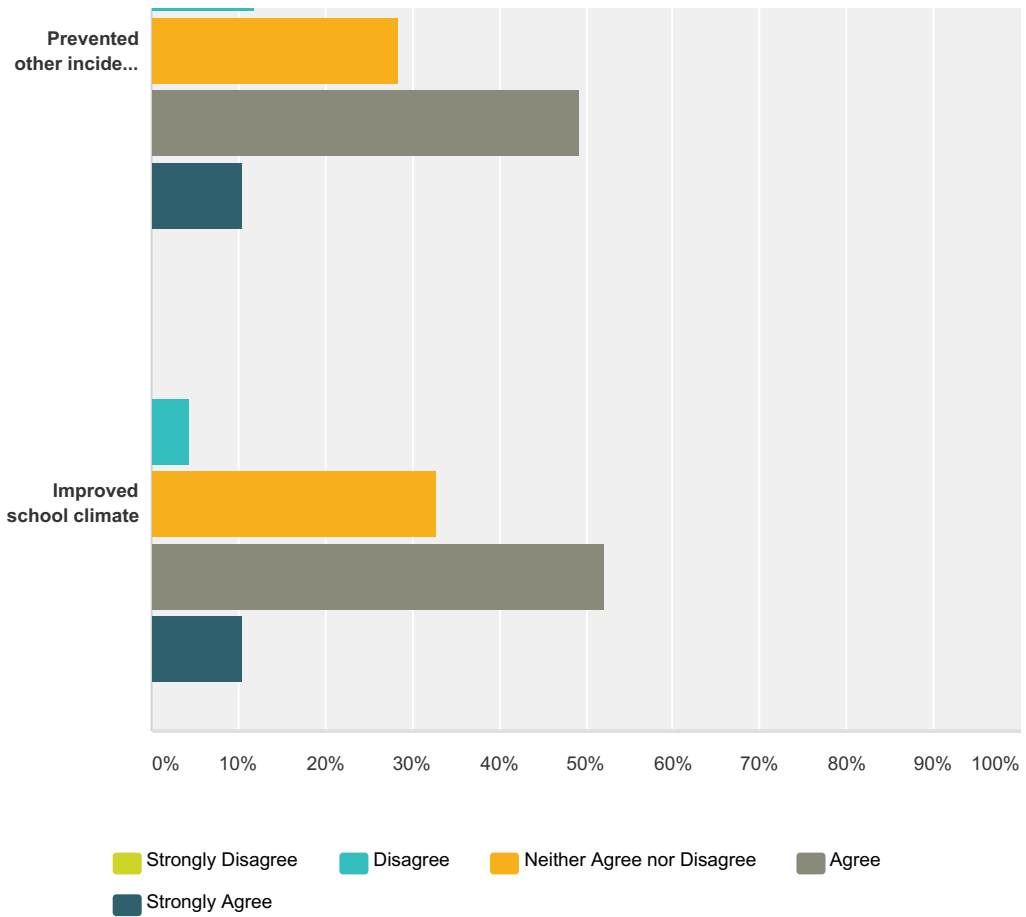
	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Assessed school climate	1.49% 1	4.48% 3	22.39% 15	46.27% 31	25.37% 17	67
Developed school climate improvement goals	4.48% 3	7.46% 5	31.34% 21	38.81% 26	17.91% 12	67
Developed school climate improvement plans	4.48% 3	8.96% 6	37.31% 25	34.33% 23	14.93% 10	67
Provided school climate related training to staff	2.99% 2	14.93% 10	26.87% 18	43.28% 29	11.94% 8	67
Implemented best practices in school climate improvement	3.03% 2	9.09% 6	33.33% 22	40.91% 27	13.64% 9	66
Evaluated the success of our school climate improvement efforts	1.52% 1	12.12% 8	37.88% 25	34.85% 23	13.64% 9	66

**Q11 Please indicate the extent to which you agree or disagree: In my district or charter school, the range of responses we have implemented in response to confirmed incidents of HIB has:**

Answered: 67 Skipped: 1



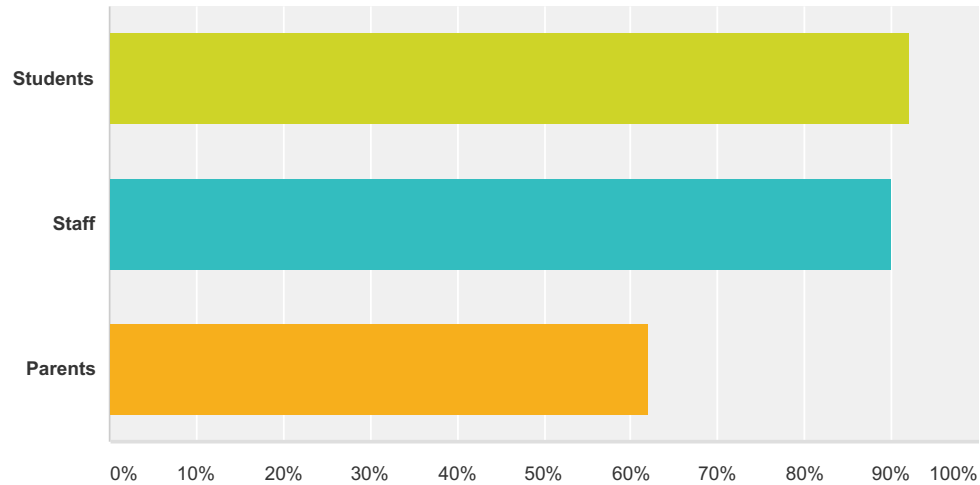
## NJ ABTF Chief School Administrator Survey 2015



	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Total
Stopped the HIB from continuing	0.00% 0	4.48% 3	35.82% 24	53.73% 36	5.97% 4	67
Helped change the behavior of perpetrators	0.00% 0	12.12% 8	19.70% 13	63.64% 42	4.55% 3	66
Provided support to victims	0.00% 0	0.00% 0	7.46% 5	65.67% 44	26.87% 18	67
Prevented other incidents of HIB from starting	0.00% 0	11.94% 8	28.36% 19	49.25% 33	10.45% 7	67
Improved school climate	0.00% 0	4.48% 3	32.84% 22	52.24% 35	10.45% 7	67

**Q12 Since the implementation of the ABR in September 2011, please indicate if you have conducted a district-wide school climate or bullying-related survey with any of the following audiences. (Check all that apply.)**

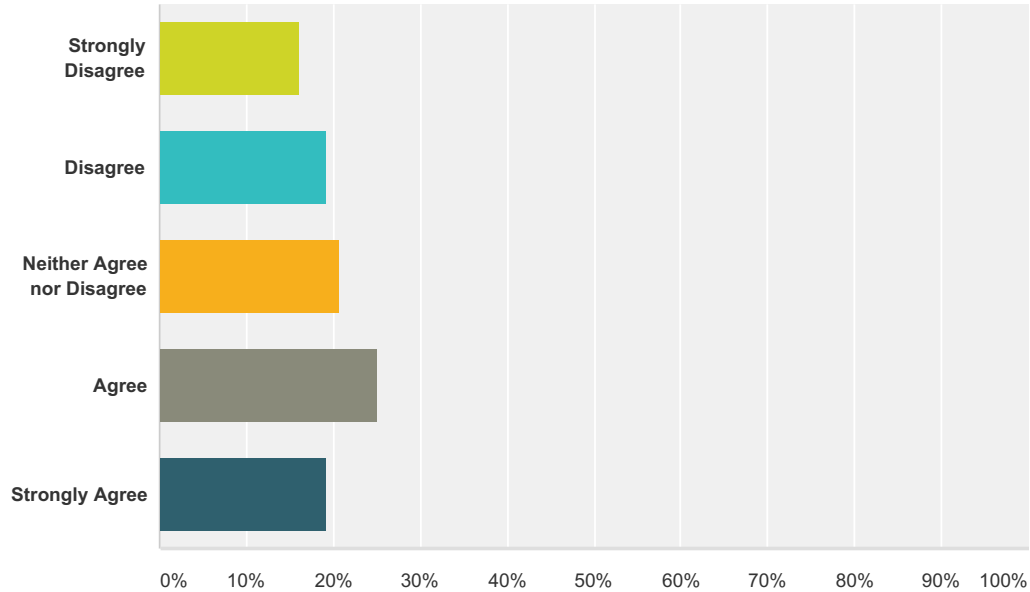
Answered: 50 Skipped: 18



Answer Choices	Responses	
Students	92.00%	46
Staff	90.00%	45
Parents	62.00%	31
Total Respondents: 50		

**Q13 Please indicate the extent to which you agree or disagree: Staff members in my district or charter school have given up other job responsibilities to carry out the requirements of the ABR.**

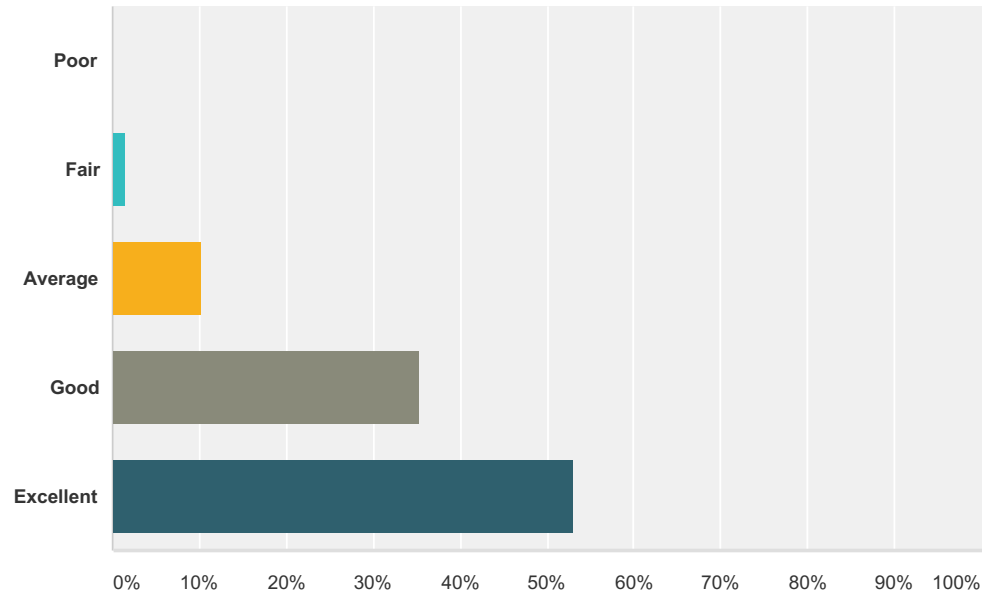
Answered: 68 Skipped: 0



Answer Choices	Responses	
Strongly Disagree	16.18%	11
Disagree	19.12%	13
Neither Agree nor Disagree	20.59%	14
Agree	25.00%	17
Strongly Agree	19.12%	13
<b>Total</b>		<b>68</b>

**Q14 How would you rate the quality of communication regarding HIB incidents between you as chief school administrator, school principals, ABS's, and the district ABC?**

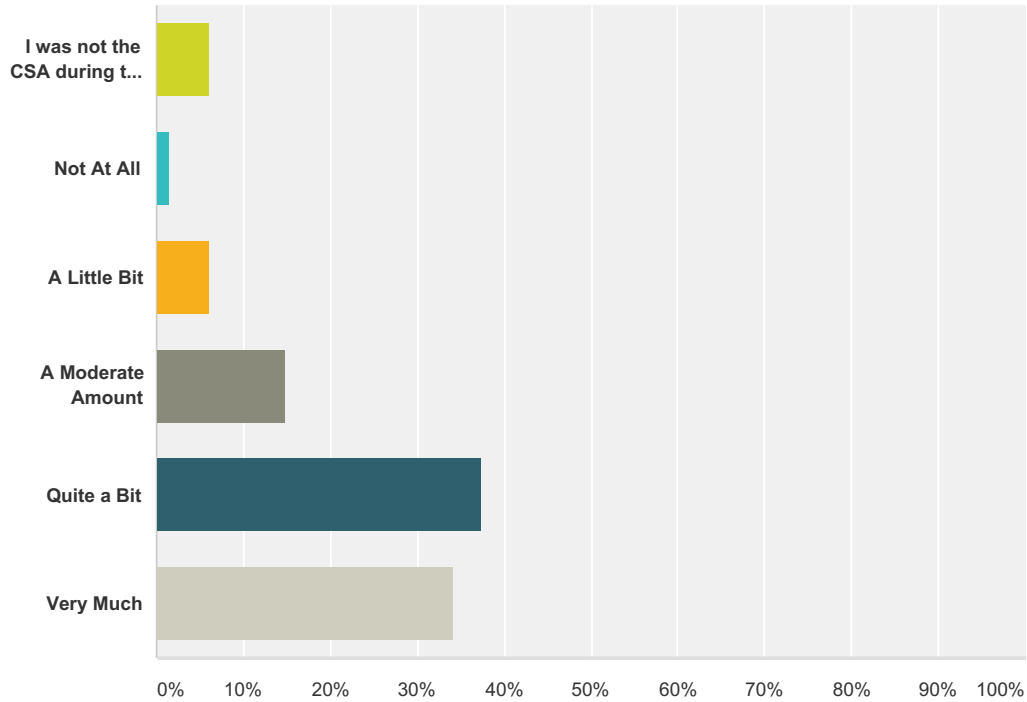
Answered: 68 Skipped: 0



Answer Choices	Responses	
Poor	0.00%	0
Fair	1.47%	1
Average	10.29%	7
Good	35.29%	24
Excellent	52.94%	36
<b>Total</b>		<b>68</b>

**Q15 In your role as the CSA, please indicate the extent to which you evaluated the implementation of the Anti-Bullying Bill of Rights in your school by supporting the completion of the 2014-2015 "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act."**

Answered: 67 Skipped: 1

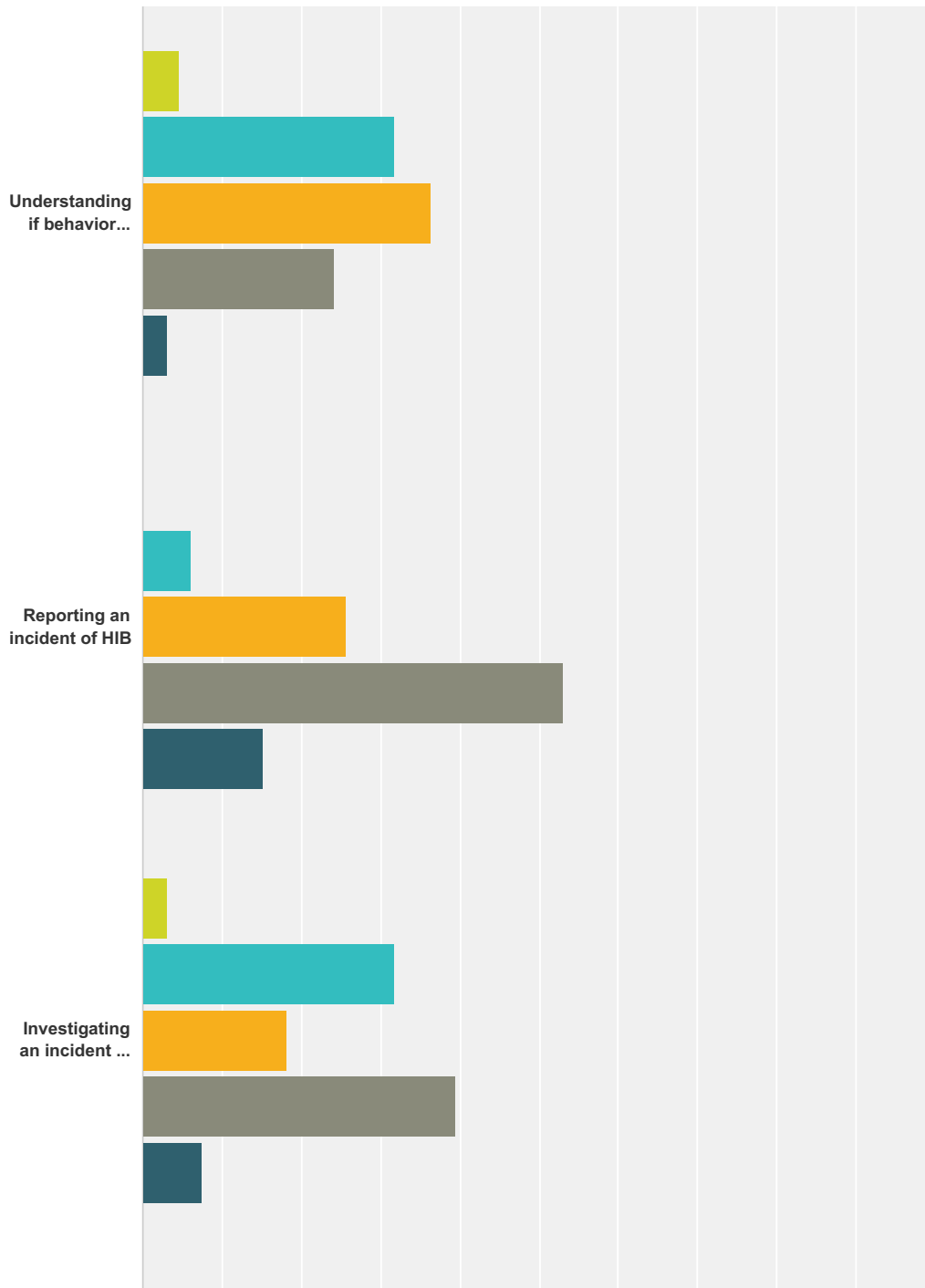


Answer Choices	Responses	
I was not the CSA during the self-assessment process	5.97%	4
Not At All	1.49%	1
A Little Bit	5.97%	4
A Moderate Amount	14.93%	10
Quite a Bit	37.31%	25
Very Much	34.33%	23
<b>Total</b>		<b>67</b>

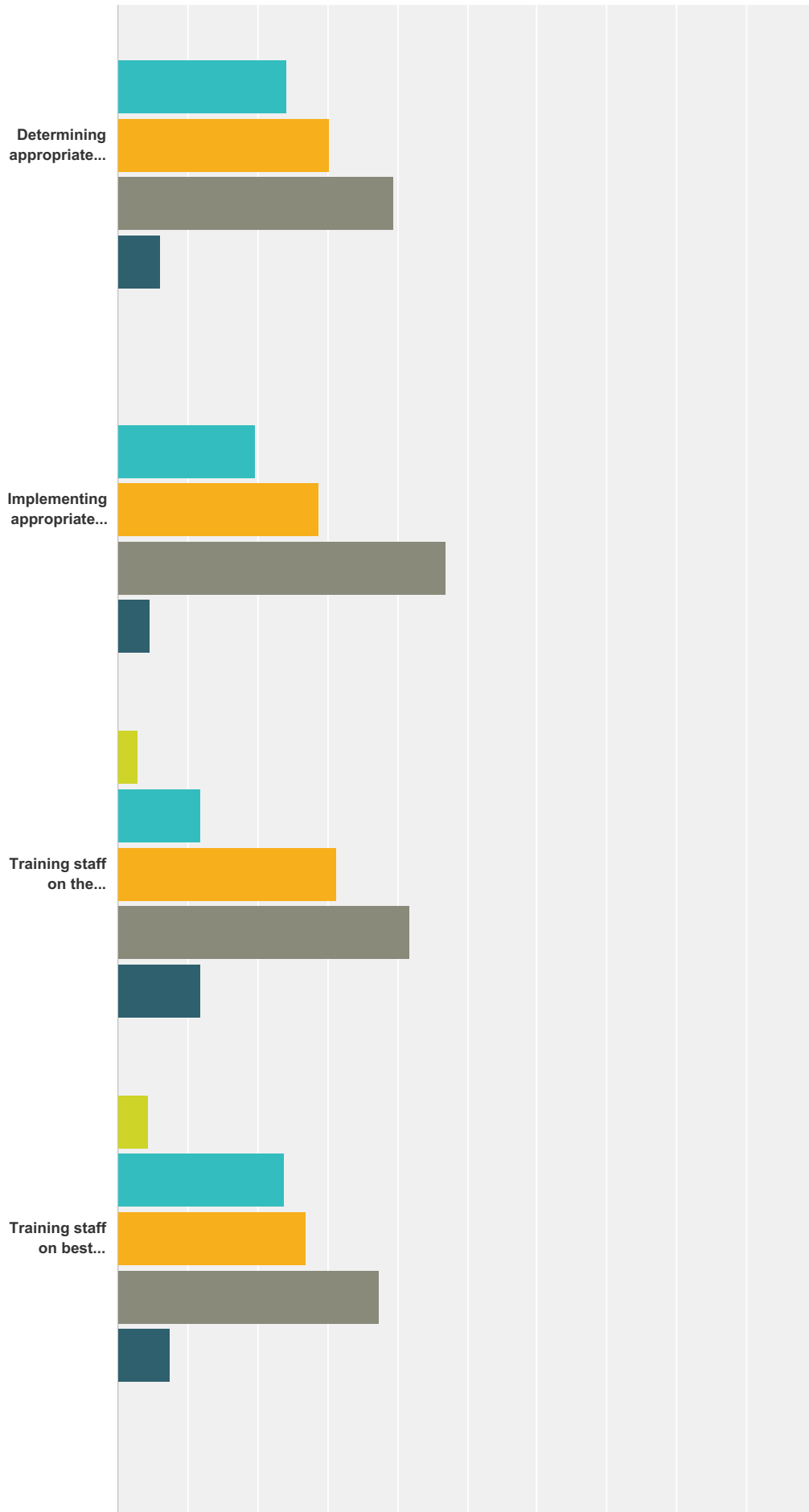


**Q16 Please indicate the degree to which it has been easy or challenging for your district to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.**

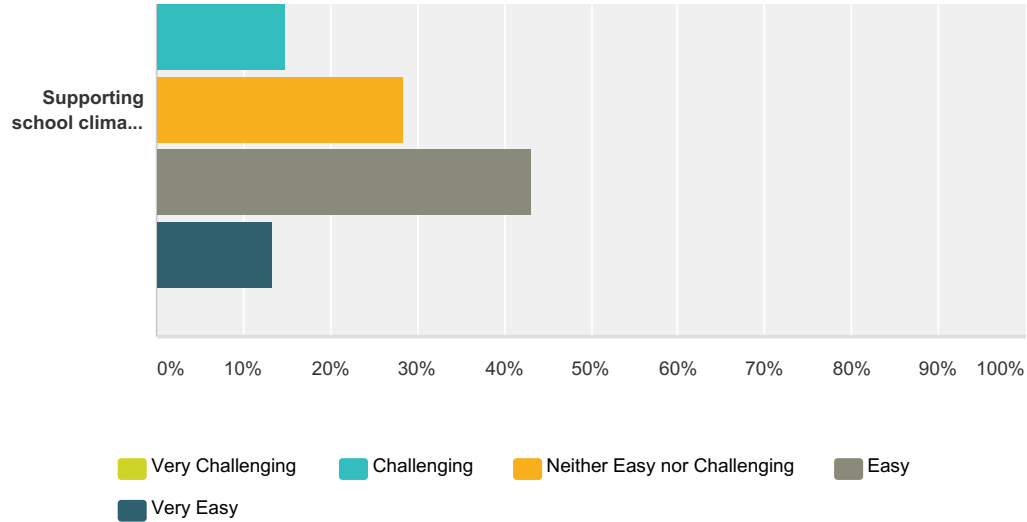
Answered: 67 Skipped: 1



# NJ ABTF Chief School Administrator Survey 2015



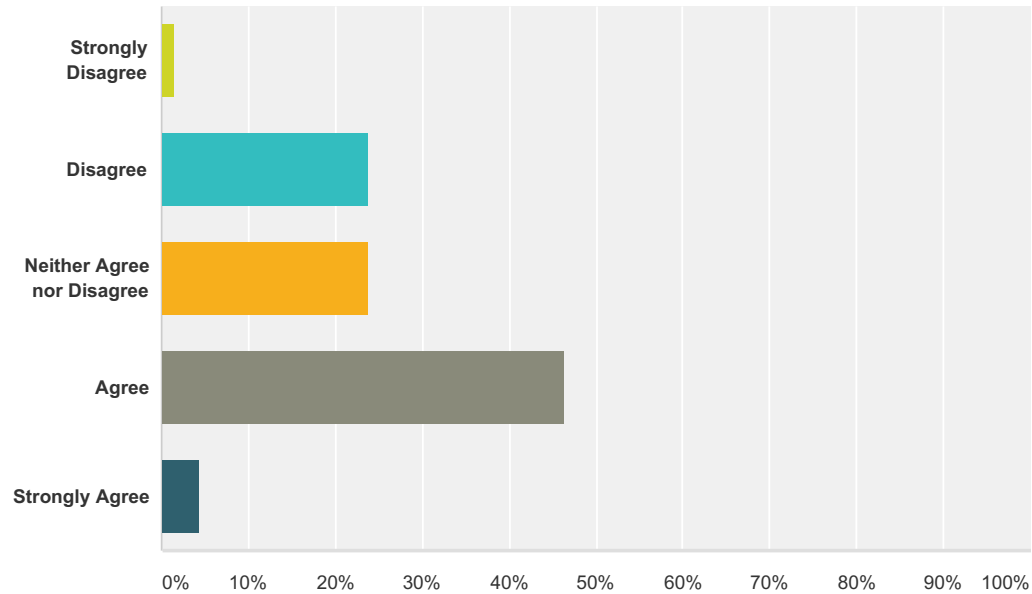
## NJ ABTF Chief School Administrator Survey 2015



	Very Challenging	Challenging	Neither Easy nor Challenging	Easy	Very Easy	Total
Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB)	4.55% 3	31.82% 21	36.36% 24	24.24% 16	3.03% 2	66
Reporting an incident of HIB	0.00% 0	6.06% 4	25.76% 17	53.03% 35	15.15% 10	66
Investigating an incident of HIB	3.03% 2	31.82% 21	18.18% 12	39.39% 26	7.58% 5	66
Determining appropriate responses to an incident of HIB	0.00% 0	24.24% 16	30.30% 20	39.39% 26	6.06% 4	66
Implementing appropriate responses to an incident of HIB	0.00% 0	19.70% 13	28.79% 19	46.97% 31	4.55% 3	66
Training staff on the Anti-Bullying Bill of Rights	2.99% 2	11.94% 8	31.34% 21	41.79% 28	11.94% 8	67
Training staff on best practices for HIB prevention	4.48% 3	23.88% 16	26.87% 18	37.31% 25	7.46% 5	67
Supporting school climate improvement efforts	0.00% 0	14.93% 10	28.36% 19	43.28% 29	13.43% 9	67

**Q17 Please indicate the extent to which you agree or disagree: In my district or charter school, parents understand student rights and district responsibilities under the ABR.**

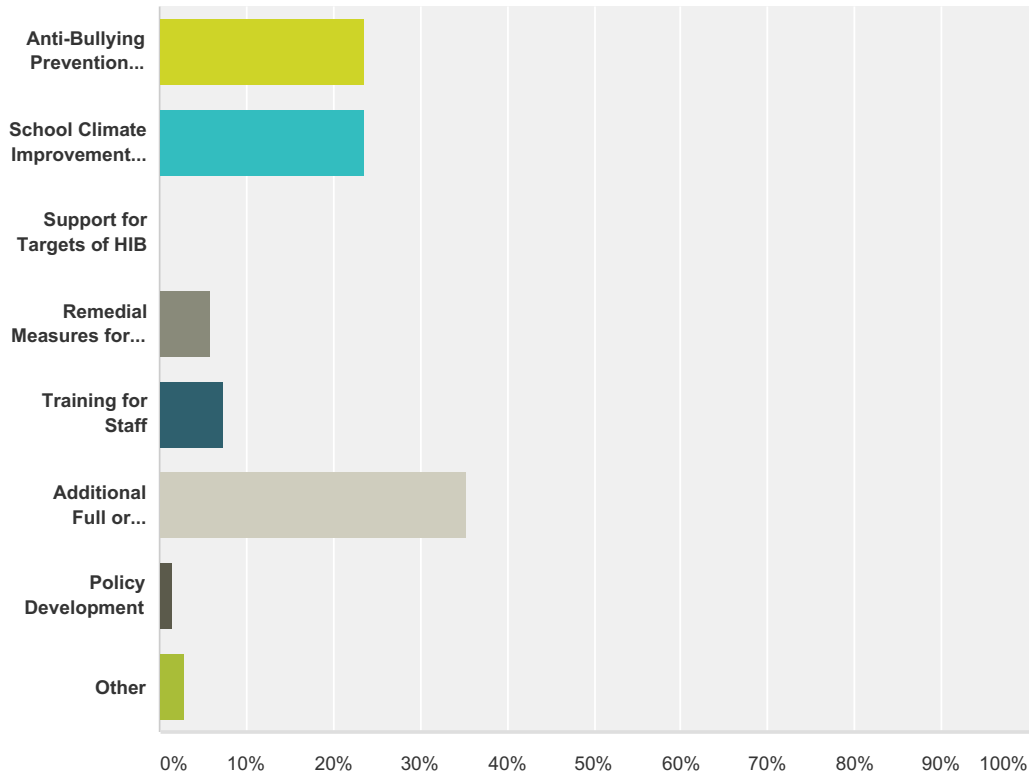
Answered: 67 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	1.49%	1
Disagree	23.88%	16
Neither Agree nor Disagree	23.88%	16
Agree	46.27%	31
Strongly Agree	4.48%	3
<b>Total</b>		<b>67</b>

**Q18 If additional funds were available to implement the ABR, what is the most important area for which your district or charter school would need funds?**

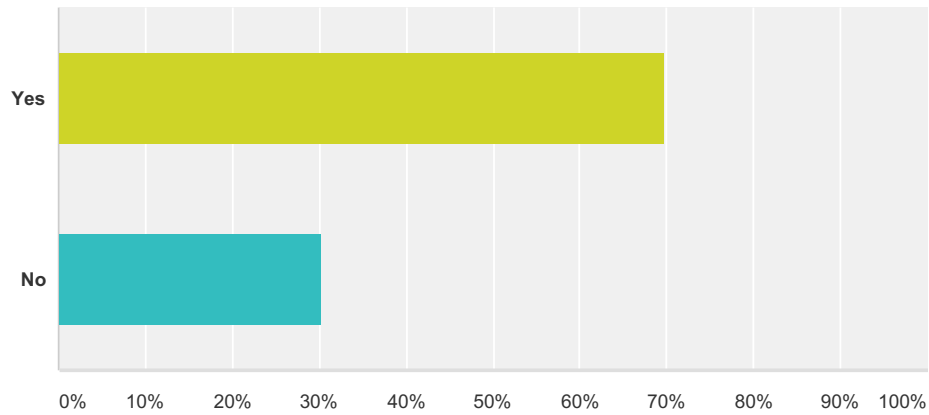
Answered: 68 Skipped: 0



Answer Choices	Responses	
Anti-Bullying Prevention Programs/Approaches/Initiatives	23.53%	16
School Climate Improvement Efforts	23.53%	16
Support for Targets of HIB	0.00%	0
Remedial Measures for Perpetrators of HIB	5.88%	4
Training for Staff	7.35%	5
Additional Full or Part-Time Staff/Staff Time to Address Required Responsibilities under ABR	35.29%	24
Policy Development	1.47%	1
Other	2.94%	2
<b>Total</b>		<b>68</b>

**Q19 Are you familiar with the specific recommendations that the ABTF has made to school districts to date?**

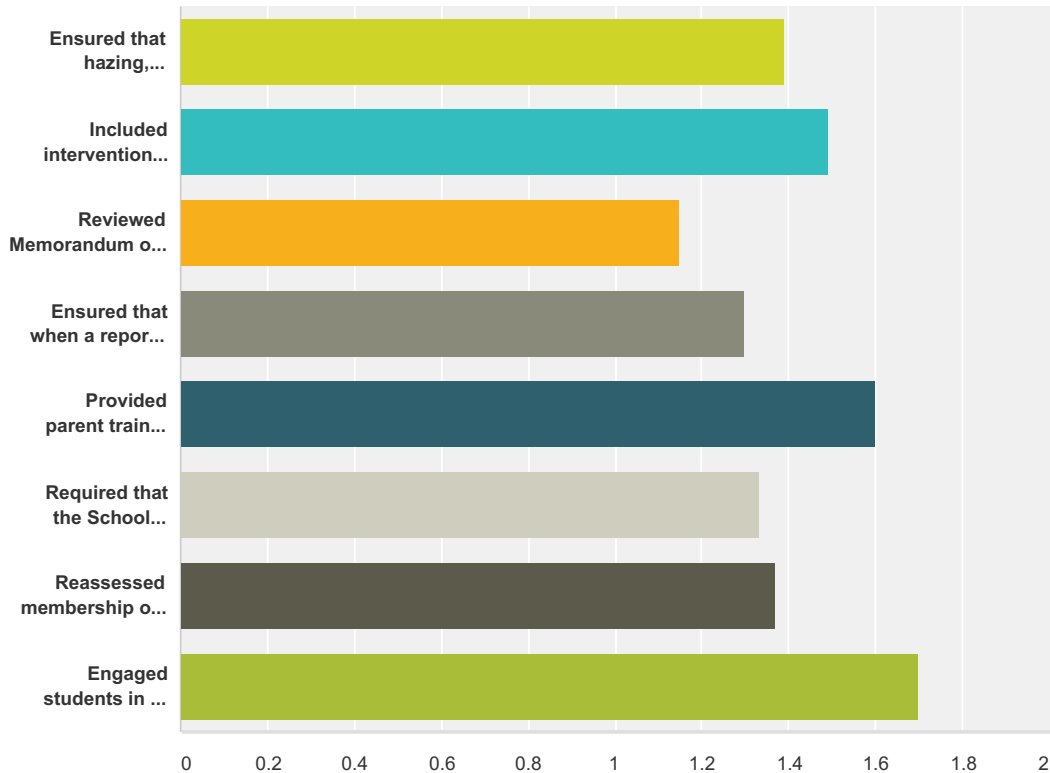
Answered: 66 Skipped: 2



Answer Choices	Responses	
Yes	69.70%	46
No	30.30%	20
Total		66

**Q20 The Anti-Bullying Task Force has made the following recommendations to school districts. Please indicate whether or not your school or district has addressed the following, in the past year:**

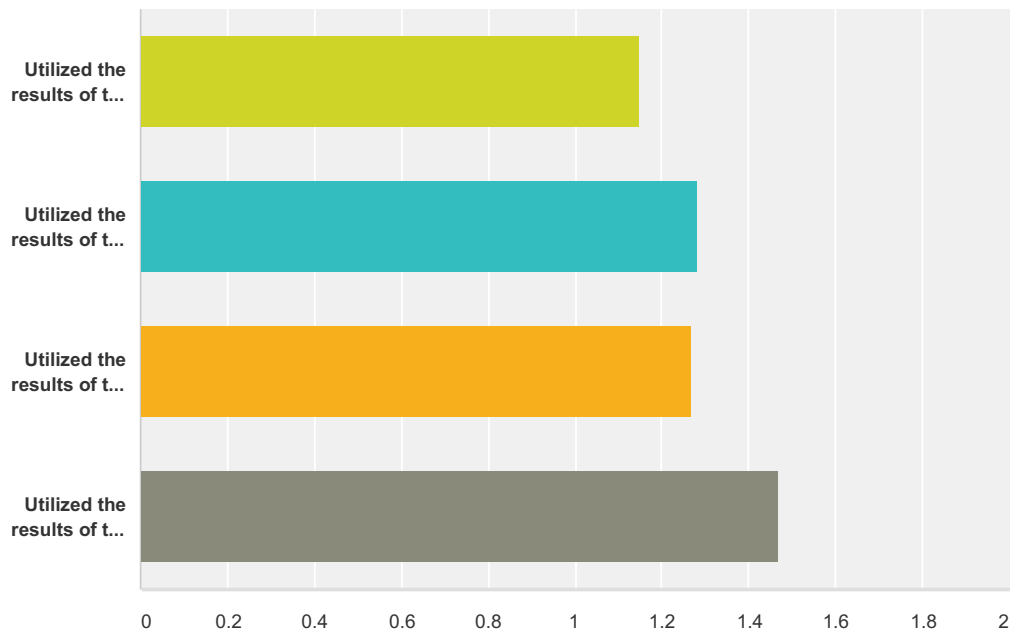
Answered: 67 Skipped: 1



	Yes	No	Not Sure	Total	Weighted Average
Ensured that hazing, including but not limited to athletics, is addressed in the district Code of Student Conduct	72.73% 48	15.15% 10	12.12% 8	66	1.39
Included intervention and prevention strategies related to hazing in required trainings under the ABR	64.62% 42	21.54% 14	13.85% 9	65	1.49
Reviewed Memorandum of Agreement with law enforcement officials to ensure proper collaboration when law enforcement intervention is appropriate for incidents of HIB and hazing	89.55% 60	5.97% 4	4.48% 3	67	1.15
Ensured that when a report of HIB is made that involves an allegation of conduct based on a protected class, that both the Affirmative Action Officer and the ABS are notified	80.60% 54	8.96% 6	10.45% 7	67	1.30
Provided parent training on social-emotional learning skills as well as the procedural issues around reporting and investigating HIB incidents	55.22% 37	29.85% 20	14.93% 10	67	1.60
Required that the School Safety/School Climate Team meet more than twice per year	76.12% 51	14.93% 10	8.96% 6	67	1.33
Reassessed membership of the School Safety/School Climate Team to ensure that it is representative of the school community	74.63% 50	13.43% 9	11.94% 8	67	1.37
Engaged students in the work of the School Safety/School Climate Team	47.76% 32	34.33% 23	17.91% 12	67	1.70

**Q21 The Anti-Bullying Task Force has made the following recommendations to school districts concerning the "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights." Please indicate whether or not your school or district has addressed the following, in the past year:**

Answered: 67 Skipped: 1

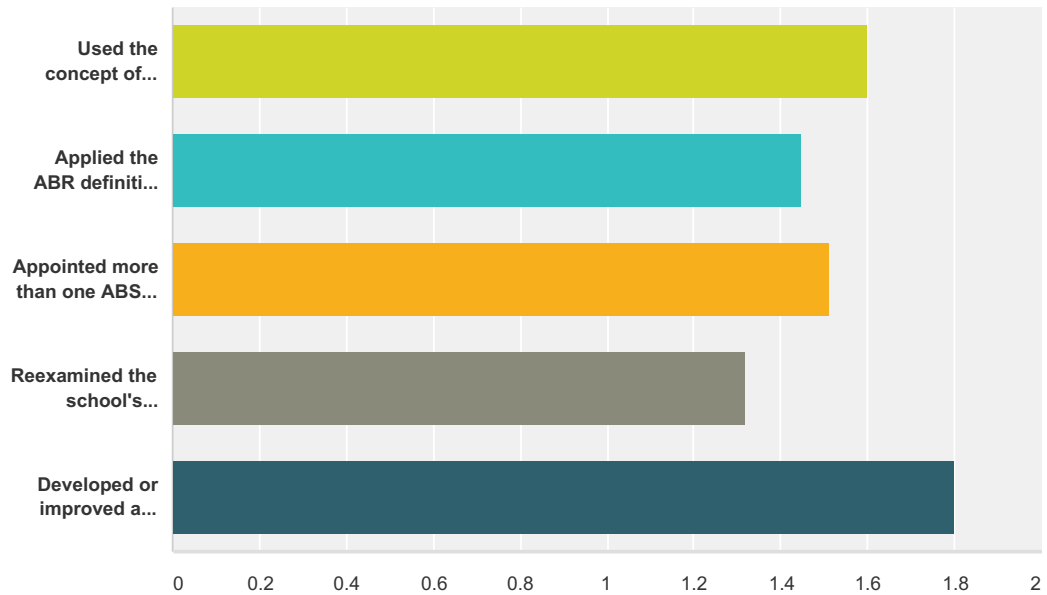


	Yes	No	Not Sure	Total	Weighted Average
Utilized the results of the Self-Assessment by reviewing each indicator rated as "partially meets the requirements" or "does not meet the requirements" and implemented a plan to address those ABR requirements	88.06% 59	8.96% 6	2.99% 2	67	1.15
Utilized the results of the Self-Assessment to develop action plans to strengthen school climate and school policies	82.09% 55	7.46% 5	10.45% 7	67	1.28
Utilized the results of the Self-Assessment to educate parents and the community about HIB prevention, programs, approaches, and other initiatives, as well as the district's HIB policy when presenting the official grade report to the board of ed	81.82% 54	9.09% 6	9.09% 6	66	1.27
Utilized the results of the Self-Assessment to include additional information to explain self-assessment ratings and district/school actions when posting the grade report on district and school webpages	65.15% 43	22.73% 15	12.12% 8	66	1.47



**Q22 Please also indicate whether or not your district has done the following in the past year:**

Answered: 65 Skipped: 3



	Yes	No	Not Sure	Total	Weighted Average
Used the concept of "power imbalance" when determining if a reported incident is an incident of HIB	63.08% 41	13.85% 9	23.08% 15	65	1.60
Applied the ABR definition of HIB to incidents not involving a "protected category" when determining an incident of HIB	67.69% 44	20.00% 13	12.31% 8	65	1.45
Appointed more than one ABS to assist with conducting HIB investigations	50.77% 33	47.69% 31	1.54% 1	65	1.51
Reexamined the school's approach to year-long HIB prevention instruction and incorporated a systemic approach to teaching social and emotional learning skills	75.38% 49	16.92% 11	7.69% 5	65	1.32
Developed or improved a written school climate improvement plan	29.23% 19	61.54% 40	9.23% 6	65	1.80

**Q23 Please provide any additional  
comments regarding the ABTF  
recommendations to date.**

Answered: 9 Skipped: 59

**Q24 If you have any additional comments regarding your role as chief school administrator in relation to implementing the ABR, or about the ABR itself, please include them here.**

Answered: 6 Skipped: 62

## Appendix E

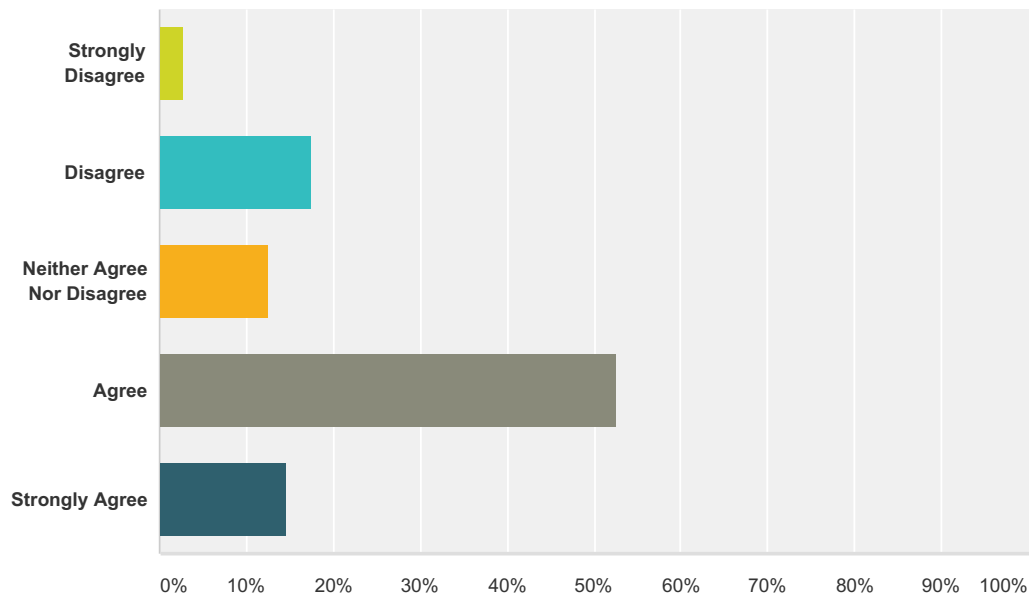
### New Jersey Anti-Bullying Task Force

#### Anti-Bullying School Safety / School Climate Team Survey & Data 2015

NJ ABTF SS/SCT Survey 2015

### **Q1 There are enough training opportunities available for staff in our school to carry out the responsibilities specified in the ABR.**

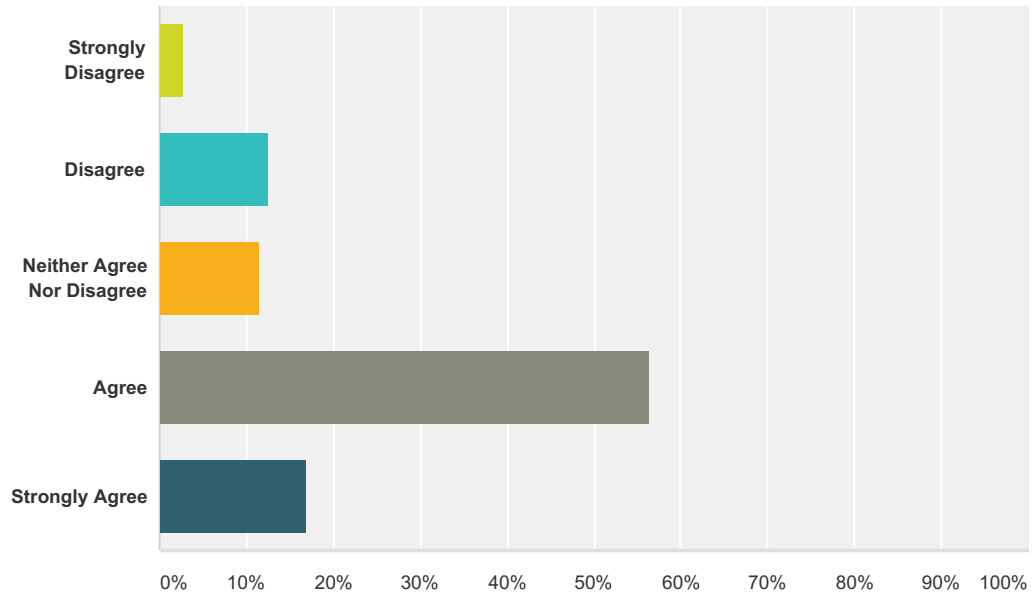
Answered: 433 Skipped: 2



Answer Choices	Responses	
Strongly Disagree	2.77%	12
Disagree	17.55%	76
Neither Agree Nor Disagree	12.47%	54
Agree	52.66%	228
Strongly Agree	14.55%	63
Total		433

**Q2 There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my school. (Note: This question is NOT addressing financial resources.)**

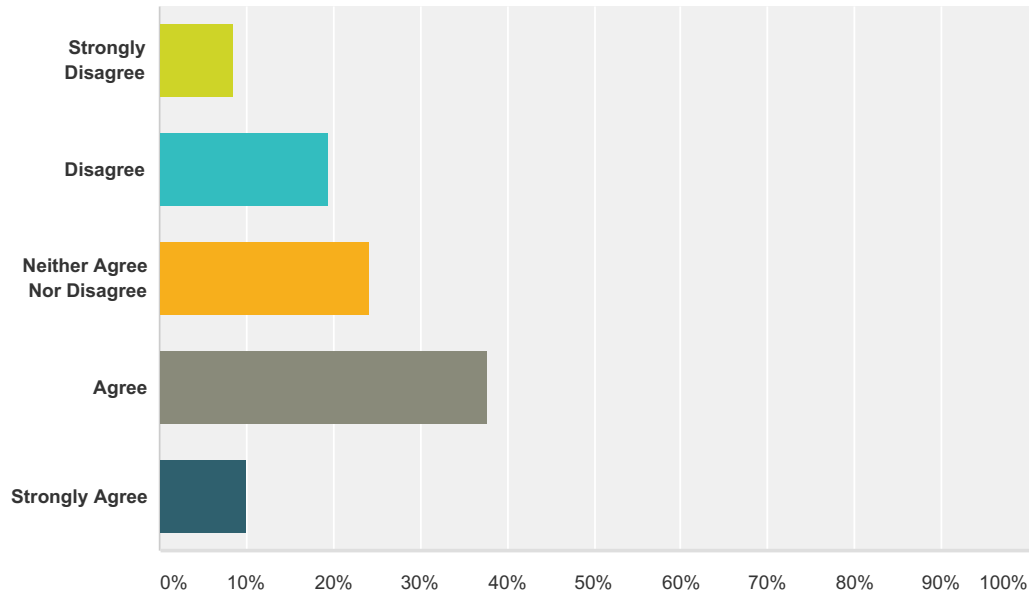
Answered: 434 Skipped: 1



Answer Choices	Responses	
Strongly Disagree	2.76%	12
Disagree	12.44%	54
Neither Agree Nor Disagree	11.52%	50
Agree	56.45%	245
Strongly Agree	16.82%	73
<b>Total</b>		<b>434</b>

**Q3 I believe that there are enough financial resources available for our school to carry out the school responsibilities specified in the ABR.**

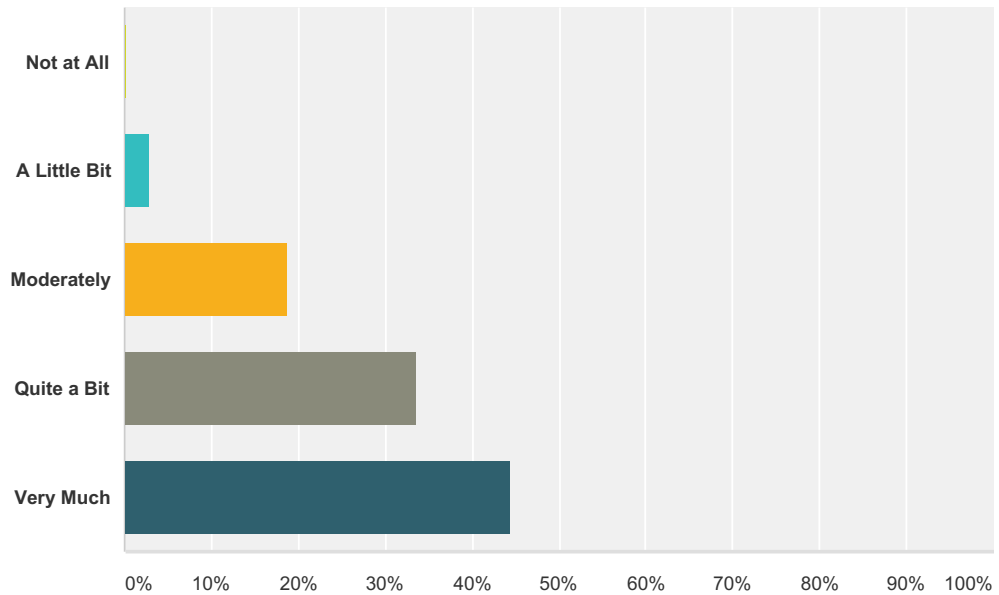
Answered: 432 Skipped: 3



Answer Choices	Responses	
Strongly Disagree	8.56%	37
Disagree	19.44%	84
Neither Agree Nor Disagree	24.31%	105
Agree	37.73%	163
Strongly Agree	9.95%	43
<b>Total</b>		<b>432</b>

### Q4 How clear are you on the required role of the School Safety/School Climate Team in your school?

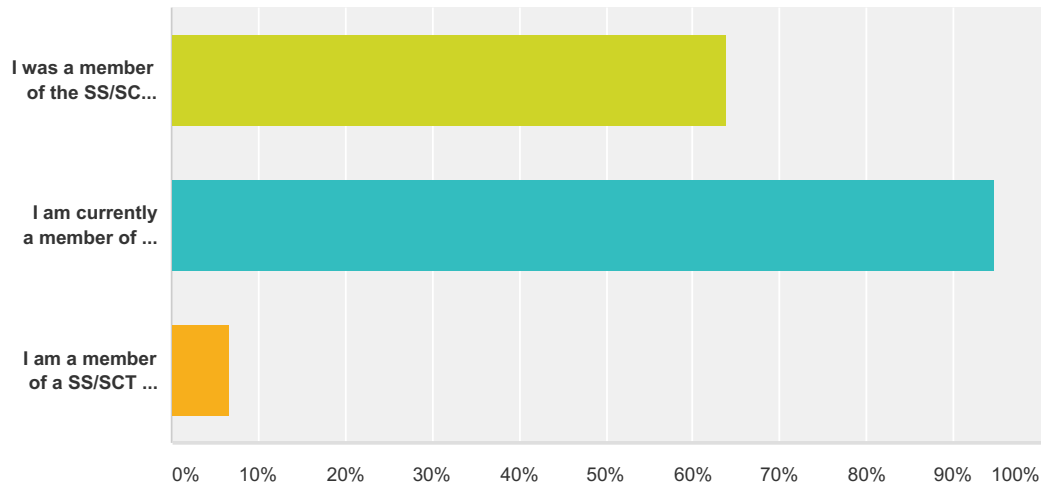
Answered: 432 Skipped: 3



Answer Choices	Responses
Not at All	0.23% 1
A Little Bit	3.01% 13
Moderately	18.75% 81
Quite a Bit	33.56% 145
Very Much	44.44% 192
<b>Total</b>	<b>432</b>

**Q5 What describes your role as a member of the SS/SCT in your school? Check all that apply.**

Answered: 429 Skipped: 6

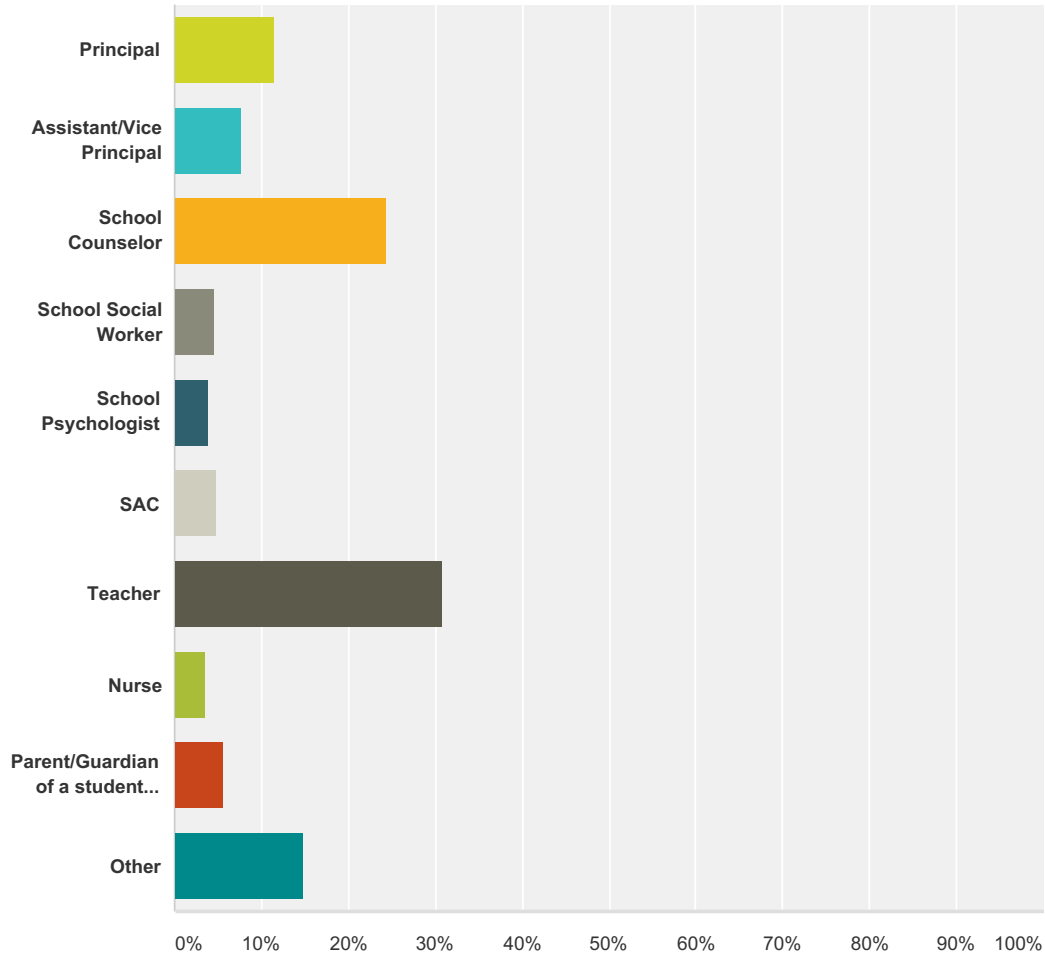


Answer Choices	Responses	
I was a member of the SS/SCT during the 2014-2015 school year	63.87%	274
I am currently a member of the SS/SCT for the 2015-2016 school year	94.87%	407
I am a member of a SS/SCT in more than one school	6.76%	29
Total Respondents: 429		



**Q6 Please indicate any additional roles that you currently serve in your school. Check all that apply.**

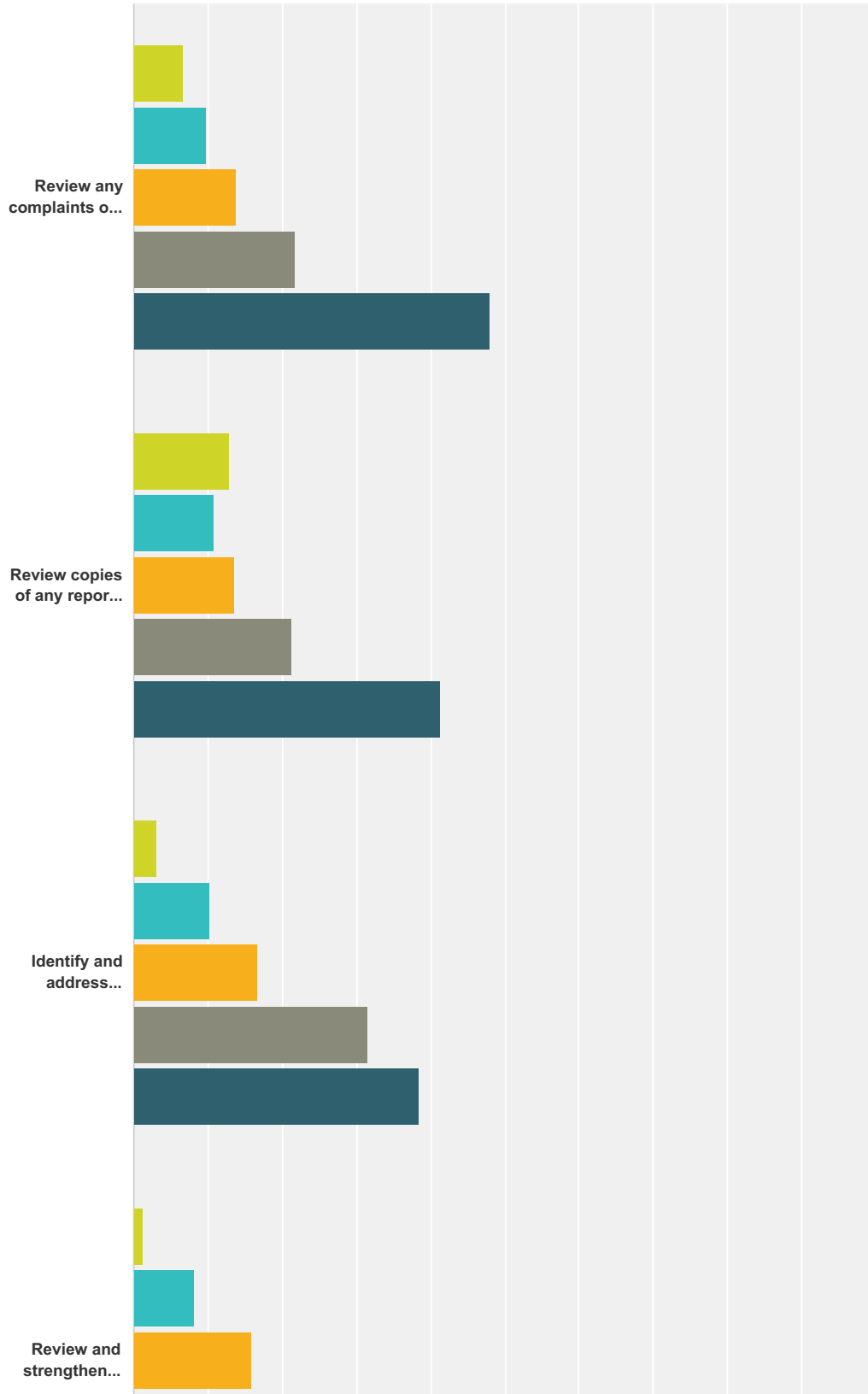
Answered: 430 Skipped: 5



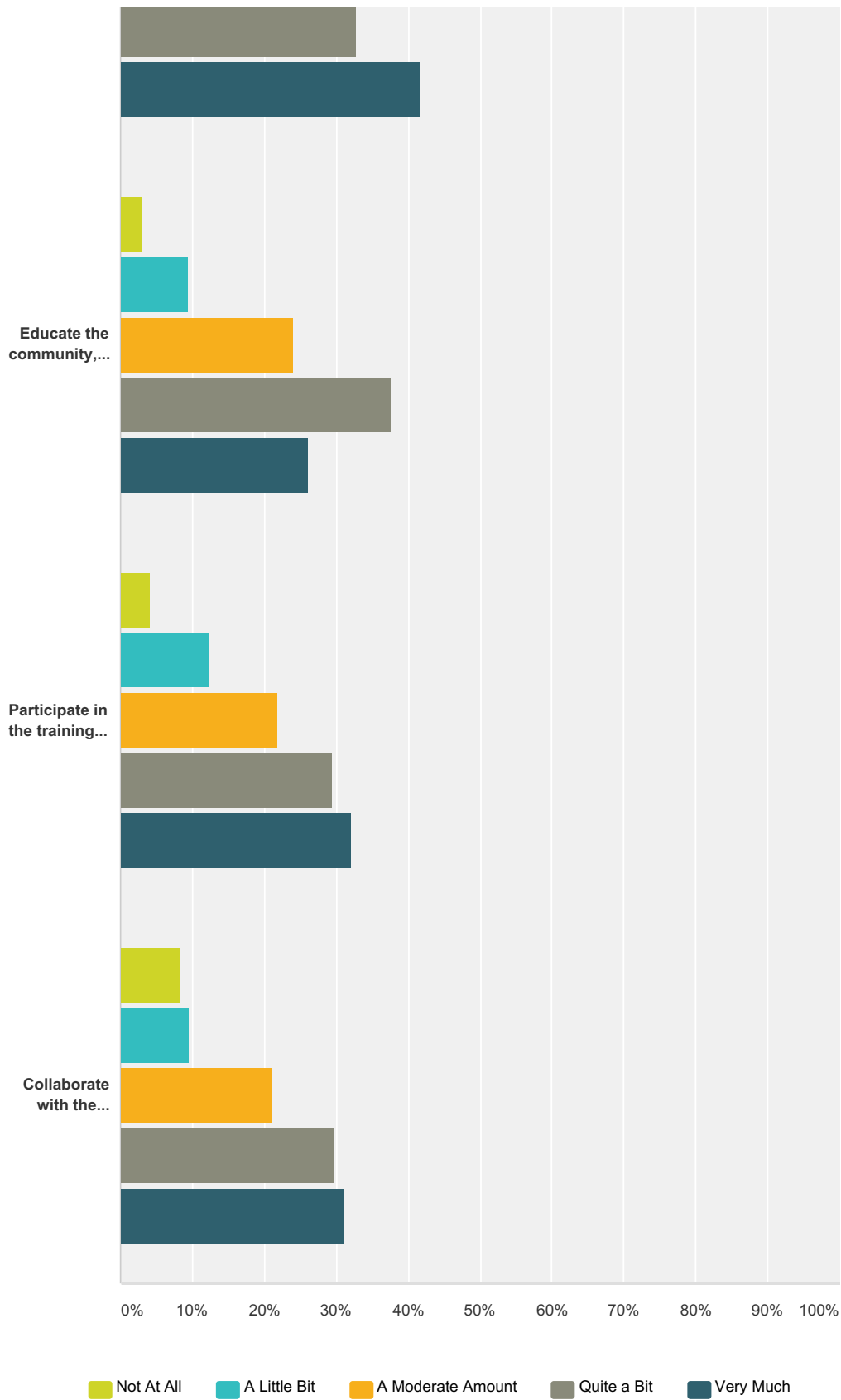
Answer Choices	Responses
Principal	11.40% 49
Assistant/Vice Principal	7.67% 33
School Counselor	24.42% 105
School Social Worker	4.65% 20
School Psychologist	3.95% 17
SAC	4.88% 21
Teacher	30.93% 133
Nurse	3.49% 15
Parent/Guardian of a student attending your school	5.58% 24
Other	14.88% 64
<b>Total Respondents: 430</b>	

**Q7 Please indicate the extent to which your SS/SCT has been able to implement the following requirements.**

Answered: 427 Skipped: 8



# NJ ABTF SS/SCT Survey 2015



	Not At All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total

# NJ ABTF SS/SCT Survey 2015

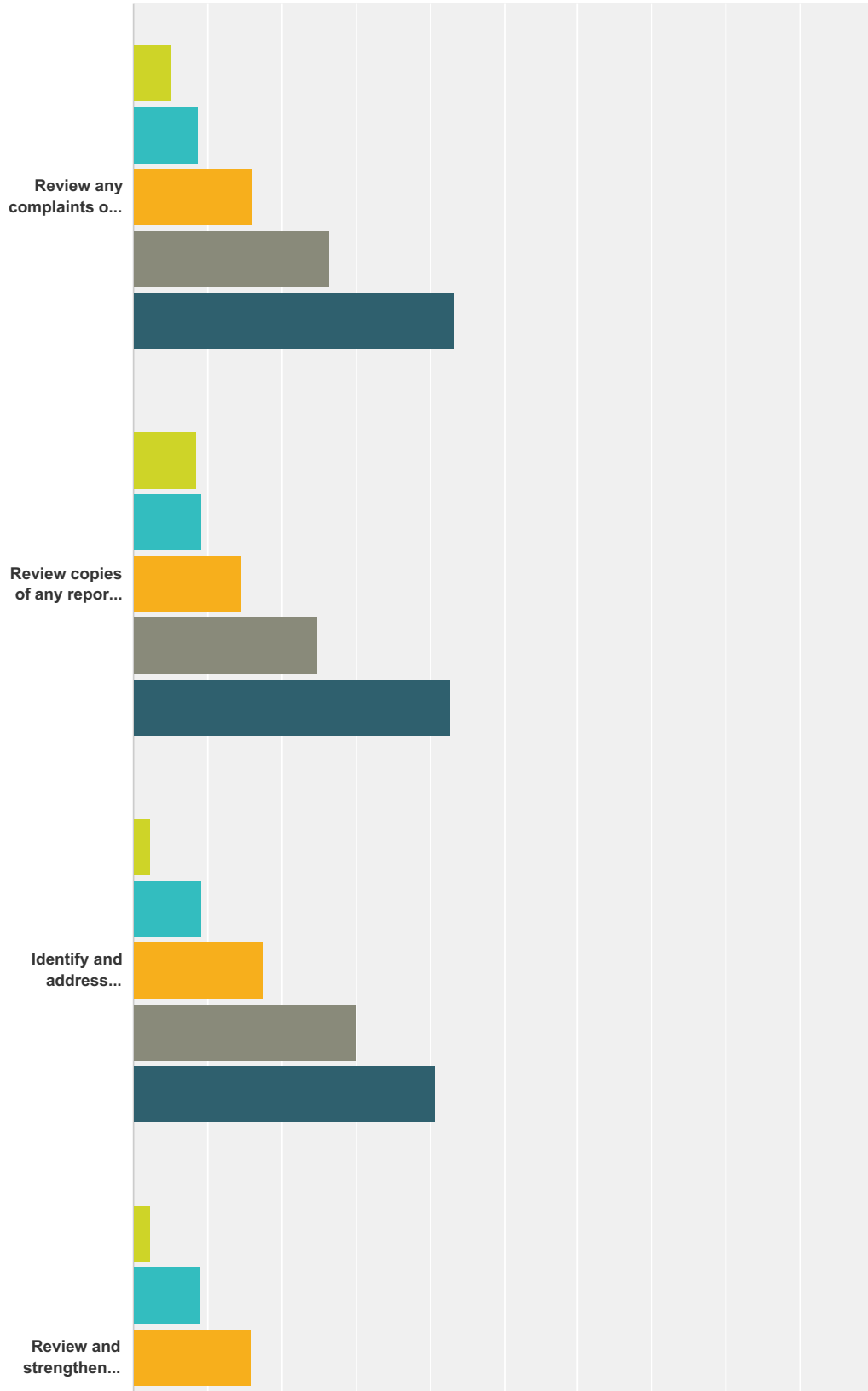
Review any complaints of harassment, intimidation, or bullying of students that have been reported to the principal	<b>6.64%</b> 28	<b>9.72%</b> 41	<b>13.74%</b> 58	<b>21.80%</b> 92	<b>48.10%</b> 203	422
Review copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying	<b>13.03%</b> 55	<b>10.90%</b> 46	<b>13.51%</b> 57	<b>21.33%</b> 90	<b>41.23%</b> 174	422
Identify and address patterns of harassment, intimidation, or bullying of students in your school	<b>3.09%</b> 13	<b>10.21%</b> 43	<b>16.63%</b> 70	<b>31.59%</b> 133	<b>38.48%</b> 162	421
Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students	<b>1.17%</b> 5	<b>8.22%</b> 35	<b>15.96%</b> 68	<b>32.86%</b> 140	<b>41.78%</b> 178	426
Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students	<b>3.05%</b> 13	<b>9.39%</b> 40	<b>23.94%</b> 102	<b>37.56%</b> 160	<b>26.06%</b> 111	426
Participate in the training required by the ABR and any other training which the principal or the district anti-bullying coordinator has requested	<b>4.25%</b> 18	<b>12.26%</b> 52	<b>21.93%</b> 93	<b>29.48%</b> 125	<b>32.08%</b> 136	424
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 harassment, intimidation, or bullying of students	<b>8.31%</b> 35	<b>9.50%</b> 40	<b>21.14%</b> 89	<b>29.93%</b> 126	<b>31.12%</b> 131	421

**Q8 If your SS/SCT has been asked to execute other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator, please indicate the duty or duties here.**

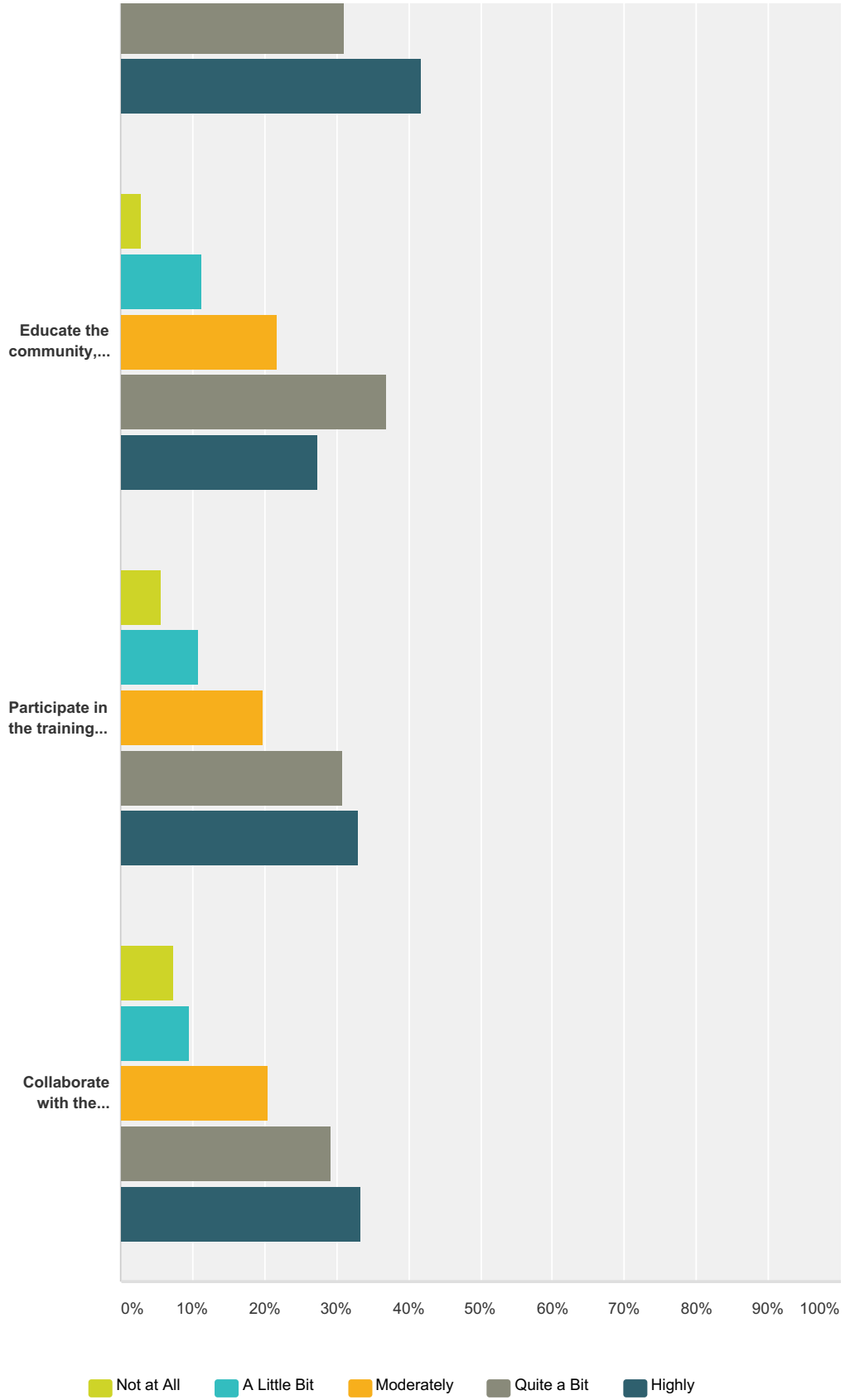
Answered: 66 Skipped: 369

**Q9 How effective do you think your SS/SCT has been in addressing the following requirements?**

Answered: 426 Skipped: 9



# NJ ABTF SS/SCT Survey 2015



	Not at All	A Little Bit	Moderately	Quite a Bit	Highly	Total
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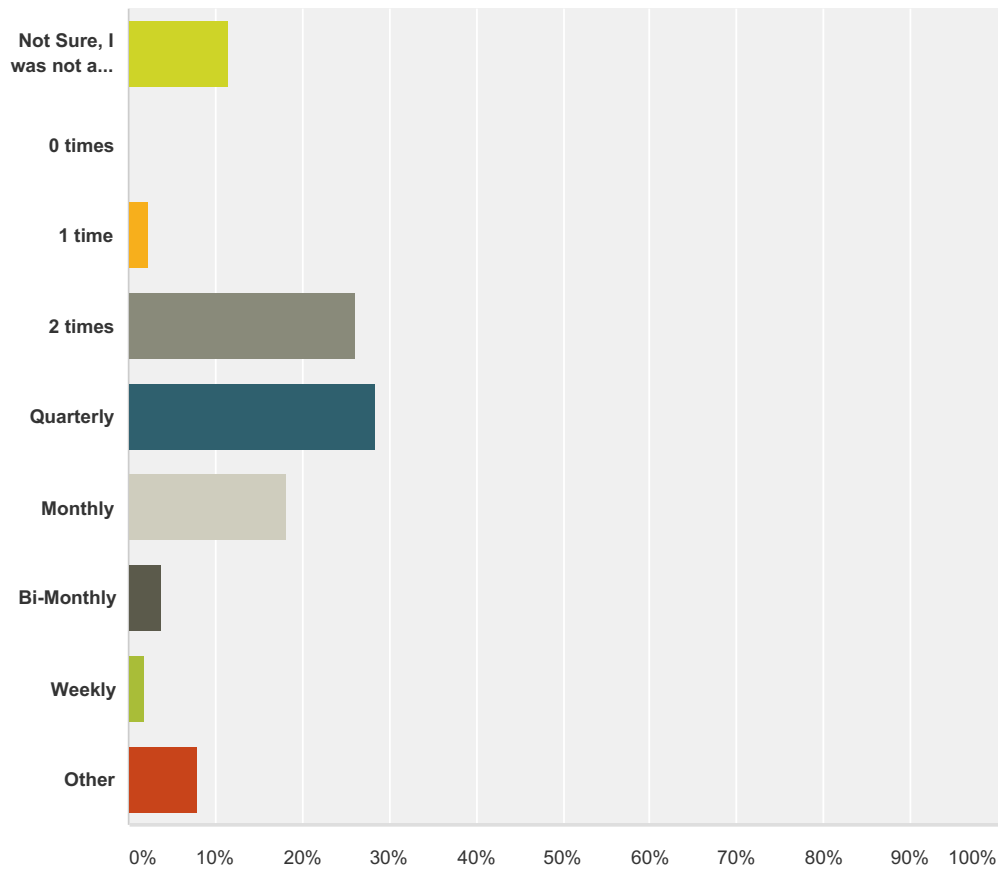
# NJ ABTF SS/SCT Survey 2015

Review any complaints of harassment, intimidation, or bullying of students that have been reported to the principal	<b>5.20%</b> 22	<b>8.75%</b> 37	<b>16.08%</b> 68	<b>26.48%</b> 112	<b>43.50%</b> 184	423
Review copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying	<b>8.57%</b> 36	<b>9.29%</b> 39	<b>14.52%</b> 61	<b>24.76%</b> 104	<b>42.86%</b> 180	420
Identify and address patterns of harassment, intimidation, or bullying of students in your school	<b>2.37%</b> 10	<b>9.24%</b> 39	<b>17.54%</b> 74	<b>30.09%</b> 127	<b>40.76%</b> 172	422
Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students	<b>2.36%</b> 10	<b>8.96%</b> 38	<b>15.80%</b> 67	<b>31.13%</b> 132	<b>41.75%</b> 177	424
Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students	<b>2.82%</b> 12	<b>11.29%</b> 48	<b>21.65%</b> 92	<b>36.94%</b> 157	<b>27.29%</b> 116	425
Participate in the training required by the ABR and any other training which the principal or the district anti-bullying coordinator has requested	<b>5.65%</b> 24	<b>10.82%</b> 46	<b>19.76%</b> 84	<b>30.82%</b> 131	<b>32.94%</b> 140	425
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 harassment, intimidation, or bullying of students	<b>7.36%</b> 31	<b>9.50%</b> 40	<b>20.43%</b> 86	<b>29.22%</b> 123	<b>33.49%</b> 141	421



## Q10 How often did your SS/SCT meet during the 2014-2015 school year?

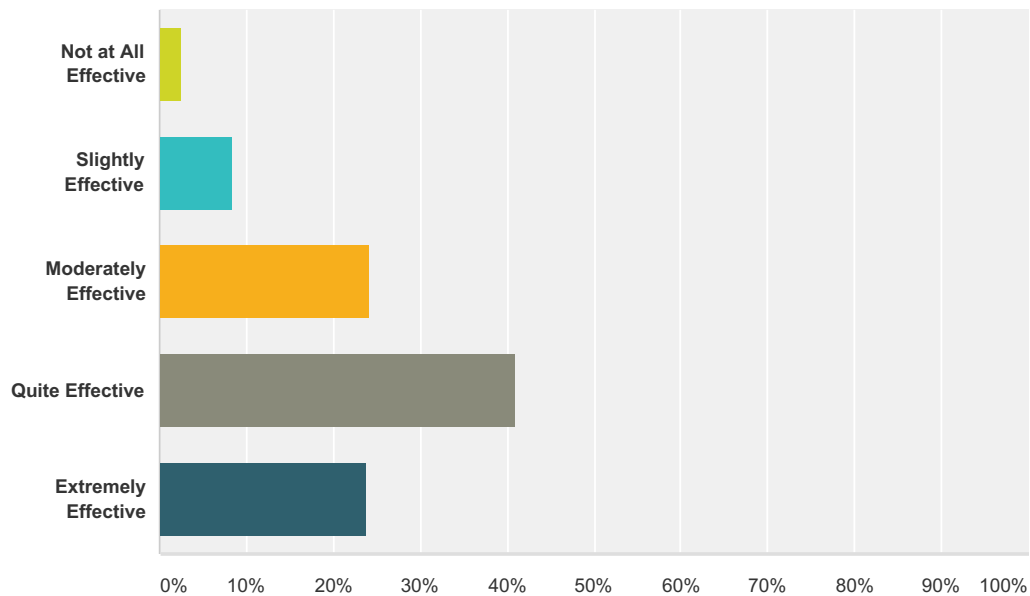
Answered: 429 Skipped: 6



Answer Choices	Responses
Not Sure, I was not a member of the SST during the 2013-2014 school year	11.42% 49
0 times	0.00% 0
1 time	2.33% 10
2 times	26.11% 112
Quarterly	28.44% 122
Monthly	18.18% 78
Bi-Monthly	3.73% 16
Weekly	1.86% 8
Other	7.93% 34
<b>Total</b>	<b>429</b>

**Q11 The Anti-Bullying Bill of Rights  
Legislation states that the School Safety  
Team is formed in every school "to develop,  
foster, and maintain a positive school  
climate by focusing on the on-going,  
systemic process and practices in the  
school and to address school climate  
issues such as harassment, intimidation, or  
bullying." How effective do you think your  
SS/SCT has been in accomplishing this  
stated purpose?**

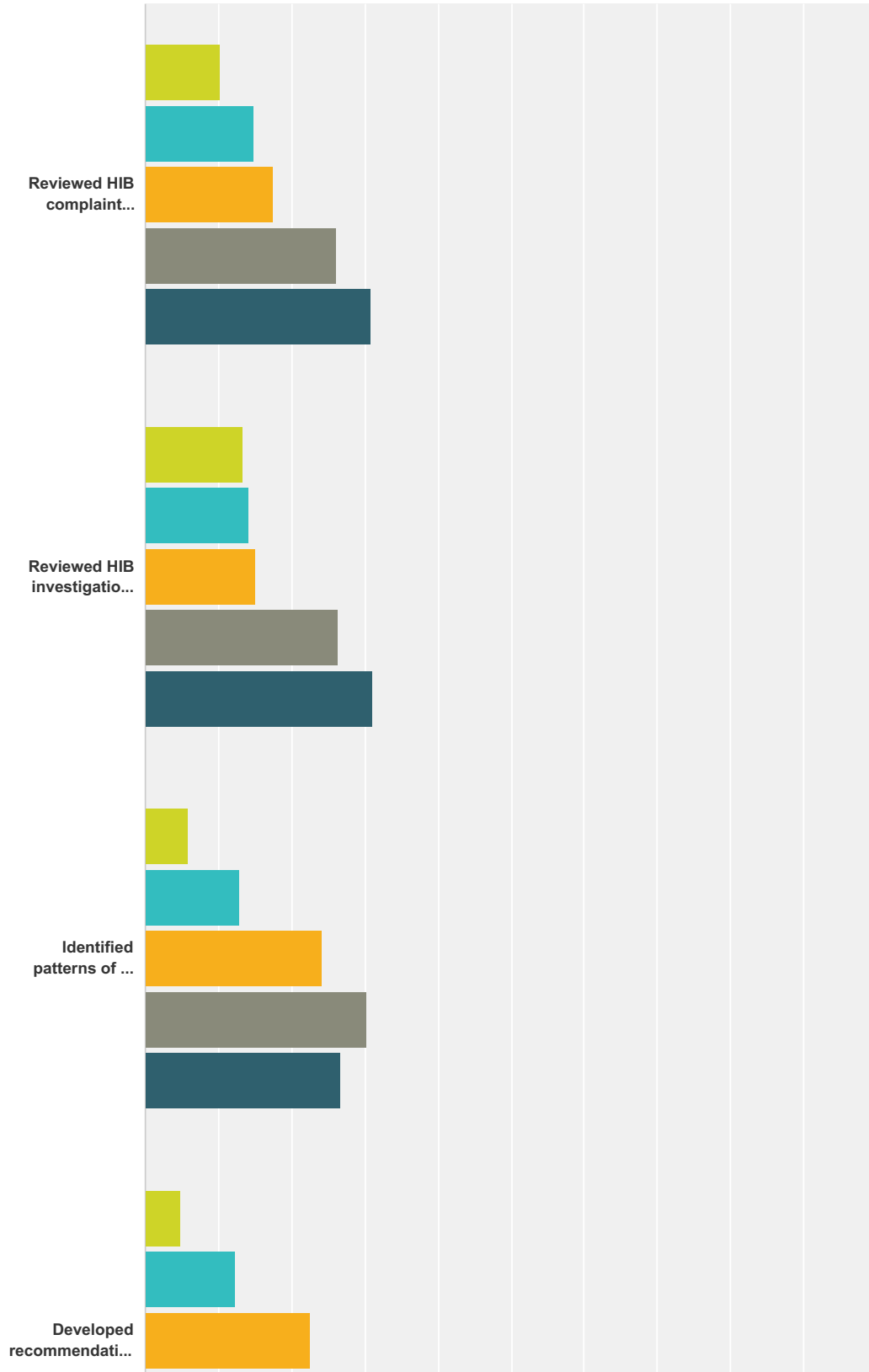
Answered: 428 Skipped: 7

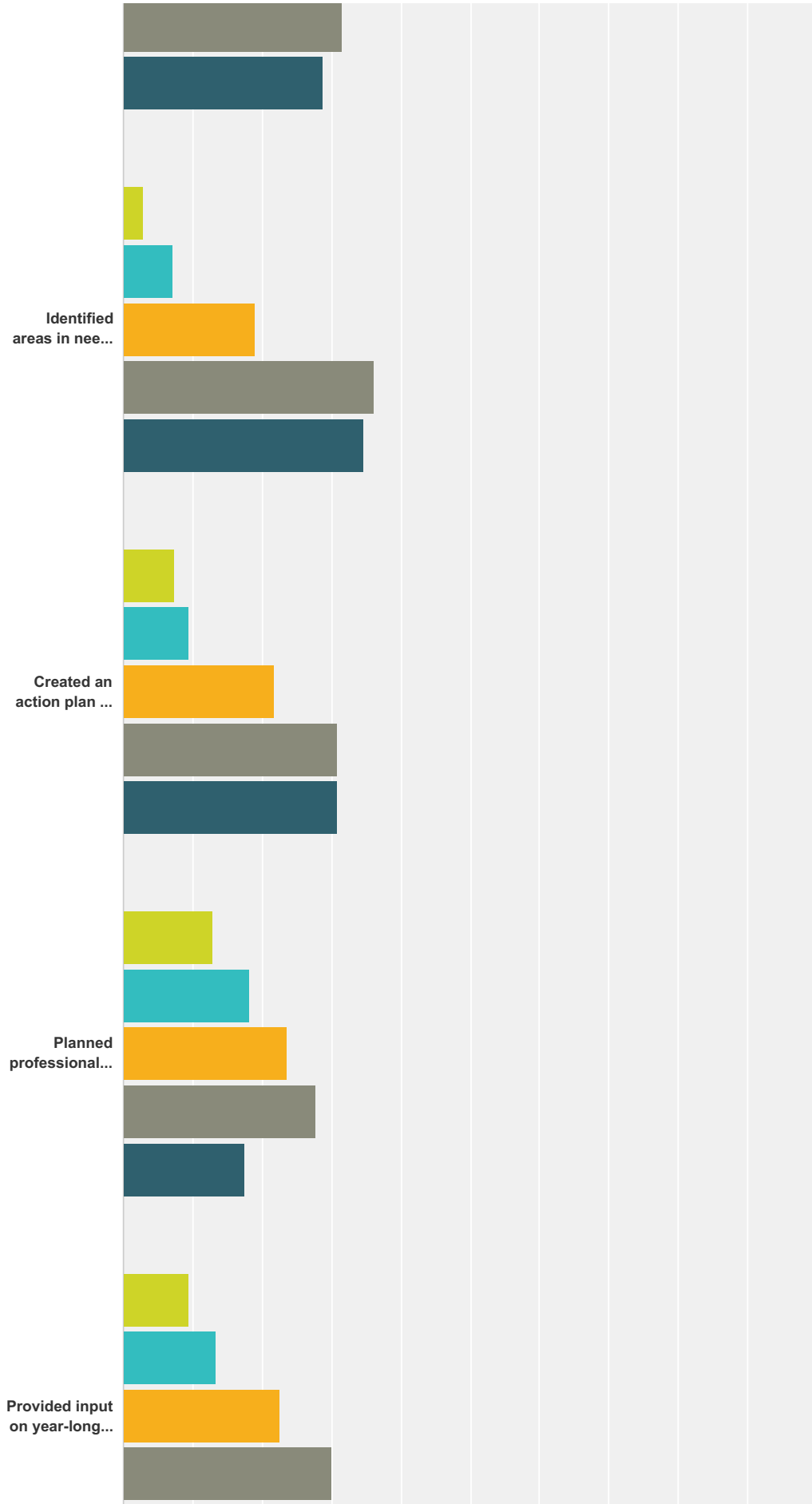


Answer Choices	Responses	
Not at All Effective	2.57%	11
Slightly Effective	8.41%	36
Moderately Effective	24.30%	104
Quite Effective	40.89%	175
Extremely Effective	23.83%	102
<b>Total</b>		<b>428</b>

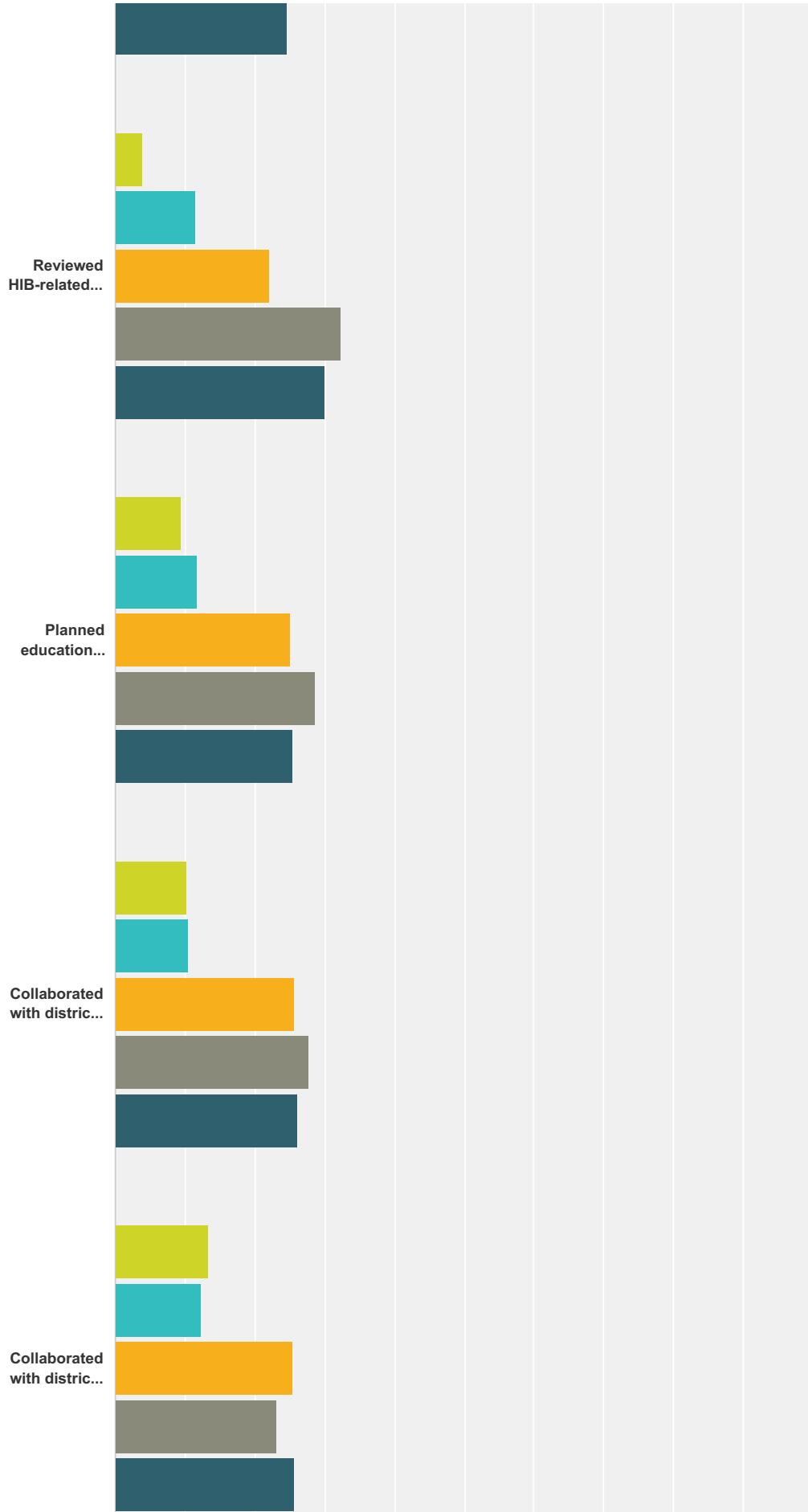
**Q12 Please rate how often each of the following activities was addressed by the SS/SCT during the 2014-2015 school year.**

Answered: 403 Skipped: 32

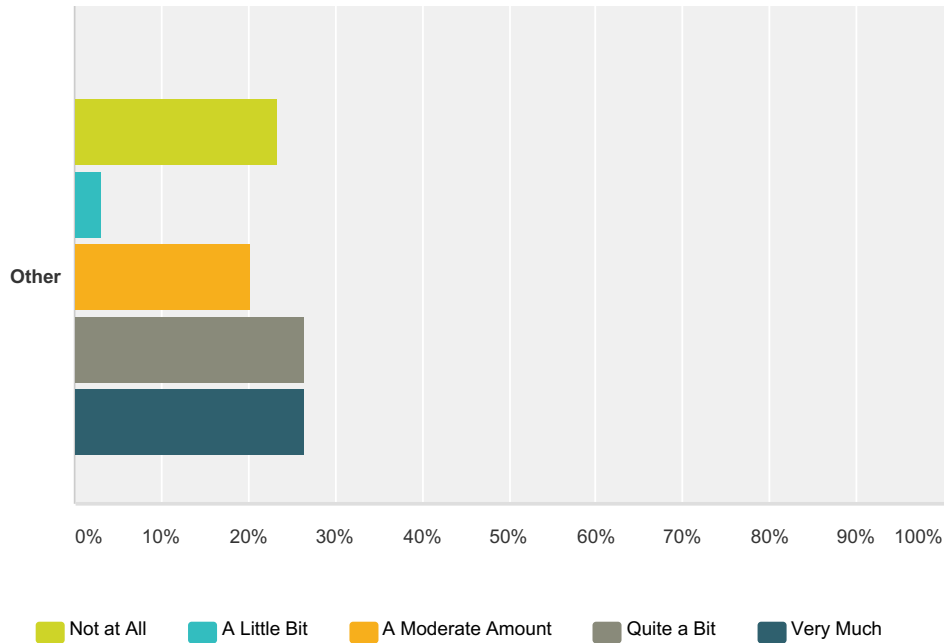




NJ ABTF SS/SCT Survey 2015



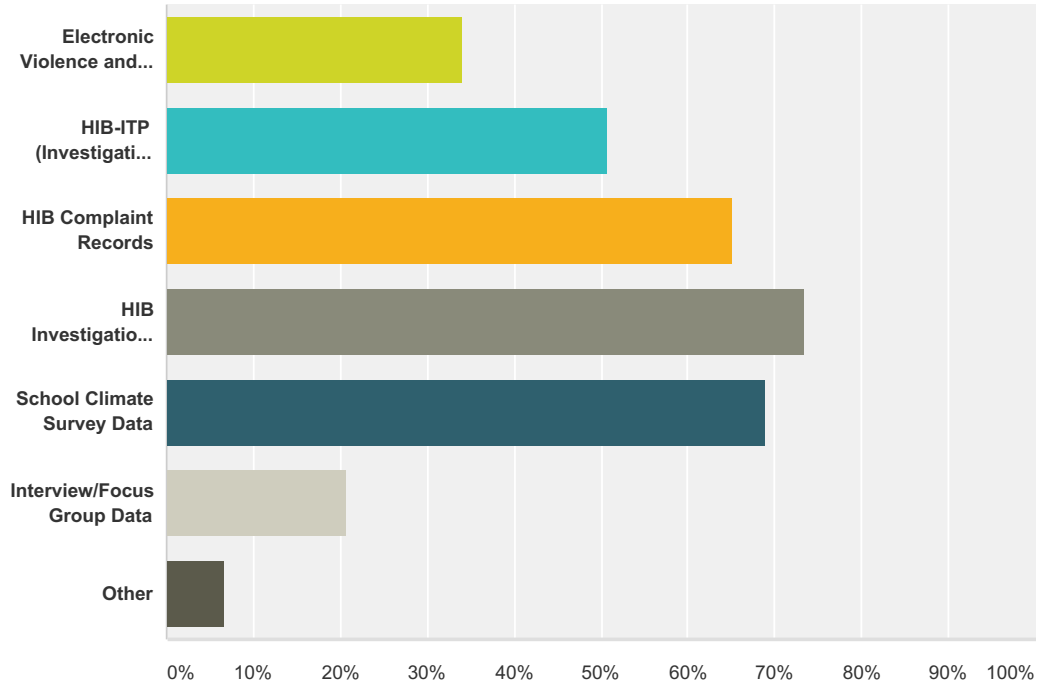
# NJ ABTF SS/SCT Survey 2015



	Not at All	A Little Bit	A Moderate Amount	Quite a Bit	Very Much	Total
Reviewed HIB complaint records	10.33% 41	14.86% 59	17.63% 70	26.20% 104	30.98% 123	397
Reviewed HIB investigation reports	13.42% 53	14.18% 56	14.94% 59	26.33% 104	31.14% 123	395
Identified patterns of HIB by reviewing multiple data sources (e.g. incident reports, survey data, etc.)	5.81% 23	12.88% 51	24.24% 96	30.30% 120	26.77% 106	396
Developed recommendations to address identified patterns of HIB	4.80% 19	12.37% 49	22.47% 89	31.57% 125	28.79% 114	396
Identified areas in need for school climate improvement	3.02% 12	7.04% 28	19.10% 76	36.18% 144	34.67% 138	398
Created an action plan to improve school climate	7.29% 29	9.30% 37	21.61% 86	30.90% 123	30.90% 123	398
Planned professional development opportunities for teachers to prevent or address HIB	12.85% 51	18.14% 72	23.68% 94	27.71% 110	17.63% 70	397
Provided input on year-long instruction for HIB prevention	9.30% 37	13.32% 53	22.61% 90	30.15% 120	24.62% 98	398
Reviewed HIB-related school policies and procedures	4.05% 16	11.39% 45	22.03% 87	32.41% 128	30.13% 119	395
Planned education programs for the school community to prevent HIB	9.34% 37	11.62% 46	25.00% 99	28.54% 113	25.51% 101	396
Collaborated with district Anti-Bullying Coordinator to collect district-wide data	10.15% 40	10.41% 41	25.63% 101	27.66% 109	26.14% 103	394
Collaborated with district Anti-Bullying Coordinator to further develop district HIB policies	13.27% 52	12.24% 48	25.51% 100	23.21% 91	25.77% 101	392
Other	23.44% 15	3.13% 2	20.31% 13	26.56% 17	26.56% 17	64

**Q13 Please indicate which data, if any, your SS/SCT reviews as part of its work. Check all that apply.**

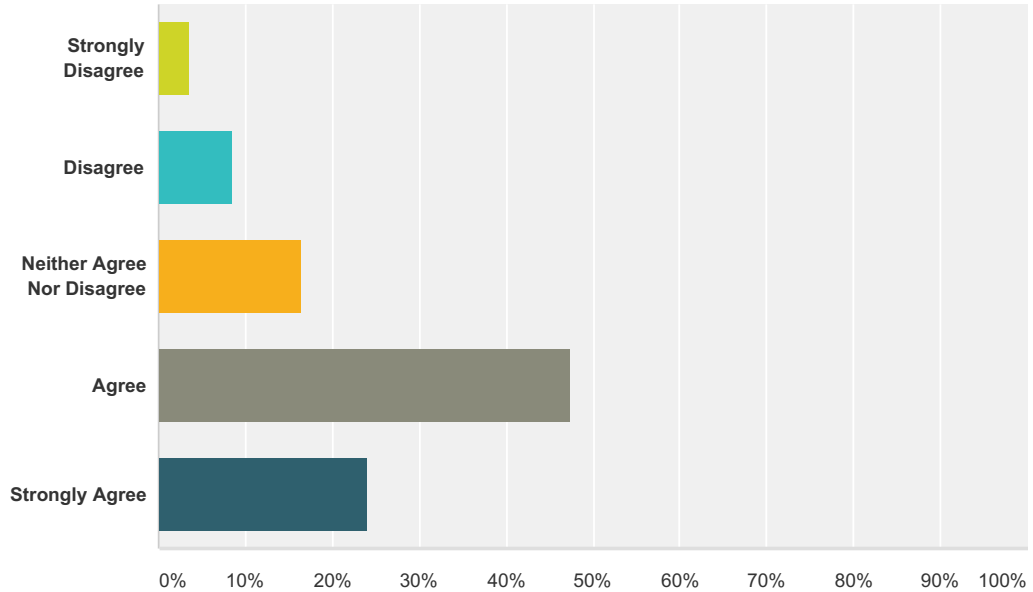
Answered: 389 Skipped: 46



Answer Choices	Responses	
Electronic Violence and Vandalism Reports	33.93%	132
HIB-ITP (Investigations, Trainings, and Programs) Reports	50.64%	197
HIB Complaint Records	65.04%	253
HIB Investigation Reports	73.52%	286
School Climate Survey Data	68.89%	268
Interview/Focus Group Data	20.57%	80
Other	6.68%	26
Total Respondents: 389		

**Q14 Please indicate the extent to which you agree or disagree:I believe that I have been adequately prepared (e.g., through training) to carry out the responsibilities of a SS/SCT member.**

Answered: 430 Skipped: 5

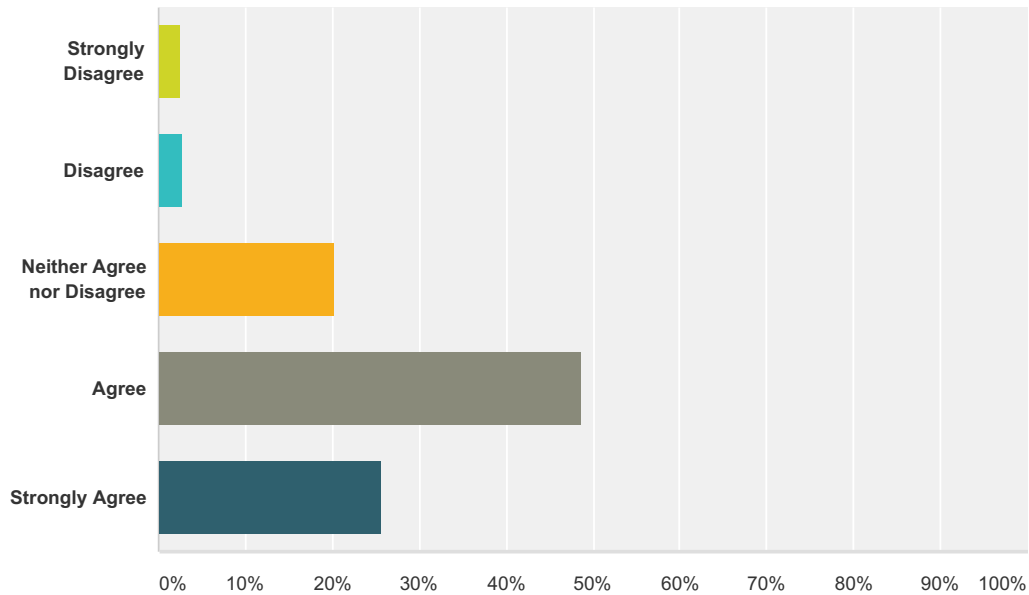


Answer Choices	Responses	
Strongly Disagree	3.49%	15
Disagree	8.60%	37
Neither Agree Nor Disagree	16.51%	71
Agree	47.44%	204
Strongly Agree	23.95%	103
<b>Total</b>		<b>430</b>



**Q15 Please indicate the extent to which you agree or disagree: Our SS/SCT is having a positive impact on school climate.**

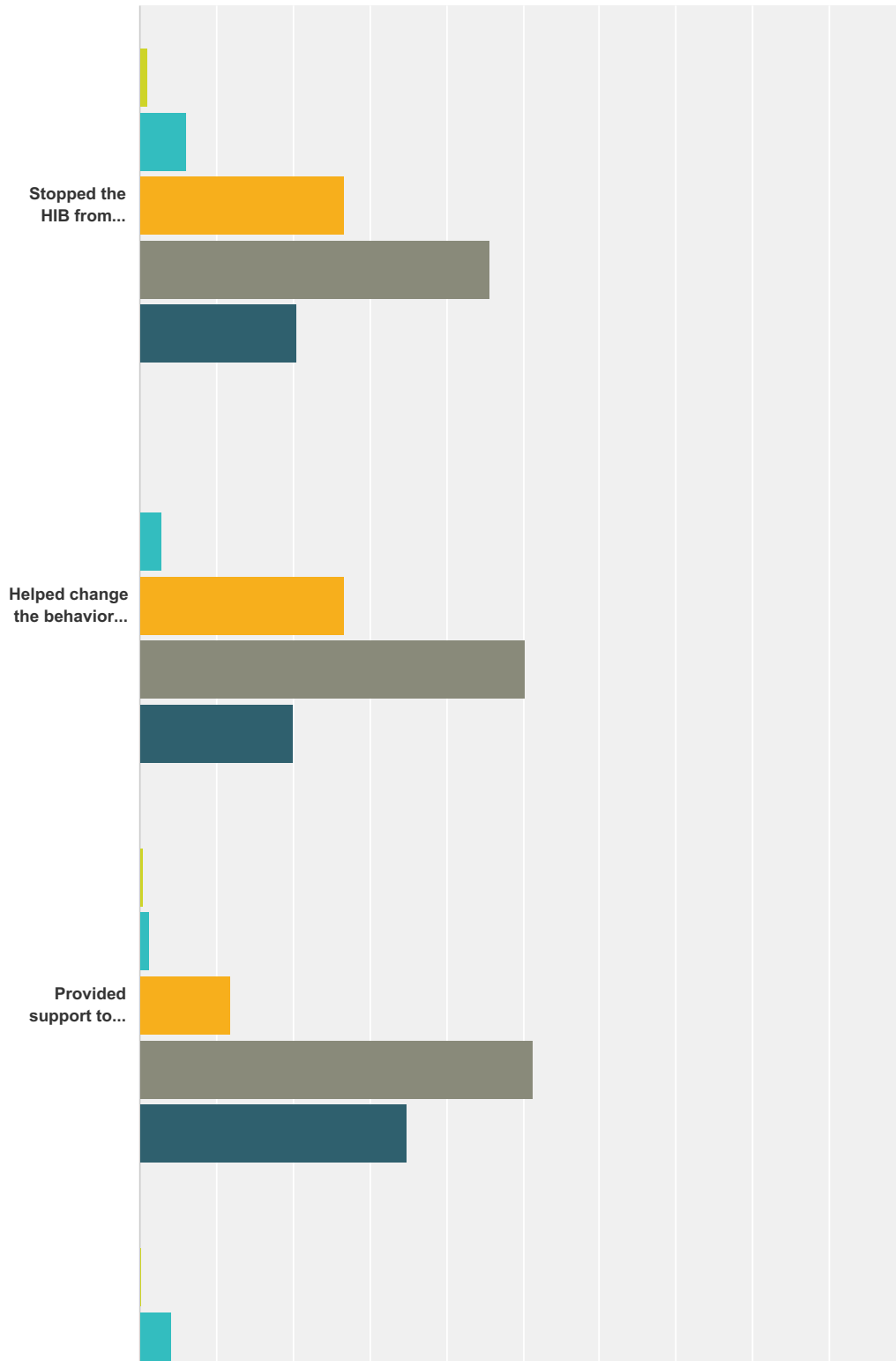
Answered: 429 Skipped: 6



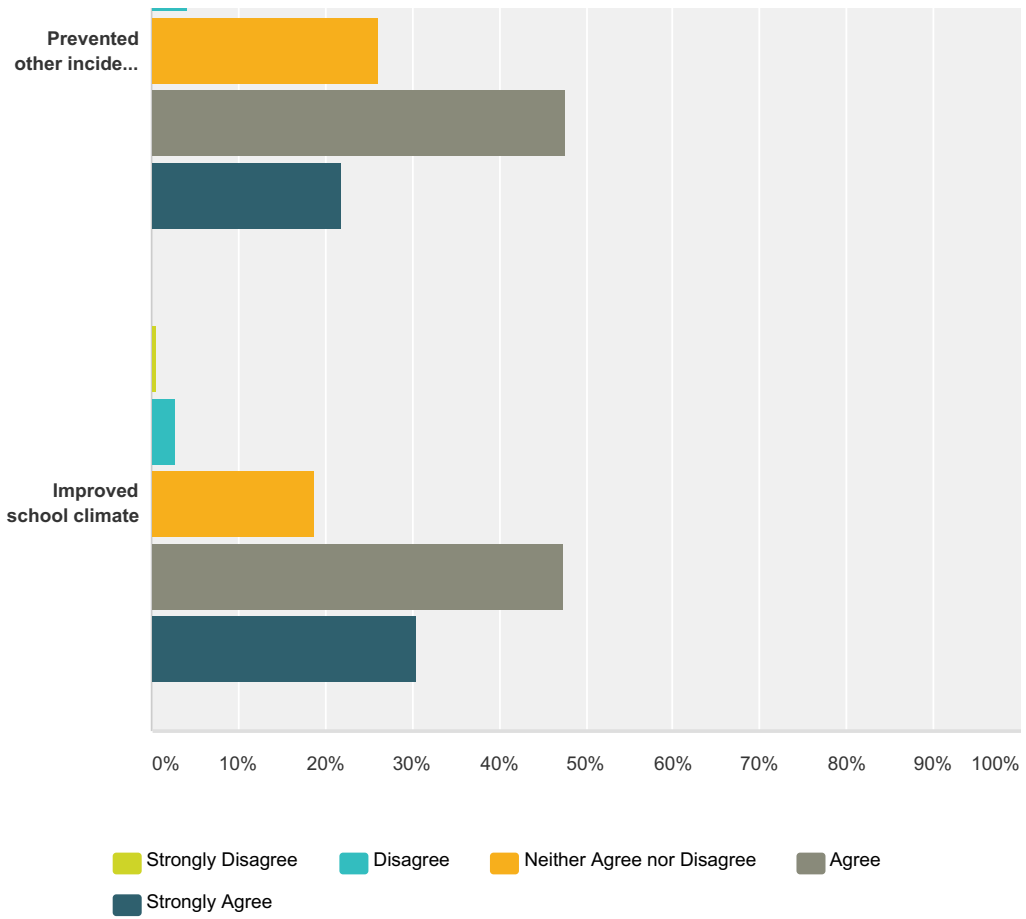
Answer Choices	Responses	
Strongly Disagree	2.56%	11
Disagree	2.80%	12
Neither Agree nor Disagree	20.28%	87
Agree	48.72%	209
Strongly Agree	25.64%	110
<b>Total</b>		<b>429</b>

**Q16 Please indicate the extent to which you agree or disagree: In my school, the range of responses that have been implemented in response to confirmed incidents of HIB has:**

Answered: 415 Skipped: 20



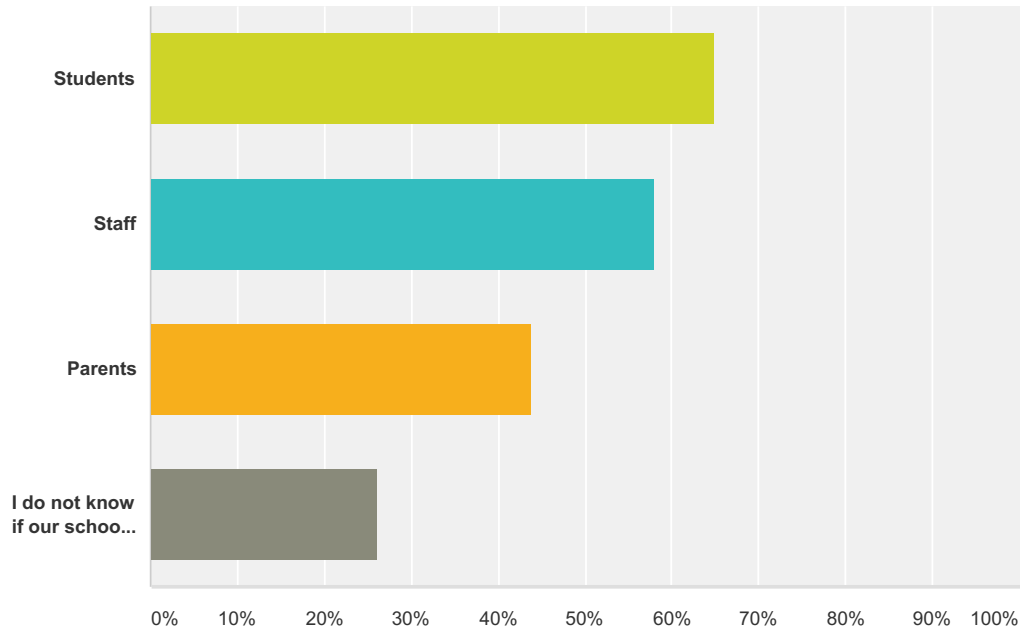
# NJ ABTF SS/SCT Survey 2015



	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Total
Stopped the HIB from continuing	0.97% 4	6.08% 25	26.76% 110	45.74% 188	20.44% 84	411
Helped change the behavior of perpetrators	0.00% 0	2.91% 12	26.63% 110	50.36% 208	20.10% 83	413
Provided support to victims	0.49% 2	1.22% 5	11.98% 49	51.34% 210	34.96% 143	409
Prevented other incidents of HIB from starting	0.24% 1	4.14% 17	26.03% 107	47.69% 196	21.90% 90	411
Improved school climate	0.73% 3	2.68% 11	18.73% 77	47.45% 195	30.41% 125	411

**Q17 Since the implementation of the ABR in September 2011, please indicate if your school has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)**

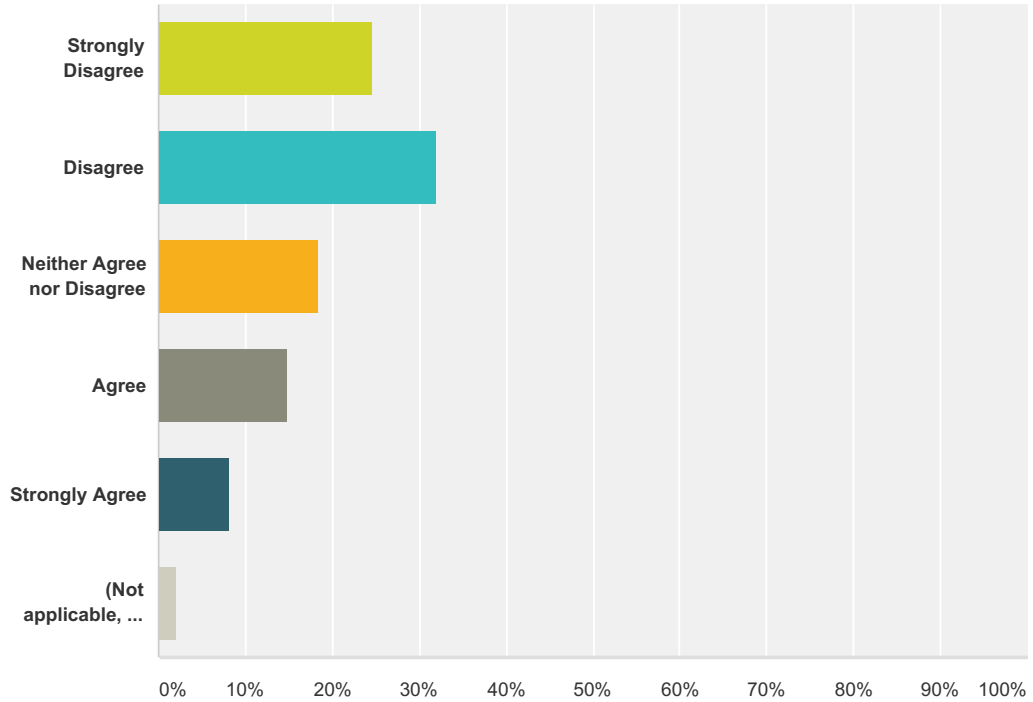
Answered: 417 Skipped: 18



Answer Choices	Responses	
Students	64.99%	271
Staff	58.03%	242
Parents	43.88%	183
I do not know if our school has conducted a survey.	26.14%	109
<b>Total Respondents: 417</b>		

**Q18 Please indicate the extent to which you agree or disagree: I have had to give up other job responsibilities to carry out the role of SS/SCT member in my school.**

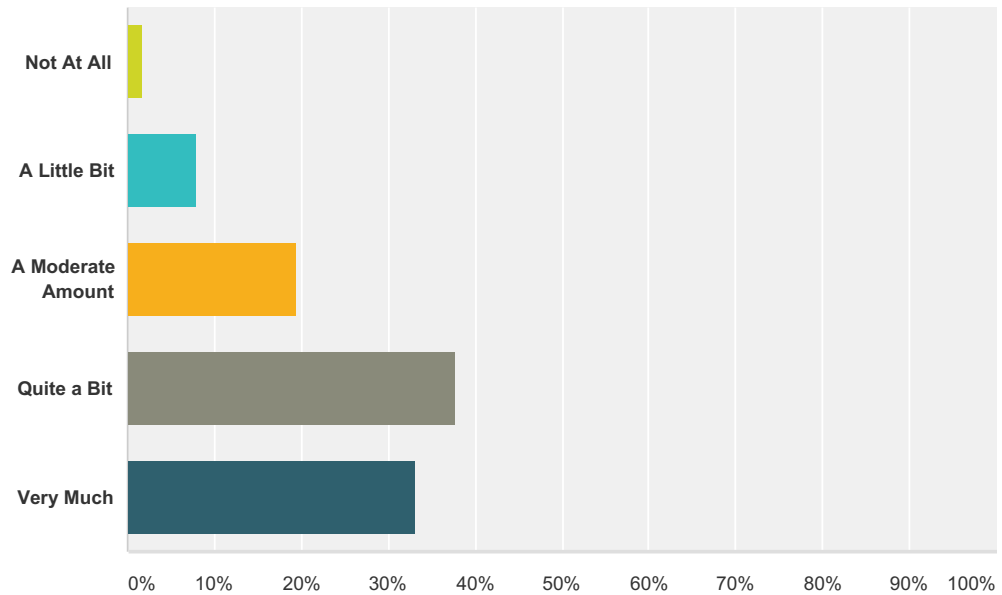
Answered: 428 Skipped: 7



Answer Choices	Responses	
Strongly Disagree	24.53%	105
Disagree	32.01%	137
Neither Agree nor Disagree	18.46%	79
Agree	14.72%	63
Strongly Agree	8.18%	35
(Not applicable, I am the parent member of the SST)	2.10%	9
<b>Total</b>		<b>428</b>

**Q19 To what extent do SS/SCT meetings in your school focus on goals related to building a positive school climate?**

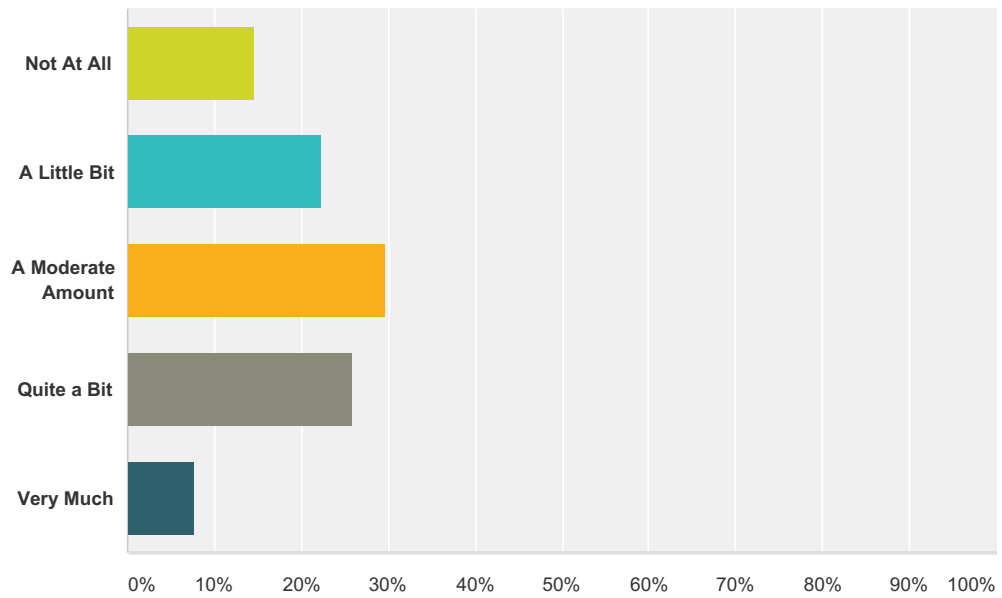
Answered: 428 Skipped: 7



Answer Choices	Responses
Not At All	1.64% 7
A Little Bit	7.94% 34
A Moderate Amount	19.39% 83
Quite a Bit	37.85% 162
Very Much	33.18% 142
<b>Total</b>	<b>428</b>

## Q20 To what extent is input from students included in the work of the SS/SCT?

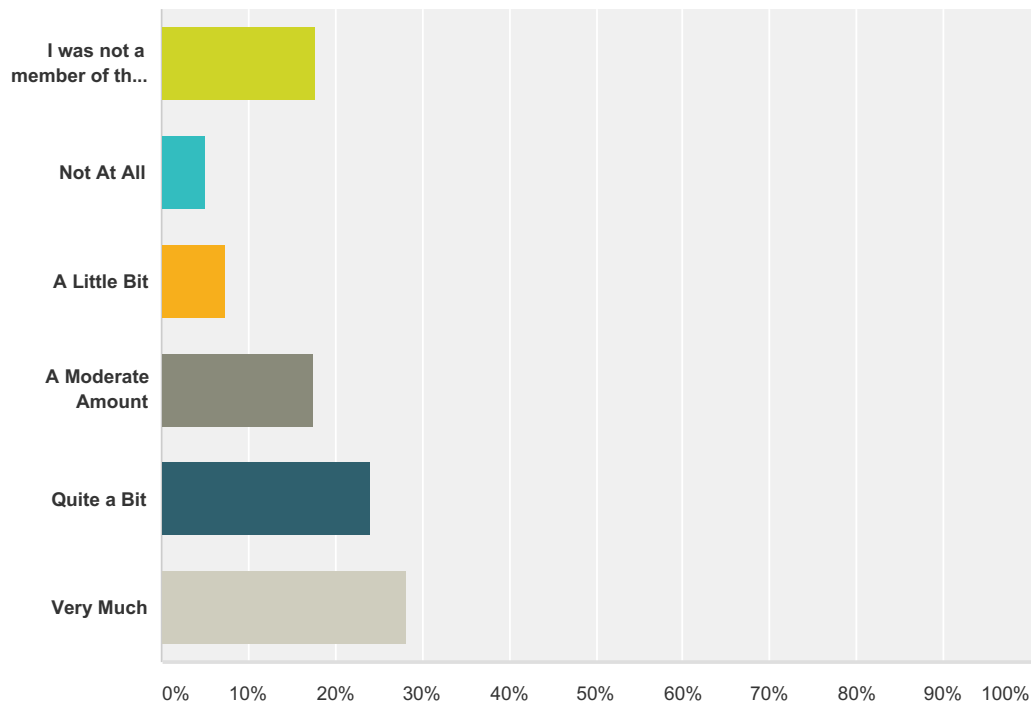
Answered: 418 Skipped: 17



Answer Choices	Responses	
Not At All	14.59%	61
A Little Bit	22.25%	93
A Moderate Amount	29.67%	124
Quite a Bit	25.84%	108
Very Much	7.66%	32
<b>Total</b>		<b>418</b>

**Q21 In your role as a SS/SCT member, please indicate the extent to which you evaluated the implementation of the Anti-Bullying Bill of Rights in your school by supporting the completion of the 2014-2015 "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights Act."**

Answered: 421 Skipped: 14

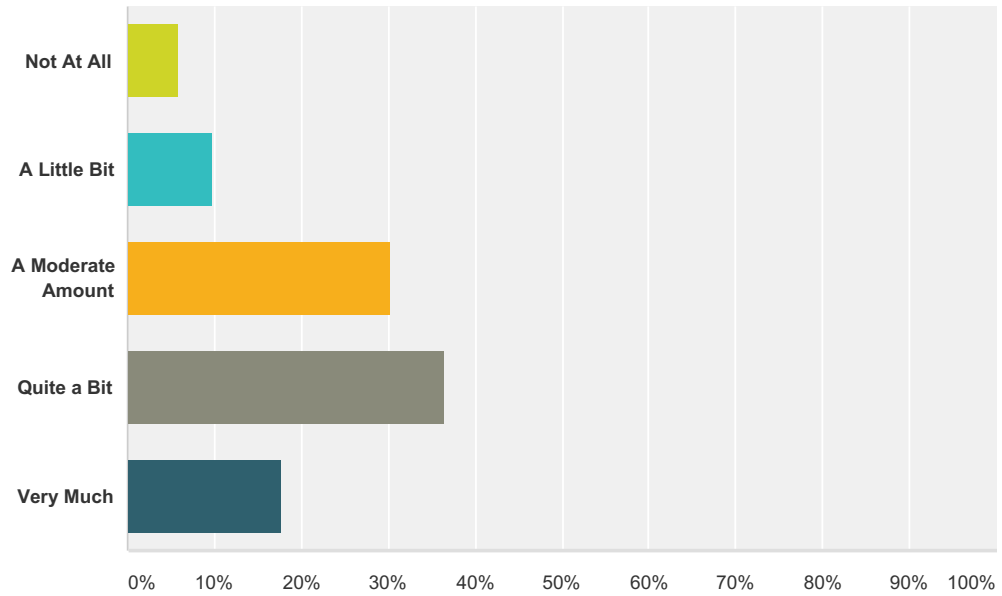


Answer Choices	Responses	
I was not a member of the SST during the 2013-2014 self-assessment process	17.81%	75
Not At All	4.99%	21
A Little Bit	7.36%	31
A Moderate Amount	17.58%	74
Quite a Bit	23.99%	101
Very Much	28.27%	119
<b>Total</b>		<b>421</b>



**Q22 To what extent have the results of the "School Self Assessment" (see previous question) driven the actions of the SS/SCT for this current school year?**

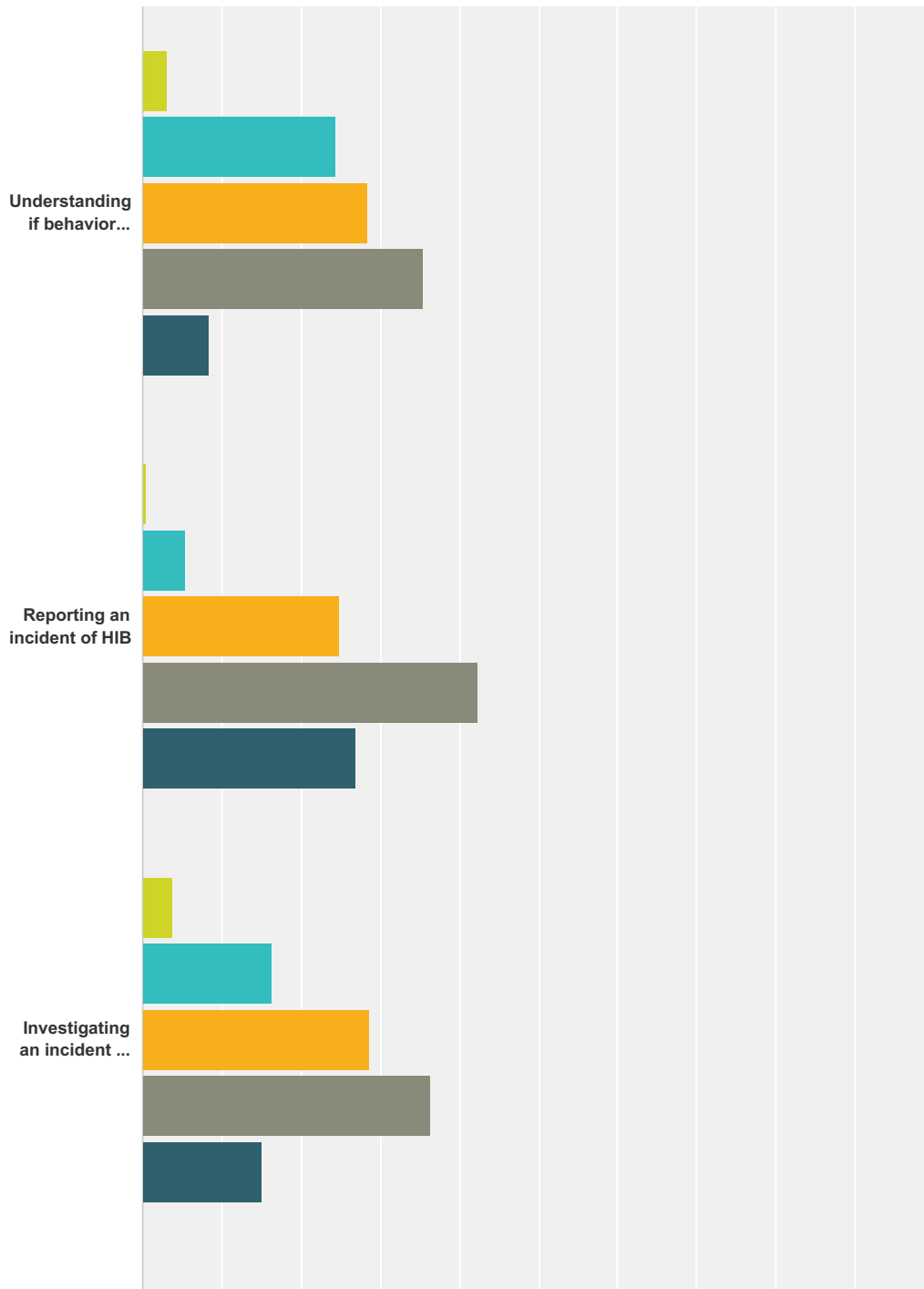
Answered: 400 Skipped: 35



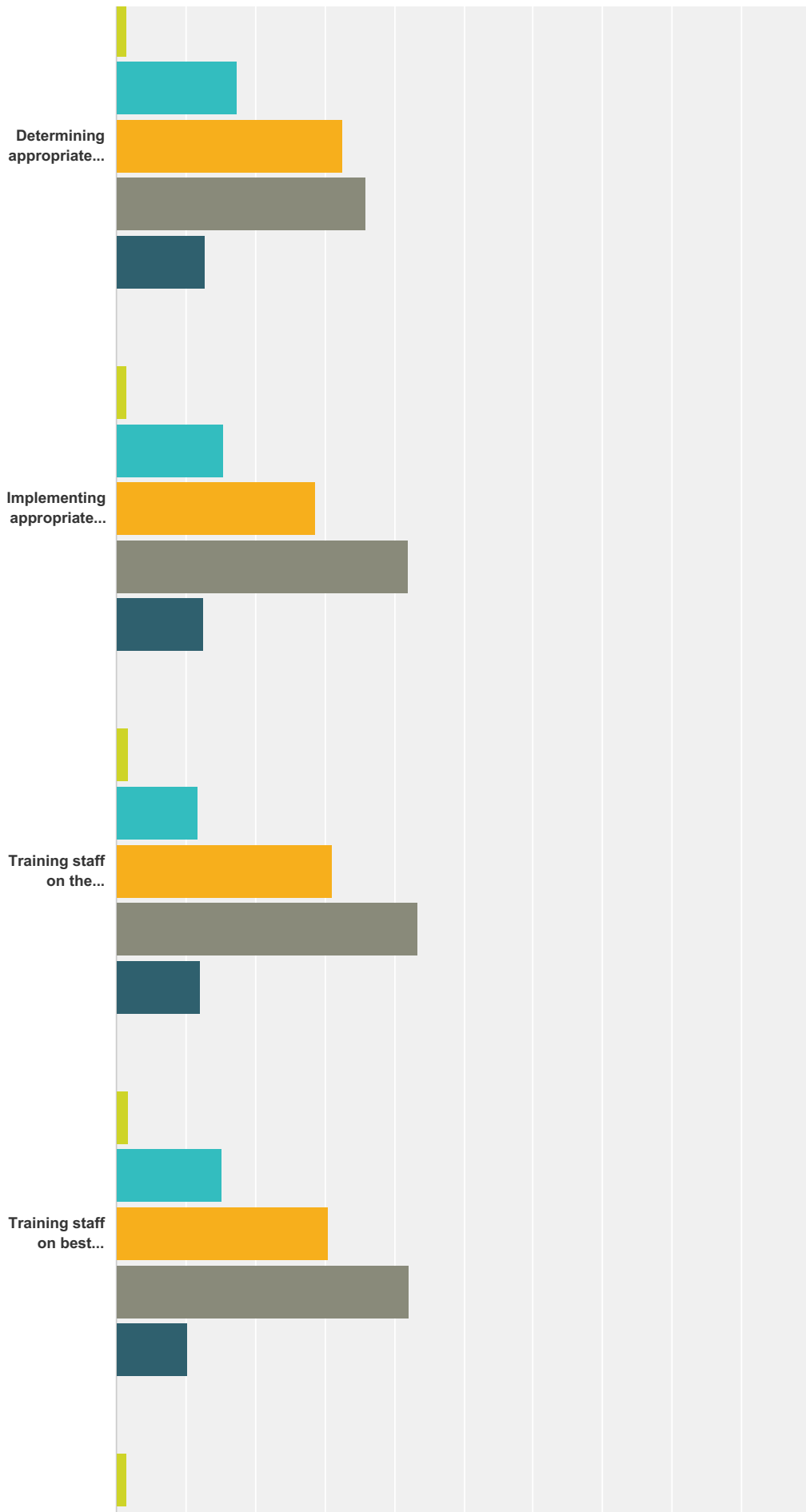
Answer Choices	Responses	
Not At All	5.75%	23
A Little Bit	9.75%	39
A Moderate Amount	30.25%	121
Quite a Bit	36.50%	146
Very Much	17.75%	71
<b>Total</b>		<b>400</b>

**Q23 Please indicate the degree to which it has been easy or challenging for your school to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.**

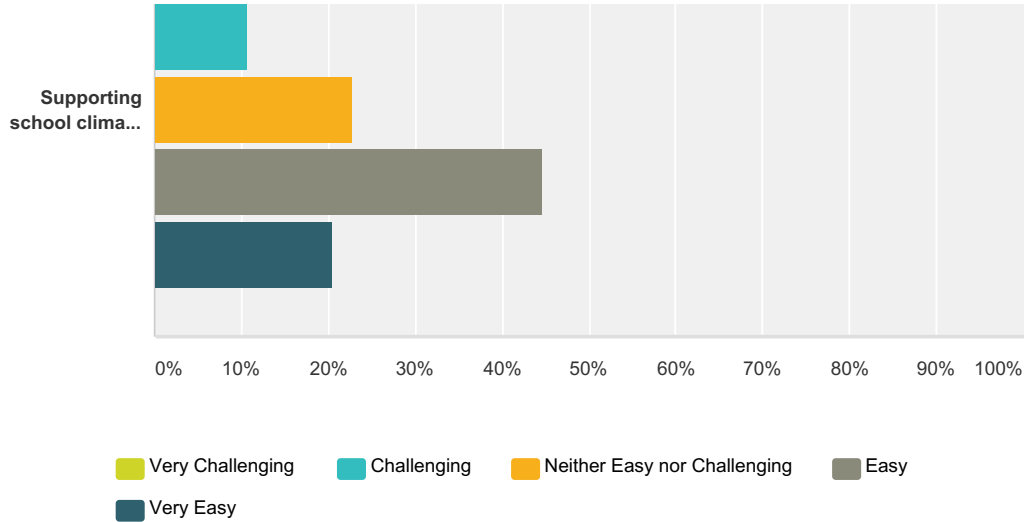
Answered: 411 Skipped: 24



NJ ABTF SS/SCT Survey 2015



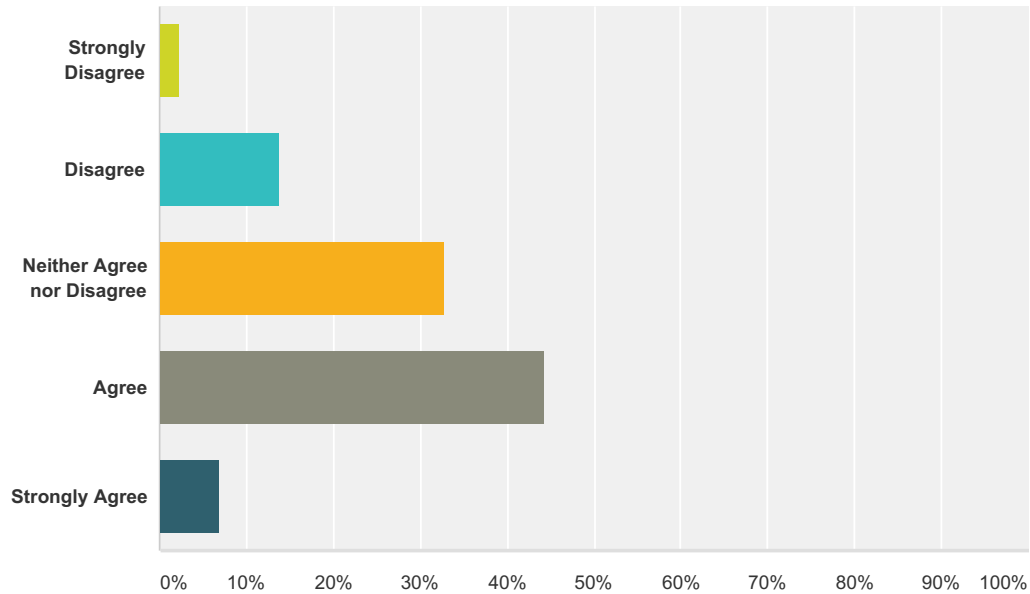
## NJ ABTF SS/SCT Survey 2015



	Very Challenging	Challenging	Neither Easy nor Challenging	Easy	Very Easy	Total
Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB)	3.22% 13	24.50% 99	28.47% 115	35.40% 143	8.42% 34	404
Reporting an incident of HIB	0.49% 2	5.39% 22	24.75% 101	42.40% 173	26.96% 110	408
Investigating an incident of HIB	3.70% 15	16.30% 66	28.64% 116	36.30% 147	15.06% 61	405
Determining appropriate responses to an incident of HIB	1.49% 6	17.41% 70	32.59% 131	35.82% 144	12.69% 51	402
Implementing appropriate responses to an incident of HIB	1.50% 6	15.46% 62	28.68% 115	41.90% 168	12.47% 50	401
Training staff on the Anti-Bullying Bill of Rights	1.72% 7	11.76% 48	31.13% 127	43.38% 177	12.01% 49	408
Training staff on best practices for HIB prevention	1.72% 7	15.23% 62	30.47% 124	42.26% 172	10.32% 42	407
Supporting school climate improvement efforts	1.46% 6	10.73% 44	22.68% 93	44.63% 183	20.49% 84	410

**Q24 Please indicate the extent to which you agree or disagree: In my school, parents understand student rights and district responsibilities under the ABR.**

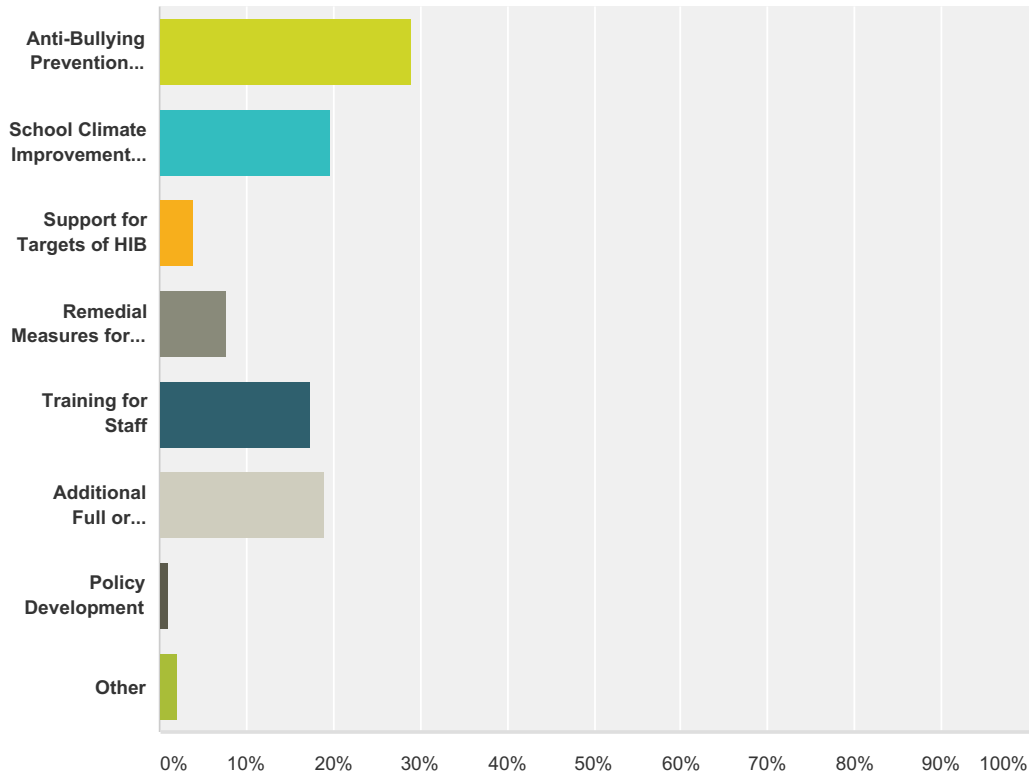
Answered: 424 Skipped: 11



Answer Choices	Responses	
Strongly Disagree	2.36%	10
Disagree	13.68%	58
Neither Agree nor Disagree	32.78%	139
Agree	44.34%	188
Strongly Agree	6.84%	29
<b>Total</b>		<b>424</b>

**Q25 If additional funds were available to implement the ABR, what is the most important area for which your school would need funds?**

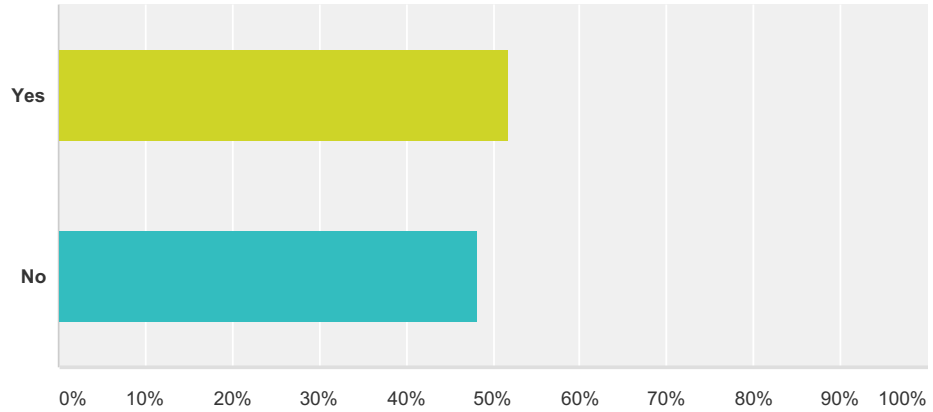
Answered: 419 Skipped: 16



Answer Choices	Responses	
Anti-Bullying Prevention Programs/Approaches/Initiatives	29.12%	122
School Climate Improvement Efforts	19.57%	82
Support for Targets of HIB	4.06%	17
Remedial Measures for Perpetrators of HIB	7.64%	32
Training for Staff	17.42%	73
Additional Full or Part-Time Staff/Staff Time to Address Required Responsibilities under ABR	19.09%	80
Policy Development	0.95%	4
Other	2.15%	9
<b>Total</b>		<b>419</b>

**Q26 Are you familiar with the specific recommendations that the ABTF has made to school districts to date?**

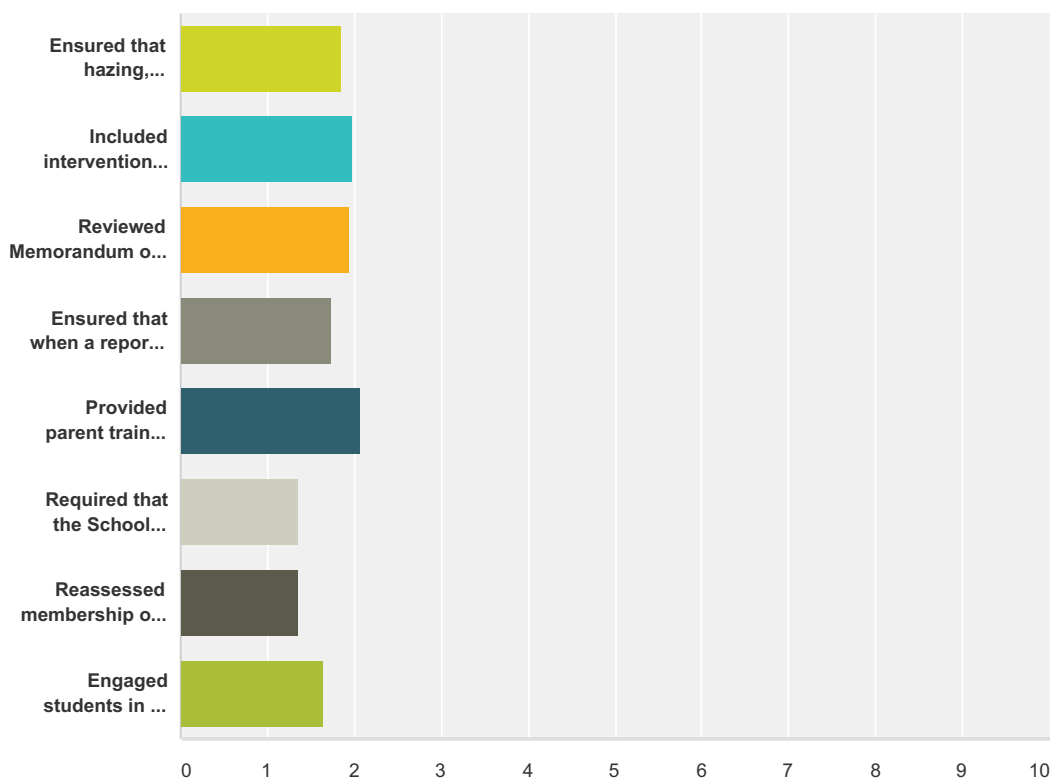
Answered: 418 Skipped: 17



Answer Choices	Responses	
Yes	51.67%	216
No	48.33%	202
<b>Total</b>		<b>418</b>

**Q27 The Anti-Bullying Task Force has made the following recommendations to school districts. Please indicate whether or not your school or district has addressed the following, in the past year:**

Answered: 419 Skipped: 16

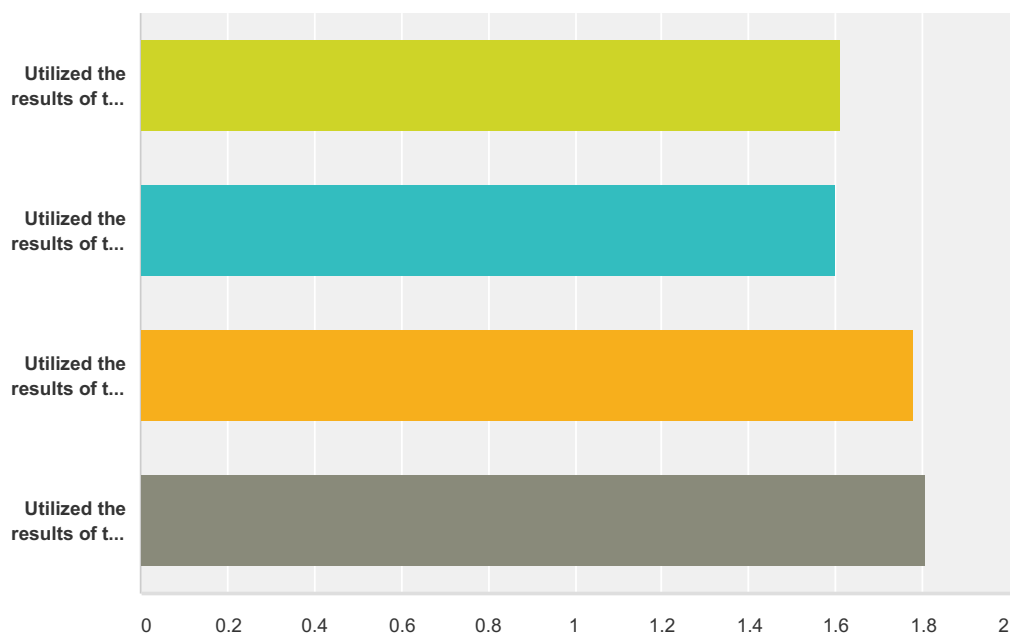


	Yes	No	Not Sure	Total	Weighted Average
Ensured that hazing, including but not limited to athletics, is addressed in the district Code of Student Conduct	54.22% 225	6.99% 29	38.80% 161	415	1.85
Included intervention and prevention strategies related to hazing in required trainings under the ABR	46.97% 194	8.47% 35	44.55% 184	413	1.98
Reviewed Memorandum of Agreement with law enforcement officials to ensure proper collaboration when law enforcement intervention is appropriate for incidents of HIB and hazing	50.60% 210	5.06% 21	44.34% 184	415	1.94
Ensured that when a report of HIB is made that involves an allegation of conduct based on a protected class, that both the Affirmative Action Officer and the ABS are notified	61.15% 255	4.08% 17	34.77% 145	417	1.74
Provided parent training on social-emotional learning skills as well as the procedural issues around reporting and investigating HIB incidents	37.50% 156	19.47% 81	43.03% 179	416	2.06
Required that the School Safety/School Climate Team meet more than twice per year	76.26% 318	12.71% 53	11.03% 46	417	1.35
Reassessed membership of the School Safety/School Climate Team to ensure that it is representative of the school community	80.10% 334	5.28% 22	14.63% 61	417	1.35
Engaged students in the work of the School Safety/School Climate Team	57.55% 240	19.66% 82	22.78% 95	417	1.65



**Q28 The Anti-Bullying Task Force has made the following recommendations to school districts concerning the "School Self-Assessment for Determining Grades under the Anti-Bullying Bill of Rights." Please indicate whether or not your school or district has addressed the following, in the past year:**

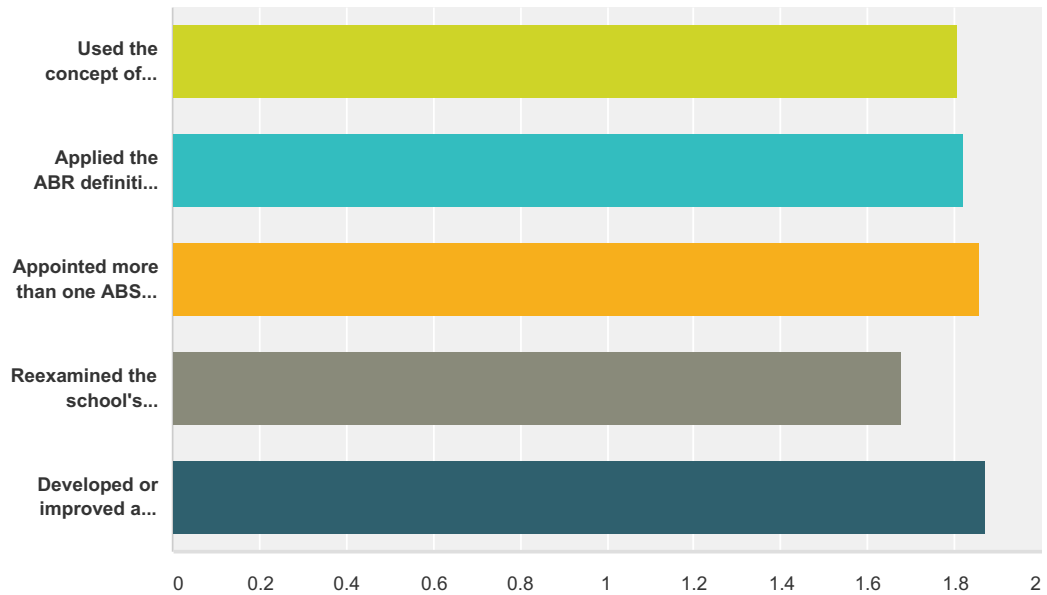
Answered: 409 Skipped: 26



	Yes	No	Not Sure	Total	Weighted Average
Utilized the results of the Self-Assessment by reviewing each indicator rated as "partially meets the requirements" or "does not meet the requirements" and implemented a plan to address those ABR requirements	67.73% 277	3.67% 15	28.61% 117	409	1.61
Utilized the results of the Self-Assessment to develop action plans to strengthen school climate and school policies	67.08% 273	5.41% 22	27.52% 112	407	1.60
Utilized the results of the Self-Assessment to educate parents and the community about HIB prevention, programs, approaches, and other initiatives, as well as the district's HIB policy when presenting the official grade report to the board of ed	56.40% 229	8.87% 36	34.73% 141	406	1.78
Utilized the results of the Self-Assessment to include additional information to explain self-assessment ratings and district/school actions when posting the grade report on district and school webpages	56.40% 229	6.16% 25	37.44% 152	406	1.81

**Q29 Please also indicate whether or not your school has done the following in the past year:**

Answered: 416 Skipped: 19



	Yes	No	Not Sure	Total	Weighted Average
Used the concept of "power imbalance" when determining if a reported incident is an incident of HIB	55.31% 229	8.45% 35	36.23% 150	414	1.81
Applied the ABR definition of HIB to incidents not involving a "protected category" when determining an incident of HIB	56.45% 232	5.11% 21	38.44% 158	411	1.82
Appointed more than one ABS to assist with conducting HIB investigations	42.86% 177	28.57% 118	28.57% 118	413	1.86
Reexamined the school's approach to year-long HIB prevention instruction and incorporated a systemic approach to teaching social and emotional learning skills	62.17% 258	7.95% 33	29.88% 124	415	1.68
Developed or improved a written school climate improvement plan	46.36% 191	20.39% 84	33.25% 137	412	1.87

**Q30 Please provide any additional comments regarding the ABTF recommendations to date.**

Answered: 21   Skipped: 414

**Q31 If you have any additional comments regarding your role as a SS/SCT member or about the ABR, please include them here.**

Answered: 23 Skipped: 412

## Appendix F

### New Jersey Anti-Bullying Task Force Case Law Reviewed



# New Jersey School Boards Association

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## **BULLYING, THE LAW AND YOUR CLIENTS 2015**

**New Jersey Law Center  
One Constitution Square  
New Brunswick, New Jersey  
August 10, 2015**

### ***Anti-Bullying Bill of Rights Act Where Are We Now?***

***Michael F. Kaelber, Esq., Director  
Legal and Labor Relations Services, NJSBA***

### ***New Jersey Anti-Bullying Case Law***

#### HIB Findings

1. J.M.C. o/b/o A.C. v. Board of Education of the Township of East Brunswick, EDU 4144-12, Initial Decision (November 27, 2012), aff'd Commissioner (January 9, 2013)

Board of education's determination that student's conduct constituted an incidence of HIB pursuant to N.J.S.A. 18A:37-14 and the school district's HIB policy and consequence imposed for such action was not arbitrary, capricious or unreasonable. Sixth grade student insulted and demeaned a fellow classmate in gym class by saying that he "danced like a girl" and called him "gay." Comments pertained to student's gender and sexual orientation, were verbal acts motivated by distinguishing characteristics and substantially interfered with the rights of another student. Student was given a three day

detention, consistent with the student's age and the fact that this was a first offense under the code of student conduct.

2. W.C.L. and A.L. o/b/o L.L. v. Board of Education of the Borough of Tenaflly, EDU 3223-12, Initial Decision (November 26, 2012), aff'd Commissioner (January 10, 2013)

Nothing contained in this document should be construed as legal advice. This document is for informational purposes only. Please consult your board attorney for legal advice.

Board of education determination that student's conduct constituted an incidence of HIB pursuant to N.J.S.A. 18A:37-14 and consequence imposed for such action was not arbitrary, capricious or unreasonable. Board's actions were consistent with the letter and spirit of the Anti-Bullying Bill of Rights Act. Fourth grade student embarrassed and offended a classmate by explaining to others in the class that she had dyed her hair because she had head lice. Student was given a learning assignment, reading and discussing a book entitled "Just Kidding" at lunch with anti-bullying specialist. No other discipline was imposed. Parents sought written apology from school personnel, removal of reference from student's records, \$50,000 in compensatory damages for emotional distress and counsel fees; private high school, university admission.

3. Woi Chang Lim and Linwen Mao as Parents and Guardians Ad Litem of L.L. v. Sandra Massaro, Lynn Trager, Board of Education of the Borough of Tenaflly and Christopher Cerf, United States District Court of New Jersey, Filed 12/10/13

Rutherford Institute joins in lawsuit to declare Anti-Bullying Bill of Rights Act unconstitutional stating that the law has a chilling effect on students' rights to free speech protected by the First Amendment. Seek to have the Act declared null and void.

Claims against board of education members, superintendent and anti-bullying specialist settled. "Friendly hearing" scheduled for August 7, 2015 with Tenaflly and the Tenaflly defendants.

4. L.B.T. o/b/o K.T. v. Board of Education of the Freehold Regional School District, EDU 7894-12, Initial Decision (January 2013), aff'd Commissioner (March 7, 2013)

Commissioner determined that board of education acted properly when it found that incidents between two swim team members at swim team competitions, swim team parties and events and online did not constitute HIB as defined by the Anti-Bullying Bill of Rights Act and applicable board policy. Disagreement reflected a dispute between the girls regarding their respective roles on the swim team and was more of a personal vendetta; no acts of HIB as defined in the law occurred. No distinguishing characteristics. "Mutuality". Board responded to all complaints in a timely manner, seriously evaluated the merits of petitioner's concerns and took extraordinary measures to address the disagreement.

5. J. A.H. o/b/o C.H. v. Board of Education of the Township of Pittsgrove, EDU 10826-12, Initial Decision (March 11, 2013), aff'd Commissioner (April 25, 2013)

Board of education found that shoving a crumbled piece of paper down another student's sweatshirt was designed to antagonize the target, disturbing the educational environment. ALJ and Commissioner overturned the board's decision. No distinguishing characteristics found. Part of an ongoing unresolved conflict between the two students. Element of "mutually" involved. Relied on DOE Guidelines document.

6. E.G.M. o/b/o J.M. v. Board of Education of the Township of Mahwah, EDU 2119-13, Initial Decision (April 9, 2013), aff'd Commissioner (May 21, 2013)

Parents' petition of appeal of board of education's determination that school bus incident involving their daughter, a kindergarten student, and other girls, did not constitute HIB, not filed in a timely manner and was time-barred. Parent was notified by letter of board's decision on July 5, 2012, did not file petition until January 8, 2013, well outside the 90-day limitation period.

7. R.G.B. o/b/o E.B. v. Board of Education of the Village of Ridgewood, EDU 14213-12 (May 15, 2013), aff'd Commissioner (June 24, 2013)

Board of education's determination that student's conduct constituted an incidence of HIB pursuant to N.J.S.A. 18A:37-14 and the school's HIB policy and consequence imposed for such action was not arbitrary, capricious or unreasonable. Seventh grade student insulted and demeaned middle school classmate by calling her names including "fat" and/or "fat ass," "house," or "a house" and referred to same student by using the name of another student after the classmate dyed her hair. Comments pertained to student's appearance and body type, were verbal acts motivated by distinguishing characteristics, were hurtful and upsetting and substantially interfered with the rights of another student. Student was given two after-school detentions, consistent with the student's age and the fact that this was his first offense. Actions of school personnel were consistent with the letter and spirit of the law.

8. G.A. o/b/o K.A. v. Board of Education of the Township of Mansfield, EDU 8816-12, Initial Decision ( ), aff'd Commissioner June 24, 2013

Board of education's determination that student's conduct constituted an incidence of HIB pursuant to N.J.S.A. 18A:37-14 and the school district's HIB policy and consequence imposed for such action was not arbitrary, capricious or unreasonable. Sixth grade student was one of several students who called another student on the school bus names, including "faggot", and suggested that the student engaged in sexual aggression. Comments pertained to student's gender and sexual orientation, were verbal acts motivated by distinguishing characteristics, were hurtful and unkind, and substantially interfered with the rights of another student. Student was assigned to lunch and recess detention, consistent with his age and the fact that this was his first offense. School personnel promptly responded to the HIB complaint and handled the process consistent with the law.

9. T.R. and T.R. o/b/o E.R. v. Board of Education of the Bridgewater-Raritan Regional School District, EDU 66-13, Initial Decision (June 6, 2013), rev'd Commissioner (July 22, 2013)

Commissioner rejects ALJ's determination that parents' petition of appeal of board's determination that conduct directed toward their daughter, E.R. by another student, did not constitute HIB, was time barred. Commissioner determined that the triggering event for the 90-day filing deadline arose on August 31, 2012 when parents received the board's letter denying their appeal of the HIB determination. Commissioner rejects ALJ's finding that the 90 day period began to run on August 28, 2012, the date of the meeting where the board voted on the HIB determination. Matter remanded to the OAL for a hearing on the merits.

10. K.T o/b/o K.H. and T.D. v. Board of Education of the Township of Deerfield, EDU 489-13, Initial Decision ( ) rev'd and remanded Commissioner (July 30, 2013)

Commissioner rejects ALJ determination that board of education exercised reasonable managerial discretion and met its burden of proof in determining that kindergarten teacher did not commit an act of HIB. Teacher forced African-American kindergarten student to eat a bagel which had been retrieved from the trash can, albeit still enclosed in plastic, in front of the other students in the class. Fact that independent investigation by Department of Children and Families, Institutional Abuse Investigation Unit (IAIU) found no evidence of neglect or abuse was not dispositive. ALJ failed to apply appropriate standard of review to board's motion for summary decision, applying a "default" standard of review, whereby the unopposed motion for summary decision was automatically granted. Per the comprehensive statutory scheme, completion of an internal HIB investigation is not discretionary. All alleged acts of HIB require an internal investigation. Matter remanded to OAL.

11. R.C.F. and A.L.F. o/b/o S.N.F. v. Board of Education of the Borough of South Plainfield, EDU 8049-12, Initial Decision (August 2, 2013), aff'd Commissioner (September 18, 2013)

Board of education's determination that in-class support teacher's interaction with student did not constitute HIB within the intentment of the Anti-Bullying Bill of Rights Act was neither arbitrary nor capricious. In-class support teacher's handling of possible dress code violation (skirt length) and alleged cheating on a math test and related verbal interactions were nothing more than disciplining a student for violation of school rules and did not constitute HIB. There was no indication that the teacher's actions and subsequent verbal interaction were motivated by a distinguishing characteristic. The school district responded promptly and appropriately to petitioner's HIB complaint.

12. G.T.S., o/b/o S.A.S., EDU 12505-12, Initial Decision (October 16, 2013), aff'd Commissioner (December 2, 2013)

Commissioner grants board's motion for summary dismissal of petition brought by parent; parent sought to reverse the district's determination that his daughter violated its anti-bullying and harassment policy and to expunge her student disciplinary record in connection with the HIB investigation of an incident which occurred in March 2012. Among other allegations, S.A.S.



admitted to having made an insulting comment about agreeing “to bring the watermelon” in front of an African-American student. Commissioner found that there was no disciplinary record in the student’s educational file to expunge. Further, the student is currently attending college, and there is no evidence to suggest that the board conveyed any finding related to the HIB incident to any higher educational institution. The Board’s actions in investigating the March 2012 incident and subsequently requiring the student to participate in sensitivity and awareness training were in compliance with the district HIB policy. A determination of whether the student engaged in the alleged HIB incident is moot, as resolution would not further a remedy.

13. J.M. o/b/o T.M. v. Board of Education of the Town of Tinton Falls, EDU 7871-13, Initial Decision (December 12, 2013) remanded Commissioner (January 23, 2014)

Petitioner sought a finding that head cheerleading coach engaged in acts of harassment, intimidation, bullying and retaliation, and that the coach be relieved of her coaching duties. Board relieved coach from her coaching duties. ALJ concluded that matter was moot as relief sought already had occurred. Commissioner disagreed, finding that matter not mooted by departure of coach from position. Issue of HIB and surrounding facts still in controversy. Matter remanded to OAL for proceedings to determine whether coach’s conduct constituted harassment, bullying or intimidation.

Initial decision on remand (February 23, 2015) aff’d Commissioner (April 2, 2015)

On remand, ALJ determined that no credible evidence existed that board acted in an arbitrary or capricious manner. No evidence that coach’s actions were motivated by any actual or perceived distinguishing characteristic; such as race, religion, gender sexual orientation or mental or physical disability. Board reviewed the matter at a subcommittee meeting, full board affirmed. Matter “appealed” to Monmouth County Department of Education which found that district failed to investigate HIB complaint in a timely manner, but once investigation was begun, all was done in a timely manner. Commissioner concurred with ALJ that board did not act in an arbitrary or capricious manner and that no acts of HIB occurred.

14. G.H. and E.H. o/b/o K.H. v. Board of Education of the Borough of Franklin Lakes, EDU 13204-13 Initial Decision (February 24, 2014) aff’d Commissioner (April 14, 2014)

Board determined that eighth grade student participated in an act of harassment, intimidation and bullying (HIB) when he was among a group of boys who chanted “kool-aid” to tease and taunt an African American classmate in the hallways and locker room. Use of the word “kool-aid” was directed at a fellow student because of his race, thereby insulting and demeaning him. Commissioner concurred with the Administrative Law Judge that the Board’s decision to impose a one-day suspension on K.H. for violating N.J.S.A. 18A:37-14 and the Board’s Harassment, Intimidation and Bullying policy was not arbitrary, capricious or unreasonable. Parent’s argument that K.H.’s action did not constitute HIB because it was a single incident dismissed as it ignored the plain language of the statute.

15. V.E. and L.B. o/b/o P.B. v. Totowa Board of Education, EDS 7823-14. Decision denying Emergent Relief (July 3, 2014)

Special education student was removed from school in connection with an HIB complaint. Parent filed for emergent relief on June 25, 2014, asking that accusations be dismissed and student returned to school. Emergent relief deemed not warranted as relief relates to a disciplinary removal after charges of HIB were substantiated against the student. Any relief regarding the HIB allegations and substantiation is not ripe for adjudication as HIB has an entirely separate appeal process. As to the question as to whether his actions were a manifestation of his disability, petitioner failed to prove irreparable harm. Particularly relevant was the fact that school was no longer in session.

16. M.P. o/b/o K.K. v. Board of Education of the Morris Hills Regional School District, EDS 02805-14 Initial Decision (June 18, 2014) aff'd Commissioner (July 29, 2014)

Petitioner appealed imposition of two-day Saturday detention regarding possession of stolen cell phone found in bathroom. Student's suspension was for violating student code of conduct by not immediately going to the office and turning the cell phone over to school officials. Parent alleged student was a target of HIB based on twitter comments involving the cell phone incident. Investigation took place; school administration determined that incident did not rise to HIB. Incident occurred on October 3, 2013; petition filed January 12, 2014, well beyond the 90 day filing period. Petition dismissed for failure to file in a timely manner.

17. D.J. v. Morris School District Board of Education, EDU 5934-14, Initial Decision (October 6, 2014)

Matter dismissed because relief sought is unavailable, the issues are moot, petitioner is barred by collateral estoppel and res judicata. Petitioner graduated from high school; all events in which she wanted to participate are gone. Matter began as an emergent relief application in May, 2014 where students sought an order reversing discipline imposed related to a January fight with another female student on school grounds. Student was removed from school for the remainder of the school year and was excluded from all extracurricular activities including the prom, graduation ceremonies and project graduation. Emergent relief was denied.

In an amended complaint, student argued that the bulk of her problems at the high school stemmed from the school's mishandling of the HIB policy, claims and investigations. Student sought that certain school administrators, staff and personnel be reassigned and retrained in HIB policies, that her disciplinary record be cleared to reflect that she is not a bully, that the other student be similarly disciplined and that she be compensated for not being able to attend her prom and other graduation activities.

18. Morency v. Bd. of Ed. of the Twp. of Hamilton, EDU 810-14 Initial Decision (September 25, 2014) aff'd Commissioner (October 29, 2014)

Petitioner sought, a declaratory ruling directing the respondent Board to issue a written decision stating that it rejected its superintendent's decision affirming a finding that the petitioner was in violation of the Anti-Bullying Bill of Rights Act (Act), N.J.S.A. 18A:37-13 et seq. Superintendent found that parent violated the Act when she allegedly accused several students of smoking marijuana off-campus during the summer. Petitioner was effectively granted the relief she sought when the Board rejected the superintendent's finding that petitioner had violated the Act, and notified both the petitioner and the parent who had initiated the HIB complaint of its decision, in writing, on September 19 and October 7, 2013, respectively. Commissioner concurred with the ALJ that the matter was appropriately dismissed as moot.

19. T.R. and T.R. o/b/o E.R. v. Board of Education of the Bridgewater-Raritan Regional School District, EDU 66-13, Initial Decision (June 6, 2013) rev'd Commissioner (July 22, 2013) decision on remand (November 10, 2014)

Commissioner concurs with ALJ that Board's determination that E.R. was not the victim of HIB must be overturned as arbitrary, capricious and unreasonable. School's HIB investigation concluded that there had been no bullying and described the alleged incidents as "adolescent sexual curiosity." Commissioner rejects the board's contention that since the term "sexual harassment" is not specifically contained in the Act, acts of sexual harassment cannot form the bases for a finding of HIB. HIB includes sexual harassment when all other elements of the definition have been met. Board directed to comply with all reporting and other statutory and regulatory requirements applicable to incidents of HIB.

Decision on reconsideration (May 6, 2015)

Commissioner grants board's motion for reconsideration because error in mailing prevented board from submitting exceptions. On reconsideration, Commissioner still concurs that board's determination that E.R. was not the victim of HIB must be overturned as arbitrary, capricious and unreasonable. All four elements of the definition of HIB were clearly established. Nothing in the Act supports the board's notion that "sexual harassment" could not form the basis for a finding of HIB because the term is not contained in the Act. Board directed to comply with all reporting and other statutory and regulatory requirement applicable to incidents of HIB.

20. D.M. o/b/o K.B. v. Board of Education of the Township of West Milford, EDU 4873-14 Initial Decision ( ) rev'd and remanded Commissioner (November 24, 2014)

Commissioner rejects ALJ determination granting board's motion for summary judgment. Parent alleged that fifth grade daughter was the victim of bullying in October 2013 and January 2014, to the point that daughter was unable to continue to attend the school. Parent alleged that board failed to investigate the incident. Board denied that the student was subjected to bullying and that neither the parent nor daughter filed an HIB report.

ALJ failed to apply the appropriate standard of review to the board's motion for summary decision, applying a "default" standard of review, whereby the unopposed motion for summary decision was automatically granted. Per the comprehensive statutory scheme, completion of an internal HIB investigation by the school anti-bullying specialist is not discretionary, it is mandated. All alleged acts of HIB require an internal investigation whether or not the petitioner filled out the district's HIB form. The fact that the matter was settled by peer mediation does not eliminate the investigation requirement; nor does the fact that the parent withdrew the student from school.

Commissioner directed the board to conduct the required HIB investigation and issue a report in compliance with the Act. Determinations regarding petitioner's other requests must await completion of the report.

21. C.C. o/b/o S.C. v. Board of Education of the Township of Jefferson, EDU 10872-14  
Initial Decision (April 6, 2015) aff'd Commissioner (May 12, 2015)

ALJ determined that S.C.'s actions constituted HIB, as defined by law. S.C. engaged in verbal acts that were reasonably perceived to be motivated by distinguishing characteristics of height, intelligence, and sports proficiency. They were made in front of other students and made G.C. feel bad, sad, scared and insulted, creating a hostile educational environment that interfered with G.C.'s education. Cruel words will not be tolerated in a school environment. Comments included "short, loser, dumb, no good in basketball, will not make it to the NBA, will drop out of high school, will not get into college and will become a drug dealer. Student was given one-half day of in-school suspension and a denial of three days recess.

C.C. filed a complaint with the Morris County Office of the Department of Education. The Executive County Superintendent issued a Complaint Investigation Report, determining that the board approved HIB policy contained all required components, the board implemented the HIB policies and procedures, under the HIB policy and code of student conduct, suspension was within the range of responses allowed. While board's suspension proceeding policy was not fully implemented, it was not fatal to the process. Commissioner agreed that board's decision was not arbitrary, capricious or unreasonable.

22. M.S. o/b/o A.S. v. Board of Education of the Township of Cranbury, EDU 2571-15  
Initial Decision ( ) aff'd Commissioner (June 19, 2015)

Board determined that student engaged in behavior that fell under the school district's HIB policy. Petitioner was advised that she could request a hearing before the board, requested same, and had a hearing on September 30, 2014 where the board affirmed the Superintendent's determination that the student had committed acts of HIB. Board's written decision was received by parent and student October 14, 2014. Petitioner submitted an incomplete appeal form on December 30, 2014 and was advised that if the incomplete petition were corrected in a timely manner, the December 30 filing date would be allowed. Perfected petition was not filed until January 30, 2015. ALJ determined that appeal was not filed within the 90 day time limit. Petition was dismissed. Commissioner agreed.

23. Edward Sadloch, Charles Manzo, Brian Gogertz, Michael Weber and David Sinisi v. Board of Education of the Township of Cedar Grove, EDU 00619-14 Initial Decision (March 26, 2015) aff'd Commissioner (June 23, 2015)

Football coaches challenged a determination by the board of education that they engaged in conduct that constituted HIB. Behaviors included extra conditioning, covering a player's jersey with question marks, criticizing his hair, referring to student athletes in a negative demeaning way. ABS investigated and determined that Weber's actions covering the jersey with question marks constituted HIB: Superintendent advised the board, which determined that both Weber and Gogerty violated Board's HIB policy. Board failed to put the rationale for its decision in writing. No written decision by the board presented; only board minutes which revealed no determination relative to HIB. Coaches received suspension ranging from the duration of the football season, to one or two games. None of the disciplinary letters mentioned HIB.

Coaches Sadlock, Sinisi and Manzo entitled to relief sought as no finding by the board or school district administration that they committed an act of HIB. Any documents that suggest such are to be expunged from their personnel files. Coaches Gogerty and Weber are also entitled to dismissal of the HIB charges against them because of the violations of the board in its investigatory and due process obligation. Requirement of written information to parents and guardians of students must be held to extend to staff members and volunteers who are implicated in a bullying investigation. Gogerty and Weber never afforded an opportunity to appear before the board, never provided a written summary of the investigation of the charges, never given a written decision from the board explaining the rationale. Any reference to HIB should be expunged from the volunteer files of Weber and Gogerty.

#### Special Education

24. L.T. and L.T. o/b/o K.T. v. Neptune Township Bd. of Ed., EDS 11709-11 (March 1, 2012)

Student found eligible for special education and related services. Board of education ordered to develop an IEP for fourteen year old eighth grader that provides FAPE through a program individualized to the student's unique needs and designed to give her meaningful educational benefit. Student was sexually molested at school during her sixth grade year and was bullied, harassed and indirectly threatened during her seventh grade year. Student has PTSD and depressive disorder as well as fear and anxiety associated with school problems.

25. B.V. o/b/o D.V. v. Pennsauken Board of Education, EDS 7217-12 (June 5, 2012)

Emergent relief for home instruction granted for fifth grade student who is eligible for special education and related services. Decision on the merits as to specialized program for autistic students, including placement at the YALE school, denied. Student alleged various incidents of bullying. School district investigation concluded no evidence of HIB

relative to any of the incidents. Student associated the school with trauma, felt threatened and was afraid to go back; regardless of whether the bullying was real or perceived, student believed it occurred.

26. F.F. and L.F. o/b/o N.F. v. Matawan-Aberdeen Board of Education and Matawan-Aberdeen Board of Education v. F.F. and L.F. o/b/o N.F., EDS 2287-12 (July 26, 2012) EDS 3765-12 (July 26, 2012) (Consolidated)

Student's program and placement, proposed by the Board through the current IEP, were reasonably calculated to provide student with a meaningful educational benefit in the least restrictive environment, providing FAPE. Parent's request for home instruction through online courses denied. Eleventh grade student who suffered from situational and anxiety had been on home instruction since the eighth grade due to anxiety associated with a fear of bullying. Student had been bullied in the middle school and experienced bullying and harassment incidents near the end of her ninth grade year. The current school environment, includes a new superintendent, deputy superintendent, and special education director, and implementation of the district's new comprehensive HIB policy under the Anti-Bullying Bill of Rights Act. The current school environment under the protection of the Anti-Bullying Bill of Rights Act and the district's HIB policy would provide FAPE in the least restrictive environment.

27. C.P. o/b/o D.V. v. Fair Lawn Board of Education, EDS 11788-11 (August 21, 2012)

Student's IEP, proposed by the district, was reasonably designed to confer a meaningful educational benefit and provide FAPE in the least-restrictive environment. Parent's request for tuition and expenses for unilaterally placed private school setting and continued placement at school district expense denied. Bullying alleged, not proven. Parent complained that student was being bullied in the middle school environment. Student would not identify alleged bullies for fear of retaliation. Investigation by principal and teachers did not identify any incidents of bullying. Student did not appear to be victimized in any way by teasing or bullying and appeared to have a good relationship with fellow students.

28. L.H. and M.H. o/b/o J.H. v. Deerfield Township Board of Education, EDS 9879-11 (October 12, 2012)

Student's IEP was appropriate and provided FAPE. In-district program provided an appropriate program and placement and enabled student to achieve meaningful educational progress. District is encouraged to consider appropriate modifications to student's goals and objectives. Parent's request for out-of-district program and placement denied. Allegations that student was bullied in school turned out to be the reverse. Student was more of an instigator, or at a minimum, a teaser, in the single reported incident. No evidence to suggest that behavior had been repetitive.

29. C.P. v. Fair Lawn Bd. of Ed., Civil Action No. 12-cv-05694 (SDW) (MCA) (D.N.J. May 1, 2014) (not for publication).

Court affirms ruling that parent is not entitled to reimbursement for the monies she expended paying for child with Attention Deficit Hyperactivity Disorder and language-based learning disabilities, to attend private school after she unilaterally removed him from public schools due to her concerns that lack of progress and bullying were not adequately addressed by the District. ALJ determined that it was "clear from the record developed at hearing that the child made 'more than trivial' progress, albeit slowly, and that accordingly, the program delivered FAPE, and was reasonably calculated to continue to do so. Court must accept the ALJ's credibility findings unless extrinsic evidence requires otherwise. Court affirms the ALJ's decision and denies Plaintiff's Summary Judgment Motion and also denies Plaintiff's Motion to Supplement the Record.

30. V.E. & L.B. o/b/o P.B. v. Totowa Board of Education, OAL Dkt. No. EDS 7823-14, Agency Ref. No. 2014-21292 (July 3, 2014)

Petitioner, parent of a sixth grader, filed a petition for emergent relief in reference to a disciplinary removal after charges of HIB were substantiated against the student and a decision was made that his actions were not a manifestation of his disability. The ALJ concluded that emergent relief was not warranted because there is an entirely separate appeal process that must be followed in HIB cases.

31. M.K. o/b/o J.P. v. Hawthorne Board of Education, EDS 18538-13 (July 30, 2014)

Parent's request for out-of-district placement at Sage Day School and challenge to student's IEP dismissed. Board of education offered FAPE even when student refused to attend school. No evidence that student was denied a meaningful education benefit. Numerous incidents of bullying alleged; none confirmed. When school district investigated the incidents, student either denied that the incident occurred, acknowledged that none of the criteria for HIB were met, or failed to complete the required forms. Parent's procedural claim was without merit as it ignored the fact that student unilaterally elected to stay out of school.

#### Tenure Cases

32. In the Matter of the Tenure Hearing of Steven E. Roth, EDS 15145-115, Initial Decision (May 11, 2012), aff'd Commissioner June 25, 2012, aff'd App. Div. Dkt. No. A-5742-11T2 (July 1, 2013)

Special Education teacher disparaged, confronted and intimidated special education student in geometry classroom setting. Remarks included that no one in the public would care that the student was "special" and chastised the student for objecting to the use of the term. Teacher referred to the Special Services School District name and the fact that the student would never make it back to "regular ed." Teacher's actions were surreptitiously recorded on a cell phone; resulting video was used in evidence. ALJ found that teacher's conduct violated school district's HIB policy and constituted unbecoming conduct. Given teacher's successful teaching history, his honest concern for student and severe remorse, ALJ recommended 120 days forfeiture of pay, suspension without pay for the rest of the 2011-2012 school year, withholding of salary increment for the 2012-2013 and

2013-2014 school years, completion of anger management training at teacher's expense and written apologies to student, his parents and all other student present. Commissioner of Education found that penalty of dismissal was warranted; use of intimidation, ridicule and disparagement has no place in the school environment.

33. In re Tenure Hearing of Cory Forman, Dkt. No. A-0317-12T2 (July 12, 2013), affirming EDU 10976-11, Initial Decision (April 12, 2012) modified as to penalty, Commissioner (August 9, 2012)

Appellate Division upholds determination by Commissioner that dismissal of teacher who had engaged in unbecoming conduct was too harsh a penalty given the circumstances, despite ALJ's recommended penalty of dismissal; court applied deferential standard, and penalty does not shock sense of fairness. Loss of respondent's increment for one year, along with the 120 days salary withheld. Special education and physical education teacher gave student "light slap," and joked about giving student "100s" for the rest of the year, and tolerated student provocation and horseplay. Proven conduct does not establish respondent's unfitness to discharge the duties of his position, nor was respondent's behavior "premeditated, cruel or vicious, or done with the intent to punish" as per In re Fulcomer-1967 appellate division case. ALJ had determined that "given the current precedent and the ongoing efforts through the anti-bullying laws to change how students conduct themselves. In relation to each other, that the loss of tenure was appropriate. Commissioner disagreed, stating that while the anti-bullying legislation was important, the Fulcomer analysis was still the basis for removal and was not satisfied in this case.

34. In the Matter of the Tenure Hearing of Jose DaCosta, April 1, 2013 (#124-13) Arbitrator Decision

Teacher found guilty as charged of conduct unbecoming – dismissed from employment. Eight of ten charges involved allegations of HIB against students and violation of school district's HIB policies. Charges deemed proven by the arbitrator although no specific discussion of HIB.

35. In the Matter of the Tenure Hearing of Alan Carr, EDS 10917-12, Initial Decision (April 5, 2013) modified as to penalty, Commissioner (May 15, 2013)

Tenured teacher, Supervisor of Health and Physical Education and Athletic Director recommended by ALJ to be terminated from his status as tenured employee. School district alleged that employee engaged in conduct unbecoming in an incident involving the placing of a bag of dog feces on the automobile of his former wife, a school district employee and violated the school district's HIB policies. Matter not within the contemplation of the school district's HIB policy or HIB statute. Commissioner concerned with ALJ finding of conduct unbecoming of a teacher, but found recommended penalty of dismissal to be unduly harsh, given all circumstances. Commissioner ordered forfeiture of 120 days pay, an additional suspension for six months without pay and forfeiture of one future salary increment.



36. In the Matter of the Tenure Hearing of King, July 22, 2013 (#276-13) Arbitrator Decision (Brent, arbitrator)

Arbitrator dismisses tenure charges; although teacher was culpable for serious shortcomings in his teaching, they were not for racism or purposeful humiliation of students. Teacher told student her “people came a long way out of busting out of those chains: and made political comments about same-sex marriage and Latino and single parent households. Teacher claimed incidents were to bolster the students’ self-esteem, not harm them. Arbitrator held that board’s finding that he committed HIB was invalid since HIB applies to student-student interaction, not faculty – student interactions. The inapplicability of HIB standards for remarks by teachers to students, absence of persuasive evidence that teacher intended to intimidate or humiliate students and the insufficient nexus between the remarks that precipitated a prior increment withholding and the incidents considered, mandate/dismissal of the charges. Teacher ordered returned to his position – reinstatement to be without back pay as period of suspension deemed to be unpaid. Tenure Hearing of King, Freehold, Arb 2013: July 22, (Brent, arbitrator)

37. In the Matter of the Tenure Hearing of Maren Sugarman, September 17, 2013 (#331-13) Arbitration Decision (Klein, arbitrator)

Teacher found guilty as charged of conduct unbecoming when she slapped a student across the face, inflicting corporal punishment in violation of N.J.S.A. 18A:6-1. This incident embarrassed and humiliated the student leading to the need of the student to switch schools. Teacher argued extenuating personal circumstances including lack of sleep, attempted suicide by her 15 year old daughter and PTSD from her experiences being bullied as a child.

38. In the Matter of the Tenure Hearing of Brigitte Geiger and In the Matter of the Tenure Hearing of Sharon Jones, EDU 5974-12 and EDU 6047-12, Initial Decision (July 8, 2013) aff’d Commissioner (October 7, 2013)

Commissioner concluded that tenure charges of unbecoming conduct against two tenured physical education teachers were substantiated and teachers must be removed from their tenured employment. Teachers exhibited a lack of professional judgment when they participated in a racially derogatory verbal exchange in reference to a group of African American students. The exchange took place in the girls’ locker room, during school hours, and was witnessed by several students. The teachers’ remarks fell well below the acceptable standard of conduct for an educational institution and created ongoing concern about the negative impacts on the school environment. Teachers unsuccessfully argued that board’s violation of the investigatory procedures required by its own Harassment, Intimidation and Bullying (HIB) policy violated their rights to due process and resulted in the absence of scrutiny of the students’ allegations impeded their ability to cross-examine and impeach witnesses because reports were not generated, statements not memorialized and witnesses never sequestered, prejudicing their cases.

39. Morrow v. Blackhawk School District, 719 F.3d 160 (3<sup>rd</sup> Cir. 2013) June 5, 2013

Court of Appeals determined, en banc, that school did not have a “special relationship” with students that would give rise to a constitutional duty to protect them from harm from fellow students. Injuries were not the result of any affirmative action by the school district; school district was not liable under the “state-created danger” doctrine. Students had been subjected to a series of threats and physical assaults by a fellow student. School officials advised the parents that they could not guarantee their children’s safety and advised the parents to consider another school for their children. Allegations did not establish the special relationship or the state created danger that must exist before a constitutional duty to protect arises under the Fourteenth Amendment of the U.S. Constitution.

40. Monn v. Gettysburg Area Sch. Dist., No. 13-2730, (3<sup>rd</sup> Cir. January 21, 2014)

Court of Appeals affirms District Court dismissal of plaintiffs’ claims. Parents of allegedly bullied middle school students claimed that school district officials, after being notified of the bullying, did not act to prevent the bullying of the students. The appellants asserted claims under 42 U.S.C. § 1983 for violations of the First, Fourth, and Fourteenth Amendments. The District Court dismissed all of these claims. No affirmative retaliatory actions by the school district alleged or proven. No special relationship existed between plaintiffs and the state nor was any state created danger existed in this case. The bullying of the children by other students did not give rise to a procedural due process claim; no constitutional duty to protect children from bullying by other children.

Federal District Court – New Jersey

41. Thomas G/A/L K.T. v. East Orange Board of Education, Civ. No. 2:12-01446 (D.N.J. February 6, 2014)

Plaintiffs brought various state and federal statutory constitutional and common law claims against board of education and superintendent based on defendant’s alleged failure to prevent students from bullying K.T. Numerous HIB complaints filed regarding teasing about K.T.’s mother’s weight and aunt’s disability, profanity directed against K.T., threats of physical violence, etc. None were substantiated after investigation by anti-bullying specialist. NJLAD claim dismissed – no evidence that K.T. was bullied based on gender, no protected status based on Southern-American heritage. No constitutional rights shown to be violated. No fundamental right to a public education under the United States Constitution. No “discriminatory enforcement” of the Anti Bullying Bill of Rights Act. No state created danger, no negligent infliction of emotional distress. Anti Bullying Bill of Rights Act does not create or alter tort liability; cannot be a basis for a claim of negligent infliction of emotional distress.

42. Omari George, a minor, Daryl George and Brenda George v. Board of Education of the Township of Millburn, Richard Bindow, William Miron and Michelle Piths, 34 F. Supp. 3d 442 (D.N.J. 2014) (July 23, 2014)

Defendants motion for summary judgment on all claims granted in part, denied in part. A jury could find, that the board knew or should have known of the racist bullying experienced by the student. Vice principal could be found to have actual or constructive knowledge of the harassment based on student filed reports. Jury could find that school's response to harassment was not reasonable. No constitutional right that protects students from being bullied because they are freshman or sophomores. No evidence that board approved a practice, policy or custom allowing Millburn High School administrators to turn a blind eye on student to student racial harassment. Vice principal could be liable in her personal and official capacity by failing to adequately address student's race-based harassment complaint.

New Jersey Superior Court

43. Hassan H. Salah M.D. v. H. Victor Gilson Ed.D., and City of Bridgeton Board of Education, Dkt. No. A-3617-11T2, April 19, 2013

Appellate Division affirms Law Division summary judgment dismissing plaintiff's complaint alleging that defendants violated his due process rights and free speech rights under the New Jersey Constitution and that superintendent of schools libeled, slandered and defamed him. Doctor gave mother a note on a prescription pad to give to school personnel that said, "Under my care, patient has physical, medical evidence of being abused/bullied in school. I urge the school and board of education to take their responsibility to make the child safe in school environment." Superintendent responded to the letter suggesting that the accusation was offensive and irresponsible and outlining what steps the school district had taken to date. Several additional exchanges followed, leading to the litigation. Failure to file a notice of tort claim and a threatening letter did not constitute "substantial compliance" with the TCA. The record did not demonstrate any procedural deprivation of protected rights. A reasonable and properly constructed trier of fact could not conclude that plaintiff was challenged in his excess of free speech.

44. V.B. v. Flemington-Raritan Regional Board of Education and Hunterdon Central Regional Board of Education; Hunterdon Central and Flemington-Raritan Regional v. C.W., J.A., and K.I., Docket No. HNT-L-95-13 Law Division, Somerset County (Ciccione J.S.C.) March 12, 2014

Superior Court judge allows two school districts to pursue claims against alleged bullies and their parents under the Joint Tortfeasor Contribution Law; if the districts were found to be responsible for damages under the Anti-Bullying Bill of Rights Act and the Law Against Discrimination, the parents could be required to contribute to the damages award. A school board that is sued under the Act for potentially negligent conduct can raise a negligence claim for contribution against parents who are not part of the original suit. A final determination of liability will depend on the totality of the circumstances, including whether the parents knew of the bullying and if so whether their responses fell within the parameters of protected parent decision-making. Parents of alleged bullies' motion to dismiss claim was denied.

45. State of New Jersey v. Emilio Perez, Dkt. No. A-2414-13T2, App. Div. (July 10, 2015)

Appellate Division affirms Law Division conviction for harassment and forfeiture of public office. Teacher, in the course of his employment at vocational high school verbally harassed several students making anti-Jewish, anti-African American and homophobic comments as well as other racist and religious slurs. Teacher was convicted in Municipal Court of harassing two students. After a trial de novo on the record, Law Division judge found defendant guilty of only one charge of harassment. Appellate Division determined that there was sufficient credible evidence to support the Law Division judge's determination. Defendant's repeated slurs and abusive conduct, antithetical to his role as a teacher, were intended for the purpose to alarm, annoy and harass. Prosecutor's decision not to apply for a waiver of forfeiture was not an abuse of discretion. Teacher "grossly" violated the duties of his office by verbally abusing students in his classroom. School board and victims sought forfeiture based on his "harassing and bullying" behavior.

#### New Jersey Division of Civil Rights

46. Under a [settlement agreement](#), Old Bridge Board agreed to \$75,000 payout to resolve allegations the school district did not effectively address alleged harassment and bullying of the former student that went on for approximately four years, took place on the school bus and on the Internet, and included name-calling, derogatory comments and physical contact, and focused on student's perceived sexual orientation and Jewish faith. May have been as many as 50 students who she alleged participated in bullying her son at one time or another; in some instances, no action was taken because administrators were unable to obtain reliable information about who was involved; in other cases 12 students received discipline ranging from a verbal warning to after-school detention to in-school suspension. Division's Finding of Probable Cause cited Old Bridge schools for dealing with the problem only through "after-the-fact" discipline, without any prevention measures or attempts at broader outreach to students. Settlement also requires schools to have and distribute to all staff, parents and students a written anti-discrimination policy, a written discrimination complaint procedure, and a written policy on student harassment, intimidation and bullying, and to implement a bias-based harassment prevention program that includes an awareness component for all students at the middle and high school levels, and an awareness and training component for all staff and administration, and is to be separate and apart from any prevention program designed to address bullying generally. (Sept 18, 2013)

47. Franklin Parent/Guardian o/b/o/ Minor v. Franklin Township Bd. of Educ., (OAL DKT. NO. CRT04889-13; DCR DKT NO. PHOSRE-03029; August 11, 2014)

Settlement agreement entered into by the district awarded \$75,000 to an African-American victim of bullying and allocated \$2,500 to the creation of an anti-bullying awareness program to be used in the 2014-15 school year. The allegations of bullying included race-based name calling that lasted from 3rd through 6th grades. The Division of Civil Rights opined that responding to individual incidents of harassment may not be sufficient where district administrators are aware of an overall pattern of harassment.

#### Miscellaneous Cases Where HIB was a Factor

48. J.K. o/b/o P.B. v. Board of Education of the Township of Springfield, EDU 09972-09, Initial Decision (October 13, 2011), aff'd Commissioner February 9, 2012

Parent sought reimbursement for student's senior year tuition at out-of-district high school. Parent had unilaterally withdrawn son from board's high school, alleging that Board failed to address persistent issues of HIB during student's junior year. ALJ concluded that actions of the board to investigate and the measures to remediate the alleged bullying were insufficient, found the unilateral placement of the student was appropriate and recommended that parent be granted tuition reimbursement. Commissioner disagreed finding no credible evidence that the bullying actually took place, that no proof was shown to indicate that the board failed to take actions reasonably calculated to end the conduct and that parent failed to exhaust available administrative remedies. District responded to all incidents, met with the parties, counseled against repetitive interaction within the school environment and school activities. Mediation was offered and rejected. Transfer to a neighboring choice school was rejected. The board's attempt at remediation and prevention were reasonable in light of the totality of the circumstances.

49. K.L. v. Evesham Twp. Bd. of Ed., A-1771-10T3, December 12, 2011

Parent had sought access to school records regarding alleged incidents of bullying against his children. Appellate Division affirmed trial court in part, reversed in part and remanded for a determination of attorney fees. School personnel notes in question were privileged from disclosure under the attorney work product doctrine. Parent partially prevailed as, after plaintiff filed this lawsuit, the Board released one redacted document to plaintiff that reported the disciplining of another student for violent conduct against plaintiff's son. No determination made as to whether the incidents report advised that the notes were accurately described as "bullying." Disputes about relationships or personal belongings or aggressive conduct without identifiable motivation, do not come within the statutory definition of bullying.

50. Howell Township Board of Education v. J.D. and T.D. o/b/o A.D., EDS 02772-11 (March 17, 2011)

Emergency relief granted for placement of student in CHANGE program based on pattern of inappropriate and dangerous behavior. Student behavior included physical altercations, sexual harassment and bullying of female students and use of racist and threatening language.

51. Mentor v. Hillside Board of Education, 428 Fed. Appx. 222 (3d. Cr. 2011) (May 23, 2011)

Court of Appeals affirmed District Court's dismissal of bus and cafeteria aide's claim of racial discrimination and retaliation under Title VII. Aide was transferred because, despite the school's intervention and remediation regarding her daughter being bullied in class by another student, the aide confronted the parent of the alleged bully. Termination was based on budgetary constraints.

52. M.E.T. o/b/o K.T. v. Board of Education of the Township of Berkeley Heights, EDU 13228-09 Initial Decision (July 13, 2010) aff'd Commissioner (August 11, 2010)

Summary judgment granted to board on parent's request that district provide tuition payments for student to attend private Arts Academy in Michigan. Parents failed to substantiate allegations that school administrators and local police department engaged in persistent harassment, intimidation and bullying of student causing a substantial disruption in her school environment and her ability to learn. Alleged HIB occurred in aftermath of Facebook comment made by the student expressing suicidal thoughts. Commissioner has granted reimbursement of tuition payments where school district failed to adequately address in-school peer harassment. Here there was no factual basis for a cause of action to provide tuition payments.

53. F.J. o/b/o A.J. v. Fairfield Township Board of Education, EDS 806-10, Initial Decision (May 28, 2010), aff'd Commissioner (July 12, 2010)

Parent's request to transfer son, an eleven year old, sixth grade student to another school district denied. Student was assaulted on the school bus by another student. Assaulting student was disciplined in accordance with school district policy, suspended. The two students have not had any additional altercations since the incident, either in or out of school; no further violence, harassment, cyberbullying, belittling or other offensive conduct. No evidence of bullying was found. District has an anti-bullying policy and its staff is trained in bullying prevention. Petitioner may go to a charter or choice school or seek a different bus.

54. H.S. and N.S. o/b/o A.S. v. Moorestown Township Board of Education, EDS 10210-07 (March 20, 2008)

Student deemed eligible for special education and related services. Student believed he had been bullied at school including being pushed by a student, suffering a concussion and post-traumatic stress disorder. Student has an inability to attend school due to his fear of bullying. Student's fear to attend school in Moorestown is real and would be traumatic. IEP team ordered to develop an IEP as soon as possible.

55. L.S. o/b/o C.S. v. Central Jersey Arts Community School Board of Education, EDS 09573-07 (October 11, 2007)

Parents sought out of district placement for twelve year old, sixth grade special education student. Parent alleged, but could not prove, that because of the bullying that the student experienced, he was exposed to a hostile educational environment and denied FAPE. Parent failed to demonstrate that resource room services, the one-on-one aide, together with educational strategies, modification and goals set forth in the IEP were not appropriate. Principal represented that an anti-bullying program with zero tolerance was in effect.

56. V.W. o/b/o E.B. v. State Operated School District of the City of Newark, EDU 5509-06 Initial Decision (July 25, 2006) aff'd Commissioner (September 7, 2006)

Commissioner determined parent failed to prove that the district acted arbitrarily, capriciously, or unreasonably, or denied student due process, where district transferred student to an alternative educational program for disciplinary and academic reasons. Among other incidents which led to that transfer, student grabbed and pushed the heads of two female students toward his groin area. While the actions were unwelcome, disruptive and immature and wholly inappropriate, they were not HIB. Neither the teacher nor the female student considered the action to be sexually motivated or demeaning.

57. S.S. and W.S. o/b/o J.S. v. Board of Education of Hasbrouck Heights, EDU 3683-04 Initial Decision (September 6, 2005), *aff'd* Commissioner (October 13, 2005)

Commissioner upheld board imposition of a one-day suspension for belittling and ridiculing a special education student despite the fact that both victim and aggressor shared a Jewish background. Aggressor added a yarmulke and curls to student's portrait while in art class. Nature of the offense, its foreseeable effect on the victim and failure of the petitioner to apologize for his actions warranted the one day suspension.

58. M.D.G. o/b/o C.J. v. Board of Education of the City of Atlantic City, EDU 6450-04 Initial Decision (April 27, 2005) *aff'd* Commissioner (May 26, 2005)

Commissioner determined that, notwithstanding the fact that student who was the victim of an assault is no longer enrolled, district maintained a duty to effectuate full compliance with N.J.S.A. 18A:37-15 directing that each district adopt policy prohibiting harassment, intimidation or bullying. District ordered to conduct in-service training. ALJ determined that Board's agents and representatives failed to promptly and thoroughly investigate the alleged incident of harassment, intimidation and bullying (HIB). While no immediate remedy was available to petitioner, ALJ ordered Board to comply with N.J.S.A. 18A:37-15 by conducting inservice programs.

59. J.B. and A.B. o/b/o P.B., EDS 02622-055 (August 1, 2005)

School district directed to modify student's IEP including setting forth reasonable guidelines and directions for teachers and parents regarding homework completion, use of a paraprofessional to assist in the completion and turning in of homework assignments in a timely fashion as well as resource room assistance. District has a clear affirmative legal responsibility to address bullying conduct. Parents and students should be sure to alert the school should that occur, particularly at the bus stop.

60. Shore Regional High School v. P.S. o/b/o P.N., 381 F.3d 194 (3d Cir. 2004)

Court of Appeals reverses District Court finding that school district offered FAPE. District Court did not give due weight to the ALJ decision. Student had been bullied in elementary and middle school and was the victim of relentless physical and verbal harassment as well as social isolation by classmates. Despite repeated complaints the school administration failed to remedy the situation. While a psychiatrist diagnosed student with depression, student was identified as eligible for special education services due to perceptual impairment. CST Manager believed that bullying was a primary factor in student's poor work. In eighth grade

the harassment had been so severe that student attempted suicide. The school district changed the student's classification to emotionally disturbed. After a request for a transfer to a neighboring high school was denied, parents unilaterally placed student in the requested high school. ALJ concluded that school district could not provide FAPE because of the legitimate and real fear that the same harassers that followed the student in elementary and middle school would continue to bully him in high school. ALJ ordered Shore Regional to reimburse for out of district tuition, costs and attorney fees.

#### Recent Reports

Violence and Vandalism in the Schools Report 2011-2012, 2012-2013, 2013-2014

<http://www.state.nj.us/education/schools/vandv/index.htm>

Interim Report of New Jersey Anti Bullying Task Force – 1/26/13

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

Annual Report of New Jersey Anti Bullying Task Force – 1/26/14

[http://www.state.nj.us/education/students/safety/behavior/hib/task/Annual Report 14.pdf](http://www.state.nj.us/education/students/safety/behavior/hib/task/Annual%20Report%2014.pdf)

Annual Report of New Jersey Anti Bullying Task Force – 1/26/15

[http://www.state.nj.us/education/students/safety/behavior/hib/task/Annual Report 15.pdf](http://www.state.nj.us/education/students/safety/behavior/hib/task/Annual%20Report%2015.pdf)

Legal/Outlines/Bullying the Law and Clients 2015



## Appendix G

### New Jersey Department of Education Anti-Bullying Bill of Rights Act Questions and Answers



### ***Anti-Bullying Bill of Rights Act*** ***(N.J.S.A. 18A:37-13 et seq.)***

### **Questions and Answers** **November 2015**

<b>Glossary of Terms</b>	
<b>ABR</b>	<i>Anti-Bullying Bill of Rights Act</i>
<b>HIB</b>	Harassment, intimidation or bullying
<b>ABC</b>	Anti-Bullying Coordinator
<b>ABS</b>	Anti-Bullying Specialist
<b>SS/SCT</b>	School Safety/School Climate Team
<b>BOE</b>	Board of Education
<b>CSA</b>	Chief School Administrator

### **HIB Policy and Procedures**

**Q: Who is required to participate in the development of the BOE's HIB policy?**

**A:** The BOE must develop the HIB policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators and community representatives. (*N.J.S.A. 18A:37-15a*)

**Q: What is the relationship between the BOE's HIB policy and *N.J.A.C. 6A:16-7.1*, code of student conduct?**

**A:** The BOE's HIB policy must be included in or must be consistent with the BOE's code of student conduct.

**Q: What is the district's responsibility for publicizing and making parents aware of the HIB policy?**

**A:** The board of education's HIB policy must include a statement on the way the policy is to be publicized, including notice that the policy applies to behavior during school-sponsored functions. The policy must include a requirement that a link to the HIB policy

*Substantive changes made since the 2012 version of the document are highlighted in yellow.*

is to be prominently displayed on the home page of the school district's website and distributed annually to parents and guardians who have children enrolled in a school in the school district. Additionally, notice of the HIB policy must appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for schools in the district, and in any student handbook. (*N.J.S.A. 18A:37-15b(10), (11) and e*))

**Q: What are the requirements for the ongoing review of the HIB policy?**

**A:** Each school district must annually conduct a re-evaluation, reassessment and review of the HIB policy, making any necessary revisions and additions. The BOE must include input from the school ABSs in conducting the re-evaluation, reassessment and review. A copy of any revised policy must be submitted to the executive county superintendent of schools within 30 days of its adoption by the BOE. (*N.J.S.A. 18A:37-15c*)

**Q: Are there requirements for providing students with information on the HIB policy?**

**A:** Yes. Each school district must develop a process for discussing the BOE's HIB policy with students. (*N.J.S.A. 18A:37-17b(3)*)

**Q: What actions can an individual take if he/she disagrees with the HIB policy adopted by the school district?**

**A:** HIB policies are adopted and implemented by each BOE. Individuals that disagree with a school district's HIB policy should first attempt to resolve the dispute with the BOE directly. Information on how to request a hearing with the BOE should be directed to the school district's main office.

If an individual is unable to resolve the dispute with the BOE directly, the individual may file a petition of appeal with the Bureau of Controversies and Disputes according to the procedures detailed in *N.J.A.C. 6A:3-1.1 et seq.* A controversy or dispute under the State school laws arises when one party alleges that another has violated State statutes governing education (Title 18A) or the rules adopted by the State Board of Education.

Additional information on the process for filing a petition of appeal can be found at [http://www.state.nj.us/education/genfo/faq/faq\\_candd.htm](http://www.state.nj.us/education/genfo/faq/faq_candd.htm).

**Q: Must all reports of HIB be investigated or only those that meet the criteria in the ABR?**

**A:** Each school district is required to adopt a policy prohibiting HIB, and the policy must include a procedure for prompt investigation of reports of violations and complaints. Although the procedure is subject to certain minimum requirements as detailed in *N.J.S.A. 18A:37-15b(6)(a)-(f)*, including a requirement for the principal or his/her designee to initiate an investigation within one school day of the report of the incident, each school district shall ultimately have local control over the content of the HIB policy (*N.J.S.A. 18A:37-15b*). Whether a principal or his/her designee will initiate an investigation upon receipt of all reports of alleged HIB, or will initiate an investigation only in those cases where he/she determines that the allegations meet the threshold definition of HIB, will depend on the HIB policy adopted by the BOE. In the event that the principal or his/her designee does not initiate an investigation, but later acquires information suggesting that the allegations meet the threshold definition of HIB, it will then be referred to the ABS for investigation.

**Q: Does the principal or his/her designee have the discretion to determine whether allegations meet the threshold definition of HIB before initiating an investigation?**

**A:** Possibly. It is the responsibility of the BOE to determine the role of the principal or his/her designee in the HIB investigatory process. Whether a principal or his/her designee will initiate an investigation upon receipt of all reports of alleged HIB, or will initiate an investigation only in those cases where the incident meets the criteria in the ABR, will depend on the HIB policy adopted by the BOE. In some districts, the BOE may determine that the principal or his/her designee should be permitted to exercise his/her discretion in determining whether allegations meet the threshold definition of HIB. If allegations meet the threshold definition, an investigation must be conducted. If allegations do not meet the threshold definition, an investigation does not need to be conducted. However, if the principal or his/her designee later acquires information suggesting that the allegations meet the threshold definition of HIB, it should then be referred to the ABS for investigation. Finally, if the principal or his/her designee cannot determine, based on the available evidence and information, whether allegations meet the threshold definition of HIB, the initiation of an investigation is appropriate.

**Q: Can a finding of HIB be substantiated if, without more, the incident was motivated by an actual or perceived characteristic?**

**A:** No. Each of three criteria identified in definition of HIB (*N.J.S.A.* 18A:37-14) must be satisfied for the incident to be deemed HIB. In order for an incident to constitute HIB, evidence of the following must be present:

- A reasonable perception of the HIB being motivated either by any actual or perceived characteristic; and
- Substantial disruption or interference with the orderly operation of the school or the rights of other students; and
- One or more of the following criteria –
  - 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.

**Q: Does the ABR require that a victim of HIB belong to one of the protected categories (race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability) listed in the definition of HIB?**

**A:** No. A student may be a victim of HIB if a gesture, written, verbal, or physical act, or electronic communication is motivated by “any other distinguishing characteristic,” e.g., weight. Because the ABR includes “other distinguishing characteristic” within the definition of HIB, a student that does not belong to one of the protected categories listed above can also be a victim of HIB. BOEs must include “other distinguishing characteristic” in the definition of HIB in their HIB policy, and must also consider this when investigating allegations of HIB.

**Q: Are schools required to investigate reports of hazing under the ABR?**

**A:** The ABR's definition of HIB may, in certain circumstances, encompass behaviors associated with hazing (*N.J.S.A.* 18A:37-14). Therefore, and where appropriate, reports of hazing should be investigated and addressed in accordance with the district's HIB policy, in addition to any other potential violations of the code of student conduct.

School district officials should also consult Article 8.6 of the *Memorandum of Agreement Between Education and Law Enforcement Officials* (Memorandum) to ensure they are

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fulfilling their agreement to report any hazing incident to law enforcement that may constitute a criminal offense. The Memorandum and associated resources may be found at <http://www.state.nj.us/education/students/safety/behavior/law/moa/>.

**Q: What are the requirements for addressing HIB that occurs off school grounds?**

**A:** School districts are responsible for addressing HIB that occurs off school grounds when a school employee is made aware of the HIB, and the HIB substantially disrupts or interferes with the orderly operation of the school or the rights of other students. The responses to HIB that occurs off school grounds shall be consistent with the BOE's code of student conduct, and with other provisions of the BOE's HIB policy (*N.J.S.A.* 18A:37-14 and 15.3).

**Q: Does the ABR apply to summer school or other board of education-sponsored educational activities that take place during the summer?**

**A:** The ABR applies to all board of education-sponsored activities on school property, at school-sponsored functions and on school buses without regard to the time period. The only exception is for the bi-annual reporting requirement at *N.J.S.A.* 18A:17-46, which is limited to all acts of HIB that take place between the time periods of September 1 to January 1 and January 1 to June 30. Incidents that occur between July 1 and August 31 should not be reported in EVVRS. However, districts should maintain their own records of incidents and actions taken.

### **Training and Pre-Service**

**Q: What are the in-service training requirements for full- and part-time staff members, persons contracted by the school district to provide services to students (e.g., bus drivers, substitute teachers, home instruction teachers, educators employed by private companies and outsourced to school districts) and volunteers who have significant contact with students?**

**A:** School districts are required to provide HIB in-service training for all full- and part-time staff, contracted service providers and volunteers. Each local district must determine the appropriate way to provide staff, contracted service providers and volunteers, with the required training on the board of education's HIB policy and procedures, the prevention of HIB based on the protected categories identified in the HIB definition and other distinguishing characteristics. The applicable provisions in the ABR can be found at *N.J.S.A.* 18A:37-17.

*Substantive changes made since the 2012 version of the document are highlighted in yellow.*

The NJDOE has resource materials on HIB that can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/#si>. These materials may assist contracted vendors in understanding the ABR, but not the district's HIB policy and procedures. To fulfill its obligation to provide in-service training, the district would have to modify these materials to include specific information about the district's HIB policy and procedures, the protected categories of students and other distinguishing characteristics that could be the target of HIB.

**Q: Are substitute teachers and teachers providing home or out-of school instruction, in addition to full- and part-time teachers and educational services professionals, required to have training in HIB prevention as a prerequisite for employment?**

**A:** No. There is no training requirement that is a prerequisite to employment; however, there is a requirement for training as a condition of certification. The applicable requirement in the ABR can be found at *N.J.S.A. 18A:37-22*. The NJDOE's guidance on these requirements can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/HIBGuidanceEdPrep.pdf>.

**Q: Are school districts required to annually re-train all full- and part-time school staff members, including persons contracted to provide services to students (e.g., bus drivers, substitute teachers, home instruction teachers, educators employed by private companies and outsourced to school districts) and volunteers who have significant contact with students?**

**A:** No. The ABR does not specify that in-service training on HIB must be provided annually to all school staff and contracted service providers. However, the school district must provide training to all new full- and part-time school staff, new contractors providing services to students, and new volunteers who have significant contact with students. The applicable provisions in the ABR can be found at *N.J.S.A. 18A:37-17*.

**Q: Are there professional development requirements in addition to the in-service training provided by school districts?**

**A:** Yes. In addition to the in-service training provided by a school district, staff must also receive two hours of instruction in suicide prevention that includes information on the relationship between the risk of suicide and HIB, and an additional two hours of instruction in the prevention of HIB in each professional development period (*N.J.S.A. 18A:6-112 and 18A:37-22*).

The NJDOE's guidance on these requirements can be found at

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<http://www.state.nj.us/education/students/safety/behavior/hib/HIBGuidancePD.pdf>.

Additional information related to professional development requirements may be found at <http://www.state.nj.us/education/profdev/topics/>.

**Q: What is the process for becoming an approved or certified HIB trainer?**

**A:** There is no process for approving or registering trainers and there are no certification requirements or other standards or qualifications for an individual to provide HIB training services to school districts. District BOEs are responsible for determining the strategy and resources to be used in providing the required in-service training for staff. Should someone be interested in providing HIB training to school districts, he or she can contact school officials directly regarding the services. A directory of contact information for all New Jersey school districts can be found at <http://education.state.nj.us/directory/>.

**Incident and Investigation Reporting**

**Q: Which forms and correspondence are required or may be used in the district's HIB reporting and investigation procedures?**

**A:** While the ABR establishes new procedures and responsibilities, it does not require the development or use of specific forms or the manner of correspondence. Any forms pertaining to the ABR are developed and used at the district's discretion, but must be consistent with the requirements of applicable laws and regulations. However, if a district chooses to use forms, the forms may not be used to replace the opportunity for people to verbally report HIB.

**Q: Are the district BOE's HIB policies required to include an anonymous reporting procedure?**

**A:** Yes. Each district BOE's procedure for reporting an act of HIB must include a provision that permits a person to anonymously report HIB. However, school officials are not permitted to take formal disciplinary action solely on the basis of an anonymous HIB report.

**Q: What are the requirements for parent reports of HIB?**

**A:** The ABR does not establish specific reporting requirements for parents. However, pursuant to *N.J.S.A. 18A:37-15*, each school district must establish its HIB reporting procedure. Questions regarding a district's procedures for parent reports of HIB should be directed to the district.

*Substantive changes made since the 2012 version of the document are highlighted in yellow.*

**Q: Is the CSA required to present the results of each investigation, regardless of the findings, to the BOE?**

**A:** Yes. All investigation reports completed under the ABR must be reported to the CSA, who is required to report the results of each investigation to the BOE. The applicable provision in the ABR can be found at *N.J.S.A. 18A:37-15b(6)*.

**Q: What are the criteria or parameters for the CSA's report on the results of each HIB investigation to the BOE?**

**A:** *N.J.S.A. 18A:37-15b(6)(c)* establishes that the CSA must report the results of each investigation, along with information on any services provided, training established, discipline imposed or other action taken or recommended by the CSA. Since there are no other specific criteria or parameters for the CSA's report on the results of each investigation, the report should be based on the facts from each investigation. Additionally, since parents are entitled to specific information subsequent to the CSA's report to the BOE, pursuant to *N.J.S.A. 18A:37-15b(6)(d)*, the CSA may want to provide the same information, at a minimum, to the BOE.

### **Public Reporting**

**Q: Which data must be reported by the CSA at the bi-annual public hearing, and which data must be reported to the NJDOE twice each school year?**

**A:** As set forth in *N.J.S.A. 18A:17-46*, the CSA's bi-annual reports to the BOE and to the NJDOE must include all of the information reported on the Electronic Violence and Vandalism Reporting System, which includes the number of reports of HIB, the status of all investigations, the nature of the HIB based on one of the protected categories identified in *N.J.S.A. 18A:37-14*, the names of the investigators, the type and nature of any discipline imposed on any student engaged in HIB, and any other measures imposed, training conducted, or programs implemented, to reduce HIB. The report also must include data for each school in the district, in addition to district-wide data. The report could include any other information the CSA chooses to provide.

Guidance and reporting forms specific to the data required by the NJDOE can be found at <http://homeroom.state.nj.us/EVVRs.htm>.

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**Q: Will schools be required to report all reported HIB incidents or only confirmed HIB incidents on the Electronic Violence and Vandalism Reporting System (EVVRS)?**

**A:** School districts must report on the EVVRS all acts of HIB that have been affirmed by the district BOE as HIB. However, school districts must report all reported HIB incidents for which the required investigation has been completed and for which the acts of HIB that have been affirmed by the district BOE on the Harassment, Intimidation and Bullying Interventions, Trainings and Programs Data Collection System (HIB-ITP).

**Q: Which information must the CSA report to the public and to the NJDOE?**

**A:** The CSA must report all acts of violence, vandalism, and HIB which occurred during the previous reporting period to the board of education, at a public hearing, two times each school year, between September 1 and January 1 and between January 1 and June 30. The information also must be reported once during each period to the NJDOE. The report must include the following information: the number of reports of HIB; the status of all HIB investigations; the nature of the HIB based on one of the protected categories identified *N.J.S.A. 18A:37-14*; the names of the HIB investigators; the type and nature of any discipline imposed on any student engaged in HIB; and any other measures imposed, training conducted, or programs implemented, to reduce HIB. The report must include data broken down by the enumerated categories as listed in *N.J.S.A. 18A:37-14*, and data broken down by each school in the district.

**Q: Are public college-operated programs for students with disabilities required to report HIB data to the NJDOE?**

**A:** No. Public college-operated programs for students with disabilities are not required to report HIB data to the NJDOE.

### **Prevention Programs and Strategies**

**Q: What are the requirements for HIB prevention programs?**

**A:** Each school district must annually establish, implement, document and assess HIB prevention programs or approaches and other initiatives involving parents, law enforcement and other community members, students, school staff and administrators, and school volunteers. The programs or approaches and other initiatives must be designed to create school-wide conditions to prevent and address HIB. (*N.J.S.A. 18A:37-17a*)

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**Q: If the purchase of a commercial program is being considered as part of a comprehensive HIB prevention initiative, are there resources available to obtain information on evidence-based programs?**

**A:** A searchable data base to help identify evidence-based HIB prevention and intervention programs can be found at the SAMHSA National Registry of Evidence-based Programs (<http://www.nrepp.samhsa.gov/>).

### **Parents' Rights and Information**

**Q: Is the school district required to provide parents of offenders and victims with information on the results of an HIB investigation?**

**A:** Yes. Regardless of the findings from an investigation, parents of alleged offenders and alleged victims are entitled to receive information about the investigation, in accordance with federal and state law and regulation. The ABR stipulates that parents of alleged offenders and alleged victims must receive the following information: the nature of the investigation, whether the district found evidence of HIB, or whether discipline was imposed or services provided to address the incident of HIB. This information must be provided in writing within five school days after the results of the investigation are reported to the board of education. (*N.J.S.A. 18A:37-15b(6)*).

The ABR does not establish requirements for the way in which districts choose to meet this requirement, and does not supersede existing requirements or procedures for informing or contacting parents. If a district has established a procedure for notifying parents that has been approved by the BOE or legal counsel and is consistent with applicable laws and regulations, there is nothing in the ABR that prohibits the use of this pre-existing parent notification procedure.

**Q: Is the school district required to provide parents of offenders and victims with the investigation report?**

**A:** The ABR does not require the provision of the investigation report to parents. Parents are only entitled to the information specified in the ABR provision included above. If a district chooses to provide parents with the report, the investigation report cannot divulge privileged/confidential information or information precluded by law. This information includes, but is not limited to, information about students other than their own child, and information that would (or could) identify students other than their own. Pursuant to the *Family Rights and Educational Privacy Act* (20 U.S.C. §1232g and 34 CFR Part 99), and absent consent or permission from the other parent and/or a student who is at least eighteen (18) years of age, parents are only entitled to information about their own children.

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**Q: Does the ABR establish student records or privacy requirements?**

**A:** The ABR is silent on the issue of student records, and does not establish new student records or privacy requirements. Student records maintained in connection with the ABR are not mandated records under the NJDOE's student records regulations, and the decision to retain these records would be made by each local school district. However, school districts are required to retain records on any discipline imposed on a student, since this information must be shared with a sending school district should the student transfer to another school district (20 U.S.C. §6301 and *N.J.S.A.* 2A:4A-60); this requirement applies to discipline imposed for any type of conduct and not only HIB. The district's procedures regarding student records, at a minimum, must be consistent with the Family Educational Rights and Privacy Act and its regulations (20 U.S.C. §1232g and 34 CFR Part 99), the Department of Education's student records regulations (*N.J.A.C.* 6A:32-7), the Open Public Meetings Act and each BOE's procedures.

**Q: Do parents have the right to deny school staff the permission to interview their child as a part of an HIB investigation?**

**A:** No. The ABR does not address the issue of parent presence during interviews. Therefore, the school district determines the procedures for conducting investigations, including interviews. Since the ABR does not establish new or amended requirements regarding parent involvement in student interviews, pre-existing requirements apply, meaning that schools have the right to interview students without parents being present.

**Q: Is the school district required to inform parents of their right to a BOE hearing in executive session?**

**A:** While *N.J.S.A.* 18A:37-15b(6)(d) provides parents with the right to a hearing, it does not explicitly mandate parent notification of this right. Since the hearing is an unequivocal right and it provides the district and parents with an additional opportunity to assure the safety of students, parents should be notified of their right to be heard by the BOE. Parent notification of this right is a logical component of the investigation information that must be provided to the parents of alleged offenders and victims and assures the provision of due process of law, as intended in *N.J.S.A.* 18A:37-15b(6)(d).

**Q: Does the ABR provide parents with opportunities to be involved in HIB policy and program development?**

**A:** Yes. There are three specific school district functions in which parents must be involved:

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- *School Safety/School Climate Teams (SS/SCT)* – Each school must have a SS/SCT. Each SS/SCT must include, at a minimum, one parent of a student enrolled in the school, in addition to the school anti-bullying specialist, the principal and a teacher in the school. (*N.J.S.A. 18A:37-21*)
- *School District HIB Policy* – The HIB policy must be developed through a process that includes representation of parents, along with other community representatives, students, school employees and school administrators and volunteers. (*N.J.S.A. 18A:37-15a*)
- *HIB Programs* – Schools and school districts must annually establish, implement, document and assess HIB prevention programs, approaches or other initiatives involving parents, law enforcement and other community members, school staff and school administrators, students and volunteers. (*N.J.S.A. 18A:37-17*)

### **School Roles/Functions**

**Q: Who must perform the role of the school ABS? May the principal perform this role?**

**A:** *N.J.S.A. 18A:37-20a* specifies that the ABS must be a guidance counselor, school psychologist or other person trained to be the ABS, who is currently employed at the school. If no one meets these criteria, the principal must appoint the ABS from currently employed personnel, and the employee must be trained to be the ABS.

Since the principal is the one who must appoint school staff to this role, the legislative language and intent is for this 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.

That being said, there is nothing in the ABR that explicitly prohibits a principal from serving as the ABS. If a district chooses to assign the principal or permits the principal to appoint the assistant principal to act as the ABS, as an “other person trained to be the ABS,” the district would make this determination, presumably in consultation with the school attorney.

**Q: Can the principal assign another ABS to investigate an HIB allegation when the ABS is counseling a student who is the alleged victim or offender?**

**A:** There is nothing in the ABR that precludes the principal from appointing more than one ABS from currently employed school staff. If the ABS is counseling a student who is the alleged victim or offender and, therefore, there may be a conflict of interest if he/she conducts the investigation or his/her investigation could negatively interfere with the therapeutic relationship, an alternate ABS may be assigned to conduct the investigation. When choosing an alternate ABS, school districts should be mindful that

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*N.J.S.A. 18A:37-20a* specifies that the ABS must be a guidance counselor, school psychologist or other person trained to be the ABS, who is currently employed at the school.

**Q: Must the CSA appoint a school employee to perform the role of the district anti-bullying coordinator (ABC)?**

**A:** The ABR specifically states that the CSA must make every effort to appoint an employee of the district as the ABC; however, appointing a school employee to serve as the ABC is not required. (*N.J.S.A. 18A:37-20b*)

### **Board of Education Action**

**Q: Is the BOE required to issue a decision, in writing, regarding the CSA's decision following his or her receipt of the results of each investigation or only when a parent requests a hearing?**

**A:** The board of education must issue a decision, in writing, to affirm, reject or modify the CSA's report on the results of each investigation. The applicable provision (*N.J.S.A. 18A:37b(6)(e)*) applies to the board's receipt of the CSA's report(s) and his or her decision(s), rather than to the outcomes of a board hearing. However, should a hearing be held, it is assumed that information from the hearing also would be used by the board to guide its decision.

**Q: Who is required and who is permitted to participate in a board of education hearing held in executive session for a parent?**

**A:** *N.J.S.A. 18A:37-15b(6)(d)* establishes the following:

*...At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;*

As indicated above, the ABR does not establish requirements for whom a board of education may choose to have appear or provide information at a hearing, and the ABR does not establish new requirements for board hearings conducted in executive session. Therefore, in addition to having the explicit option to hear from the school anti-bullying specialist, a board of education could choose to hear from anyone it determines could help the board make its decision pursuant to *N.J.S.A. 18A:37-15b(6)(e)*.

District BOEs should establish procedures for conducting hearings in executive session.

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## General

**Q: In March 2012, a law (*P.L.2012, c.1*) concerning HIB in the public schools, was adopted. What is the effect of this law on the *Anti-Bullying Bill of Rights Act* adopted in January 2011?**

**A:** The March 2012 law amends specific portions of the ABR. The amendments achieve the following purposes:

- Clarified that school officials should use existing resources to implement HIB prevention and intervention strategies and personnel and may at their own discretion use HIB prevention and intervention strategies and personnel which impose a cost on the district;
- Appropriated \$1 million to assist school districts with the implementation of the ABR in the 2011-2012 school year; and
- Established an Anti-Bullying Task Force (<http://www.state.nj.us/education/students/safety/behavior/hib/task/>), to provide guidance to school districts on available resources to assist in the implementation of the ABR; examine the implementation of the ABR; draft model regulations in support of the ABR and submit them to the Commissioner of Education; present any recommendations regarding the ABR deemed to be necessary and appropriate; and prepare reports on the effectiveness of the act in addressing HIB in schools.

**Q: Is there a way to check whether school and school district activities are in compliance with the ABR?**

**A:** Yes. The *HIB Compliance Checklist*, can help determine the degree of the district's and school's compliance with the ABR. The checklist may be found at <http://www.state.nj.us/education/students/safety/behavior/hib/checklist.pdf>.

**Q: Does the ABR only apply to an act of HIB committed by or against a student? Or does it also apply to an act committed by or against an adult?**

**A:** The ABR applies only to HIB committed against a student. Under the ABR, the offenders could be any persons, students or adults, but the victims are students. The applicable provision can be found at *N.J.S.A. 18A:37-15b*.

**Q: How should schools proceed when a staff member is identified as an alleged offender in an HIB incident?**

**A:** The ABR applies to HIB committed by an adult or youth against a student. Therefore, it is possible that a staff member may be identified as an alleged offender of

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HIB. All of the procedural requirements in the ABR apply regardless of whether the alleged offender is an adult or youth. The response to reports involving alleged adult offenders should be consistent with both the ABR, and any applicable procedures for addressing adult behavior established by the BOE.

**Q: Can the school ABS conduct an investigation where a staff member of the same bargaining unit is the subject of the investigation?**

**A:** The BOE's investigation procedures must comply with statute and regulation. However, when there is an appearance of impropriety or a conflict of interest (including the appearance of one), it may be more appropriate for the investigation to be conducted by an individual who is not a member of the same bargaining unit as the alleged offender.

As indicated above, there is nothing in the ABR that precludes the principal from appointing more than one ABS from currently employed school staff. An additional appointed ABS could be someone who is not in the same bargaining unit as teaching staff members. In the event that all of the ABSs are part of the same bargaining unit as the alleged offender, the ABR permits the principal to appoint additional personnel, i.e., those that are not in the same bargaining unit as the alleged offender, to assist the ABS with the investigation.

**Q: Must student records be maintained for HIB cases? If so, which files must be maintained?**

**A:** School districts are not required to maintain reports of HIB as part of the mandated school record, pursuant to *N.J.A.C. 6A:32-7*. A district may include such reports or other items related to HIB incidents, at the district's discretion, and as required by law. Such files would be retained consistent, at a minimum, with the student records regulations (*N.J.A.C. 6A:32-7*) and 20 *U.S.C. §1232g, Family Educational Rights and Privacy Act*, and 34 *CFR Part 99, Family Educational Rights and Privacy*.

However, pursuant to 20 *U.S.C. § 6301, N.J.S.A. 18A:36-19a* and *N.J.A.C. 6A:16-7.8(a)* and (b) school districts are required to provide receiving school districts with all information in a transferring student's record related to disciplinary actions taken against the student by the district. Therefore, school districts must maintain records of disciplinary actions imposed under the ABR.

While not mandated, it is recommended that sufficient documentation be retained for reporting incidents on the Electronic Violence and Vandalism Reporting System (EVVRS). This documentation is important to ensure accurate reporting and to verify the disposition of cases and incidents reported on the EVVRS.

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addition to addressing HIB offenders, the ABR protects student victims of HIB, regardless of who commits the HIB.

The ABR provides schools with the opportunity to teach all students about differing abilities (e.g., cognitive, social-emotional, behavioral or physical), which could minimize HIB reports for misperceived or misunderstood behaviors from students with disabilities. This instruction may be a component of the district's activities to improve school culture and climate.

**Q: Are there any other considerations that a BOE must consider when an alleged victim or offender is a student with disabilities?**

**A:** In addition to triggering the BOE's HIB policy, an incident of HIB may also implicate one or more of the federal and/or State anti-discrimination and/or special education laws. If a student with disabilities is involved, as either an alleged victim or offender, in an HIB incident, notification to the student's individualized education program (IEP) team may be required, the provision of a free and appropriate public education (FAPE) may be implicated, and different disciplinary procedures may need to be followed. As a result, the ABS and administration should consult with the student's case manager at the earliest possible opportunity.

**Q: How will the NJDOE assign the "grade" required in the ABR?**

**A:** The ABR requires the Commissioner of Education (Commissioner) to develop guidelines for a program to grade each public school and school district's efforts to implement the ABR (*N.J.S.A. 18A:17-46*). Under the Commissioner's Program, each school must annually complete a self-assessment of its efforts to implement the ABR. This process requires each district to present each school's self-assessment to the BOE at a public meeting prior to submission to the NJDOE. The official grade for each district and each district school issued by the NJDOE must be presented to the BOE and posted on the webpage of the district, and the webpage of each district school.

Additional information on the Commissioner's Program can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/guidance/>.

**Q: How can a school district apply for grants under the Bullying Prevention Fund?**

**A:** The ABR was amended on March 26, 2012, in part, to provide for the funding of certain activities required under the ABR. Funds were disseminated to school districts for the 2011-2012 and 2013-2014 school years. Funds for this program are subject to state appropriations from the New Jersey State Legislature. School districts will be informed

*Substantive changes made since the 2012 version of the document are highlighted in yellow.*



of the process to apply for Bullying Prevention Fund grants if funds are appropriated for this program.

**Q: How should school officials proceed when it is conducting an HIB investigation at the same time that law enforcement is conducting a criminal investigation of the same incident?**

**A:** When a school district learns that law enforcement is conducting a separate, but simultaneous, criminal investigation of an HIB incident that it is also investigating, the school district's investigation should be suspended or stayed only *when deemed appropriate and requested by law enforcement*. It is only when law enforcement affirmatively requests that a school district suspend or stay its HIB investigation that such an investigation should be suspended or stayed. If law enforcement does not affirmatively request a suspension or stay of an HIB investigation, a school district must comply with all applicable timeframes for its investigation. If law enforcement has not affirmatively requested a stay or suspension of an HIB investigation, but a school district believes that the HIB incident may also constitute a criminal offense(s), it should contact law enforcement to inquire as to whether law enforcement may want to investigate the matter and, thereby, stay or suspend the school district's HIB investigation.

School district officials must consult Article 8.9 of the *Memorandum of Agreement Between Education and Law Enforcement Officials* to ensure they are fulfilling all obligations, including the requirement to safeguard the health and welfare of students. The Memorandum and associated resources may be found at <http://www.state.nj.us/education/students/safety/behavior/law/moa/>.

**Q: Does the ABR apply to pre-school students?**

**A:** The ABR applies to all students, including pre-school age children who are enrolled in a public school district. The ABR establishes requirements for district BOEs and school district staff regarding the HIB of students in their care. The ABR does not establish an age range that qualifies students to receive the services nor does it exempt any age group from receiving the required services.

In the instance of contracted pre-school programs, they must follow the policy of the school district and report incidents to the school principal of the school district, and the school anti-bullying specialist from the principal's school must investigate the report. The school district is responsible for training contracted service providers in the district's HIB policy and procedures.

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**Q: Are evening, adult-only programs required to implement the ABR?**

**A:** If school-age students are enrolled in the program and the program is operated by the school district, the program must implement the ABR.

If the program is for adults only, the program is not required to implement the ABR. In terms of a General Education Development (GED) program, the ABR does not apply, even if the program is run by the school district, because the participants are not enrolled in the school district.

**Q: How should school officials proceed when the same source repeatedly reports HIB of a student, but the investigations of the reports do not reveal evidence to substantiate the reports?**

**A:** The ABR requires each BOE approved HIB policy to include consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of HIB. School officials should implement this provision when a determination has been made from the evidence that a person reporting HIB has falsely accused another. Until this determination has been made, however, reports of HIB must be investigated and all other procedures in the ABR must be followed.

If there are repeated incidents where reports from one or more sources are not substantiated as a result of investigations, some possible courses of action could be to confer with the school attorney to determine appropriate actions, reevaluate the investigation procedures used by school officials or recommend amendments to the BOE approved HIB policy that will address this type of occurrence.

**Q: How should schools proceed when they receive a complaint for an incident of HIB that allegedly occurred in school during the regular school year, but the complaint is received after school has closed for the school year?**

**A:** *N.J.S.A.* 18A:37-15b(6) requires that each BOE's policy include "a procedure for prompt investigation of reports of violations and complaints..." Since the ABR applies to all board of education-sponsored activities on school property, at school-sponsored functions and on school buses without regard to when the report is received, the school in which the alleged incident occurred must investigate, in accordance with the BOE's investigation procedures.

**Q: How should schools proceed when the alleged student victim and offender are no longer in the same school?**

In instances where the alleged offenders or victims are moving to another school in the same school district, the sending school would investigate the complaint, the receiving school would be advised of the matter and the officials from both schools would consider appropriate responses pursuant to *N.J.S.A. 18A:37-15b(4)* and (7).

When the alleged offender or victim or both transfer to a school outside of the school district, the school district in which the incident occurred would investigate the complaint to determine whether actions are warranted for students remaining in the school or to determine issues that could affect school programs, policies, procedures or activities as a result of the findings from the investigation.

When both the alleged offender and victim have graduated from high school, the school would not be required to investigate the complaint when the complaint is made after the close of the regular school year. However, if one of the students remains in school, the complaint would be investigated and actions would be taken for the remaining student(s), as appropriate to the facts and circumstances of the matter.

### **Additional Resources**

- **Information on the Law and Policy**
  - *Anti-Bullying Bill of Rights Act*
    - [http://www.njleg.state.nj.us/2010/Bills/PL10/122\\_.PDF](http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF)
  - Guidance for Schools on Implementing the ABR
    - <http://www.nj.gov/education/students/safety/behavior/hib/guidance.pdf>
  - Model Policy and Guidance for Prohibiting HIB
    - <http://www.state.nj.us/education/parents/bully.pdf>
  - HIB Policy Compliance Checklist
    - <http://www.state.nj.us/education/students/safety/behavior/hib/checklist.pdf>
  - HIB Online Tutorials
    - <http://www.state.nj.us/education/students/safety/behavior/hib/tutorials/>
  - NJDOE PowerPoint: An Overview of Amendments to Laws on Harassment, Intimidation and Bullying
    - <http://www.state.nj.us/education/students/safety/behavior/hib/overview.pdf>
  - NJDOE PowerPoint: Applying the *Anti-Bullying Bill of Rights*
    - <http://www.state.nj.us/education/students/safety/behavior/hib/HIBTrainingPP.pdf>
- **Information for Parents**
  - Guidance for Parents on the ABR
    - <http://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf>
  - Obtaining Assistance for HIB Concerns
    - <http://www.state.nj.us/education/students/safety/behavior/hib/hibassistance.shtml>

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- **Anti-Bullying**
  - Resources on HIB
    - <http://www.state.nj.us/education/students/safety/behavior/hib/hibresources.shtml>
  - US Department of Health & Human Services
    - <http://www.stopbullying.gov>
  - Cyberbullying Research Center
    - <http://cyberbullying.org/>
  - SAMHSA National Registry of Evidence-based Programs
    - <http://www.nrepp.samhsa.gov/>
- **School Climate**
  - US Department of Education: Safe and Supportive Schools Technical Assistance Center
    - <http://safesupportiveschools.ed.gov/>
  - New Jersey School Climate Survey
    - <http://www.state.nj.us/education/students/safety/behavior/njscs/>
  - National School Climate Center
    - <http://www.schoolclimate.org>
  - New Jersey Positive Behavior Support in Schools
    - <http://www.njpbs.org/>
- **Social-Emotional Learning**
  - Collaborative for Academic, Social, and Emotional Learning
    - <http://www.casel.org>
  - Edutopia
    - <http://www.edutopia.org/social-emotional-learning>
  - Character.org
    - <http://www.character.org>
  - New Jersey Alliance for Social, Emotional and Character Development
    - <http://www.njasecd.org>
  - Center for Social and Character Development at Rutgers University
    - <http://www.rucharacter.org/index.php>
  - Center for Character & Citizenship, University of Missouri-St. Louis
    - [www.characterandcitizenship.org](http://www.characterandcitizenship.org)
  - Center on Great Teachers & Leaders at AIR
    - <http://www.gtlcenter.org/sel-school>

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## Appendix H

### Threshold Assessment Checklist Tool for Principals

## THRESHOLD ASSESSMENT CHECKLIST TOOL FOR PRINCIPAL

### INTRODUCTION

This tool is NOT mandated by the State of New Jersey, but is available for local school district use. It is critical that school districts review local board policy PRIOR TO using this tool since a school principal may only conduct an initial threshold assessment when it is in accordance with local board policy. In particular, the use of the terms "harassment," "intimidation" or "bullying" will generally require the principal to turn the matter over to the anti-bullying specialist to conduct an HIB investigation UNLESS local board policy allows for the principal to conduct an initial threshold assessment.

Where local board policy permits, this document is intended to assist the school principal in responding to incidents that may potentially involve violations of New Jersey's Anti-Bullying Bill of Rights. It includes recommendations regarding Immediate Response, determining whether the allegations, if true, would satisfy NJ's HIB definition and therefore if the matter should be referred to the Anti-Bullying Specialist (Steps 1 through 3), and next steps to consider after the initial threshold assessment is completed (Steps 4 and 5).

It is critical to stress that the principal should NOT use this document to do an independent review of the merits of any allegation of HIB. Instead, this document is intended to assist in determining whether the allegations, IF TRUE, rise to the level that they should be referred to the ABS. It allows for a more thoughtful initial assessment, by focusing on the substance of the allegations rather than whether or not certain loaded terms such as "harassment," "intimidation" or "bullying" have been used. It is intended to assist districts in using limited resources most effectively in order to ensure the health and safety of all students.

### ABR HIB DEFINITION

"Harassment, intimidation or bullying" 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 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, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37- 15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- 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;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. 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.

## STEPS 1-3 – INITIAL REVIEW OF ALLEGED INCIDENT(S)

STEP	Required Element of HIB	Key Question	Answer (YES, NO, NOT CLEAR)	Next Step
1	Substantial Disruption or Interference with orderly operation of school or the rights of other students	Is it reasonable to believe that the alleged act or acts may result in substantial disruption or interference with the orderly operation of the school or the rights of other students?		If Yes, proceed to Step 2. If No, proceed to Step 5 and review matter for appropriate response under Code of Student Conduct If Not Clear, clarify with initial reporter what the alleged disruption or interference is
2	Reasonably Perceived as Motivated by Actual or Perceived Characteristic	Is there reason to believe that the alleged act(s) were motivated by one or more actual or perceived characteristics of alleged victim?  NOTE that in determining whether an actual or perceived characteristic is involved it may be useful to consider whether there is a power imbalance between the students involved. The power imbalance is not a visible characteristic itself, but rather the interplay of a distinguishing and motivating characteristic of the victim (namely perceived weakness in terms of physical strength, popularity, socio-economic status or a myriad of other characteristics), relative to the aggressor. The perceived weakness of the target (victim) motivates the aggressor into bullying behavior.		If Yes, proceed to Step 3 If No, proceed to Step 5 and review matter for appropriate response under Code of Student Conduct If Not Clear, clarify with initial reporter if there is any alleged actual or perceived characteristic involved.

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STEP	Required Element of HIB	Key Question	Answer (YES, NO, NOT CLEAR)	Next Step
3a	Physical or emotional harm to student or property	Would a reasonable person committing the alleged acts know that they may result in physical or emotional harm to student or harm to student property? OR Is it reasonable to believe that the alleged acts in fact did result in harm to student or property?		<p>If Yes to ANY of the questions 3a – 3d, then proceed to Step 4</p> <p>If No to ALL of the questions 3a – 3d, then proceed to Step 5 and review matter for appropriate response under Code of Student Conduct</p> <p>If Not Clear on ANY of the questions, follow up with initial reporter for additional information as needed.</p>
3b	Reasonable fear of harm to student or property	Is there reason to believe that the alleged acts would cause a student to be in reasonable fear of harm to self or property?		
3c	Demeaning to Student/Group	Is there reason to believe that the alleged acts were demeaning to a student or student group		
3d	Created Hostile Educational Environment	Is there reason to believe that the alleged acts may have created a hostile educational environment by interfering with a student's education OR severely or pervasively causing physical or emotional harm to alleged victim		

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## STEPS 4-5 – NEXT STEPS AFTER INITIAL ASSESSMENT

STEP	Response to Conduct	Key Question	Answer (YES, NO)	Next Steps
4	If potential HIB after review under Steps 1-3, then Refer to Anti-Bullying Specialist AND ALSO review the incident under Step 5 to determine if there are potential violations of other provisions of the Code of Student Conduct that require immediate response	Have you assessed the potential scope of the investigation to determine what assistance is necessary for the ABS to thoroughly and completely investigate in a timely manner?		In EVERY CASE, whether answer is Yes or No, assess under Step 5. If Yes, then provide additional supports as needed for ABS. If No, then review scope of allegations (number of alleged witnesses, incidents, etc.) and provide support as needed Also, meet with alleged victim and advise that if there are any additional incidents while investigation is ongoing or thereafter, victim should contact principal or other school staff immediately Also, meet with alleged perpetrator and warn against any acts of retaliation or other misconduct while investigation is ongoing Also, contact parents of alleged bully and victim and advise that matter is under investigation and review investigation process and rights
5	Review Incident for Potential Violations of Other Provisions of Code of Student Conduct	Have you assessed the alleged incident to determine if the allegations, if true, would constitute a violation of the Code of Student Conduct?		If Yes, investigate the matter and respond to violations as per Code of Student Conduct If during the investigation additional information reveals that issue may be HIB related, repeat Steps 1 – 3 If No, then review alleged incident in light of code of student conduct

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## Appendix I

### Letter from Assemblywoman Valerie Vainieri Huttle



#### NEW JERSEY GENERAL ASSEMBLY

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NJ STATE COUNCIL ON THE ARTS  
EX OFFICIO

December 15, 2015

#### VIA EMAIL and US MAIL

The Anti-Bullying Task Force  
Care of Patricia Wright  
12 Centre Drive  
Monroe, NJ 08831

**RE:** Findings of the 2012-2016 New Jersey Anti-Bullying Task Force (ABTF) consistent with the Legislative Intent underlying the "Anti-Bullying Bill of Rights Act" of 2011 and subsequent legislation.

Dear Anti-Bullying Task Force Members,

As the primary sponsor of the "Anti-Bullying Bill of Rights Act," (herein referred to as the "ABR"; *P.L. 2010, c.122, N.J.S.A.18A:37-13 et seq.*) I had a clear understanding of the status quo which existed throughout the State and in school districts prior to the passage of the ABR, and what was needed in terms of legislative action. In essence, the intent of the ABR was to address more adequately incidents of harassment, intimidation and bullying (HIB) and promote a positive school climate, which I believe is the strongest preventative measure.

I realize that you will soon be issuing your final report. Over the course of three and a half years you have studied numerous facets of the ABR, its implementation in the field and the outcomes created as the ABR's framework was applied by practitioners, across the State. I appreciate that your recommendations were based on consultation with a broad range of stakeholders.

The purpose this letter is to state that I believe the findings and recommendations made in your 2012 interim, 2014 annual report and 2015 annual report are fully consistent with my legislative intent. I would like to discuss two specific recommendations made by the ABTF as they are of particular importance.

#### **I. Principal Discretion**

As you found in the 2012 Interim Report:

*According to focus group participants, the result of these challenges are: 1) inaccurate identification leading to the over-reporting of alleged HIB behaviors; 2) clogging of the ABS, principal, superintendent and BOE chain of responsibility with cases that do*

*not involve HIB behavior, when these cases could be more appropriately and expeditiously handled by school administrators and staff, and 3) delayed implementation of the code of student conduct to mete out discipline in instances that have been reported as HIB, and which warrant immediate interventions or sanctions.*

*The ABTF has determined that each of these results, while unintended, countermand part of the intent and spirit of the ABR – to be certain that actual incidents of HIB are identified and addressed. Additionally, there is confusion regarding the relationship between the code of student conduct and HIB behavior. Specifically, there is a perception that the ABR either supplants or is separate from the code of student conduct, neither of which is true. The BOE's HIB policy is required to be a component of the code of student conduct. HIB behavior must be addressed as one of many behaviors set forth in the code of student conduct.*

You recommended the following:

*In response, the ABTF offers the preliminary recommendation for school districts to implement as a strategy to address these issues: Upon a report of a purported incident of HIB by a student, parent, school employee, volunteer or contracted service provider to the principal (received verbally on the same day, in writing within two days), the principal or the principal's designee has the discretion to determine, based on the totality of facts available, whether the incident meets the minimum standard of HIB as set forth in the ABR definition. In instances when a principal determines, based on the initial fact finding, that the reported situation does not meet the standards set forth, the HIB investigation will not be required. Rather, the applicable procedures set forth in the district code of student conduct would apply. It is incumbent on the principal to preserve the records documenting the information that led to the decision not to initiate an HIB investigation. If at any time after the principal's initial determination, the principal receives any information indicating that HIB may have occurred, the principal is required to promptly initiate the ABR investigation procedures. In instances where the reported allegations appear to satisfy the definition of HIB, the principal is required to refer the matter to the ABS for investigation.*

This recommendation comports with the legislative intent behind the ABR and the legislative expectation that school district boards of education would include such language in their policies.

## **II. Power Imbalance under the Definition of HIB in the ABR**

Your January 2014 Report recommends that the State Board of Education amend the administrative code to include the concept of power differential as a method of distinguishing the motivating characteristic of the aggressor as follows:

Proposed code language (N.J.A.C. 6A:16-[7.9]7.7 (a)(2), new section iii, renumber remaining sections):

*iii. A statement that bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance. The power differential is not a visible characteristic itself, but a method of distinguishing the motivating characteristics of the aggressor, relative to a perceived weakness of the victim (in terms of physical strength, popularity, socio-economic status, or a myriad of other characteristics).*

While power imbalance is not by name mentioned in the ABR, there is quite clearly room for inclusion. The concept of power imbalance can be employed to better identify HIB incidents.

I am pleased to see in my frequent contact with schools and in the normal course of our legislative work that there appears to be an increased understanding in schools of the ABR and its practical application, which as time goes by will build on itself. To be sure, the ABR was a sea change in our statewide approach to HIB, a needed one. Now seeing the work of the ABTF drawing to a close and the ongoing successful implementation of the law in the field, I am greatly hopeful for a future that prioritizes social and emotional learning, vastly enhances school climate and makes HIB a thing of the past.

Sincerely,



Valerie Vainieri Huttle  
Assemblywoman, District 37

c: Christopher Christie, Governor, State of New Jersey  
Stephen M. Sweeney, President, New Jersey State Senate  
Vincent Prieto, Speaker, New Jersey General Assembly  
David C. Hespe, Commissioner, New Jersey Department of Education

## **Appendix J**

### Anti-Bullying Task Force Focus Groups and Feedback Meetings

<b>Focus Groups Held</b>	
<b>2012</b>	Staff members responsible for implementation of ABR
<b>2013</b>	Public Hearings for parents, students, teachers and other interested parties.
<b>2014</b>	School districts with low incident reporting

<b>Other Feedback and Testimony</b>	
<b>2015</b>	Representatives of NJASA and NJSIAA
<b>2015</b>	Rochelle Hendricks - Higher Ed
<b>2015</b>	Assemblywomen May Pat Angelini
<b>2014</b>	Elizabeth Athos NJ Anti-Bullying Attornerys (NJABA)
<b>2014</b>	Jerry Tanenbaum NJ Anti-Bullying Attorneys (NJABA)
<b>2014</b>	John Rue NJ Anti-Bullying Attorneys (NJABA)
<b>2014</b>	Julie Warshaw
<b>2014</b>	Paula C Rodriguezs Rust Phd
<b>2013</b>	Edward Barocas, Legal Director for the America Civil Liberties Union of NJ (ACLU)
<b>2013</b>	Michael Kaelber, Director of Legal and Policy Services New Jersey
<b>2013</b>	David Nash, Director of LEGAL ONE / Director of Legal Education

## Appendix K

### Anti-Bullying Task Force Proposed Amendments to the New Jersey Administrative Code

1) *N.J.A.C.* 6A:16-7.7(a)(2), new section iii, renumber remaining sections:

iii. A statement that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

2) *N.J.A.C.* 6A:16-7.7, new section (e) and (e) 1 and 2, renumber existing section (e)).

(e) Upon receipt of a report alleging harassment, intimidation or bullying, the school principal shall review the information presented to determine whether or not the facts presented, if true, would constitute HIB pursuant to *N.J.S.A.* 18A:37-14. When the facts presented, if true, do not satisfy the definition in law, the principal shall handle the matter consistent with the district's code of student conduct. All other reports shall be referred to the anti-bullying specialist for investigation.

1. The use of the terms "harassment," "intimidation," and/or bullying," in and of themselves, shall not determine whether or not the principal shall refer the matter to the anti-bullying specialist.

2. If additional information becomes available subsequent to the principal's initial determination, the principal shall review said information and refer the matter to the anti-bullying specialist, as appropriate, pursuant to this section.

The Commissioner indicated this item was under review. The ABTF believes its inclusion in the code to be of critical importance in the process of initiating investigations.

3) *N.J.A.C.* 6A:16-7.7(a)2, new section ix, renumber remaining sections:

ix. Any request for a hearing concerning the findings of an investigation of harassment, bullying or intimidation before the district board of education pursuant to *N.J.S.A.* 18A:37-15b(6)(d) shall be filed with the secretary of the board of education not later than forty-five (45) calendar days after the information required by that section to be transmitted by the superintendent to the parents or guardians. The hearing shall be held within ten (10) business days of the request.

4a) *N.J.A.C.* 6A:16-7.7(a)(2):

vii. A procedure for reporting, verbally and in writing, an act of harassment, intimidation, or bullying, committed by an adult or youth against a student, including a provision which permits a person to report anonymously consistent with *N.J.S.A.* 18A:37-15.b(5);

4b) *N.J.A.C.* 6A:16-7.7(a)(2)viii(1):

(1) Investigations of complaints concerning adult conduct may be investigated by an individual who is a member of the same bargaining unit as the individual who is the subject of the investigation. When there is an appearance of impropriety, or other conflict of interest, it may be more appropriate for the investigation to be conducted by an individual who is not a member of the same bargaining unit as the alleged offender.

5) *N.J.A.C. 6A:32-7.3(a)* new 6 and 7, renumber existing 6:

(a) Mandated student records shall include the following:

1. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;
2. Record of daily attendance;
3. Descriptions of student progress according to the student evaluation system used in the school district;
4. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;
5. Records pursuant to rules and regulations regarding the education of students with disabilities;
- 6. Records relating to student discipline;**
- 7. Information relating to investigations of alleged incidents of harassment, bullying and intimidation; and**
8. All other records required by *N.J.A.C. 6A*.

The Commissioner did not accept this recommendation, but the ABTF strongly believes this language is necessary to reduce ongoing confusion.

6a) *N.J.A.C. 6A:16-1.3*:

“School safety team/school climate team” means the team responsible in each school to develop, foster and maintain a positive school environment by focusing on the on-going systemic process and practices in the school and to address school climate issues.

6b) *N.J.A.C. 6A:16-7.7(f)* 1 through 1ii:

1. The members of the school safety/school climate team shall be appointed by the principal, be chaired by the school anti-bullying specialist and include the principal, or designee, a teacher in the school, the school anti-bullying specialist, a parent of a child in the school and other members determined by the principal.

i. A parent shall be on the school safety/school climate team only in regards to general school climate issues and shall not participate in activities which may compromise the confidentiality of a student pursuant to *N.J.S.A. 18A:37-21.e*.

ii. Other members of the school safety/school climate team, who are not authorized to access student records pursuant to *N.J.A.C. 6A:32*, shall be on the team only in regards to general school climate issues and shall not participate in activities which may compromise the confidentiality of a student.

6c) *N.J.A.C. 6A:16- 7.7(e)3*:

3. Annually conduct a re-evaluation, reassessment and review of its harassment, intimidation, and bullying policy, **and any reports and/or findings of the school safety/school climate team(s)**, and make any necessary revisions, consistent with *N.J.S.A. 18A:37-15.c*.

## Appendix L

### Anti-Bullying Task Force Recommendations to New Jersey Department of Education 2013-2016

*Important Note: During its tenure the ABTF made recommendations to practitioners, the NJDOE and others. These recommendations should be collectively viewed and are summarized in Appendices L, M and N.*

#### Recommendations to Develop Guidance:

Summary of Recommendation	Source	NJDOE Actions
Issue guidance to assist practitioners in understanding the significance of power imbalance in HIB.	2014, 2016	<ul style="list-style-type: none"> <li>Will propose code amendments to the State Board of Education.</li> <li>Plans to review guidance needs.</li> </ul>
Revise the Model Policy to include language to clarify the definition of HIB in the ABR.	2014	<ul style="list-style-type: none"> <li>Plans to review Model Policy after adoption of code amendments.</li> </ul>
Provide guidance to practitioners to clarify who shall conduct investigations of adult-on-student behavior.	2014	<ul style="list-style-type: none"> <li>Issued <i>Questions and Answers about the ABR (November 2015)</i>.</li> </ul>
Provide guidance to school districts and parents about the maintenance and confidentiality of student records.	2014	<ul style="list-style-type: none"> <li>Plans to review guidance and training needs.</li> </ul>
Issue guidance and training related to student record keeping in collaboration with state education associations.	2015	
Provide guidance to school districts and parents to clarify that unless prohibited by the ABR, all rules concerning student conduct, suspension, and record keeping remain in effect and should continue to be implemented.	2013, 2014	<ul style="list-style-type: none"> <li>Plans to review guidance needs.</li> </ul>
Provide guidance to districts regarding assigning another ABS to investigate an incident when the alleged target or aggressor is a student the ABS is counseling.	2014, 2015	<ul style="list-style-type: none"> <li>Issued <i>Questions and Answers about the ABR (November 2015)</i>.</li> </ul>
Provide guidance regarding who can fulfill the role of the ABS.	2014	<ul style="list-style-type: none"> <li>Issued <i>Questions and Answers about the ABR (November 2015)</i>.</li> </ul>
Provide guidance to school districts about being mindful of the importance of sensitivity when dealing with all HIB reports, especially those that involve sexual orientation, gender identity or expression. Guidance should also be provided regarding communication with parents about sensitive issues.	2015	<ul style="list-style-type: none"> <li>Plans to develop resources to support school districts to address sensitive issues.</li> <li>Plans to include this information in future trainings.</li> </ul>



## Recommendations to Provide Training:

Summary of Recommendation	Source	NJDOE Actions
Provide training for principals to understand the ABR's definition of HIB.	2013	<ul style="list-style-type: none"> <li>Plans to review training needs after adoption of code amendments.</li> </ul>
Provide trainings on conducting HIB investigations.	2013	<ul style="list-style-type: none"> <li>Provided training entitled, <i>Essentials of HIB Investigations</i>.</li> <li>Training materials are posted on the NJDOE website.</li> <li>Will continue to review needs for future trainings.</li> </ul>
Train arbitrators that adult-on-student behavior is included under the ABR.	2014	<ul style="list-style-type: none"> <li>Provided arbitrators with this information.</li> <li>Will continue to review needs for future trainings.</li> </ul>
Provide training to school safety team in improving effectiveness in meeting charge to foster and maintain school climate.	2013, 2014, 2015	<ul style="list-style-type: none"> <li>Provided training entitled, <i>Best Practices for Practical Implementation of the ABR</i>.</li> <li>Training materials are posted on the NJDOE website.</li> <li>Plans to conduct additional trainings for school safety/school climate team members.</li> </ul>
Continue to provide on-line training and best practice guidance regarding the creation of a healthy school climate and culture.	2014, 2015	<ul style="list-style-type: none"> <li>Webinars and resources on these topics are currently posted on the NJDOE website.</li> <li>Plans to develop new on-line training materials and resources.</li> </ul>
Provide training for school districts in range of responses and appropriate interventions at each level in collaboration with state educational associations.	2015	<ul style="list-style-type: none"> <li>Plans to develop training offered via a webinar.</li> </ul>
Provide training on the Self-Assessment to schools with low scores.	2015	<ul style="list-style-type: none"> <li>Provided training entitled, <i>Understanding the School Self-Assessment for Determining Grades under the ABR</i>.</li> <li>Plans to conduct additional trainings for schools with low scores.</li> </ul>

## Recommendations to Revise Administrative Code:

Summary of Recommendation	Source	NJDOE Actions
Amend the administrative code to include the concept of power differential as a method of distinguishing the motivating characteristic of the aggressor.	2014	<ul style="list-style-type: none"> <li>Accepted with edits.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to establish minimum criteria that must be met for the principal to transmit a matter to the ABS for investigation.	2014	<ul style="list-style-type: none"> <li>Issued <i>Questions and Answers about the ABR (November 2015)</i>.</li> </ul>
Amend the administrative code to provide parents or guardians 45 calendar days in which to request a hearing before the board and that the 45 days shall run from the time the parent or guardian receives the written information required by this section of the ABR.	2014	<ul style="list-style-type: none"> <li>Accepted.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to clarify that adult-on-student behavior is included in anti-bullying investigations.	2014	<ul style="list-style-type: none"> <li>Accepted with edits.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to state that investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.	2014	<ul style="list-style-type: none"> <li>Issued <i>Questions and Answers about the ABR (November 2015)</i>.</li> </ul>
Amend the administrative code to clarify that a confidential disciplinary file is a student record.	2014	<ul style="list-style-type: none"> <li>Not accepted.</li> </ul>
Amend the administrative code to reflect the intended role of the SST by referring to the team as the School Safety/Climate Team.	2014	<ul style="list-style-type: none"> <li>Accepted.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to reflect the members of the School Safety/Climate Team.	2014	<ul style="list-style-type: none"> <li>Accepted with edits.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to include in the annual review any reports or findings of the School Safety/Climate Team.	2014	<ul style="list-style-type: none"> <li>Accepted.</li> <li>Will propose amendment to the State Board of Education for consideration.</li> </ul>
Amend the administrative code to add “gender identity and expression” to the list of protected classes enumerated throughout N.J.A.C. 6A:7.	2015	<ul style="list-style-type: none"> <li>This is under review.</li> </ul>
Amend the administrative code to add a definition for “gender identity or expression” consistent with New Jersey Law Against Discrimination.	2015	<ul style="list-style-type: none"> <li>Considering adding definitions to N.J.A.C. 6A:7.</li> </ul>

### Other Recommendations:

Summary of Recommendation	Source	NJDOE Actions
Continue to maintain and update resources on NJDOE HIB Webpage.	2014, 2015	<ul style="list-style-type: none"> <li>▪ This work is ongoing.</li> </ul>
Explore ways to collect data regarding school climate improvement plans.	2014	<ul style="list-style-type: none"> <li>▪ Facilitating a pilot project with schools to collect data and develop school climate improvement plans.</li> <li>▪ Plans to provide the field with strategies to support their work.</li> </ul>
NJDOE Social-Emotional Learning Working Group continue to explore ways to foster comprehensive approach to social-emotional learning for all students.	2015	<ul style="list-style-type: none"> <li>▪ This work is ongoing.</li> </ul>
Provide schools with technical assistance in completing the Self-Assessment.	2015	<ul style="list-style-type: none"> <li>▪ Provided all schools with a technical assistance module, <i>An Overview of HIB Grades: Understanding the Self-Assessment Process and Data Entry Requirements</i>.</li> <li>▪ Materials are posted on the NJDOE website.</li> </ul>
In collaboration with NJSIAA and the state education associations, develop professional learning opportunities that target hazing and the role that sports play in the development of a positive school climate and culture.	2016	<ul style="list-style-type: none"> <li>▪ This is a new recommendation.</li> </ul>
Given the NJDOE guidance in its November 2015 <i>Questions and Answers</i> on the <i>Anti-Bullying Bill of Right Act</i> , the NJDOE should revise its minimum model policy language surrounding the principal's role in initiating an investigation by including the code language recommended by the ABTF.	2016	<ul style="list-style-type: none"> <li>▪ This is a new recommendation.</li> </ul>
Remove and avoid the use of the word "discretion" in any document concerning the principal's role in administration of the ABR.	2016	<ul style="list-style-type: none"> <li>▪ This is a new recommendation.</li> </ul>
In collaboration with the state education associations, create professional learning opportunities that focus on current best practices related to developing a positive school climate.	2016	<ul style="list-style-type: none"> <li>▪ This is a new recommendation.</li> </ul>

## Appendix M

### Anti-Bullying Task Force Recommendations to Practitioners 2014-2016

*Important Note: During its tenure the ABTF made recommendations to practitioners, the NJDOE and others. These recommendations should be collectively viewed and are summarized in Appendices L, M and N.*

#### HIB Definition

Summary of Recommendation	Source
School districts should recognize that, although an incident may be found to fall outside the scope of the statutory definition of HIB, this should not prohibit the teacher, school employee, or administrator from taking action pertaining to that instance under the code of student conduct.	2014
School districts should recognize that the specified list of characteristics in the ABR is not exclusive and should incorporate the use of power imbalance to identify a broader range of potential characteristics.	2014
School districts should ensure that hazing, including but not limited to athletics, is addressed in their code of student conduct and any other documents that articulate expected behaviors of both students and adults.	2015
School district policies, codes of conduct for students and athletes and handbooks for staff and coaches should state the positive behavior that is expected and that HIB will not be tolerated.	2015

#### Reporting and Investigation

Summary of Recommendation	Source
Given the NJDOE guidance in its November 2015 <i>Questions and Answers</i> on the <i>Anti-Bullying Bill of Right Act</i> , school districts should adopt policies that include language surrounding the principal's role in initiating an investigation by including the language recommended by the ABTF.	2016
Administrators should implement disciplinary consequences and/or remedial actions in an expeditious manner per the code of student conduct.	2013
Principals should consider appointing more than one ABS to provide flexibility in assigning investigations. Flexibility is especially needed when an ABS is counseling a student involved in an HIB investigation.	2014

When a report of HIB is made that involves a protected class, the Affirmative Action Officer (AAO) and the ABS should both be notified, and collaborate to conduct a single investigation.	2015
School districts should not establish a separate method of HIB investigations related to sexual orientation, gender identity, or gender expression.	2015
School districts should review their MOA, which includes the 2015 amendments, to ensure proper collaboration when law enforcement intervention is appropriate.	2016
Districts should remove and avoid the use of the word “discretion” in any document concerning the principal’s role in administration of the ABR.	2016
Districts should carefully review the New Jersey Administrative Code revisions and modify HIB policies in accordance with those amendments.	2016

### Role of the School Safety/School Climate Team (SS/SCT)

Summary of Recommendation	Source
Schools should reassess SS/SCT membership and build a team that is representative of the school community, including coaches and advisors of extracurricular activities.	2015
District boards of education should require SS/SCTs to meet more than two times per school year.	2015
District boards of education should ensure that SS/SCTs create, implement, reflect on and advise school climate improvement plans.	2016
School climate plans should focus on dealing with HIB and other student conduct infractions and the provision of ongoing prevention instruction for students as part of the systemic plan to improve the school environment.	2013
SS/SCTs should develop school climate improvement plans that promote a coherent approach to social and emotional learning.	2014
SS/SCTs should provide training for staff and parents related to both the social and emotional learning skills that are part of the year-long grade appropriate instruction in bullying prevention and the procedural issues regarding reporting and investigation. Staff should model and continually reinforce these social and emotional skills and parent training should promote reinforcement at home.	2015
SS/SCTs should find ways to engaged students and the community in school climate improvement efforts.	2015

## Programs, Approaches, Instruction and Training

Summary of Recommendation	Source
School districts should continue to ensure all staff are properly trained on the implementation of the ABR and district policy using the most current information.	2016
Training should be provided on the practical application of the statutory definition of HIB to everyone involved in implementation of the ABR.	2013
School districts should include intervention and prevention strategies related to hazing in required trainings under the ABR.	2015
Annual training be provided to all SS/SCTs in accordance with the ABR. Training should emphasize the role of the SS/SCT in improving the overall school climate.	2014
ABCs should attend SS/SCT training to as they can coordinate the work district-wide, providing opportunities for teams to share ideas and resources.	2014
School districts should reexamine their approach to year-long HIB prevention instruction and incorporate a systemic approach to teaching social and emotional learning skills.	2014
School districts should integrate specific social and emotional learning skills across the curriculum.	2015
Social and emotional skills should be reinforced through clear behavioral expectations that are connected to discipline and the code of student conduct.	2015
When choosing a provider for training related to the ABR, school districts should ensure providers are knowledgeable about both technical compliance issues and compliance in relation to the spirit of the law (developing positive school climates).	2015
Continue to provide trainings on investigations and the use of the central element of bullying, power imbalance, to distinguish bullying from normal social conflict and assist investigators in identifying a broader category of distinguishing characteristics.	2014
Provide principals with training on the minimum criteria to use in making the initial decision regarding HIB status including the use of the Threshold Assessment Checklist.	2014
Provide SS/SCT members with training related to effective social and emotional learning programming.	2014
District boards, superintendents, principals, anti-bullying coordinators, anti-bullying specialists, and SS/SCT members review all recommendations made by the ABTF.	2016

### Range of Responses

Summary of Recommendation	Source
School districts should review the NJDOE model policy to assure district policies and procedures accurately reflect an appropriate range of responses at all levels, individual, classroom, school and district.	2015
District boards of education should address the needs of their most vulnerable populations when developing policies, programs, training and procedures to support their most vulnerable populations.	2016

### Commissioner's Program for Determining Grades under the ABR

Summary of Recommendation	Source
SS/SCTs should collectively complete the Self-Assessment by assigning ratings for each indicator based on the listed criteria and available documentation.	2015
SS/SCTs, CSAs, principals, and ABCs should utilize information from the completed school Self-Assessment to implement a plan to ensure each school is fulfilling all statutory requirements outlined in the ABR; develop action plans to strengthen school climate and the policies of the school to prevent HIB; educate parents and the community about HIB prevention programs, approaches and other initiatives as well as the district's HIB policy when presenting the official grade report to the board of education; and include additional information to explain Self-Assessment ratings and district/school actions when posting the grade report on district and school webpages.	2015
Schools are encouraged to use the results of self-assessment to inform the development and annual review of their school climate plans.	2016
Schools should avail themselves of the NJDOE online training module.	2016

## Appendix N

### Anti-Bullying Task Force Additional Recommendations 2014-2016

*Important Note: During its tenure the ABTF made recommendations to practitioners, the NJDOE and others. These recommendations should be collectively viewed and are summarized in Appendices L, M and N.*

#### Implementation of the ABR in Higher Education

Summary of Recommendation	Source
The Secretary of Higher Education should send all boards of trustees of public institutions of higher education in New Jersey a written reminder of the specific requirements of the ABR, emphasizing the requirement to send email notice to each student each semester.	2015
The Secretary of Higher Education is strongly encouraged to facilitated a conversation among all institutions of higher education to share best practices in the implementation of the ABR.	2016

#### State Board of Education

Summary of Recommendation	Source
The State Board of Education act to adopt the ABTF's proposed amendments to the New Jersey Administrative Code at its February 2016 board meeting.	2016

#### State Education Associations

Summary of Recommendation	Source
NJSIAA in collaboration with the NJDOE and state education associations continue to develop professional learning opportunities that target hazing and the role that sports play in the development of a positive school climate and culture.	2016
NJDOE in collaboration with the state education associations should create professional learning opportunities that focus on current practices related to developing a positive school climate.	2014, 2015

#### Resources

Summary of Recommendation	Source
The Governor and Legislature continue to work to increase funding allocations to the Bullying Prevention Fund, commensurate with the expectations of the ABR and equivalent to the level of need.	2014, 2015, 2016
Alternative methods of financial support (e.g. philanthropic and foundational) be explored and sought to supplement funding allocated in support of the ABR.	2014, 2015
The State provide financial support to the NJDOE for additional work focused on the creation of healthy school climate and cultures.	2015