



Kenilworth Public Schools Harassment, Intimidation, and Bullying (HIB) Updated Frequently Asked Questions

Since the implementation of the Anti-Bullying Bill of Rights in September 2011, parents have voiced some very important questions. In July, 2022 New Jersey enacted several updates to HIB legislation. We hope that the frequently-asked-questions guide below will help everyone have a more concrete, comprehensive understanding of the legislation, its recent legal updates, and its impact on parents and students.

What does HIB stand for?

- HIB stands for **H**arassment, **I**ntimidation, and **B**ullying. Harassment, Intimidation, and Bullying. HIB behavior can include any gesture, written act, verbal act, physical act, and/or electronic communication. A situation can be considered HIB whether it is a single incident or a series of incidents, that is reasonably perceived as being motivated by any actual or perceived characteristics, and negatively impacts a student/group of students. Distinguishing characteristics may include:
 - Race
 - Color
 - Religion
 - Ancestry
 - National origin
 - Gender
 - Sexual orientation
 - Gender identity/expression
 - Mental, physical, or sensory disability
 - Or any other distinguishing characteristic

What does the school/district do to prevent and/or respond to incidents of HIB?

- In Kenilworth Public Schools, we work with all members of our community to assess and enhance our programs for students. Although we meet and/or exceed state requirements regarding HIB programming and reporting requirements, we are always seeking to improve. We are currently working with our school climate and culture teams to enhance their participation in developing

HIB education and programming, improving parent communication and adding resources and individualized supports for students involved in single and/or repeated acts of HIB.

Universal Supports

- HIB prevention and support involves the entire school community. Universal supports provided by the school includes mandatory (as well as supplemental) training and education programs for administration, staff, students and parents. Universal screening of students and social and emotional supports such as classroom lessons and positive behavior supports designed to reduce HIB, improve school climate and make the schools safer and more accepting of all students.

What additional supports are available, if needed?

- Students who require additional support can access multiple resources. The provision of resources is also required under state law. Guidance counselors provide individual and group education on navigating school related matters, for example. Students needing additional assistance are referred to group social skill sessions that teach students how to avoid or respond to HIB, and/or more individualized support through our Student Assistance Counselor (SAC) and/or community partners such as our in-house UBHC/Tri-County Behavioral clinicians. Parent education sessions are provided each year to support parents in areas such as managing social and emotional needs at home and school as well as accessing community resources. Under new state HIB updates, parents of repeat offenders of HIB may be required to complete special educational programming.

What can I do to prevent my child from being involved (as a victim or offender) in HIB?

1. Stay informed! Reading updates such as this, attending parent programming and staying involved with your child's progress and development is a great start!
2. Talk with your child(ren). Ask open ended questions about how they are doing. Notice any concerning comments, changes or patterns.
3. Stay in contact with the school regarding any concerns.
4. Partner with the school to provide additional supports, as needed.
5. Consider reaching out for outside resources. Your child's guidance counselor can help to connect you and your family to supports that fit your needs.
6. For additional information:

[NJDOE Preventing HIB for Parents \(2012\)](#)

[What Parents Should Know About HIB \(Pacer\)](#)

How can I, as a parent, report a suspected case of Harassment, Intimidation, and Bullying?

- There are several ways for you to report a case of harassment, intimidation, and bullying to the school. You can call the school and report to the school administration, guidance counselor, and/or teacher or you can anonymously report harassment, intimidation, or bullying using the following link: <https://www.kenilworthschools.com/cms/one.aspx?pageld=227701> Once it is reported, it must be investigated. From there, the investigation will follow the timeline required by the state.

I just received a call from the building principal telling me that an HIB case has been opened - what happens next?

- By the time you received the phone call, the fact finding process has already begun. **You will also receive email confirmation that the investigation has started.** The school has 10 school days to investigate and then you will be notified promptly with the decision via mail. Please understand the building principal will only be able to share very limited information with you this early in the process. This is for several reasons, including confidentiality requirements as well as the need to investigate prior to sharing information that may be erroneous or misleading. Once the investigation is complete, the results are reported to the Superintendent, who then reports the results to the board of education at the next regularly scheduled meeting. You will then be notified in writing of the nature of the investigation, whether the district found evidence of HIB, whether discipline was imposed or services were provided, and of your right to request a hearing before the board. At the next regular board of education meeting, or after a hearing if you request one, the board will take action to affirm, modify or reject the determination. Becoming familiar with the HIB regulations and the district process will help to ensure that the process runs smoothly for everyone. It will also help you to know when to expect important updates.

My child says he/she was just joking around with his/ her friends, why is this being investigated as an HIB incident?

- The HIB statute requires an analysis of how an act is perceived by the victim as well as the impact of the victim even if the actor did not specifically intend to cause the impact. It is important to remember that jokes, teasing, and general horseplay can have long-term, negative effects on victims. This is the case even

when the person making the comments or engaging in the behavior did not mean to inflict harm. While your child may have intended no harm, it may be determined that an HIB has, in fact, occurred.

Why is my child being investigated as a result of something that was posted on social media outside of school hours?

- The HIB law requires schools to investigate incidents that take place on school property, at any school-sponsored function, on a school bus, or off school grounds. To clarify, even if the incident occurs off of school grounds, if it might meet the criteria below, then it must be investigated:
 - It is reasonably perceived as being motivated by any actual or perceived characteristic
 - It substantially disrupts or interferes with the orderly operation of the school or the rights of students
 - A reasonable person should know, under the circumstance 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

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

No. According to NJ's Anti-Bullying Bill of Rights Act, schools have the right to interview students without parents being present.

What are the specific criteria for determining if an act or event is HIB?

In order for an event to be considered an incident or harassment, intimidation, or bullying, there are specific criteria and ALL criteria must be met for it be affirmed as a HIB event. Those criteria are:

- An event can be any gesture, written, verbal, or physical act, or electronic communication, whether it is a single incident or a series of incidents.

- The event must be seen by a reasonable as being motivated either by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental physical or sensory disability, or by any other distinguishing characteristic.
- The event 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 operations of the school.
- One of the following criteria must be met:
 1. The event has 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
 2. The event has the effect of insulting or demeaning any student or group of students; OR
 3. 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

July 2022 Update:

Under the recent amendments to the ABBR and the cyber-harassment statute, N.J.S.A. 2C:33-4.1, if a child is adjudicated delinquent for cyber-harassment, the court can order monetary penalties and require the child's parents to complete anti-bullying classes or training programs. In addition, parents may be subject to civil and criminal penalties, monetary fines and liabilities resulting from inadequate social media/electronic supervision and/or disregard (willful or negligent). You can find more information about how you can prevent cyberbullying here: [Cyberbullying Prevention for Parents \(stopbullying.gov\)](https://www.stopbullying.gov)

My child says they don't feel bullied, why is this being investigated as a HIB?

- A potential HIB can be reported by anyone who has witnessed it. The school district has the obligation under the law to investigate these reports, even if the alleged victim may not feel that they are being harassed, intimidated and/or bullied. Research shows that often alleged victims may not report bullying due to:
 - fear that the abuse will get worse
 - feeling responsible for the abuse
 - feeling powerless
 - a belief that telling won't make a difference

Due to the fact that it is the legal duty of the school to make students feel physically and emotionally safe, an HIB investigation can be initiated without the alleged victim's or alleged offender's consent.

Why don't administrators tell me anything about the incident when they make the initial call?

- The purpose of the initial contact simply is to inform the parents of all students involved that an incident has occurred and is being investigated as a possible HIB. More specific information will be provided once the investigation has been completed and reported to the Superintendent and the board of education. ***It is important to note that the law allows administration to interview your child for HIB investigation purposes prior to parent notification.***

Why does the process take so long?

- The state of New Jersey has given school districts a very specific timeline to follow regarding the investigation of incidents that may be harassment, intimidation or bullying. After receiving a report from the building principal, the anti-bullying specialist has ten school days in which to conduct his/her investigation. Once the investigation is completed and submitted to the building principal, it is then submitted to the Superintendent for review. The Superintendent then provides a report of the investigations (without student names) to the Board of Education at the next regularly scheduled meeting. No action is taken by the Board at that first meeting. Parents are notified of the results of the investigation within five days of the initial report to the Board. Action to affirm, reject or modify the determination is taken by the Board at the next regularly scheduled meeting following the receipt of the report. Parents are then notified of that decision in writing. Since the timelines are tied into board of education meetings that only occur once per month, the process stretches over that period of time until the next meeting.

Are parents present during a student interview?

- No. Anti-bullying specialists, principals, and/or a principal designee conduct student interviews regarding a multitude of activities and incidents going on in school buildings each day. Parents are not involved in these interviews, but are updated on the content of these conversations as the investigation is concluded.

What happens when my child is labeled a "bully" as a result of an investigation?

- At no point in time are children labeled “bullies”. The purpose of the Harassment, Intimidation and/or Bullying (HIB) investigation is to determine if a student violated the Anti-Bullying Bill of Rights.
- When you receive a letter, it will state whether the findings of the case are a founded or unfounded case of harassment, intimidation, and bullying. If the case is founded, it means that the school determined that based on collected evidence, your child engaged in an act that fits the definition of harassment, intimidation, or bullying.

July 2022 Updates:

- 1. For confirmed acts of HIB, the results of the investigation must be placed in the offender’s student record.**
- 2. After a third confirmed act of HIB, the District must develop an individual student intervention plan, which may require the student and the student’s parent or guardian to complete a class or training program.**
- 3. Parents may be subject to civil, criminal and monetary penalties for failure to supervise, willful negligence or disregard of cyberbullying, harassment, intimidation and/or bullying on (or off of) school grounds if the behavior impacts learning and the school environment.**

What are the consequences for students who have violated the Anti-Bullying Bill of Rights?

- Consequences and intervention strategies that result from an investigation are highly variable. They are individualized based upon student needs as well as our policies and code of conduct. Consequences and intervention strategies may include, but are not limited to: parent conferences, loss of privileges, school detentions and other disciplinary measures, counseling, class lessons, etc. There is no predetermined consequence for any child involved in a violation of the Anti-Bullying Bill of Rights. All consequences are developmentally appropriate and take into consideration the whole child. *Please note, in addition to consequences associated with the HIB matter, there may be consequences as a result of a violation of the school’s code of conduct.*

Can I find out what happened to the other students involved in the HIB case?

- No. HIB statute entitles parents to have access to information related to their own child as it relates to the investigation and any consequences. However, any information shared with parents is subject to restrictions based on privacy and

confidentiality requirements. Therefore the school cannot disclose findings or consequences about any other students involved in the HIB case.

What happens when the results of an HIB investigation do not confirm a violation of the Anti-Bullying Bill of Rights, but do confirm a negative interaction or act took place?

- When any incident is investigated, regardless of the findings as it pertains to the law itself, the district will take appropriate steps to address what took place and support our students. It is not uncommon for incidents to fail to meet the criteria for HIB, but still result in a Code of Conduct violation. In these instances, consequences and remediation actions are imposed that are individualized and appropriate to the specific student and/or incident. Action taken could include similar responses to a confirmed violation of HIB, which can include, but is not limited to: counseling support, detention, suspension, loss of privileges, etc.

How will this affect my child's school record?

- Pursuant to the recent amendment to the Anti-Bullying Bill of Rights, when there is a confirmed act of HIB, the results of the investigation are placed in the offender's student record. All student records are confidential.

What information will I receive at the conclusion of the investigation?

- You will be informed of the nature of the investigation, whether the district found evidence of HIB, whether discipline was imposed or services were provided and of your right to request a hearing before the board of education. The determination of the investigation will be communicated in the form of a letter that is mailed home. Again, all information is confidential. You will also be informed in writing of the action taken by the board of education to affirm, reject or amend the determination and of your ability to appeal that action.

What happens if a student involved in an HIB has a disability?

- Students with disabilities involved in HIB may require additional supports/considerations related to the child's Individual Education Program (IEP). In addition, students with disabilities may be eligible for alternative disciplinary measures and supports. If you have any questions about these areas, please contact your child's case manager.

What if I disagree with the district's findings or have additional concerns?

- Once you receive your letter from the principal and anti-bullying specialist detailing whether the HIB was founded or unfounded, you have the right to request a hearing in front of the board of education. After the board has acted,

you can appeal its decision. The letters you receive will explain these avenues of appeal.

What happens when/if I appeal?

- The hearing before the board of education is a non-adversarial, informal opportunity for you to explain to the board why you disagree with the initial determination. The appeal of the board's decision to affirm, reject or amend the determination would be filed with the Commissioner of Education and then transmitted to the office of Administrative Law for a formal hearing before a judge.

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Additional Resources:

- [Parent of Middle Schooler Prevention Guide \(stopbullying.gov\)](http://stopbullying.gov)
- [Parent Tips for Talking with Children about Bullying \(stopbullying.gov\)](http://stopbullying.gov)
- [Speaking Up Isn't 'Tattling': What Our Kids Need to Know \(Pacer\)](http://Pacer)
- [NJDOE Preventing HIB for Parents \(2012\)](http://NJDOE)
- [Parent of Middle Schooler Prevention Guide \(stopbullying.gov\)](http://stopbullying.gov)
- Talking with Your Kids About Mental Health
- [Help Your Child Recognize the Signs of Bullying \(Pacer\)](http://Pacer)
- [Students With Disabilities and Bullying: 5 Things to Know \(Pacer\)](http://Pacer)
- Warning Signs for Bullying
- [NJPSA HIB Update](http://NJPSA)
- [NJDOE HIB Guidance for Parents](http://NJDOE)