Guidance for Parents on the Anti-Bullying Bill of Rights Act
(*P.L.*2010, *c.*122)

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INTRODUCTION

Over the last several years, student bullying has received increased attention as a serious problem in schools. School bullying has been reported to be involved in student suicides across the nation, including in New Jersey. The importance of protecting students from bullying has been emphasized through the *Anti-Bullying Bill of Rights Act* (ABR) that became a law in New Jersey in January 2011.

This law mainly added requirements to the original bullying law that began in 2003. The new law made New Jersey's response to student bullying stronger. A copy of the ABR is available online on the New Jersey Legislature's website at http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF

The New Jersey Department of Education (NJDOE) has developed this guide to help parents understand their rights and know the duties of the school districts and schools. The NJDOE has tried to design this guide to be straightforward and easy for parents to read.

The guide begins with an explanation of words (Glossary of Terms) and shortened forms of words (Abbreviations) that are used in the guide. The guide is then divided into two main parts. Each part has several sections.

- The first part provides an overview of the requirements in the ABR, which includes sections on the following information:
  - The schools and conduct that are covered under the law;
  - The steps schools must follow once they have been provided a report of a suspected act of bullying; and
  - Appeals and other options for parents if they continue to be concerned with a bullying incident at their children's school.

- The second part of the guide provides parents with information to use to respond to bullying at home, in the community and in their children's schools. It includes ideas for:
  - Getting involved with school anti-bullying programs;
  - Teaching their children empathy and respect for others; and
  - Taking action if one of your children bullies others or is a victim of bullying.

The guide also includes a list of online, local and national bullying prevention resources and several appendices with more information on important topics covered throughout the guide. Information taken from expert resources is either identified in the text or in a footnote by the related information. The specific source for all footnotes is provided in the Reference section on page 54. Citations for specific requirements in the ABR are included throughout the guide, when the information comes directly from the law.

GLOSSARY OF TERMS AND ABBREVIATIONS

Anti-Bullying Bill of Rights Act **(ABR)** – New Jersey's anti-bullying law that includes the requirements school districts and schools must follow in preventing and responding to harassment, intimidation and bullying. The ABR is the basis for this guide. It is available on the New Jersey Legislature's website at http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF.

Board of Education (Board or BOE) – A group of elected individuals within each school district that serves as the district's governing and policy making authority. Each board of education is required to issue a final determination on the findings of each investigation of reported harassment, intimidation or bullying, among other duties in the ABR.

Bully – A student or an adult who harasses, intimidates or bullies another person(s), where the behavior is one-sided. Harassment, intimidation or bullying also will be written as "HIB" to mean bullying in this guide.

Bullying – Refers to harassment, intimidation and bullying (HIB) as it is defined in the ABR. Bullying usually involves conduct where one or more students are victims of another person's aggression that has not been caused by the victims and emotionally or physically harms the victims and disrupts the educational process.

Bystander – Students and other people who witness bullying, and who do or say nothing to stop it or help the victims.

Chief School Administrator (CSA) – The highest level executive within a school district or charter school who is commonly referred to as the superintendent of a school district or a lead person of a charter school. The CSA has oversight of all staff, schools, students and educational programs and services within his or her school district or charter school. Under the ABR, the CSA is responsible for reviewing investigations of reported incidents of bullying, reporting the findings of investigations to the board of education and in taking other actions to correct bullying, as needed.

Commissioner of Education (Commissioner) – New Jersey's chief executive education officer who oversees the New Jersey Department of Education and all public schools within the state. As the state's chief education officer, the Commissioner is responsible for overseeing implementation of the ABR. One of these responsibilities is to provide a grade every year to each school and school district on their efforts to meet the requirements of the ABR.

Conflict – A disagreement, argument, fight or other action between people when they want different things and everyone is equally involved. Conflict may look similar to bullying, but is different.

Cyberbullying – A form of bullying that involves the use of electronic equipment, such as computers and cell phones. An example could include sending hurtful or unwanted text messages to another person's cell phone.

District Anti-Bullying Coordinator (ABC) – This is the school district staff member who is responsible for coordinating and strengthening the school district's anti-bullying policies. The ABC must work closely with each school anti-bullying specialist, the chief school administrator and the board of education. The ABC is responsible for reporting information on the amount and type of bullying incidents that occur within the district to the board of education and to the NJDOE, among other duties.

Hazing – Activities that "newcomers" must do before they can belong to a group. Hazing is used to maintain a hierarchy or pecking order within a group. Hazing usually is based on a tradition, where a lower group member or person who wants to join the group agrees or goes along with the hazing activities, which may be physically, psychologically or socially harmful.

Parent – As defined in *N.J.A.C.* 6A:16-1.3, the term "parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. If parents are separated or divorced, "parent" means the person or agency with legal custody of the student, and any natural or adoptive parent(s) of the student, as long as their parental rights have not been ended by the court.

Principal – The highest level administrator within a school building who is responsible for all educational programs and services in the school, including overseeing all staff and students in the school. The principal is responsible for starting investigations of all reported incidents of bullying, notifying the parents of children involved in the incidents and reporting the findings to the chief school administrator, among other duties in the ABR.

School Anti-Bullying Specialist (ABS) – The main school staff member responsible for preventing, identifying and addressing bullying incidents within his or her school. The ABS is responsible for leading a school's safety team and for investigating reported incidents of bullying, among other duties in the ABR.

School Grounds – As defined in *N.J.A.C.* 6A:16-1.3, school grounds includes any land, portions of land, structures, buildings and vehicles used by a school district to provide academic or extracurricular programs that are sponsored by the school district. School grounds also include playgrounds, recreational places and other places that are owned by other groups or people, when the school district is the only one using this land. The complete definition is available at http://www.state.nj.us/education/code/current/title6a/chap16.pdf.

School Safety Team (SST) – A group of people in each public school chosen by the school's principal, who are responsible for maintaining a positive and safe school environment. The principal selects the members of the SST, which must include the principal or a staff person chosen by the principal, a teacher, the school anti-bullying specialist, a parent and any other members the principal believes are important to be on the SST.

"Upstander" – Students and other people who take an active role in stopping the bullying of others. This is done either by not encouraging the bullies, by reaching out to the victim, by telling someone who can stop the bully or by taking other actions that can help the victim or stop the bullying.

Victim – A student who is harassed, intimidated or bullied by another student or an adult.

PART 1: OVERVIEW OF THE *ANTI BULLYING BILL OF RIGHTS ACT* (ABR) – DISTRICT AND SCHOOL OBLIGATIONS AND PARENTS RIGHTS

Which Schools and Which Types of Student Conduct are Covered Under the ABR?
Only certain types of schools and behavior are covered in the ABR. The ABR only applies to public school districts and schools, including charter schools, in New Jersey. Nonpublic schools are not required, but are encouraged to follow the ABR. If your child attends a nonpublic school, you should call the school for information on its harassment, intimidation and bullying policies.

The ABR also only applies to conduct that is defined as "harassment, intimidation and bullying" (HIB) in the ABR. (See *N.J.S.A.* 18A:37-14)

How is Bullying Defined in the ABR?
The ABR defines harassment, intimidation and bullying (HIB) as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by an actual or perceived characteristic, such as:

- Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic; **and that**
- Takes place on school property, at any school-sponsored function, on a school bus, or
- off school grounds, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; **and that**
- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; **or**
- Has the effect of insulting or demeaning any student or group of students; **or**
- Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student. (*N.J.S.A.* 18A:37-14)

The ABR does not explain the meaning of a "distinguishing characteristic." However, the dictionary (Webster's Ninth Collegiate Dictionary) defines the word "distinguish" as "… to perceive a difference in … to mark as separate or different … to separate into kinds, classes or categories … to set above or apart from others … to single out…" The same dictionary defines the word "characteristic" as "…something that identifies a person or thing or class…"

How Do Schools Decide Whether Conduct is Considered HIB?
The school must first conduct an investigation when bullying is reported. A school must consider many different factors to decide whether a behavior is HIB as defined in the ABR.

In making this decision, schools must take into account the facts of each case. In fact, the ABR requires schools to take certain steps. The steps required in the ABR for responding to and investigating HIB is explained in the section of this guide titled The 10 Steps of the HIB Complaint and Investigation Process located on pages 17-19.

If a student's behavior is not found to be HIB, based on the facts, schools might be required to take other actions required in the school district's code of student conduct. To access your board of education's code of student conduct, please contact the main office of the school or school district. The school district's code of student conduct must be consistent with the regulations at *N.J.A.C.* 6A:16-7 (http://www.state.nj.us/education/code/current/title6a/chap16.pdf).

Understanding Different Types of Bullying Behavior

Bullying can occur in many different ways. Bullying can be direct ("face to face") or indirect ("behind someone's back). The type of bullying can affect the way parents describe or approach their child or a school about a bullying incident. Generally, there are four types of bullying behaviors: [i]

- **Verbal** – Includes name calling, taunting, constant teasing or making threats;
- **Physical** – Includes hitting, punching, shoving, spitting, or taking or damaging personal belongings;
- **Psychological** – Includes spreading rumors, purposefully keeping people from activities and breaking up friendships or other relationships; and
- **Electronic** – Includes using the internet, mobile phone or other electronic equipment to intentionally harm others.

Cyberbullying: The New Form of Bullying

Cyberbullying is a new form of bullying that is being used with the advancement of technology. It takes place using electronic devices or equipment such as cell phones, computers and tablets; and communication tools, such as social media sites, text messages, chat rooms and websites, to intentionally harm someone. Under the ABR, cyberbulling falls under the category of an *"electronic communication,"* which is defined as *"a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager"* (See *N.J.S.A.*18A:37-14).

Cyberbullying can be especially damaging to the victim. Young people who are cyberbullied often also are bullied in person. Cyberbullying can happen anytime of the day or night and can reach victims even when they are alone.

The cyberbully can be difficult to find. The cyberbully has the ability to send hurtful messages and images quickly to a wide audience, and can do this without anyone knowing he or she did it. The messages and images are hard to stop or delete once they have been posted or sent.[i] Some examples of cyberbullying include:

- Using online social networking sites, such as Facebook, MySpace and Twitter, to make hurtful postings about someone. This can include calling a person a name, writing a rumor or posting personal information;
- Using instant messenger services to repeatedly harass someone or contact someone who is not interested in communicating with the person;
- Sending hurtful or unwanted text messages to someone's cell phone;
- Showing recorded or live video of someone's private life on the internet.
- Intentionally excluding someone from an online group.

Places Where Bullying Frequently Occurs
Schools must find out where the bullying took place before deciding if it is HIB. Bullying is most likely to occur outside of the classroom, in places where there is the least amount of adult supervision. Some examples of areas, during school, where bullying may occur include:

- School playgrounds;
- Hallways;
- Lunch rooms;
- Locker rooms; and
- Buses.

Unlike other forms of bullying, cyberbullying is more likely to occur inside the classroom or in adult supervised areas because of the ability to easily move electronic devices from one location to another and because of the growing presence of these devices in the classroom. The small size of electronic devices, such as cell phones, makes these items easier for students to conceal and use to bully.

Conflicts vs. Bullying
During a conflict, name-calling, threats and other conduct that might look like bullying can occur. However, a conflict and bullying are very different.

Unlike bullying, during a conflict people are equally involved in some type of disagreement. Conflict is considered mutual, meaning everyone is more or less evenly involved.

Bullying, on the other hand, involves one or several people (the bullies) intentionally committing a mean or violent act against another person(s) or group of people (the victims). When bullying occurs, there is no mutual participation in a disagreement; it is one-sided. Bullying victims have a hard time defending themselves. The victims want the bullying to stop, but the bully continues the behavior.

Conflicts and bullying can interrupt the school day, damage property and cause injuries to the people involved. However, when the behavior involves a conflict, the school will take action based on its code of student conduct instead of the ABR.

Bullying occurs when:

- One or more students are victims of unwanted or uninvited aggression, as the behavior applies to the definition of harassment, intimidation and bullying in the ABR;
- The aggressor's behavior would lead a person to reasonably believe that the aggressor is motivated by a desire to physically or emotionally hurt someone;
- The aggression is one-sided; and
- The behavior is not an attempt to positively or negatively address or resolve a problem.

Bullying that Leads to a Conflict
An incident that is found to be bullying could lead to a conflict in the future. If a conflict is the result of bullying, a school is required to follow the ABR when dealing with the bullying aspect of the incident. To decide whether a behavior is bullying, the school officials must think about

all of the facts during an investigation. Examples of bullying and conflict by grade level are provided below:

GRADE LEVEL	***CONFLICT (Mutual disagreements, arguments or fights)***	***BULLYING (Intent to emotionally or physically hurt a student; it is one-sided.)***
Elementary School	"You copied my picture…you stole my idea!" "No, I didn't…you copied from my picture!"	A fellow student grabs the picture you colored and tears it up, calling you names related to your religion and cultural heritage.
Middle/Junior High School	"After you borrowed my basketball, I asked that you return it and you didn't!" "I did return it…I left it on your porch."	While practicing basketball skills in the gym, several students sit nearby and call out insulting comments about the color of your skin and your basketball skills.
High School	"You went after my boyfriend at the party and tried to hook-up with him." "I was told you broke up and he was available…and he didn't seem too unhappy with me!"	A student posts explicit photos and insulting words about your sexual orientation on Facebook, attacking you for "stealing" her boyfriend.

Hazing and Bullying

It can be easy to think that hazing and bullying are the same things. Hazing can involve bullying or can be considered bullying in some situations. The key difference is that hazing is behavior that is based on a tradition and is used by members of a group to maintain a hierarchy or "pecking order" within the group. The lower group member or persons who want to join the group either agree or go along with the hazing activities, which may be physically, psychologically or socially harmful. Unlike bullying, the victims or newcomers let themselves to be treated in a way that gets them accepted as a member of the group. Once accepted by the group, the victims become bystanders and watch others get hazed. Eventually, the bystanders achieve senior status and power and haze others. [ii]

Two things that make hazing and bullying different are:

- The victims agree or go along with being hazed as a way to prove that they should be accepted as a member of the group; and
- The victims eventually haze others after they have been accepted into the group and have achieved senior status or power.

Hazing and the Law

Hazing is considered a disorderly persons offense in New Jersey, when a person in connection with an initiation of another, knowingly or recklessly engages in conduct, other than competitive athletic events, which places another in danger of bodily injury (*N.J.S.A.* 2C:40-3). When serious bodily injury results, the offense is aggravated hazing, which is a crime of the fourth degree. The consent of the person hazed is not a defense (*N.J.S.A.* 2C:40-4). Any other criminal conduct under the New Jersey Code of Criminal Justice also may be charged (*N.J.S.A.* 2C:40-5).

Examples of Hazing

Some examples of hazing under New Jersey's hazing law are provided below:

- A new member of a high school football team is told by the team's captain that all new players must not drink water after each of the first week of practices to prove their commitment to the team. The team member does not drink water after the practices and is taken to the hospital after the third practice due to symptoms of dehydration.
- A high school sophomore who is a new member of the cheerleading squad is told by a junior cheerleader that it is customary for new cheerleaders to demonstrate a difficult cheerleading move without floor padding. As a result, the sophomore cheerleader attempts the move and falls on her tailbone on the gymnasium's wood floor, which resulted in her being taken to the hospital for evaluation.
- A student who is interested in joining the car club at school is told by the club's president that before a person can join he must race through a red light traveling at a speed that is at least 35 miles an hour above the speed limit. The student races through a red light traveling at a speed of 70 miles per hour in a posted 25 miles per hour zone. As a result, the student gets into an accident, causing him bodily harm.

Examples of Hazing that Include another Offense

The legal definition of hazing above makes it clear that other offenses and criminal charges can result from hazing; these offenses could include assaults, criminal threats and extortion. For example, if as a part of hazing a student intentionally shoves another student into a locker, breaking the student's wrist, the hazing would also involve an assault. From a school perspective, hazing could also involve HIB if the behaviors meet the criteria in the HIB definition (see section of this guide titled How is Bullying Defined in the ABR? on page 9). For example, HIB would also occur when, as a part of hazing, a student makes negative comments about another student's religion when the student enters a classroom, causing substantial disruption to the orderly operation of the school and emotionally harming the student.

DISTRICT AND SCHOOL OBLIGATIONS

The ABR requires staff in school districts and school buildings to meet several requirements. The requirements provide the structure for schools to prevent bullying and investigate reports of bullying. The specific requirements for investigating reports of bullying are described in the section of this guide titled The 10 Steps of the HIB Complaint and Investigation Process (pages 17-19). Understanding these requirements might address questions, issues or concerns a parent might have about the way a school or a school district is handling a reported incident of bullying.

The information below is a summary of a school district's and a school's main duties. The information does not include every requirement in the ABR. For details, please refer to the ABR, which is available on the New Jersey Legislature's website at http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF.

- **Appoint a School Anti-Bullying Specialist** (*N.J.S.A.* 18A:37-20a) – Every school principal and charter school lead person is required to appoint a school anti-bullying specialist (ABS) for the school. The ABS is the main person responsible for preventing, identifying and addressing bullying incidents in a school. The ABS must be either a:
  - School counselor;
  - School psychologist; or
  - Other similarly trained staff member from among the currently employed, certified staff in the school.

  The ABR does not rule out the principal serving as the ABS. Also, there is nothing in the ABR to keep a principal from appointing more than one ABS from those currently employed in the school.

  The ABS has the following responsibilities:
  - Leading the School Safety Team, (see details below); and
  - Investigating reported bullying, in cooperation with the principal.

  Locating the ABS in Your Child's School – Schools must put the name and contact information of the school's ABS on its website. Parents may ask any staff member at the school for the information. Contact information for the ABS also can be found on the New Jersey Department of Education's website at http://www.state.nj.us/education/ under the School Directory button.

- **Appoint a District Anti-Bullying Coordinator (***N.J.S.A.* 18A:37-20b) – The CSA must appoint an anti-bullying coordinator (ABC) who serves the entire school district and has the following responsibilities:
  - Work closely with the ABS in each school, the CSA and the board of education to prevent, identify and address the bullying of students;
  - Coordinate and strengthen the district's anti-bullying policy; and
  - Provide information, such as the number of bullying incidents that occur in each school and the groups of students that face the most bullying, to the board of education and to the New Jersey Department of Education.

Locating the ABC in Your Child's School District – The name and contact information of the school's ABC must be posted on both the school district's website and on each school's website. Parents may ask any staff member in the school district for the information. Contact information for the ABC also can be found on the New Jersey Department of Education's website at http://www.state.nj.us/education/ under the School Directory button.

- **Create a School Safety Team (***N.J.S.A.* 18A:37-21**)** – Each school is required to have a school safety team (SST). The team should be called either the "school safety team" or the "school anti-bullying team" to make it is easy for parents, students and staff to identify the group. The SST must include the following members**:**
  - The ABS (the leader of the team);
  - The principal or someone he or she chooses to represent the principal**;**
  - A teacher in the school;
  - A parent* of a student in the school; and
  - Other members determined by the principal.

  ***The parent member(s) of the SST is not permitted to participate in certain activities due to student confidentiality:** A parent who is a member of the SST is not permitted to participate in any activity which may reveal the identity of a student, other than their child, including the review of records and reports or discussions. This is not allowed by law. [*Family Educational Rights and Privacy Act* (20 *U.S.C.* § 1232g and 34 *CFR Part* 99), *N.J.A.C.* 6A:32-7, Student Records and *N.J.A.C.* 6A:14-2.9) and other privacy requirements.]

  The responsibilities of the SST include:
  - Reviewing records of all complaints of bullying incidents that have been reported to the principal;
  - Reviewing copies of all reports prepared from the investigations of bullying incidents;
  - Identifying and addressing patterns of bullying in the school;
  - Reviewing and strengthening policies of the school in order to prevent bullying;
  - Educating the community, including students, teachers, administrative staff and parents on preventing and addressing bullying; and
  - Participating in the staff training required under the ABR and other training the principal or the ABS may request.

- **Develop an Anti-Bullying Policy that Includes the ABR Requirements and is Approved by the Board of Education (***N.J.S.A.* 18A:37-15) – Each district is required to develop its own anti-bullying policy. The policy provides the requirements that school employees must follow when responding to bullying. The policy must include all of the components that are required in the ABR. The district may not take away requirements in the ABR or create a policy that is any less strict than the ABR. The district may add requirements that do not disagree with the ABR.

  Important Note on Anonymous Reporting **–** All districts are required to include a provision in their anti-bullying policy allowing a person to anonymously report an act of HIB. This

provision is important because many victims and witnesses of HIB do not report out of fear they will be identified and retaliated against by the bully or others.

- **Include Parents and Other Groups when Creating Their Anti-Bullying Policy** (*N.J.S.A.* 18A:37-15a) – The ABR requires school districts to include the following groups when creating its policy:
  - Parents and other community representatives;
  - Students;
  - School staff and administrators; and
  - Volunteers.

  Parent participation provides the opportunity for the policy to address the unique experiences, opinions and values of the district's parents, student population, school staff and surrounding community.

- **Distribute the Policy** (*N.J.S.A.* 18A:37-15b(11)) – The school district must distribute the anti-bullying policy each year to parents. In addition to the policy distribution, a link to the policy must be prominently posted on the school district's website.

- **Implement Anti-Bullying Prevention Programs (***N.J.S.A.* 18A:37-17a) – Each year a school district must implement and review their anti-bullying programs and approaches. Parents must be represented in the annual process of reviewing these programs and approaches. In addition to the district's HIB programs, the following activities must take place:
  - *Week of Respect* – Beginning with the first Monday in October of each year, all school districts must observe a "Week of Respect," which must focus on the importance of character education. During the week, schools must provide lessons on preventing bullying among the groups identified in the HIB definition and on bullying due to other characteristics; and
  - *Bullying Instruc*tion – Districts also must provide instruction on preventing HIB throughout the school year.

- **Provide Training** (*N.J.S.A.* 18A:37-17b) – All school staff members, volunteers, contractors, leaders and board of education members must participate in trainings on preventing and responding to bullying. The length, amount, time and topics of these trainings may vary for each of the positions. For a more detailed explanation on the training requirements, please see page 12 of the *Guidance for Schools on Implementing the ABR's section on Professional Development and Training*, which is available on the New Jersey Department of Education's website at http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf.

- **Publicly Report HIB Incidents (***N.J.S.A.* 18A:17-46) – The CSA must provide public reports on the bullying incidents in the schools. The reports must be made twice each year to the local board of education and to the New Jersey Department of Education. The time periods for these reports are as follows:
  - Between September 1 – January 1; and

- Between January 1 – June 30.

- **Post Anti-Bullying Grade on Websites (***N.J.S.A.* 18A:17-46) – Each district and school will be assigned a grade by the New Jersey Department of Education on the schools' and school district's efforts to meet the requirements in the ABR.
  - The school district's grade must be posted on the homepage of the district's website and on the homepage of each school's website.
  - The school's grade must be posted on the homepage of the school's website and each school's grade must be posted on the homepage of each district's website.

NOTE: Tables of parent's rights and their corresponding ABR section(s) are provided in Appendix A.

The 10 Steps of the HIB Complaint and Investigation Process

A school is required to take specific steps when HIB is reported. For information on a school district's or a school's procedure for reporting, please contact the school's main office. Tables of parent's rights and the section of the ABR that applies to the rights are provided in Appendix A.

The steps a school district and school must take when addressing a suspected incident of HIB are provided below. These steps can be found in *N.J.S.A.* 18A:37-15 of the ABR:

- **Step 1: The Verbal Report** – All reports of HIB acts must be reported to the principal the *same day* the incident occurs when a school staff member, a contractor or a volunteer:
  - Personally witnesses an act of HIB; or
  - Receives reliable information indicating that a HIB act occurred.

  Parents, students and others also may make verbal reports.

- **Step 2: Parent Notification** – As soon as possible following any verbal report of HIB to the principal, the principal must inform the parents of all suspected student offenders and suspected student victims. Depending on the school's procedure and the facts of each incident, the principal might inform the parent by phone, letter or some other form of communication. If it is appropriate to the situation, the principal may discuss the availability of counseling and other intervention services**.**

- **Step 3: The Investigation** – *One school day* after receiving the verbal report, the principal or the principal's designee must start an investigation of the act. The school anti-bullying specialist conducts the investigation, in coordination with the principal.

  Length of Investigation – The investigation should be completed as soon as possible, but must be completed no later than *10 school days* from the date of the *written* report (see Step 4: The Written Report below). During the investigation:
  - The principal might appoint other school staff to help with the investigation; and

- The principal might administer discipline or take other steps under the board of education's anti-bullying policy or code of student conduct if the facts show there is enough information to do so.

- **Step 4: The Written Report** – Within *two school days* of the verbal report, the school employee, contractor or volunteer must also report the act of HIB to the principal, in writing. The written report requirement does not apply to parents.

- **Step 5: The Investigation Report** – Within *two school days* of the completion of the investigation, the results of the investigation must be reported to the CSA.

  Amending the Investigation Report (Depends on the Facts): If there is information related to the investigation that is received after the 10 school day deadline, the ABS may amend the original results of the report to include the information. There is no deadline for making an amendment to the report. The district would make a decision on the way to respond to the additional information, depending on the facts.

- **Step 6: CSA Actions** – Based on the investigation report, the CSA may choose to take any one of the following additional actions:
  - Impose discipline;
  - Provide intervention services;
  - Create training programs to reduce HIB, improve school climate and make the school safer and more accepting of all students;
  - Order counseling; or
  - Take any other actions necessary to address the incident or reduce HIB in the schools.

- **Step 7: The CSA's Report to the Board of Education** – The CSA must report the results of the investigation and any actions taken to the board of education by its next meeting following the completion of the investigation.

- **Step 8: Information to Parents** – Within *five school days* after the results of the investigation are reported to the board of education, the school district must provide the parents with information about the investigation that is limited to the following:
  - The type of investigation that was conducted;
  - Whether or not the district found evidence of HIB, as defined in the ABR; and
  - Whether or not discipline was imposed or services were provided to address the HIB.

  Limited Information and Student Privacy Laws: Due to student records and privacy laws and regulations, parents are only entitled to review their child's educational records; a parent is not entitled to view the records of other students. This means that parents are not permitted to receive the entire HIB investigation report if it in any way would identify a student other than their own. If parents believe they are entitled to more information than has been provided by the school district, the parents may request a hearing before the board of education. The process for the board hearing and other options available to parents are explained in the following section (Based on 20 *U.S.C.* §1232g, the *Family Education Rights and Privacy Act*, and *N.J.A.C.* 6A:32-7, Student Records).

- **Step 9: Optional Hearing or Appeal** – After receiving the information on the investigation, parents have the right, but are not required, to request a hearing with the board of education, if they are unsatisfied with the investigation findings or any other actions taken by the school or school district. If the parent requests this hearing, it must be held within 10 days of the parents' request. Information on other reporting options can be found in the section of this guide titled Other Reporting Options (pages 19-20). More information on other appeal options is explained in the section of this guide titled Options for Appeals on pages 20-22.

- **Step 10: Board of Education Decision** – At the board of education's *next meeting* following its receipt of the CSA's report (Step 7), the board must produce a decision, in writing. The decision must either uphold, reject or change the CSA's decision.

OTHER REPORTING OPTIONS

Filing a complaint with the New Jersey Division of Civil Rights or the Superior Court of New Jersey under the New Jersey Law Against Discrimination (*N.J.S.A.* 18A:37-15(b)6(f) and *N.J.S.A.* 10:5-1 to 49) – At any point in time, parents may file a complaint with the Division on Civil Rights under the Law Against Discrimination (LAD), if there is reason to believe that a bullying incident was motivated by one of the LAD's bias categories. The LAD is a state statute that makes it illegal for schools to discriminate against students based on race, creed, color, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, and disability. "Discrimination" includes HIB that targets a student because of any of the protected characteristics listed in the section titled How is Bullying Defined in the ABR? (page 9). This is known as "bias-based HIB."

The LAD requires schools to take action to prevent and remediate HIB that targets a student because of his or her *actual* or *perceived* race, color, religion, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, or disability. When schools do not take appropriate preventive and remedial action, they may be held responsible for bias-based HIB committed by students, school employees, volunteers and contracted service providers who have significant contact with students.

For more information on filing a complaint under the LAD, please see Appendix C and D of this guide.

Contacting the County Office of Education – If at any time parents have reason to believe their child's school or school district is not handling a possible bullying incident in line with the ABR or the board of education's policies; they can contact the office of education in their county for assistance. The county office of education is the New Jersey Department of Education's (NJDOE) representative in each county. The county office can investigate complaints of violations of the ABR or the board of education's HIB policies. A directory for county offices of education can be found on the NJDOE website at www.state.nj.us/education/counties/. This list also can be retrieved by going to the NJDOE's website (http://www.state.nj.us/education/) and entering "County Information and Services" in the search box in the top right corner of the homepage.

Contacting Law Enforcement Officials (the Police)
If at any time parents have reason to believe that a law has been broken, they should immediately contact the police. If the HIB happened at school or could affect a child while in school, parents also should inform the school so that school officials can take the proper precautions to protect their child and others in the school.

Reasons parents would want to contact the police and school officials:
- A threat is made to your child's life or physical safety;
- Your child arrives home from school showing signs of severe physical or emotional abuse, which may include cuts, bruises, welts or acting excessively withdrawn and depressed;
- Your child's personal belongings have been stolen or severely damaged while at school; or
- Your child complains or shows signs of inappropriate sexual contact.

This list is only meant to provide parents with some examples for when they might consider contacting the police. It is up to the parents to judge whether police notification is appropriate. If you are unsure, you might want to contact the police and ask their opinion about the situation.

OPTIONS FOR APPEALS

The ABR gives options to parents who continue to be concerned with the result of an HIB investigation or any other steps taken by the school district or school. This section provides information on these options:

Why Might Parents Decide to Appeal Decision or Action?
Before parents decide to file an appeal, they should be clear on the reason for the appeal. Some examples include:
- Parents disagree with the results of an investigation. For example, the school did not find that HIB, as defined in the ABR, occurred and the parents have evidence to prove their point.
- Parents have reason to believe that the discipline, intervention or remedial steps taken by the school in response to the incident have not protected the child or prevented HIB.
- Parents believe they are entitled to more information on the investigation. (Please note that parents are only entitled to limited information under student records and privacy laws and regulations. For a list of these laws and regulations, see the section of this guide titled Create a School Safety Team on page 15).
- Parents have reason to believe that a part of the complaint process was handled unfairly or unlawfully by school officials.

How can Parents Appeal a Decision or Action?
Regardless of the appeal option chosen, it is important for parents to have detailed information about their concern. A clearly stated argument that includes facts helps everyone involved to more quickly and effectively reach a decision. Parents should always maintain a record of all documents, conversations or other matters related to an incident involving their child.

Parents should be prepared to explain, at a minimum:
- The issues, concerns and allegations that are the basis for the appeal;

- The actions taken by the parents, school officials and any other party to resolve the situation; and
- The parents' expected resolution of the appeal.

If applicable, the information a parent might keep or document includes:
- The names of the school, ABS, principal, CSA and others who have been involved in the matter;
- The name of the parent's child and the child's involvement in the incident (Was the child the alleged bully, the alleged victim or a bystander?);
- The reason for the investigation (the behavior or specific incident that lead the school to take action);
- The date the investigation began and ended;
- All disciplinary and remedial steps taken and by whom;
- The results of the investigation, the date the parents were provided a report on the results of the investigation and the names and titles of the school staff who provided parents with this information;
- The specific issues the parent has with the investigation findings and the actions of school officials, and the reasons for these concerns;
- The parent's conclusions from the facts of the incident and the investigation; and
- An explanation of the parent's expected result from the appeal;

These steps are only meant to provide suggestions and in no way are a complete or final list of all information parents should keep. In making an appeal, parents should review the board of education's policies and procedures to ensure there is a basis for their claim.

What Options are Available to Appeal a Decision or Action?

- *Request a Hearing with the Board of Education (N.J.S.A.* 18A:37-15(b)6(d)) –
  After parents are provided information on the results of an HIB investigation, they may request a hearing with the board of education to review the matter. A parent may request a hearing before or after the board's meeting where it accepts, rejects or changes the CSA's decision. There is no time limit on requesting a hearing; however, parents may want to take action as close to the investigation as possible.

  The board must hold a hearing within 10 days of receiving a parent's request for a hearing, after the parent receives the results of an HIB investigation from the CSA. The hearing must be held in executive session in order to protect the privacy of the students. At the hearing, the board may hear from parents, the school's ABS, other school staff and administrators or any other individuals that may have information that is important to consider. The hearing must be held in accordance with the Open Public Meetings Law (*N.J.S.A.* 10:4-6 to 10:4-2) and the board of education's procedures. The main office of the school district can provide information on these procedures.

  The hearing must take place whether or not the board has issued a decision on the CSA's report. If the hearing occurs before the board decision, the board should consider the information presented at the hearing in reaching its decision on the CSA's report. If the hearing occurs after the board's decision on the CSA's report, the board should take

appropriate action, in line with the new information. The facts and the district's policies and procedures will determine any additional actions to be taken.

- *How to Request a Board Hearing* – The ABR does not include information on the method parents should use to request a board hearing. For this reason, parents should contact the district's main office for this information. Some examples of ideas for requesting board hearings and other appeals are described below:
  - Make a phone call to the school district's main office;
  - Send a formal letter to the district by certified mail;
  - Send an email to the district; or
  - Complete and send the request form or other document provided by the district.

- *Appeal to the Commissioner of Education* (*N.J.S.A.* 18A:37-15(b)6(e)) – Parents may appeal to the Commissioner of Education within 90 days of the board's decision on the CSA's report. Before appealing to the Commissioner, parents typically should attempt to resolve the matter with school and school district officials, including with the board of education. This process is described in the previous section titled The 10 Steps of the Complaint and Investigation Process (pages 17-19). For a more detailed description of the steps involved in petitioning to the Commissioner, please see either Appendix B of this guide, the NJDOE's website at http://www.state.nj.us/education/genfo/faq/faq_candd.htm, or chapter 3 of the document titled *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* found at http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf.

- *Appeal to the Appellate Division of the Superior Court of New Jersey* – Parents may appeal the Commissioner of Education's decision to the Appellate Division of the New Jersey Superior Court. For a more detailed discussion of the steps involved in appealing to the Appellate Division, please see either Appendix C of this guide, the Appellate Division of the Superior Court's website at http://www.judiciary.state.nj.us/appdiv/forms/forms.htm, or chapter 4 of the document titled *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* found at http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf.

PART II: BULLYING PREVENTION AND RESPONSES TO BULLYING FOR PARENTS

How to Help Stop Bullying (Prevention)

The most effective way to prevent bullying, whether inside or outside of school, is for parents, students, school staff and community members to cooperate in planning and acting to stop HIB. This part of the guide gives parents actions they can take in their home, the community and their child's school to prevent bullying any place it might occur.

Work Together with Your Child's School to Stop Bullying

There are many different actions parents can take to make sure their children's schools are correctly dealing with bullying. These actions include:

- *Knowing the district's anti-bullying and other policies* – Taking the time to read the anti-bullying policy and code of student conduct will provide parents with an understanding of the

steps the school must take when HIB or other misconduct takes place. Understanding the policies and procedures will help parents decide whether a school is taking proper action. The district's anti-bullying policy must be made available to parents each year and must be posted on the home page of the district's website (*N.J.S.A.* 18A:37-15b(11)).

- *Helping with the development of the district's HIB policy* – Each school district must include parents when developing the anti-bullying policy (*N.J.S.A.* 18A:37-15). This helps to insure the policies reflect the needs and unique experiences of the student's backgrounds. Many schools hold meetings and provide other opportunities for parents to discuss the school's policies and share ideas for improving them. Participating in these meetings allows parents to take an active role in shaping the daily operations of their child's school.

- *Being active in your children's educations* – One of the best ways parents can protect their children at school is to take an active role in their education. Some ways parents can be involved with their children's schools include:
  - Volunteer to be the parent representative on the school safety team;
  - Ask questions about the findings and activities of the school safety team;
  - Attend board of education meetings and learn about bullying incidents and activities;
  - Attend the public hearings held twice each school year when the CSA reports on the incidents of HIB to the board of education;
  - Contact the school to identify other meetings and opportunities to comment on the school district's policies and practices;
  - Attend parent-teacher conferences and contact your child's teacher regularly to stay updated on how your child is doing at school. Ask about what your child is learning, if he or she is having trouble with any school work, and what you can do to help. Also ask if your child gets along with the other children or if he or she is having any difficulty interacting with other students in the school;
  - Attend Parent Teacher Association (PTA) meetings;
  - Make an appointment with the principal if you have concerns with school policies, how school staff follow the policies, or other issues, such as the condition of school facilities, curricular or extra-curricular activities; and
  - Make an appointment with the CSA if you have concerns with the operation of the school district.

Take Action to Help Stop Bullying

Before children begin to attend school, they learn to interact from behaviors they observe in their homes and communities. Research reports indicate that the success of any bullying prevention program is 60% based on whether the same types of approaches are used in the home. [iii] Some ideas for parents to use to help to stop the cycle of bullying include[iv]:

- *Build empathy* – Encourage empathy by teaching your children about the struggles all human's face, including pain, rejection and misunderstanding. Help your children to understand the common human experience and to understand and accept all people, especially those who may look, speak, act or seem different from them.

- *Teach respect* – Teach respect for differences among people. Discuss the subjects of hate, prejudice and intolerance, and help your children learn about others who are different from them.

- *Be a role model* – Behave the way you want your children to behave. Being patient and respectful is one of the most effective ways to show your children how to be patient, understanding and respectful of the rights of other individuals or groups. Children who hear adults using hurtful or "put down" words to describe people, groups or things that they do not like, will use the same language.

- *Show interest in your children's life and be an empathetic listener* – Show your children that you are interested in learning about their hobbies and ordinary activities. Ask about their days at school and their school work, not just grades. Make it clear to your children that you want them to be happy, and that you accept and love them as they are. Encourage open communication.

- *Actively supervise your children* – Active supervision helps to set clear, reasonable, consistent and age-appropriate rules and guidelines for your children. Clearly explain how you expect your children to behave, and be consistent in how you handle bullying that takes place inside and outside of the home.

- *Know your children's friends* – Meet your children's friends; get to know them and their activities. Get to know the parents of your children's friends. Your children's friends and activities can have a major effect on their behavior and how they relate to others.

- *Become involved in your community* – Learn what is happening in your community. The behavior of people in the community may effect how your children behave. You can help stop the cycle of bullying by becoming involved in community activities and taking steps to ensure it is a safe and supportive environment. These steps can include communicating regularly with public safety officials in your area, and asking your neighbors to keep an eye on your children and to report any incidents of harmful or unlawful behavior.

- *Encourage positive problem solving* – Discourage verbal and physical revenge by telling your children that this type of behavior is unacceptable. Encourage your children to solve conflict with words and not with physical or verbal abuse. Suggest they walk away from difficult incidents and talk to an adult for guidance.

- *Ask questions* – Ask your children questions about the way they handle social situations to determine whether they are being bullied or are bullies. Ask school staff about things they see in your children's social relations to help confirm whether there is need for concern.

- *Disapprove of bullying* – Send a clear message that bullying behavior is unacceptable and will not be tolerated. Teach your children not to laugh when other children are being bullied, not to take part in bullying and not to support bullies.

- *Teach your children to be "upstanders," rather than bystanders* – Stopping the cycle of bullying involves teaching your children to be "upstanders," instead of being bystanders. Bystanders are people who watch bullying, including cyberbullying, and who do or say nothing to stop it or help. When bystanders do nothing, they are sending a message to the bully that they accept bullying. Upstanders are people who take some action when they see bullying. Below are some actions you can suggest to your children that will prevent them from acting as bystanders and help them be bystanders.
  - Do not laugh or encourage the bully in any way;
  - Stay at a safe distance and help the target of the bullying get away;
  - Do not give the bully attention and support by watching;
  - Reach out to the victim in friendship;
  - Support the victim in private;
  - Include the victim in some of your children's activities;
  - Tell an adult; and
  - Only take actions that are safe.

  If your children take these actions, they can take an active role in stopping the bullying of others. Practicing these situations with your children can increase the chances they will act as "upstanders."

Bullying Prevention Activities Parents and Children Can Do Together

There are many specific activities parents can use to help their children develop empathy, respect for others and positive problem-solving skills, including the following:

- *Perform community service* – Participating in community service with your children can help them to better understand people of different backgrounds, abilities, ethnicities, ages, educations and income levels. For example, research reports show that students who participated in service activities were more likely to treat each other kindly, help each other and care about doing their best[v]. Consider having your children volunteer with an organization that focuses on servicing certain groups that are commonly misunderstood or harassed by others.

- *Watch films that discourage prejudice* – Watching films with your children on the harmful effects of racism, homophobia, sexism and other forms of prejudice throughout history can help your children develop empathy and discourage them from bullying others. Watching these films may help children who have been bullied to identify with other groups that have been mistreated. Films on the civil rights movement may be useful. Many films that address these issues can be found at the public library.

- *Read books or other literature that discourage prejudice* – Similar to watching films that address the prejudice many groups have faced, reading books on this topic can help your children develop empathy and discourage them from bullying others. Books that deal with prejudice should be available at the school library and in the public library.

- *Visit museums and attend educational events on social issues* – Taking your children to museums or educational events with exhibits that focus on social issues, such as poverty, civil rights and prejudice, can help your children to better understand the lives and struggles

of others. Conducting an online search of museums and exhibits in your city or town may help to find some of these activities in your area. Many local community organizations, governments and public universities also regularly hold panels, workshops and other events on past and current social issues that are open to the public.

- *Keep your family up-to-date on current events* – Watching the news, reading the newspaper and engaging in other activities that help your children stay up-to-date on current events can have many benefits. Talking about the events and discussing the behavior seen can help to teach the behavior you want to see from your children. These activities can help them to better understand the effects their decisions have on themselves and others and can help your children become more empathetic and open to developing relationships with children that are different from them.

What to Do if Your Child is Being Bullied

Finding out that one of your children is a victim of bullying can be very difficult. If you suspect one of your children is being bullied at school, it is important to take action. Inaction can have harmful effects on the victim. Some of these effects include[vi]:

- Serious psychological and behavioral problems, such as low self-esteem, anxiety, depression, suicide, violence and criminal behavior;
- Physical problems, such as headaches, dizziness and stomachaches;
- Poor grades;
- Becoming fearful; and
- Developing the belief that adults are not in control or are uncaring.

Children at Risk for Being Bullied

Certain groups of students are especially at risk for being bullied. A list of some of these groups is provided below. If you believe your children might share some of the characteristics of these or other similar groups, be aware of changes in your children's behavior. Talk to your children about how they get along with other students at school and their friends. Ask the teacher for things he or she notices about your children.

- *Students who are believed to be lesbian, gay, bi-sexual or transgender (LGBT)* – Research reports show that nine out of ten students who are *perceived* as LGBT have experienced harassment at school in the past year[vii]. It is important to note that students may not be bullied because they are LGBT youth, but because other students view them as having qualities that differ from them. For example, a young girl might be bullied and called names because she likes sports and hiking and dislikes wearing dresses and spending free time shopping. A boy might be called names for not liking sports, enjoying ballet or for displaying behaviors that are identified as "feminine."

- *Overweight students* – Children who are overweight or obese are more likely to be bullied than their non-obese peers, regardless of gender, race or socioeconomic status.[viii]

- *Students with learning or physical disabilities* – Studies conducted in the United States found that children with disabilities were two to three times more likely to be the victims of bullying. In addition, the bullying experienced by these children was more chronic in nature and directly related to their disability.[ix]

- *Students who appear to be intellectual or introverted* – These might be students who are believed to be unsocial, or are very interested in school subjects, such as science or math.

- *Students who wear clothing, have certain hair styles or engage in some other form of self-expression that is identified as different from the norm* – This could include students who like to only wear black or who dye their hair bright colors.

Signs that Your Child is Being Bullied

Children often will not tell parents about being bullied because they are embarrassed or ashamed; afraid of revenge from the bully; or do not believe that the situation will change if they report it. Since it may be difficult for a child to tell a parent he or she is being bullied, there are many signs parents can identify. The signs below may or may not be an indication of bullying. But if parents see these signs, they should consider bullying as a possible reason for the behavior [x]:

- Your child comes home from school with torn or dirty clothing or damaged books;
- Your child has cuts, bruises or scratches;
- Your child has few, if any, friends or playmates;
- Your child seems afraid to go to school, or complains of headaches or stomach pains;
- Your child does not sleep well or has bad dreams;
- Your child loses interest in schoolwork;
- Your child seems sad, depressed or moody;
- Your child is anxious or has poor self-esteem; or
- Your child is quiet, sensitive or passive.

If your child is showing any of these warning signs, you should talk to them to find out the cause and then take to your child's teacher or principal.

How to Help a Child Who is Being Bullied

If you believe your child is being bullied or if your child brings up the subject, it is important for you to take action. Below are some steps you can take[xi]:

- *Report the matter to school officials* – If you suspect bullying, report the behavior and make it clear that you want an investigation according to the procedures in the ABR. You should always contact school officials if you believe an incident involves a student conduct issue that is affecting your child's education and well-being at school.

- *Document ongoing bullying* – Team with your child to keep a record of all bullying incidents. If the behavior involves cyberbullying, keep a record of all messages or postings. Do not erase or change any electronic files. More information on cyberbullying is provided in the sections of this guide titled Steps to Prevent Cyberbullying (page 33), What to Do if Your Child Experiences Cyberbullying (pages 33-34) and Cyberbullying Resources (pages 36-37).

- *Talk with your child* – Give your child undivided attention.

- *Empathize with your child* – Reinforce that bullying is wrong, that it is not your child's fault, and that you are glad they had the courage to tell you about it.

- *Develop solutions together* – Work together to find solutions and provide positive ideas for ways to respond to bullying. Help your child gain confidence by rehearsing the responses.

- *Be persistent* – Bullying, especially ongoing bullying, may not be stopped in one attempt.

- *Stay alert to other problems* – Some of the warning signs for bullying might actually be indicators of other serious problems.

- *Cooperate with school staff* – Partner with school staff and stay informed of investigations to be sure the ABR is being followed.

What Not to Do if You Believe Your Child is Being Bullied

It can be challenging to know the most helpful things to do and say if your child is being bullied. Some things a parent should *not do* include the following[xii]:

- *Do not tell your child to ignore the bullying* – The message your child might "hear" is that you do not take his or her concerns seriously or do not care about his or her safety and well being. Ignoring or downplaying bullying often encourages it to continue or to become more serious. Instead, be supportive and gather information about the bullying.

- *Do not blame your child for being bullied* – Do not assume that your child did something to cause the bullying. The actions of a child might start a conflict, but this is not the case with bullying, where the child is the victim of unwanted and uninvited aggression.

- *Do Not encourage your child to harm or "get back at" the person who is bullying them* – This could get your child hurt, suspended or expelled from school or sent to court.

- *Do not contact the parents of the students who bullied your child* – This might make matters worse by increasing the pressure on your child, increasing the bullying or bringing about bullying from the parent. School officials should contact the parents of the involved student(s).

- *Do not demand or expect a solution right away* – Indicate that you want to determine the best course of action, but need to be sure that your child is safe. Also, be aware that the ABR limits the ability of school staff from revealing information on the students who might be involved in the situation, including the disciplinary actions taken against other students. The law preventing school officials from giving you details on other students does not mean appropriate action has not been taken.

What to Do if Your Child is Bullying Others

Finding out that your child has bullied another person can be very difficult. The first step is to admit your child behaved in this way. Some parents may have difficulty accepting this because they have not seen their child behave in this way. Some parents may be concerned that they will be blamed for their child's conduct. Despite these concerns, it is very important for parents to deal with their child's behavior. Bullying is not harmful just to the victims. A child who bullies others also has an increased chance for problems, including[xiii]:

- Higher risk for engaging in risky and criminal behavior as adults;

- Higher risk for substance abuse;
- Higher risk of being disciplined at school, which can include suspension, expulsion and other measures;
- Missing or dropping out of school;
- Poor grades; and
- Developing an inability to empathize and interact with others.

Signs that Your Child Might be Bullying Others

If your child behaves in one or more of the following ways, it might indicate that he or she bullies others. If you observe these behaviors[xiv], you might want to spend some extra time talking with your child about his or her behavior and schedule a conference to talk about your concerns with school staff:

- Teasing, threatening or kicking other children;
- Being hot-tempered, hyperactive, impulsive or having a hard time following rules;
- Being aggressive toward adults;
- Acting tough or showing no sympathy for others;
- Being involved in other antisocial behavior, such as vandalism or theft; and
- Engaging in controlling or dishonest behavior.

Reasons Children Bully Others

Children bully others for many different reasons. Parents can develop more effective responses to stop their children from bullying if they know the reasons for the behavior. Some things that might contribute to bullying behavior include the following (*adapted from the Center for Safe School's Pennsylvania Bullying Prevention Toolkit*):

- *Control and power* – Many children bully in an attempt to have control over others or to get power within a group. Providing children with stability and the freedom to make some of their own decisions can help in dealing with this issue. Discussing fair limits for their behavior with your children and putting these limits into effect time after time is another way to address this issue. Teaching these children acceptable social skills and ideas for cooperating with others also is important.

- *Peer attention* – Children often receive positive attention for their bullying behavior. When other children laugh at or join in the bullying, children are supported for their bullying behavior. This may be addressed by keeping track of your children's friends and activities, and by talking about the difference between giving attention to others for good and bad behavior.

- *Learned behavior and indifferent attitudes toward bullying* – Parents' attitudes toward peer aggression and bullying can have a major effect on their children's behavior. If parents - through their inaction or action - approve of bullying, (which can include allowing their children to bully one another) the children may mistakenly think that bullying is acceptable behavior and a normal part of growing up. Parents should take action when they see bullying behavior and be clear that it will not be tolerated.

- *Bias issues* – Some bullying is driven by personal prejudice or social norms that reject certain groups. A listing of groups that are especially susceptible to bullying is provided in the

section of this guide titled Children at Risk for Being Bullied (pages 26-27). If parents suspect one of their children is prejudiced towards a certain group(s), they can help by talking with the child about the reasons for it. Parents also can have their children participate in activities and counseling that build empathy and respect for others. A listing of activities is provided in the section of this guide titled Bullying Prevention Activities that Parents and Children Can do Together (pages 25-26).

- *Being a victim* – Bullying is part of a vicious cycle. Some children may bully others because they are victims of bullying. If you suspect one of your children is bullying another person(s), consider whether or not they have ever shown any signs of being a victim of bullying (see the section titled Signs that Your Child is Being Bullied on page 27). Think about whether your child is a member of any group(s) that is especially susceptible to bullying. If the child who bullies also is a victim, contact the school about your concerns, and inform your child that bullying others is not the way to stop bullies.

How to Help a Child Who Bullies Others

If you find out that your child is bullying others, take the issue to heart and develop a plan with your child that will help stop the bullying. The section of this guide titled Bullying Prevention Activities that Parents and Children Can Do Together (pages 25-26) provides examples of things a parent can do to address bullying issues with a child. Additional steps a parent can take include[xv]:

- *Calmly and thoroughly discuss the problem* – Talk with your child about the bullying behavior, and ask for their account of any specific incidents of bullying. Listen carefully and stay neutral. Calmly explain the behavior that you are concerned about and ask for an explanation of the incident(s) and details on your child's role.

- *Clearly state your disapproval, and develop clear and consistent rules* – Make it clear to your child that you take bullying seriously and that it is not acceptable behavior. Calmly inform the child that you will not tolerate bullying behavior. Develop clear rules for your child's behavior. Always praise the child when he or she follows the rules, and always put into action fair consequences if your child breaks the rules.

- *Spend time with your child, and know their activities* – Spend quality time with your child. Carefully check on their activities, including when they are online or texting. Be aware of your child's friends and the ways your child and his or her friends spend their free time. Help them watch their own behavior.

- *Encourage your child's talents and positive attributes* – Build on your child's talents and positive attributes. Encourage him or her to get involved in social activities and community service.

- *Work closely with the school* – Ask the school to keep you informed about your child's behavior. Develop strategies together to address the bullying. Team up to send clear messages to your child that the bullying must stop. You need to work together with school staff to ensure the bullying does not happen again.

- *Get counseling or other assistance for your child* – Talk with a school counselor or other health care professional about available counseling or other services for your child. These services can help your child learn new behaviors.

- *Help your child connect with other youth who show positive behavior* – Other children can serve as positive role models for your children, and can have a positive influence on their behavior, helping them work through the reasons of their behavior.

What Not to Do if Your Child is Bullying Others

The shame, anger, fear or misunderstanding parents might feel when they discover their child bullies other children can lead them to take actions which may make the situation worse. Below are some actions parents *should not* take in this situation:

- *Do not blame the victim* – Do not assume the victim did something to bring the bullying on himself or herself. A child may provoke conflict, but this is not the case in bullying, where the child is the victim of one-sided and unwanted or uninvited aggression.

- *Do not overreact* – Becoming extremely angry or using too much discipline can lead your child to become fearful, defensive and resentful, which could prevent him or her from understanding that bullying is wrong. This also could result in your child feeling victimized and acting more aggressive and angry towards others.

- *Do not contact the parents of the victim* – This might make matters worse by increasing the pressure on your child, increasing the bullying or bringing about bullying from the parents. School officials should contact the parents of the involved student(s).

- *Do not support your child's behavior or say it is "normal***"** – Make sure you clearly tell your child bullying is wrong. Do not laugh or make light of the bullying behavior. You should not discuss bullying as a normal or accepted behavior, since it can have serious consequences for the bully and the victim.

- *Do not expect your child to change right away* – Do not accept your child's conduct; however, understand that some bullies have deep issues that lead them to mistreat others. Be patient with your child as he or she learns the reasons for the bullying and ways to stop bullying.

- *Do not tell your child that he or she is a bad person"* – Using bad behavior does not mean the child is a bad person. Telling your child that he or she is a "bad person" can lead the child to feel worthless, or unable or unwilling to change.

Steps to Prevent Cyberbullying[xvi]

In the digital age, it is important for parents to keep an eye on their children's online activity and understand ways to deal with cyberbullying. Steps parents can take to prevent their children from cyberbullying or from becoming victims of cyberbullying or other problems on the internet, include:

- *Become knowledgeable about current technologies and provide clear rules for their use* – Some rules to consider for your children include:

- Do not share personal information with anyone online other than your parents or specific individuals your parents permit; this includes passwords and login names;
- Do not become involved with online gossip or harassment; this includes making comments or forwarding hurtful pictures or messages to other people; and
- Do not visit websites designed only for adult use.

- *Keep computers and other technology in public areas in your home* – This will ensure you can easily watch your child's online activities.

- *Use protective software* – Obtain and install this software onto all of your computers or other electronic equipment your child can access. Use it to monitor, limit access or block certain sites you do not want your child to use.

- *Do not ban your child from using technology* – This could actually encourage your child to hide their online activities. It may cause them to engage in rebellious behavior online and offline because they feel deprived or resentful.

What to Do if Your Child Experiences Cyberbullying

- *Do not reply* – People who cyberbully typically want a reaction from their target or their audience. Stop yourself or your child from responding, even if you are angry and it seems justified.

- *Save all evidence related to the cyberbullying* – This includes printing a copy of all web content of the bullying of concern and saving or keeping all of this information on the computer, if possible. This evidence can help in the event that law enforcement or school authorities investigate the incident.

- *Contact other adults and authorities* – Do everything you can to be sure the cyberbully is held accountable for his or her actions. If the cyberbully makes a direct threat to a person's physical safety, you should immediately contact the police. If the cyberbulling happens at school, carries into class or continues through the school day, a school administrator should be told.

- *Contact the website where the cyberbullying occurred* – Request that any offensive content be removed and that the cyberbullies be blocked. Many websites accept abuse complaints through a web link option or by email.

PART III: BULLYING PREVENTION RESOURCES FOR PARENTS

New Jersey Bullying Prevention Resources

Education Law Center
www.edlawcenter.org(973) 624-1815, (973) 624-4618 (tty)
Offers information, referrals and, in a limited number of cases, representation to parents and students in disputes with public schools. Targets low-income families in high poverty school districts and selects cases that raise systemic issues.

Garden State Equality
http://www.gardenstateequality.org/
Phone: 1 877 NJBULLY or text NJBULLY to 66746
The largest civil rights organization in New Jersey committed to advocating for the lesbian, gay, bisexual and transgender and questioning community and to stopping the bullying of all groups. Garden State Equality also has an anti-bullying hotline that students, parents or concerned friends of a bullied student can call or text for help.

Gay, Lesbian and Straight Education Network
www.glsen.orgNorthern New Jersey Chapter
(973) 249-9107 - glsen_nnj@yahoo.com
Central New Jersey Chapter
(609) 448-8243 - cnj.glsen@comcast.net
Promotes each member of a school as equally valued regardless of sexual orientation or gender identity. Provides anti-bullying workshops and programs that promote tolerance and address gender bias and harassment.

New Jersey Coalition for Bullying Awareness and Prevention
www.njbullying.org
(908) 522-2581
Dedicated to increasing community awareness of bullying. Provides information and trainings on bullying prevention.

New Jersey Department of Education's resources supporting the New Jersey *Anti-Bullying Bill of Rights Act*
http://www.state.nj.us/education/students/safety/behavior/bullying/#si

New Jersey Department of Education's *Model Policy and Guidance for School on Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses*
http://www.state.nj.us/education/parents/bully.htm

New Jersey Department of Education's Keeping Our Kids, Safe, Healthy and in School Website
http://www.state.nj.us/education/students/safety/http://www.state.nj.us/education/students/safety/behavior/bullying/

New Jersey Division on Civil Rights
www.njcivilrights.org(609) 292-4605
The agency responsible for investigating discrimination complaints and eradicating illegal discrimination in New Jersey. To file a complaint, contact a regional office. Please check the website for contact information in your region.

New Jersey Office of Bias Crimes and Community Relations/New Jersey Cares About Bullying
www.njbiascrime.org(877) NO-BULLY (662-8559)
(800) 277-BIAS (2427)

Assists schools and communities in developing anti-bullying policies by offering workshops and trainings. Provides information and referrals regarding bullying.

New Jersey State Bar Foundation
www.njsbf.org(732) 937-7517
Provides free bullying-related training programs to New Jersey school staff members, as well as video resources, publications, posters and support to other New Jersey organizations. Maintains a referral hotline for parents and others seeking legal representation.
Statewide Parent Advocacy Network
www.spannj.org(973) 642-8100
Supports families and professionals in the healthy development of children and youth. Offers individual services, publications and trainings.

Youth Consultation Service Center for the Prevention of Violence
www.ycs.org(973) 482-8411
Offers a variety of school- and community-based programs that address youth violence.

General Bullying Resources

Books and Articles

Bullying: A Handbook for Educators and Parents. Rivers, I., Duncan, N., and Besag, V. E. (2009). Rowman & Littlefield Education, Lanham, MD.

Coloroso, B. (2003) The bully, the bullied, and the bystander: From preschool to high school: how parents and teachers can help break the cycle of violence. NY: Harper Collins.

Fried, S., & Fried, P. (1998). Bullied and victims: Helping your children through the schoolyard battlefield. New York, NY: M. Evans & Co.

Garbarino, J., & deLara, E. (2002) And words can hurt forever: How to protect adolescents from bullying, harassment and emotional violence. NY: Free Press.

Mullin, N. L. (2009). Olweus bullying prevention program companion bibliography. Pittsburgh, PA: Highmark Foundation

Pellegrini, A. D., Bartini, M., & Brooks, F. (1999). School bullies, victims, and aggressive victims: Factors relating to group affiliation and victimization in early adolescence. Journal of Educational Psychology, 91(2), 216-224.

Snyder, J. M. (February, 2003) What Parents Can Do About Childhood Bullying. Schwab Learning Center, (www.schwablearning.org) Charles and Helen Schwab Foundation. Retrieved August 12, 2005, from http://www.schwablearning.org/articles.asp?r=697.

The Truth about Bullying: What Educators and Parents Must Know and Do. Urbanski, J. and Permuth, S. (2009). Rowman & Littlefield Education, Lanham, MD.

What Parents Should Know about Bullying (2002). Prevention Child Abuse America Publication. South Deerfiled, MA. (1-800-835-2671.

Online Resources

Stop Bullying.gov – This website provides information from various government agencies on ways children, teens, young adults, parents, educators and others in the community can prevent or stop bullying.
www.stopbullying.gov

Cyberbullying Resources

Commonsense Media, Cyberbullying Toolkit – This toolkit, accessible online, provides tips and resources for educators, parents and youth on the topic of cyberbullying.
www.commonsensemedia.org/educators/cyberbullying-toolkit

Cyberbullying Research Center – The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes and consequences of cyberbullying amongadolescents. www.cyberbullying.us

Hinduja, S., & Patchin, J. W. (2009). Bullying beyond the schoolyard: Preventing and responding to cyberbullying. CA: Corwin Press.

Kowalski, R. M., Limber, S. P., & Agatston, P. W. (2008). Cyber bullying: Bullying in the digital age. Malden, MA: Blackwell.

National Crime Prevention Council (NCPC) – The NCPC provides information and resources regarding crime prevention, including cyberbullying and cyber crimes.
www.ncpc.org/topics/cyberbullying

National Center for Missing and Exploited Children – The center's Netsmartz program is an online resource for parents and educators on the topic of online safety and cyberbullying.
www.netsmartz.org/cyberbullying

Protecting Kids Online (PKO) – PKO is a network of law enforcement officers that have training in internet safety. They are available to conduct free workshops in schools and communities.
www.safeschools.info/internet-safety/aboutinternet-safety

Willard, N. E. (2007). Cyber-safe kids, cyber-savvy teens: Helping young people learn to use the internet safely and responsibly. CA: John Wiley & Sons.

Resources on Bullying and Protected Class Issues

American Civil Liberties Union (ACLU) – The ACLU is an advocacy organization that publishes numerous guides to students' rights. Several recent publications focus on the issue of

bullying and gay/lesbian students. These publications can be found by searching the ACLU website. www.aclu.org

Anti-defamation League (ADL) – The ADL works to end anti-Semitism and all forms of bigotry, while working to protect civil rights for all. The ADL has numerous publications and programs that focus on ending harassment in schools and communities.
www.adl.org

Office of Civil Rights (OCR), U.S. Department of Education – OCR enforces several federal civil rights laws on discrimination through programs or activities that receive federal funds from the Department of Education. These laws include Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Title II of the Americans with Disabilities Act of 1990. OCR's 2010 "Dear Colleague Letter" outlines school's responsibilities in responding to bullying and harassment, particularly in relations to protected groups.
www2.ed.gov/about/offices/list/ocr/index.html
(215)656-8541

Parent Advocacy Coalition for Educational Rights (PACER) – PACER works to expand opportunities and enhance the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents. They have extensive online resources for parents, educators and students on the topic of bullying. PACER publishes a booklet called Beyond Sticks & Stones: How to Help Your Child with a Disability Deal with Bullying.
www.pacer.org
(888)248-0822

Wasley, L. (2005). Taking bullying seriously: Is your child a target? Strategies and interventions for parents/guardians of children with special needs. Novato, CA: Matrix Parent Network.
www.matrixparents.org/pdf/packetsArticles/BullyingArticle.pdf

Bullying and Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Resources

Gay, Lesbian and Straight Education Network (GLSEN) – GLSEN works to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. GLSEN provides resources for educators, youth and advocates.
www.glsen.org

It Gets Better Project – This project was created to show young LGBTQ people the levels of happiness, potential and positivity their lives can reach – if they can just get through their teen years. www.itgetsbetter.org

The Trevor Project – This is a national organization that publishes educational resources for parents and schools and provides information, resources and crisis prevention services to LGBTQ youth and their allies. .
www.thetrevorproject.org.

APPENDIX A

Parent Rights and School Responsibilities to Parents under the ABR

The chart below summarizes each of the requirements in the *Anti-Bullying Bill of Rights Act* (ABR) related to parents. The left column includes a reference to the requirement and its citation in the ABR. The right column provides a description of parent's rights under the corresponding ABR Requirement.

ABR Requirement	***Parent Component***
Anti-Bullying Policy Development Each board of education must develop an anti-bullying policy. (*N.J.S.A.* 18A:37-15)	Parents must be represented in the process of developing each school district's anti-bullying policy.
Public Information A school's anti-bullying policy must be provided to and available to parents. (*N.J.S.A.* 18A:37-15b(11))	The HIB policy must be prominently posted on the home page of the school district's website, and the HIB policy must be distributed annually to parents.
Contact information for the district anti-bullying coordinator and the school anti-bullying specialist(s) must be posted on the websites of the school district. (*N.J.S.A.* 18A:37-15b(12)	Contact information for the district anti-bullying coordinator must appear on the homepage of the school district's website. Contact information for the district anti-bullying coordinator and school anti-bullying specialist must appear on the homepage of the school's website.
The NJDOE was required to develop a guidance document for use by parents, school districts and students. The NJDOE chose to develop two publications: *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* and this document. The NJDOE's guidance documents must be posted at an easily accessible location on the websites of each school district, the NJDOE and the Division on Civil Rights. (*N.J.S.A.* 18A:37-24b)	Each school district's website and the websites of the NJDOE and the Division on Civil Rights must provide parents with access to the guidance documents

ABR Requirement	*Parent Component*
<u>School Safety Team</u> A school safety team must be formed in each school in the school district to develop, foster and maintain a positive school climate by focusing on the ongoing, systematic process and practices in the school and to address school climate issues such as HIB. (*N.J.S.A.* 18A:37-21)	A parent of a student in the school must be a member of the school safety team. However, the parent is not allowed to participate in team activities that might compromise the privacy of a student.
<u>Bullying Prevention Programs, Approaches or Other Initiatives</u> Schools and school districts must annually establish, implement, document and assess bullying prevention programs, approaches or other initiatives that are designed to create school-wide conditions to prevent and address HIB. (*N.J.S.A.* 18A:37-17)	Parents must be involved in the process of annually reviewing and putting into practice the bullying prevention programs, approaches or other initiatives.
<u>Public Reporting</u> Two times each school year at a public hearing, the chief school administrator (CSA) must report to the board of education all incidents of violence, vandalism and harassment, intimidation and bullying which occurred during the previous reporting period. (*N.J.S.A.* 18A:17-46) The report must be used to grade each school and school district for the purpose of assessing their efforts to implement policies and programs consistent with the ABR. (*N.J.S.A.* 18A:17-46)	Parents may participate in the public hearings. A link to the reports must be available on the district's website. The grade for each school and the school district must be posted on the homepage of the school district's website. The grade for a school must be posted on the homepage of each school's website.

ABR Requirement	*Parent Component*
<u>Bullying Investigation Procedure</u> Each school district's anti-bulling policy must include an investigation procedure that contains all of the procedures in the ABR. (*N.J.S.A.* 18A:37-15b(6))	Following the verbal report of a suspected incident of bullying to the principal, the principal must inform the parents of the suspected student offenders and victims. During the notification, the principal may, but is not required, to discuss the availability of counseling and other intervention services. It is suggested that the notice be made as soon as practical, but the ABR does not require a timeline for the notice.
<u>Bullying Investigation Report</u> A report of the results of the investigation and any additional steps taken by the CSA must be provided to the board of education by its next meeting following the completion of the investigation. ((*N.J.S.A.* 18A:37-15b(6)(c)).	Parents of all suspected bullying offenders and victims must be provided the following information within 5 days after the results of the investigation are reported to the board of education: • The type of investigation conducted; • Whether or not evidence of harassment, intimidation or bullying was found; or • Whether or not discipline was given or services provided to address the HIB.
<u>Board Hearing</u> A parent may request a hearing before the board of education. (*N.J.S.A.* 18A:37-15b(6)(d))	Parents may request the hearing after receiving the results of the investigation. The hearing must be held within 10 days of the request. The hearing must be held in executive session to protect the privacy of the students.

ABR Requirement	*Parent Component*
<u>Rights of Appeal and Other Legal Options</u> A parent may appeal to the Commissioner of Education. (*N.J.S.A.* 18A:37-15b(6)(e))	Parents may appeal the board of education's decision to the Commissioner of Education no later than 90 days after the board issued the decision. (See Appendix B)
A parent may appeal to the Appellate Division of the Superior Court.	Parents may appeal the Commissioner of Education's final determination to the Appellate Division of the Superior Court. (See Appendix C)
A parent may file a complaint with the Division on Civil Rights. (*N.J.S.A.* 10:5-1 *et seq*.)	Parents may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any bullying incident that involves membership in a protected group, as stated in the *Law Against Discrimination* (*N.J.S.A.* 10:5-1 *et seq.)* (See Appendix D)
Report to law enforcement officials.	**Contacting Law Enforcement Officials**: Parents may contact their local police at any time, if they believe a law is being or has been broken or their child is or might be subject to bodily injury, whether or not related to a bullying incident.

APPENDIX B

Petitioning the Commissioner of Education To Hear and Decide Disputes Concerning N.J.S.A. 18A:37-13 et seq.

The New Jersey Department of Education's (NJDOE) Office of Controversies and Disputes assists the Commissioner in using the process established by the Administrative Procedure Act (http://www.state.nj.us/oal/general.html) to hear and decide disputes under the State school laws (http://www.state.nj.us/education/parents/law.htm), which includes *N.J.S.A.* 18A:37-13 *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, found at http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=228445&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutes.nfo&record={754C}&softpage=Doc_Frame_PG42); or
- Rules of the State Board of Education (http://www.state.nj.us/education/code/).

The allegations are generally as a result of different views of the meaning and application of the law, and one party seeks a legal ruling from the Commissioner resolving the dispute.

Typical parties in school law disputes are parents, who may file on their own behalf and/or on behalf of their minor children; adult students; school officials and employees; boards of education and board members; charter schools; private schools for the handicapped; and, in cases where decisions of NJDOE officials are appealed to the Commissioner, the State Department of Education. Common types of cases include disputes about student discipline (including for harassment, intimidation and bullying), student residency/domicile status, tenure/seniority claims, tenure charges, actions of local boards of education, certain decisions of the New Jersey State Interscholastic Athletic Association (NJSIAA), and final decisions on penalties recommended by the School Ethics Commission upon finding that school officials have violated the School Ethics Act.

What types of matters are *not* handled through Controversies and Disputes?

- ***Disagreement with a Local Board of Education*** – Disagreement with a local board of education, in the absence of allegations that the law is being violated, does not create a viable dispute before the Commissioner. When a board exercises its discretion and takes action within the scope of authority granted it by statute or rule, unless a petitioner can demonstrate on appeal that the board's action was taken without rational basis or in bad faith, or was contrary to law, the Commissioner may not substitute his judgment for that of the board and must uphold the board's action.
- ***Day-to-Day Issues*** – Many day-to-day issues commonly concerning parents, students and the public are not appropriate for judicial-type hearings and legal rulings at the State level and are best pursued through the local school district administration and board of education (http://www.state.nj.us/education/directory). Where problems or questions persist, assistance with resolution may be available through the office of the Executive County Superintendent of Schools (http://www.state.nj.us/education/counties/).
- ***Complaints about School Personnel*** – Complaints about school personnel are not generally heard as disputes before the Commissioner of Education. In New Jersey, hiring, evaluating,

disciplining, and deciding whether to retain the services of teaching staff members rest with the local school district administration and board of education rather than the State. The Commissioner's role in such matters is limited to adjudication of any school law disputes that may arise under the particular circumstances, such as deciding tenure charges in accordance with *N.J.S.A.* 18A 6-10 *et seq*., if certified by the board, or hearing any appeal by the filer of the charges, if the board voted not to certify them. Similarly, any action against a teaching staff member's license, other than suspension for resignation on insufficient notice, must be requested through the State Board of Examiners (http://www.nj.gov/education/educators/license/sbe.htm), not the Commissioner

- ***Special Education Disputes*** – Disputes arising under the laws governing special education are pursued through the NJDOE's Office of Special Education (http://www.state.nj.us/education/specialed/).
- ***School Ethics Complaints*** – Complaints against school officials under the School Ethics Act are pursued through the School Ethics Commission (http://www.state.nj.us/education/ethics/).
- ***Elementary and Secondary Education Act Complaints*** – Complaints under the federal Elementary and Secondary Education Act (No Child Left Behind Act - NCLB) are handled in accordance with the NJDOE's NCLB complaint policy (http://www.nj.gov/education/grants/nclb/issues/complaint_policy.htm).
- ***Compliance Investigation*** – Matters appropriate for NJDOE investigation or audit, such as overspent budgets, financial malfeasance, and compliance with criminal history record check laws, are best directed to the NJDOE's Office of Compliance Investigation (http://www.state.nj.us/education/genfo/faq/faq_oci.htm).

How do I initiate an appeal to the Commissioner of Education?
Before initiating an appeal to the Commissioner, a petitioner must generally have pursued available rights of appeal at lower levels, including the local board of education. If still aggrieved, a party may appeal to the Commissioner within 90 days (less where a specific law so requires) of receipt of notice of final action, by filing a Petition of Appeal with the NJDOE's Office of Controversies and Disputes according to the procedures detailed in *N.J.A.C.* 6A:3-1.1. *et seq. (http://www.state.nj.us/education/code/current/title6a/chap3.pdf).*

These rules require the following information, in the form of a petition as described at *N.J.A.C.* 6A:3-1.4:

- Name, address, telephone number and, if available, fax number of both the petitioner and the respondent (generally, the board of education);
- The specific allegation(s), and the facts supporting them, which constitute the basis of the controversy;
- A statement of the relief which the petitioner is seeking; *and*
- The signature of petitioner, or his/her attorney, if applicable.

Additionally, the petitioner must write or type the statement contained in *N.J.A.C.* 6A:3-1.4 attesting to the truthfulness of the allegations set forth in the Petition of Appeal; the statement must be *signed* by petitioner and *notarized*. Finally, the petitioner must serve a copy of the petition on each respondent and must submit to the NJDOE's Office of Controversies and

Disputes, with the Petition of Appeal, proof that each respondent was served (i.e., the petition was mailed or delivered). Such proof may be in any one of the following forms:

- An acknowledgment of service (mailing or delivering the petition) signed by the attorney for the respondent, or signed and acknowledged by the board of education or its agent;
- A sworn affidavit of the person making service;
- A certificate of service signed by the attorney making service; *or*
- A receipt (or copy) of certified mailing to the board of education's secretary or the board of education's attorney.

How do I request emergency relief in an appeal to the Commissioner of Education?
If relief is sought on an emergency basis, in addition to the information explained above the petitioner must file a motion accompanied by a memorandum addressing the standard for granting such relief pursuant to *Crowe v. DeGioia,* 90 *N.J.* 126 (1982); see *N.J.A.C.* 6A:3-1.6. This means the petitioner must demonstrate that:

- The petitioner will suffer irreparable harm if the requested relief is not granted;
- The legal right underlying petitioner's claim is settled;
- The petitioner has a likelihood of prevailing on the merits of the underlying claim; *and*
- When the equities and interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

Please note that – unless other applicable law provides a shorter time frame – there is a 90-day filing deadline for petitions of appeal, pursuant to *N.J.A.C.* 6A:3-1.3(i), and that efforts to resolve a matter informally do not generally absolve petitioners from compliance with this deadline, and failure to observe it may result in dismissal of a petition. Also note that submissions received after the close of NJDOE business at 4:15 p.m. will be deemed filed the next business day.

Papers are to be submitted to the following address:

Commissioner of Education
c/o Director of Office of Controversies and Disputes
New Jersey State Department of Education
P.O. Box 500
Trenton, NJ 08625

With the *prior permission* of the Office of Controversies and Disputes and up to a limit of 10 pages, a petition may also be faxed to (609) 292-4333, with the hard copy to follow by mail. Questions may be directed to the Office of Controversies and Disputes at (609) 292-5705.

What happens after an appeal is filed?
Filing a Petition of Appeal initiates a "contested case proceeding" where the petitioner will bear the burden of proving the allegations made in the petition through presentation of evidence and argument. In most cases, the alleged violator ("respondent") will be required to answer the petitioner's allegations within 20 days, and the matter will be sent to the Office of Administrative Law (OAL) for hearing of testimony and argument and consideration of evidence by an Administrative Law Judge (ALJ) in accordance with the Administrative Procedure Act (52:14B-1). At the conclusion of OAL proceedings, the ALJ issues an initial decision recommending findings of fact and conclusions of law to the Commissioner.

The initial decision and entire case record are then sent to the Commissioner, who has 45 days from the filing of the initial decision to review the matter, receive exceptions from the parties, and issue a final decision adopting, rejecting or modifying the initial decision of the ALJ. The ALJ's decision is, in itself, of no force and effect, but final Commissioner decisions have the force of law unless stayed or reversed on appeal.

If a party is dissatisfied with the Commissioner's decision, can it be appealed?
Yes. Prior to enactment of P.L. 2008, c. 36 on July 7, 2008, Commissioner decisions – other than appeals from New Jersey Interscholastic Athletic Association (NJSIAA) decisions and NJDOE determinations in certain matters involving "Abbott" districts, which were, by law, appealable directly to the Appellate Division of the Superior Court – could be appealed to the State Board of Education and thereafter to the courts. As of July 7, 2008, however, all Commissioner decisions are final agency decisions appealable to the Appellate Division of the Superior Court.

How many cases are filed each year? Where can I find past Commissioner decisions?
Between 500 and 600 Petitions of Appeal are filed most years. Many of these are withdrawn or resolved by settlement, but many others result in substantive decisions of the Commissioner. Substantive Commissioner decisions issued since mid-1997 are available on the NJDOE's website at New Jersey School Law (http://www.state.nj.us/education/legal/index.html), as is information about where to find earlier decisions.

APPENDIX C

Appealing Final Commissioner of Education Decisions To the Appellate Division of the Superior Court

The Appellate Division of the Superior Court is New Jersey's intermediate Appellate Court. It is comprised of 35 judges who sit in two and three judge panels chosen from parts consisting of four or five judges. Appellate Division judges hear appeals from decisions of the trial courts, the Tax Court and State administrative agencies. The Appellate Division decides 6,500 to 7,000 appeals and approximately 7,500 motions each year.

Procedure

There is a four-step process for appealing Commissioner of Education determinations to the Appellate Division of the Superior Court, which includes matters that pertain to the implementation of the Anti-Bullying Bill of Rights Act:

- *Chief School Administrator Decision* – First, the chief administrator of a school district or a lead person of a charter school must render a decision on a harassment, intimidation and bullying case.
- *Board of Education Determination* – Second, the school board or governing authority must either decide to accept, reject or modify the chief school administrator's or charter school lead person's decision.
- *Commissioner of Education Appeal* – Third, the Commissioner of Education must render a decision on an appeal of the chief school administrator's or board of education's decision(s).
- *Appellate Division* – Fourth, an appeal of the Commissioner of Education's decision may be filed with the Appellate Division of the Superior Court for a ruling.

Instructions and Forms

The Appellate Division may not take any action in a case until it has obtained jurisdiction in the matter. With few exceptions, the Appellate Division does not have jurisdiction unless a notice of appeal or a motion for leave to appeal has been filed. Instructions and forms for filing either a notice of appeal or a motion for leave to appeal can be found in the pro se kit and other materials located at http://www.judiciary.state.nj.us/appdiv/forms/forms.htm, and in the *Rules Governing the Courts of the State of New Jersey* (the Court Rules can be found at http://www.judiciary.state.nj.us/rules/). The pro se kit found at http://www.judiciary.state.nj.us/appdiv/forms/10837_appl_prose_kit.pdf contains the following items.

- A cover letter;
- Appellate Division Practice Checklist;
- Instructions for completing the forms;
- Notice of Appeal form;
- Prescribed Transcript Request form;
- Civil Case Information Statement form;
- Criminal Case Information Statement form;
- Notice of Motion form; and
- Certified Statement in Support of Motion for Leave to Proceed as an Indigent form.

Before a party begins completing the forms mentioned above, the information below and the material referenced above should be carefully reviewed. It is suggested that when reviewing the Appellate Division Practice Checklist (http://www.judiciary.state.nj.us/appdiv/forms/forms.htm), you note especially the time limits for serving and filing documents and how these time limits apply to your case. An appeal may be filed as of right from a final agency decision within 45 days from the date of service of the decision or notice of the action taken. An appeal is properly filed by the timely submission of a notice of appeal, case information statement and transcript request form.

While the pro se kit (http://www.judiciary.state.nj.us/appdiv/forms/10837_appl_prose_kit.pdf) is not intended to be a comprehensive guide to practice and procedures in the Appellate Division, the information and forms contained therein should be helpful in the preparation of the documents that a party will need in order to proceed with an appeal.

Consideration should be given to obtaining the assistance of an attorney, since an appeal can be a complex, legal proceeding. Even if it is found that completing the forms is not a difficult task, please be aware that the level of assistance that the Clerk's office has provided through these detailed instructions does not continue throughout the course of an appeal. The Clerk's office cannot assist with the legal research that may be needed before writing can begin on an appellate brief; nor assist with assembling the documents that will be needed for the appendix; nor assist with drafting the procedural history, statement of facts, and legal arguments that will be required in the appellate brief. The assistance of the Clerk's office, to attorneys and to pro se litigants alike, is limited to procedural matters, i.e., information concerning the Court Rules and practice and procedure. The Clerk's office cannot provide any assistance or legal advice as to the issues, arguments or merits of an appeal.

Legal Assistance
If the party cannot afford to pay for an attorney in a civil matter, he or she may be able to obtain legal assistance from the Legal Aid office in the party's county.

Fees
A $200 filing fee is required when filing a notice of appeal, and a $30 filing fee is required when filing a motion for leave to appeal. Once an appellant has paid the filing fee, there is no fee required for filing a motion while the appeal is open. Please note, however, that any motion made after a case is closed must be accompanied by a $30 filing fee.

In addition, if an appeal is being made of a final judgment, order or decision, a deposit for transcripts in the amount of $500 for each day or fraction of a day of trial or hearing is to be paid, pursuant to *Court Rule* 2:5-3. This fee is paid to the court reporter that was present at the proceedings in question or, in the case of sound recorded proceedings, to the clerk of the court or agency in which those proceedings took place.

Assistance
Although an Appellate Division Practice Checklist is provided at http://www.judiciary.state.nj.us/appdiv/forms/forms.htm, please bear in mind that during the course of the appeal, it will very likely become necessary for the party to consult the full text of

the Court Rules and the cases construing the Court Rules. Copies of the Court Rules are available in the State Library in Trenton, in the law libraries in the county courthouses, at some county and municipal public libraries throughout the State and at http://www.judiciary.state.nj.us/rules/.

If, after consulting the materials provided in the pro se kit and the Court Rules, you still have questions concerning Appellate Division practice and procedure, you may contact the Appellate Division Clerk's Office at (609) 292-4822 for assistance.

APPENDIX D

The Division on Civil Rights: Jurisdiction and Services Regarding Harassment, Intimidation and Bullying

The ABR requires this guidance document to include an explanation of the jurisdiction and services of the Division on Civil Rights (DCR), New Jersey Department of Law and Public Safety in regard to specific types of harassment, intimidation and bullying (BULLYING). The information on the Division on Civil Rights is provided below.

DCR JURISDICTION

Q1. What is the jurisdiction of the New Jersey Division on Civil Rights regarding bullying of students?

A. The New Jersey Division on Civil Rights (DCR) is the state agency charged with enforcing the New Jersey Law Against Discrimination (known as the LAD), *N.J.S.A.* 10:5-1 to -49.

Q2. Which schools are covered by the LAD?

A. The protections for students under the LAD do not apply to any school that is operated or maintained by a bona fide religious or sectarian institution. ***Except for those religious schools,*** all public schools, charter schools, private schools, technical or vocational schools, colleges and universities are required to comply with the LAD.

Q3. How does the LAD help to protect students against bullying?

A. The LAD is a state statute that prohibits bullying in most schools (see Q2) from discriminating against students based on race, creed, color, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, and disability. (As discussed below, although DCR is the state agency charged with enforcement of the LAD, a student or parent may file a complaint directly with the Superior Court of New Jersey, without first filing with DCR.)

"Discrimination" includes bullying that targets a student because of any of the protected characteristics listed above. This is known as "bias-based bullying."

The LAD requires covered schools to take appropriate action to prevent and remediate harassment, intimidation and bullying that targets a student because of his or her ***actual*** or ***perceived*** race, color, religion, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, or disability. When schools do not take appropriate preventative and remedial action, they may be held responsible for bias-based bullying committed by students, school employees, volunteers and by those contracted service providers who have significant contact with students.

Discrimination is based on a "perceived" protected characteristic when the perpetrator believes that the victim is a member of a LAD-protected group or has a LAD-protected characteristic, even if that belief is wrong. For example, harassing a heterosexual student using derogatory words or phrases commonly associated with homosexuality may constitute discrimination based on perceived sexual orientation. Similarly, harassing a non-Muslim student using anti-Muslim comments may constitute discrimination based on perceived creed or religion.

Q4. How does the LAD differ from the Anti-Bullying Bill of Rights Act?

A. The *Anti-Bullying Bill of Rights Act* addresses bullying that targets a student because of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental physical or sensory disability***, or because of any other distinguishing characteristic.*** The LAD prohibits harassment, intimidation or bullying that targets a student because of race, color, religion, national origin, ancestry, nationality, sex, sexual orientation gender identity or expression, or disability. The LAD does ***not*** cover harassment, intimidation or bullying that targets a student because of any other distinguishing characteristics.

Q5. Does the Anti-Bullying Bill of Rights Act change students' protections or school districts' obligations under the LAD?

A. No. The LAD has prohibited certain types of bullying since long before the legislature enacted the *Anti-Bullying Bill of Rights Act*, and the new law did not amend or change the LAD.

The *Anti-Bullying Bill of Rights Act* clarifies some rights and responsibilities and establishes new procedures. Following these procedures should make it easier to effectively prevent and remediate bullying. However, merely following the new procedures will not automatically insulate a school or school district from liability under the LAD, if the administration fails to take appropriate actions that are reasonably calculated to end the specific types of bias-based bullying taking place.

Q7. What does the LAD require a school administration to do regarding bias-based bullying?

A. When school staff or administrators know, or should know, that bias-based bullying is happening, the administration must take actions reasonably calculated to stop it.

The school or school district may be held liable under the LAD if the school administration failed to take actions reasonably calculated to stop the bullying, **AND**

The conduct was sufficiently severe or pervasive that a reasonable student of the same age, maturity level and protected characteristic would find that the bias-based bullying created an intimidating, hostile or offensive school environment.

Q8. Are people who report or complain about bias-based bullying in schools protected from reprisal or retaliation?

A. Yes. The LAD prohibits reprisal or retaliation against anyone who reports or complains about bias-based bullying. The LAD also prohibits reprisal or retaliation against anyone who assists someone else in reporting or complaining about bias-based bullying. Assisting someone else would include testifying at a hearing,

This means that it would violate the LAD for a school administrator, teacher, coach, other staff member or school board member to take away privileges or take any other adverse or negative action against anyone - student or adult - because he or she has complained about or reported bias-based bullying.

Q9. What can a student (or parent) do if he or she is being subjected to bias-based bullying?

A. The student or parent should report the bias-based bullying to the school administrators as soon as possible, and give them a reasonable opportunity to take action to stop it. If more incidents of bias-based bullying occur after your first report, you should report each new incident as soon as possible.

DCR SERVICES

The services provided by DCR regarding complaints of bias-based bullying are described below:

DCR accepts and files administrative complaints. If the school administration does not remedy the situation within a reasonable amount of time after you have reported it, a student may file a formal complaint against the school or school district to seek relief under the LAD. (If the student is under age 18, the student's parent may file the LAD complaint on behalf of the student.)

- If the school administration has initiated an investigation under the *Anti-Bullying Bill of Rights Act*, in most cases it would be reasonable to delay filing a formal LAD complaint until after the school administrators have completed their investigation, and have reported the results of that investigation to you and to the local board of education.

A student or parent has ***two options*** for filing a LAD complaint:

Filing an administrative complaint with the New Jersey Division on Civil Rights, ***or***

Filing a complaint with the Superior Court of New Jersey. (If you choose to file your complaint in Superior Court instead of filing with DCR, you should also mail a copy of your complaint to DCR.) Additional information can be found in Chapter 4: Appealing Final Commissioner of Education Decisions to the Appellate Division of the Superior Court.

In deciding whether to file a complaint with DCR or the Superior Court, you may wish to consider factors such as the costs, and the procedures and remedies available in each forum. There is no charge for filing a complaint with DCR, while the Superior Court charges filing fees. A jury trial and the possibility of recovering punitive damages are only available in Superior Court.

If you choose to file an administrative complaint, you should contact the nearest office of the Division on Civil Rights:

- Newark Regional Office: (973) 648-2700
- Trenton Regional Office: (609) 292-4605
- Camden Regional Office: (856) 614-2550
- Atlantic City Regional Office: (609) 441-3100

An intake investigator will speak with you to determine whether your situation states a claim under the LAD. If it does, the DCR will prepare a complaint for you to sign, and it will be filed and sent to the school or school district.

More information about filing complaints is available on the DCR Website, which can be found at www.NJCivilRights.gov.

TIME FRAMES

Time frames for filing a complaint with the DCR or the Superior Court of New Jersey follow:

- If you choose to file a complaint with the DCR, it must be filed ***within 180 days*** of the most recent act of bias-based bullying;
- If you choose to file a complaint with the Superior Court, it must be filed ***within 2 years*** of the most recent act of bias-based bullying.

As noted above, if the school administration has initiated an investigation under the *Anti-Bullying Bill of Rights Act*, in most cases you should delay filing a formal LAD complaint until after the school administration has completed its investigation and reported the results of its investigation to you and to the local board of education. That report would normally be issued long before the end of the 180-day or 2-year limitations periods for filing a LAD complaint, but if you are close to those deadlines and wish to file a LAD complaint, you should keep track of the dates and make sure your complaint is filed before the deadline.

INVESTIGATION AND PROBABLE CAUSE DETERMINATION

The school or school district will file a written response to your complaint, and your complaint will be assigned to a DCR investigator, who will conduct an investigation. During the investigation, the investigator will gather information in a variety of ways, which may include getting copies of written records and other documents, and interviewing you and other witnesses. If the school administration has conducted an investigation under the *Anti-Bullying Bill of Rights Act*, the investigator also will review available documents related to that investigation.

During the investigation, the investigator will often attempt to negotiate a settlement between you and the school or school district, with the intent of amicably resolving your complaint without the need for a formal hearing.

If no settlement can be agreed upon, DCR will review the evidence gathered in the investigation, and will determine whether there is probable cause to support the allegations of your complaint.

If the investigation shows enough evidence to support your complaint, the Director of the Division on Civil Rights will issue a written report called a ***Finding of Probable Cause***, and then a hearing on your complaint will be held in the Office of Administrative Law.

If, instead, the evidence gathered in the investigation shows that the school administration met its obligations under the LAD or that no actionable BULLYING under the LAD occurred, the Director of the Division on Civil Rights will issue a written report summarizing the evidence, and will sign a ***Finding of No Probable Cause***, which dismisses your complaint.

Finding of Probable Cause and Prosecution of the Complaint
In cases in which the DCR Director has issued a Finding of Probable Cause, a State attorney will prosecute the complaint on behalf of the DCR, unless you choose to hire a your own attorney to represent you at the hearing,

At the hearing, an Administrative Law Judge (ALJ) will hear testimony from you and/or other witnesses and will review documents and other evidence presented in support of your complaint and evidence submitted in support of the school or school district's defenses. Based on the evidence presented at the hearing, the ALJ will issue a written recommended decision.

Issuance of a Final Order on the Complaint
After receiving a copy of the ALJ's recommended decision, both sides will have an opportunity to submit written objections (called "exceptions") to the Director of the DCR, who will make a final decision on the complaint.

The Director of DCR will review the ALJ's recommended decision and any exceptions submitted by the parties, as well as the documents and other physical evidence the ALJ accepted at the hearing. If the parties have provided all or part of a transcript of the OAL hearing, the DCR Director also will review relevant portions of the hearing transcript. Based on all of the evidence, the DCR Director will make a final decision on whether the evidence shows that the school or school district failed to meet its obligations under the LAD, and if so the remedies that should be ordered.

As remedies, the Director may order the school or school district to provide equitable relief (for example, improving anti-bullying policies and procedures or providing staff training) and to pay compensatory damages and your attorney's fees. The Director also may order the school or school district to pay monetary penalties to the State Treasury. Punitive damages are only available in Superior Court actions.

APPEALING A DCR FINAL AGENCY DETERMINATION TO THE APPELLATE DIVISION OF THE SUPERIOR COURT OF NEW JERSEY

Q.10. Which decisions of the DCR Director can be appealed?

A. A complainant may appeal a Finding of No Probable Cause. Either party may appeal the Findings, Determination and Order (Final Order) issued by the DCR Director after an OAL hearing.

Q11. What is the time frame for filing an appeal?

A. An appeal must be filed with the Appellate Division Clerk's office within 45 days of the date the party is served with the DCR Director's Final Order or Finding of No Probable Cause.

Q12. Will a State attorney be involved in an appeal?

A. If the school or school district files an appeal of the DCR Director's Final Order, a State attorney will represent DCR at the Appellate Division to the defend the DCR Director's Final Order.

If the complainant wishes to appeal all or part of the DCR Director's Final Order or Finding of No Probable Cause, he or she will need to retain his or her own attorney to file and present the appeal, or the complainant may instead proceed without an attorney (known as appearing "pro se"). When a complainant appeals a Finding of No Probable Cause or a Final Order, a State attorney will defend the DCR Director's Finding of No Probable Cause or Final Order.

The New Jersey Judiciary's website provides information and forms for proceeding at the Appellate Division without an attorney: http://www.judiciary.state.nj.us/prose/index.htm#appellate.

Additional information on the Appellate Division regarding appeals to final Commissioner of Education decisions is provided in this publication in Chapter 5, Appealing Final Commissioner of Education Decisions to the Appellate Division of the Superior Court of New Jersey.

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[viii] Brixval CS, Rayce SL, Rasmussen M, Holstein BE, Due P.
National Institute of Public Health, University of Southern Denmark, Copenhagen, Denmark.

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