THE ANTI-BULLYING BILL OF RIGHTS ACT:

A Review of the Montgomery Township School District's Harassment, Intimidation, or Bullying ("HIB") Reports for the 2011-2012, 2012-2013 & 2013-2014 School Years

Presented to the Montgomery Township Board of Education

April 22, 2014

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HIB: THE STATUTORY DEFINITION

"Harassment, intimidation or bullying" means any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in *N.J.S.A.* 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A 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;
- 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 severely or pervasively causing physical or emotional harm to the student.

PART I:

PROCESS

SCOPE OF REVIEW

January 27, 2014

- The Montgomery Township Board of Education (hereinafter referred to as "BOE") passed a resolution requesting that Stephen R. Fogarty, Esq. investigate and provide a legal opinion on whether or not the BOE has properly complied with its obligations under the New Jersey Anti-Bullying Bill of Rights (hereinafter referred to as "The Act") and specifically, examine how the administration has responded to complaints of racial harassment, intimidation, and bullying of African-American students under the Act.

INITIAL MEETING

March 13, 2014

- Stephen R. Fogarty, Esq., met with the Superintendent, Anti-Bullying Coordinator, principals, assistant principals, guidance counselors, and Anti-Bullying Specialists.
- Reviewed The Act, the BOE's policy, and the District's procedures under the Act.
- Reviewed the nature of the complaint and the scope of the review.

REVIEW

Review Data	• Reviewed each closed HIB incident for the 2011-2012, 2012-2013 and 2013-2014 school years, including all attachments available through Genesis.
Categorized Information	• Categorized the data to determine the number of reported incidents, incidents found to be HIB, and incidents found not to be HIB; location, category, mode, and effect of each incident; and compliance with statutory timeframes.
Reviewed Determinations	• Analyzed findings to determine if all data was documented and whether the final determinations were consistent with the New Jersey Anti-Bullying Bill of Rights Act.

REPORTS

Summary of Data	• A comprehensive summary of all data, including comments on whether the reported findings comported with the available documentation.
Power Point	• Summary of HIB incidents; strengths and areas of growth; and recommendations.
Forms	• Draft forms that are in compliance with the New Jersey Anti-Bullying Bill of Rights Act and that provide sufficient information and guidance to ensure compliance.

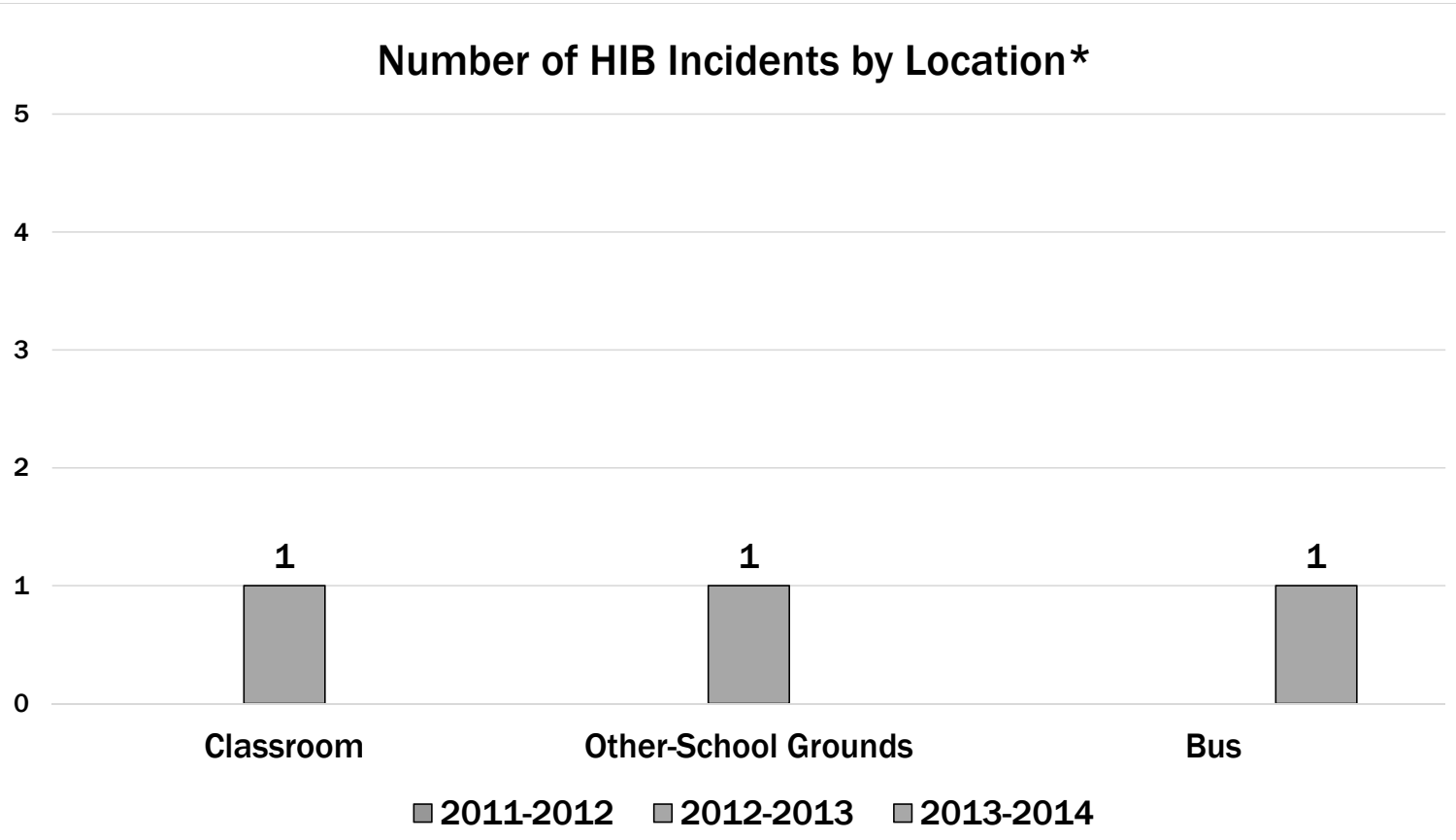
PART II:

SUMMARY OF FINDINGS

ORCHARD HILL ELEMENTARY SCHOOL

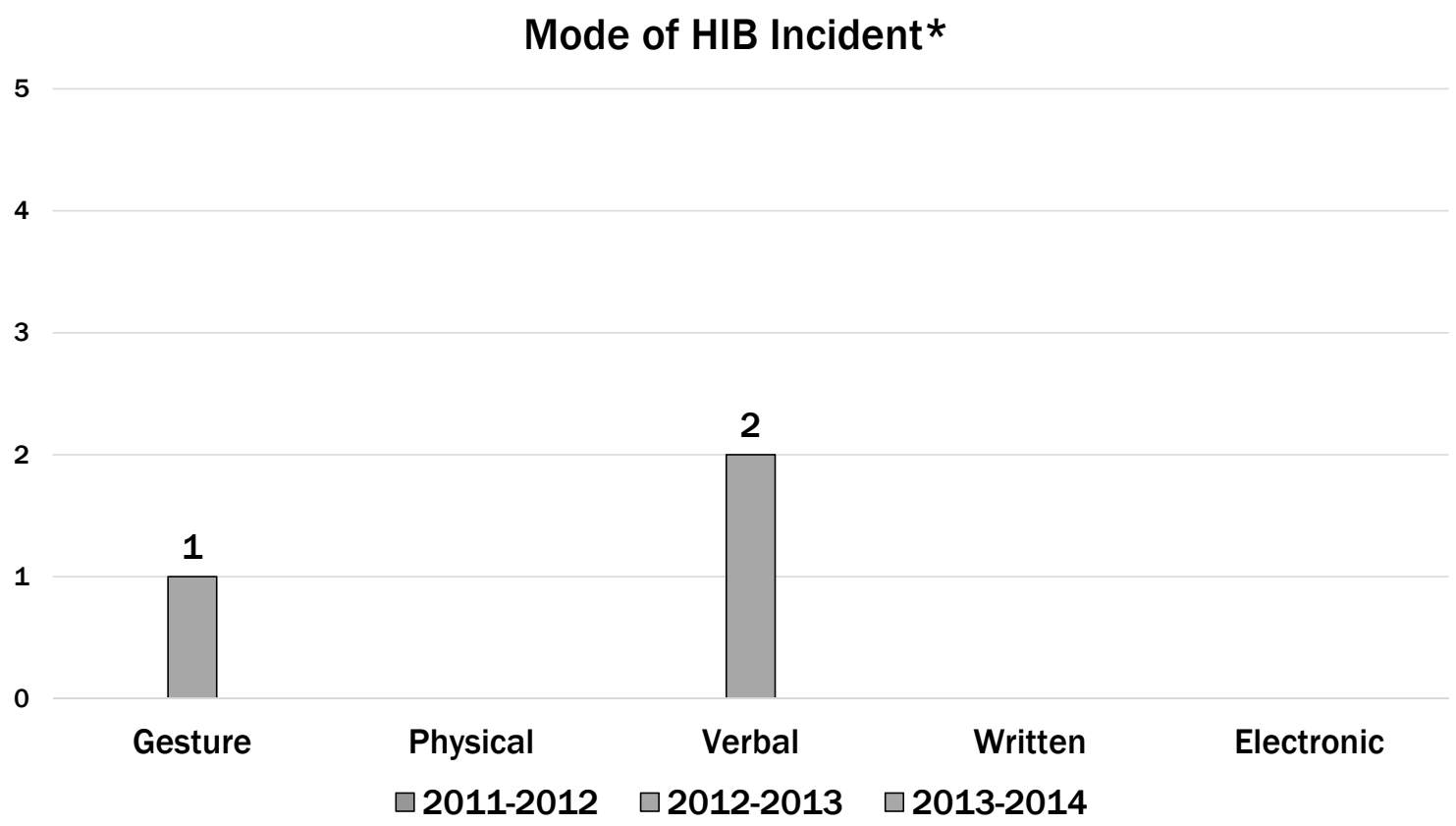
2011-2012 Incidents	• One (1) HIB related investigation was conducted. • Zero (0) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Seven (7) HIB related investigations were conducted. • Two (2) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Fourteen (14) HIB related investigations were conducted. • One (1) confirmed incident of HIB reported in 2013-2014.
TOTAL	• Twenty-two (22) HIB related investigations were conducted. • Three (3) confirmed incidents of HIB were reported (13.6% of reports).

ORCHARD HILL ELEMENTARY SCHOOL



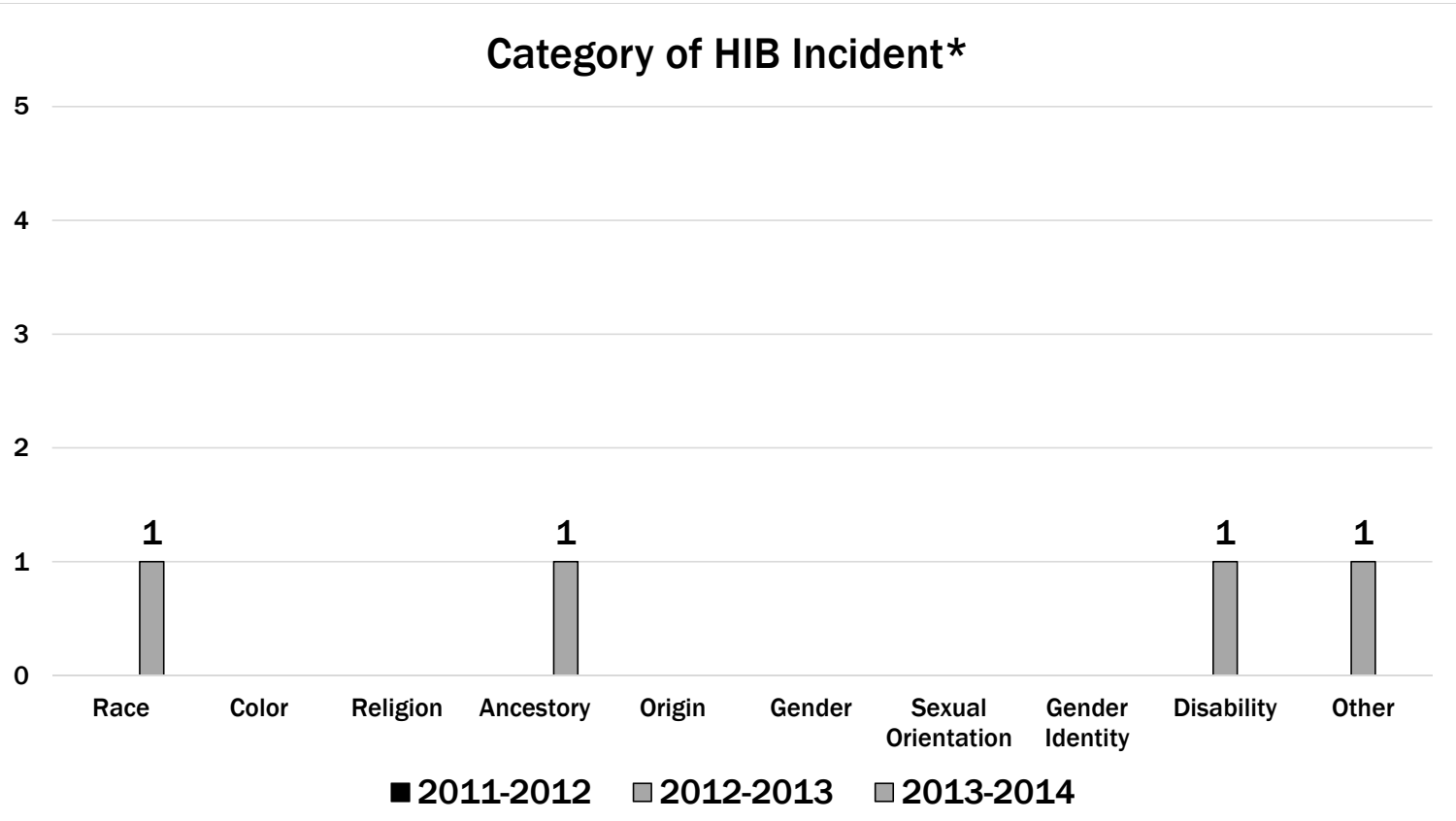
*More than one (1) location may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

ORCHARD HILL ELEMENTARY SCHOOL



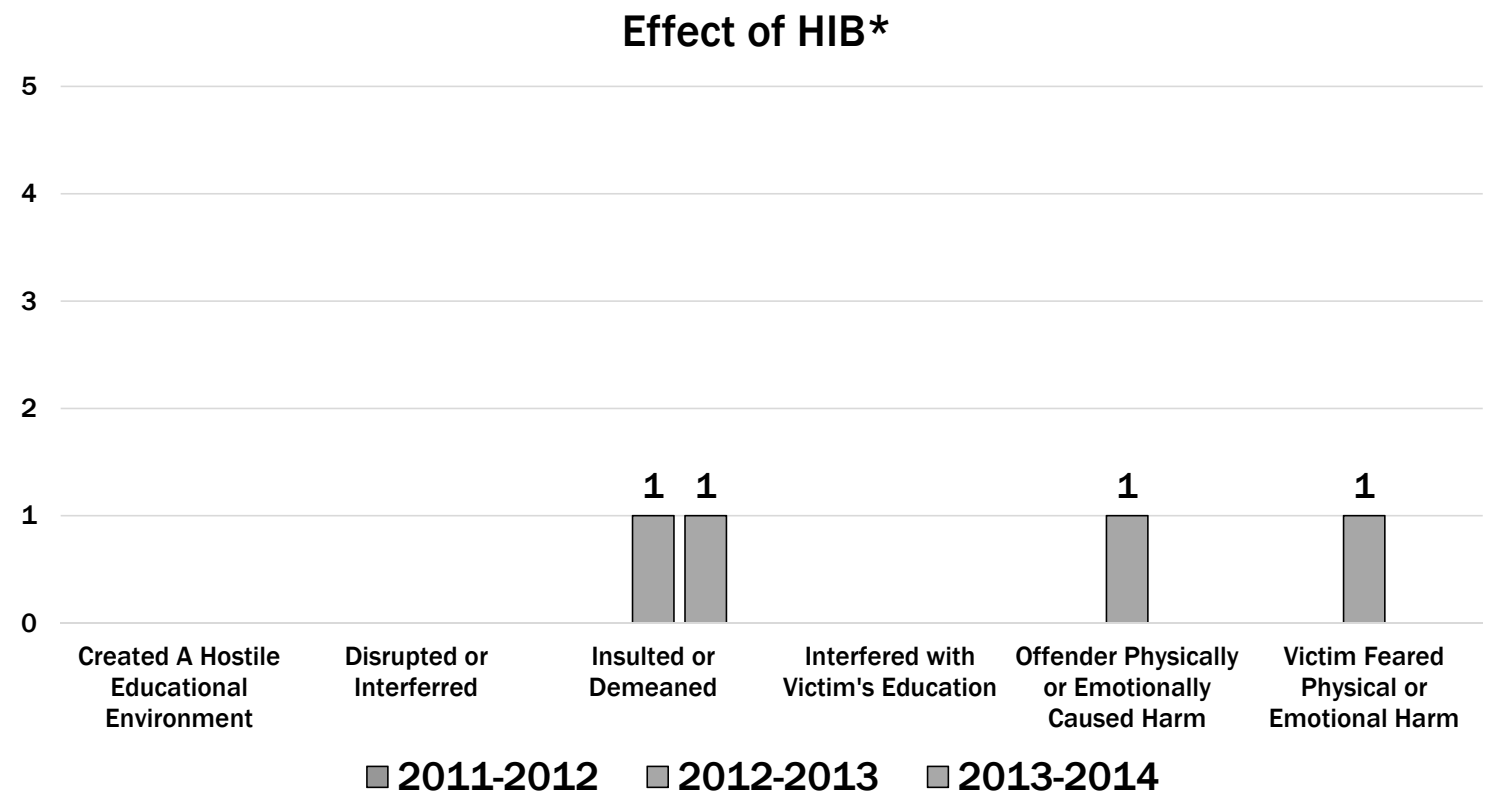
*More than one (1) mode may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

ORCHARD HILL ELEMENTARY SCHOOL



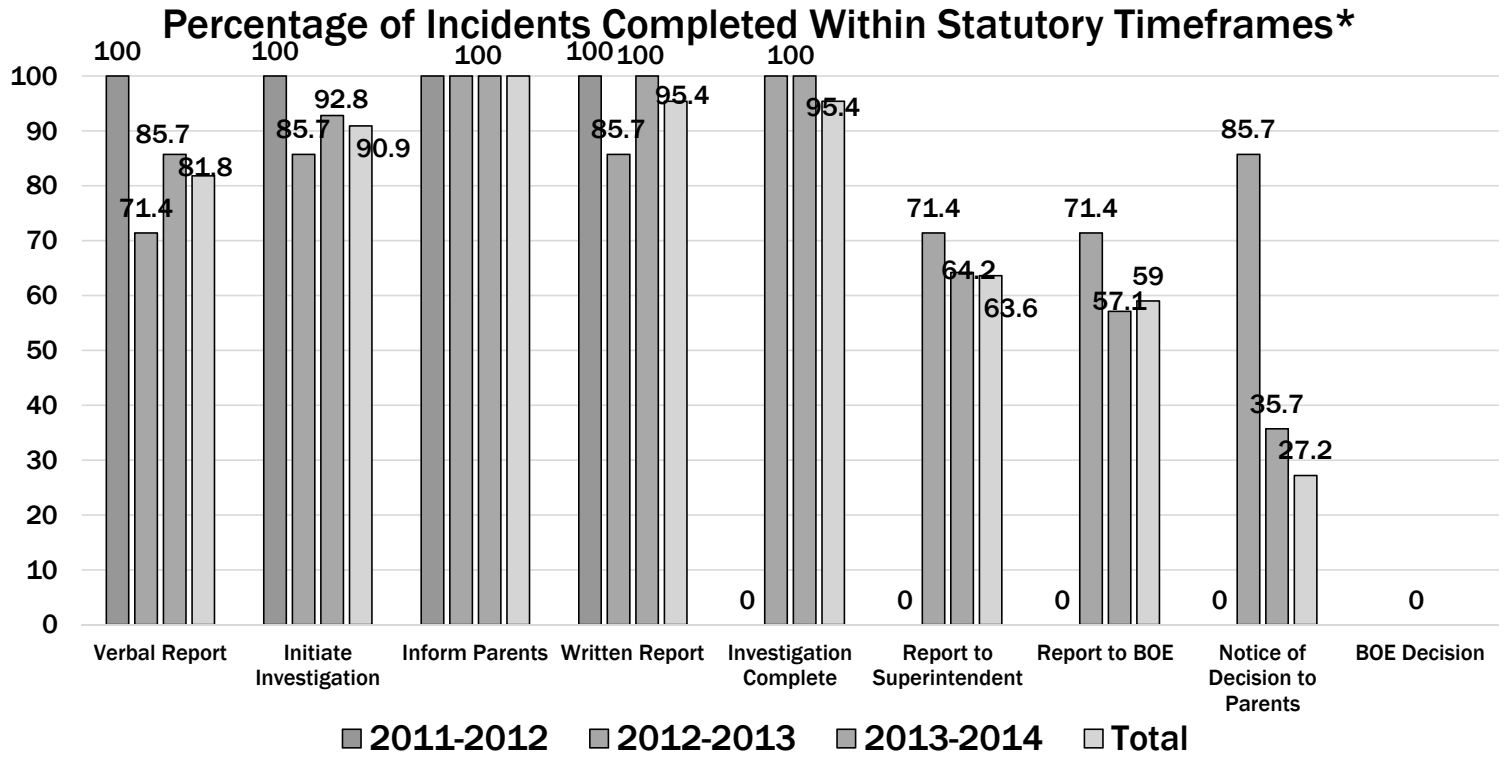
*More than one (1) category may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

ORCHARD HILL ELEMENTARY SCHOOL



*More than one (1) effect may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

ORCHARD HILL ELEMENTARY SCHOOL



*The provided percentages only reflect completion within the statutory timeframe. The steps may have ultimately been completed, but if they were outside the statutory timeframe they are not credited in this chart. In addition, the chart only reflects data as uploaded on Genesis, which may not reflect the actual dates a step was completed. Further, beginning in November 2013, the BOE has issued decisions; however, numbers are not available on Genesis.

ORCHARD HILL ELEMENTARY SCHOOL: FINDINGS

Strengths

- Meeting statutory timelines with regard to informing parents.

- Substantially meeting the statutory timelines with regard to the following:
  - Initiating the investigation;
  - Written report to principal; and
  - Completing the investigation.

ORCHARD HILL ELEMENTARY SCHOOL: FINDINGS

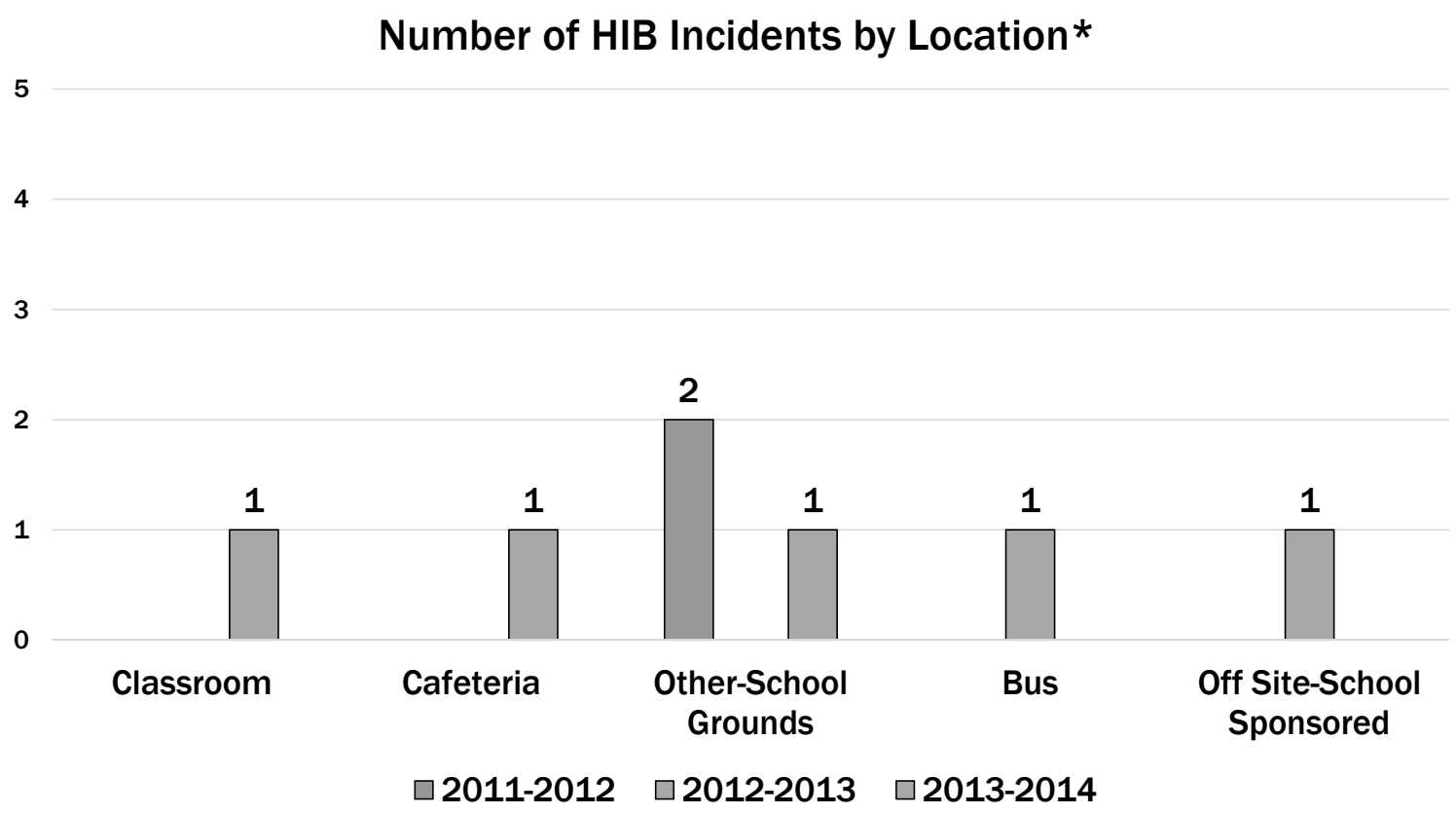
Areas for Growth

- Not conducting HIB investigations just because the word “bully” is stated.
- Finding HIB where the statutory definition is satisfied without consideration of truth or falsity of the statement or the offender’s state of mind (use “reasonable person” standard).
- Documenting the category/mode/effect when an incident is found not to be HIB.

VILLAGE ELEMENTARY SCHOOL

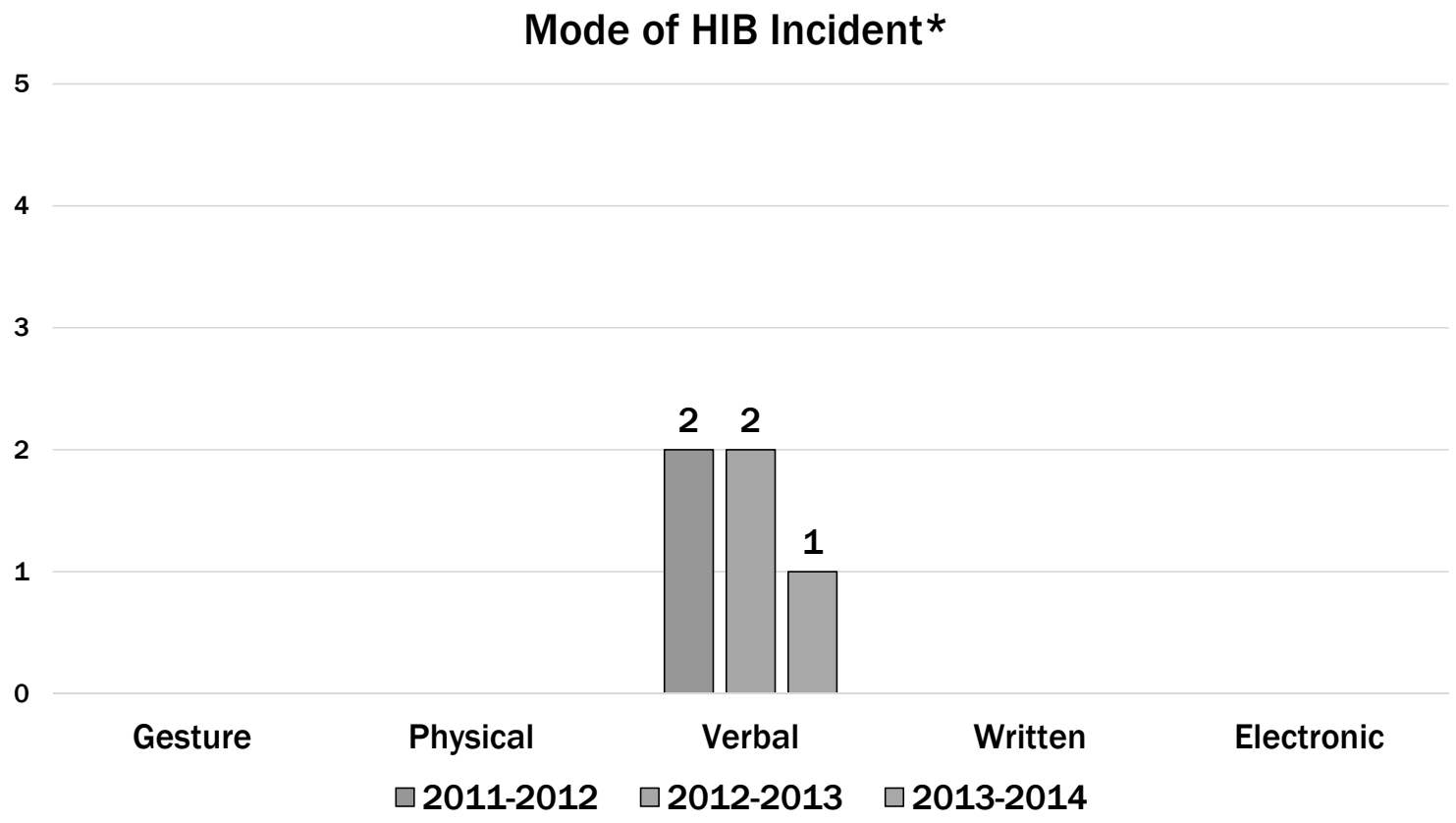
2011-2012 Incidents	• Five (5) HIB related investigations were conducted. • Two (2) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Seven (7) HIB related investigations were conducted. • Two (2) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Two (2) HIB related investigations were conducted. • One (1) confirmed incident of HIB reported in 2013-2014.
TOTAL	• Fourteen (14) HIB related investigations were conducted. • Five (5) confirmed incidents of HIB were reported (35.7% of reports).

VILLAGE ELEMENTARY SCHOOL



*More than one (1) location may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

VILLAGE ELEMENTARY SCHOOL



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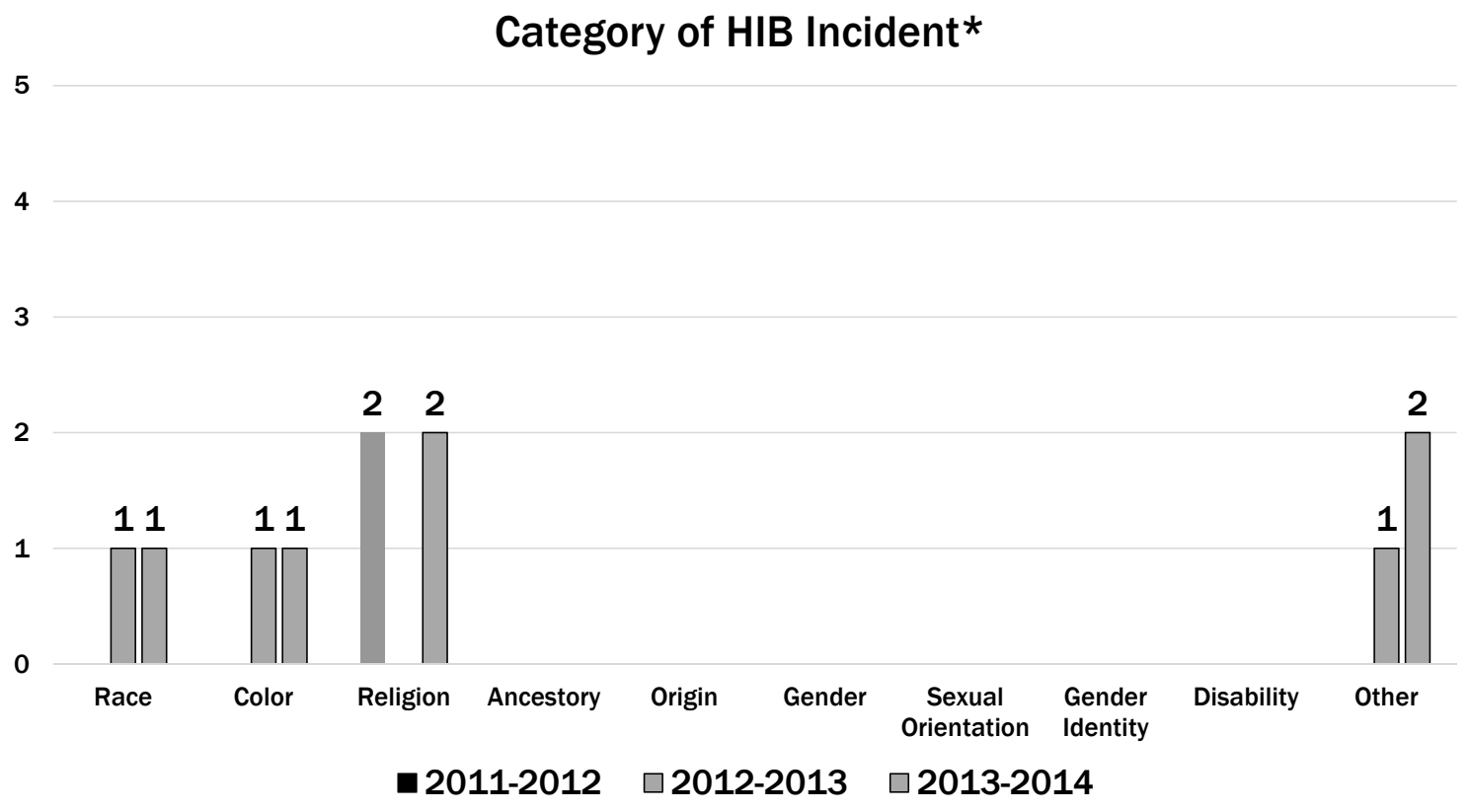
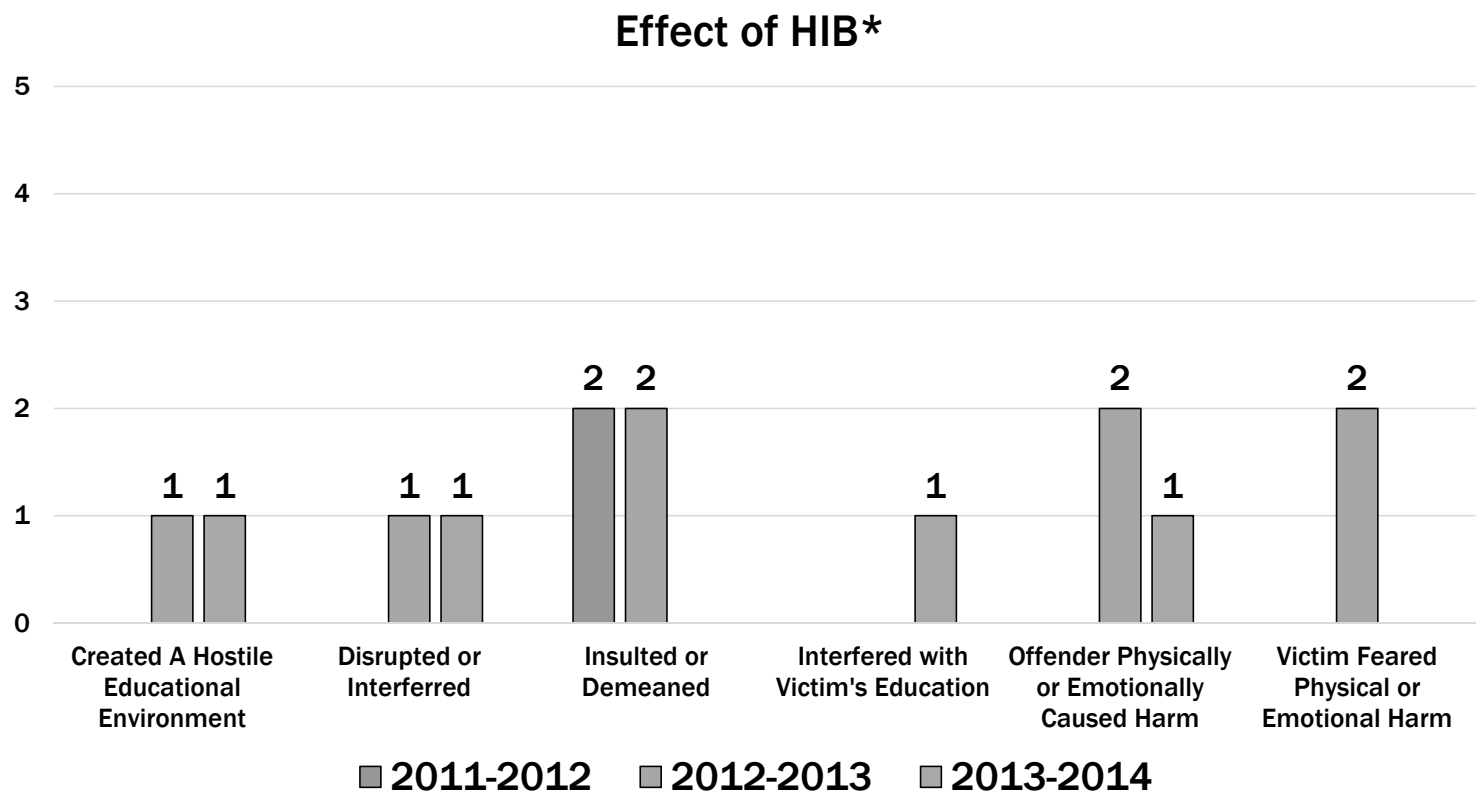
VILLAGE ELEMENTARY SCHOOL



*More than one (1) category may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

VILLAGE ELEMENTARY SCHOOL



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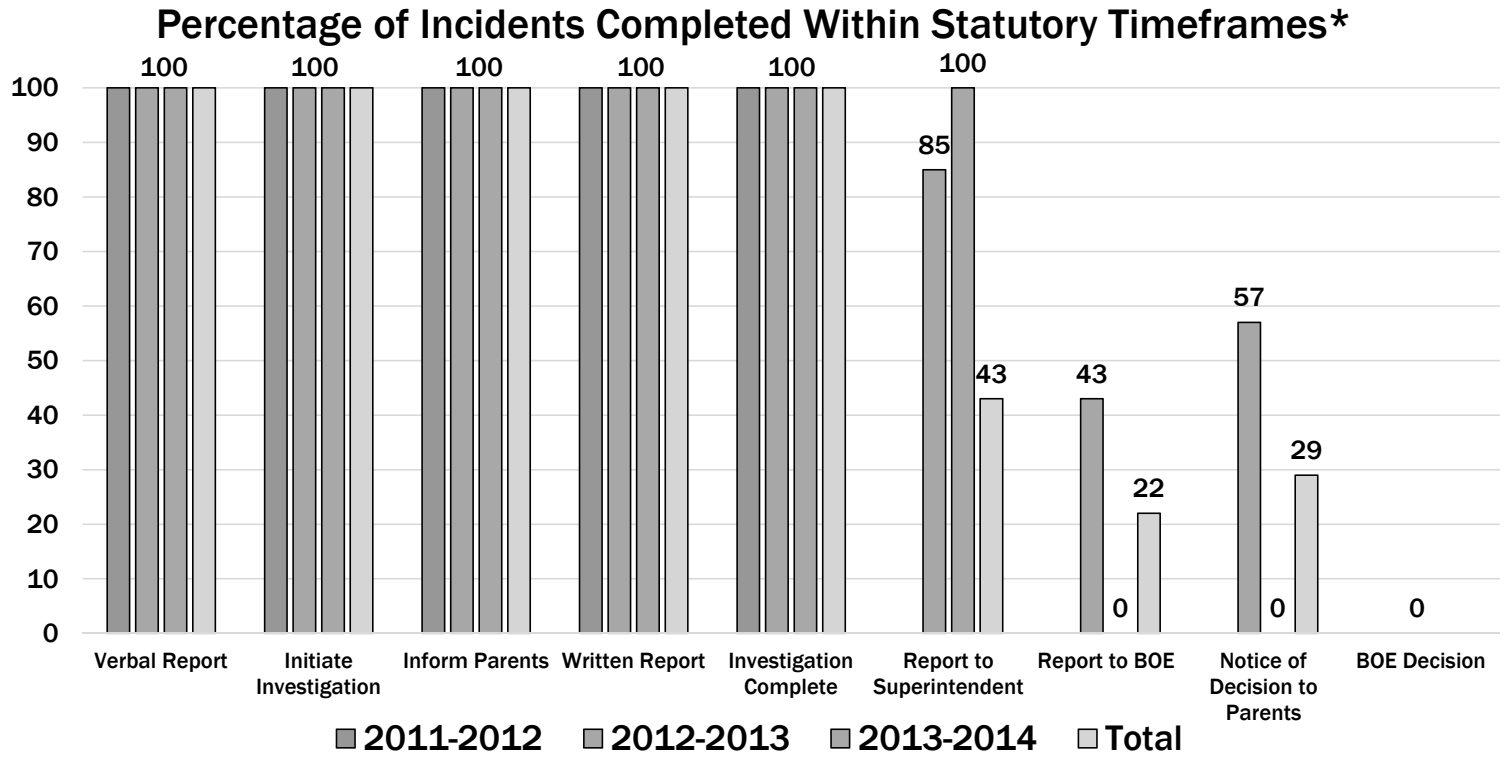
VILLAGE ELEMENTARY SCHOOL



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VILLAGE ELEMENTARY SCHOOL: FINDINGS

Strengths

- Meeting statutory timelines in the following areas:
  - Verbal report;
  - Initiating the investigation;
  - Informing parents;
  - Written report to principal; and
  - Completing the investigation.

- Improved documentation of the incident with each successive year of implementation.

VILLAGE ELEMENTARY SCHOOL: FINDINGS

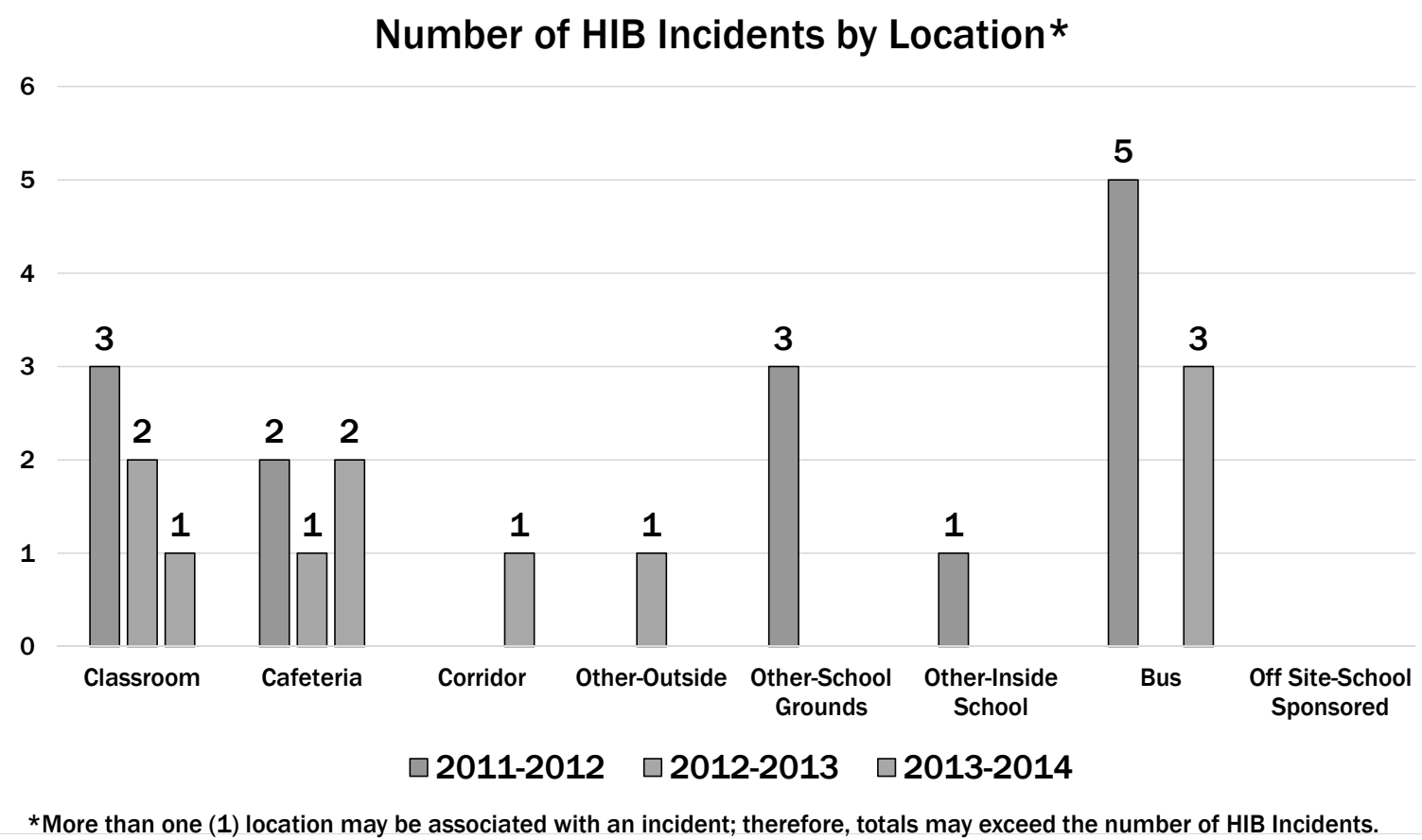
Areas for Growth

- Ensuring the full definition is satisfied when finding HIB.
  - Only finding HIB if the incident "substantially disrupts or interferes with the orderly operation of the school or the rights of other students" and at least one (1) additional area.
  - Using the "reasonable person" standard vs. the "victim's" or "offender's" belief.
- Meeting the statutory timeline with regard to reporting to the Superintendent.

LOWER MIDDLE SCHOOL

2011-2012 Incidents	• Twenty-two (22) HIB related investigations were conducted. • Fourteen (14) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Fourteen (14) HIB related investigations were conducted. • Five (5) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Ten (10) HIB related investigations were conducted. • Four (4) confirmed incidents of HIB reported in 2013-2014.
TOTAL	• Forty-six (46) HIB related investigations were conducted. • Twenty-three (23) confirmed incidents of HIB were reported (50% of reports).

LOWER MIDDLE SCHOOL



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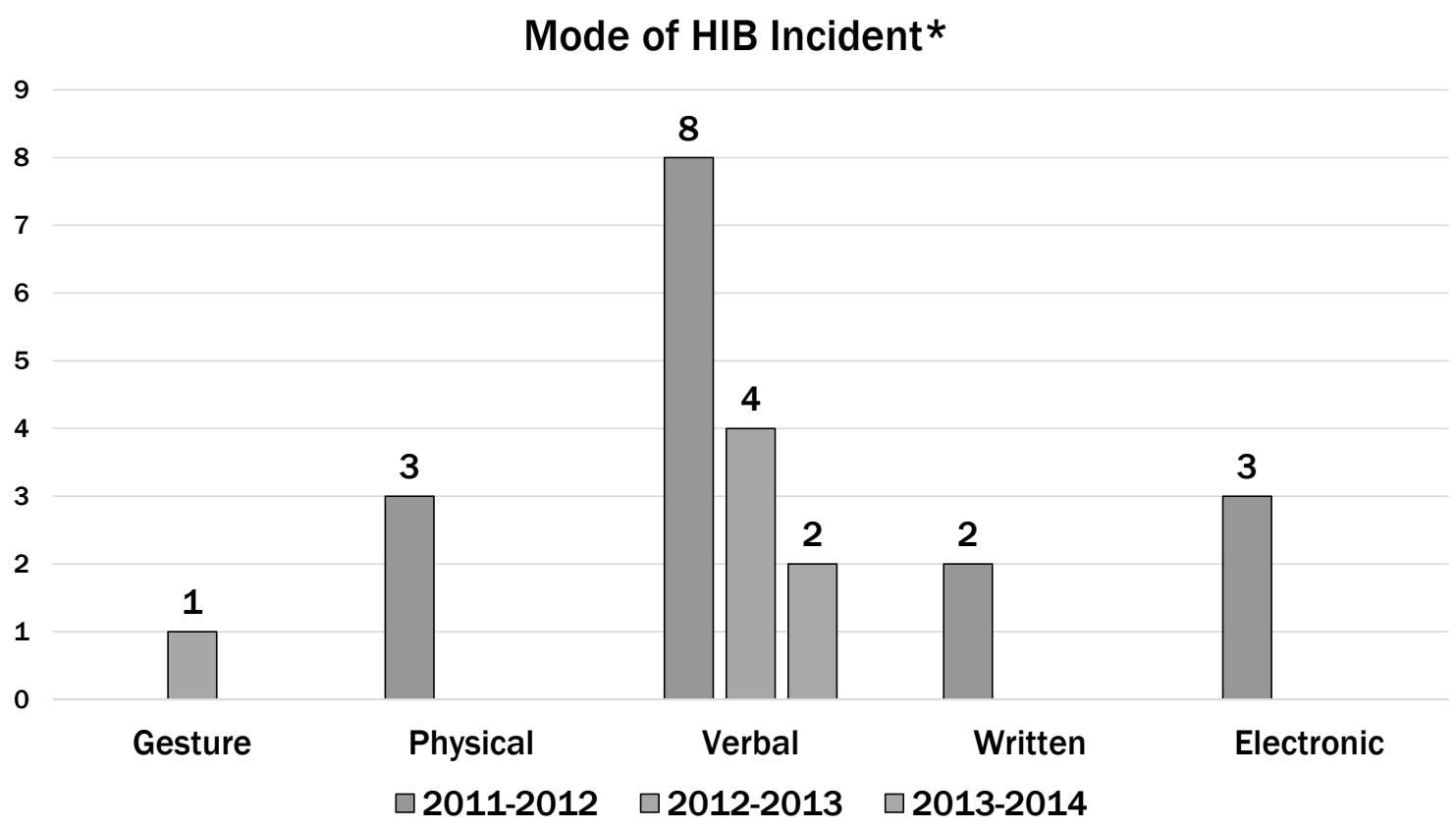
LOWER MIDDLE SCHOOL



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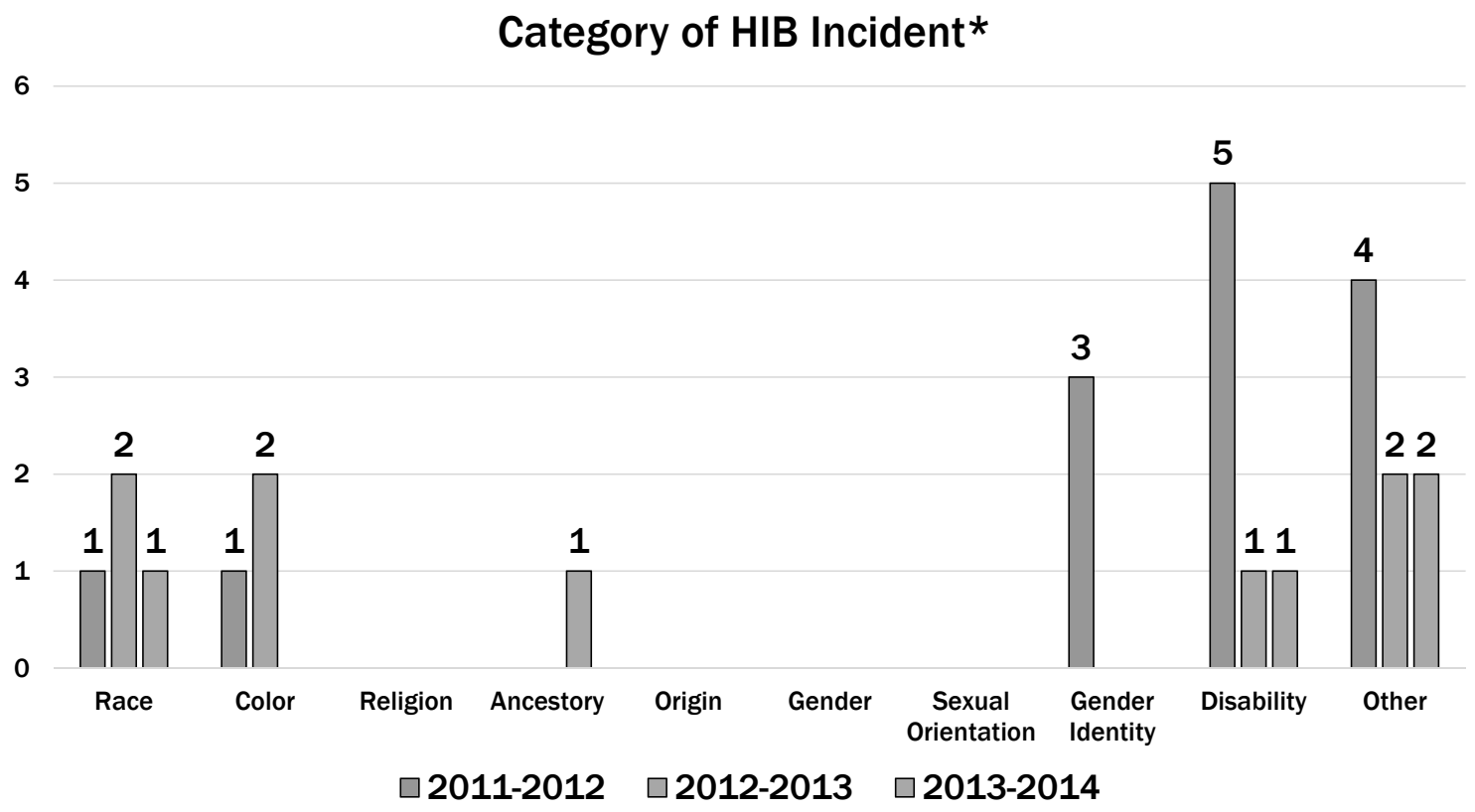
LOWER MIDDLE SCHOOL



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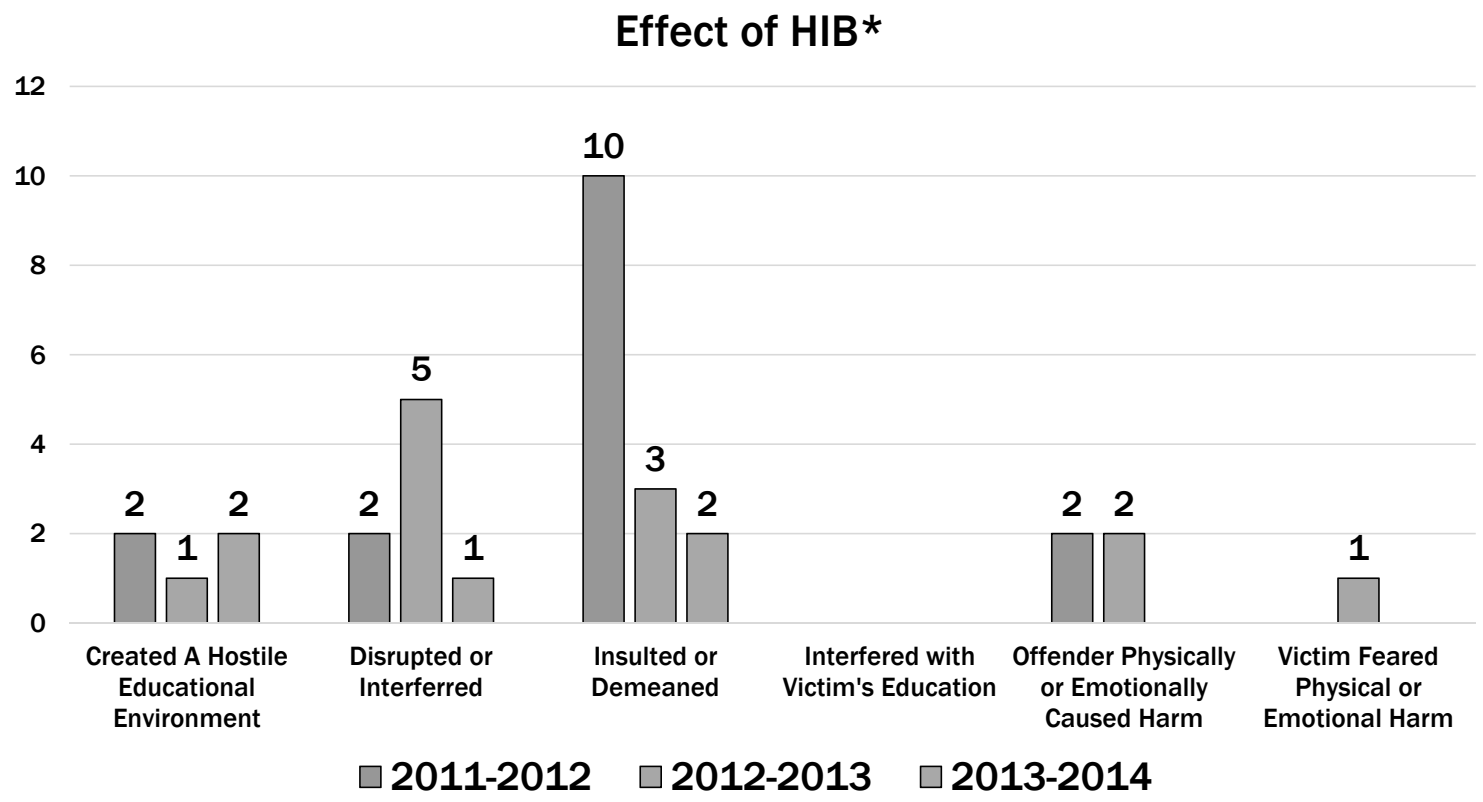
LOWER MIDDLE SCHOOL



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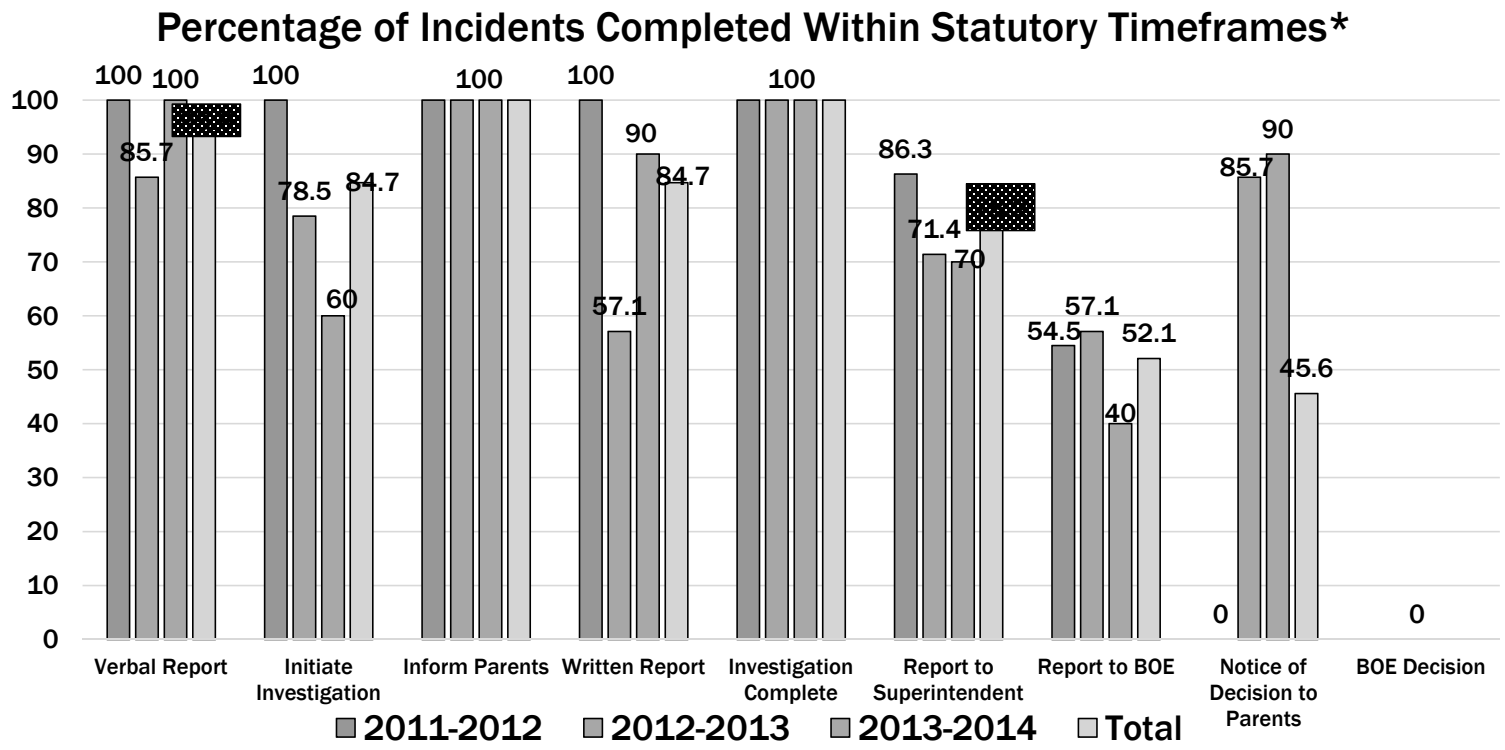
LOWER MIDDLE SCHOOL



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LOWER MIDDLE SCHOOL: FINDINGS

Strengths

• Meeting statutory timelines in the following areas:
  • Informing parents; and
  • Completing the investigation.
 	
• Substantially meeting the statutory timelines with regard to the following:
  • Verbal report; and
  • Written report to principal.
 	
• Improved documentation of the incident with each successive year of implementation, especially with regard to witness statements.

LOWER MIDDLE SCHOOL: FINDINGS

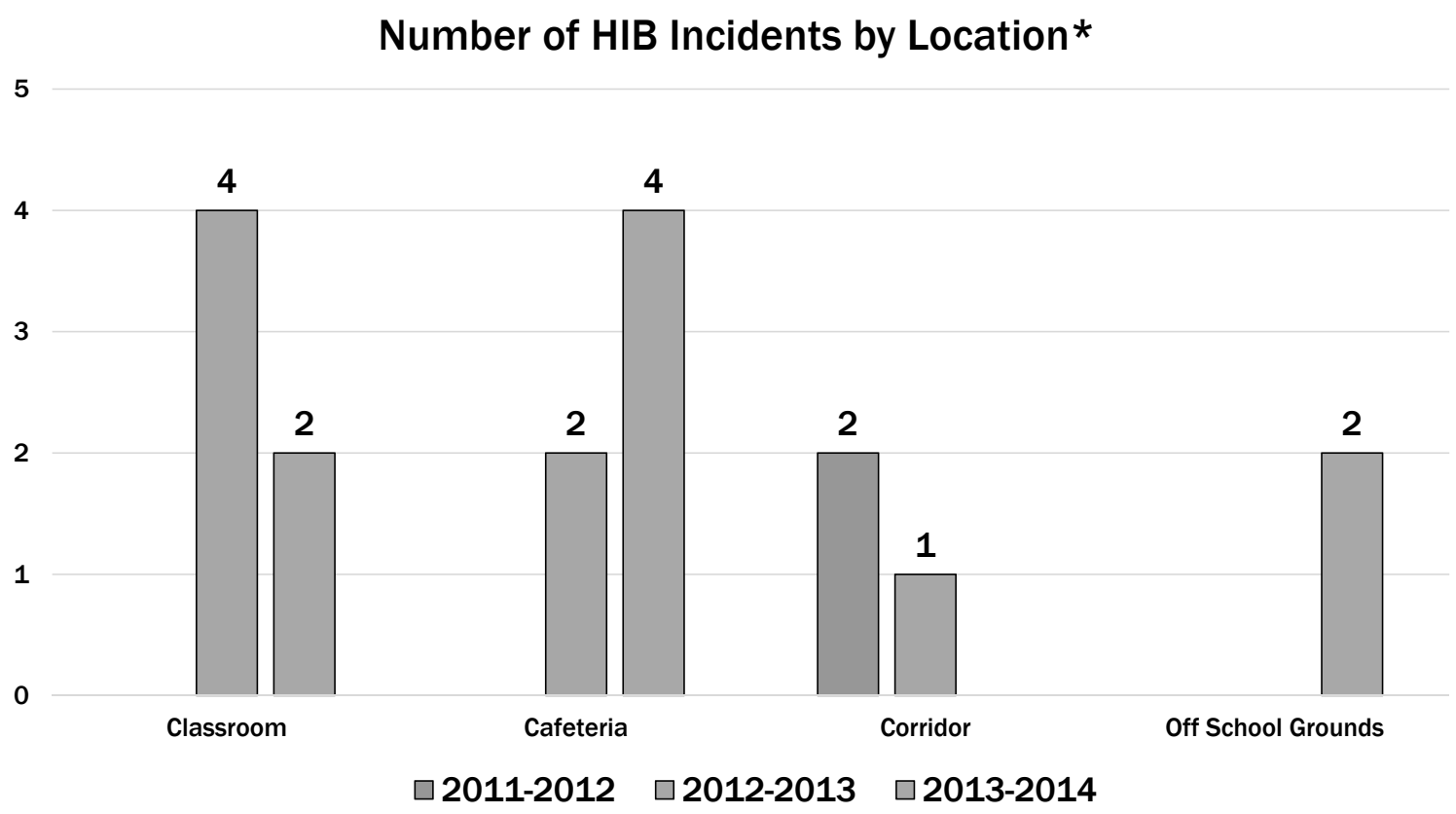
Areas for Growth

• Ensuring the full definition is satisfied when finding HIB.
  • Only finding HIB if the incident "substantially disrupts or interferes with the orderly operation of the school or the rights of other students" and at least one (1) additional area.
  • Using the "reasonable person" standard vs. the "victim's" or "offender's" belief.
 	
• Finding HIB where the statutory definition is satisfied without consideration of truth or falsity of the statement or the offender's state of mind (use "reasonable person" standard).
 	
• Reaching a finding even where the incident was not witnessed or because the distinguishing characteristic cannot be verified.
 	
• Meeting the statutory timeline with regard to initiating the investigation and reporting to the Superintendent.

UPPER MIDDLE SCHOOL

2011-2012 Incidents	• Thirty-three (33) HIB related investigations were conducted. • Nine (9) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Thirty-one (31) HIB related investigations were conducted. • Five (5) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Twelve (12) HIB related investigations were conducted. • Seven (7) confirmed incidents of HIB reported in 2013-2014.
TOTAL	• Seventy-six (76) HIB related investigations were conducted. • Twenty-one (21) confirmed incidents of HIB were reported (28.3% of reports).

UPPER MIDDLE SCHOOL



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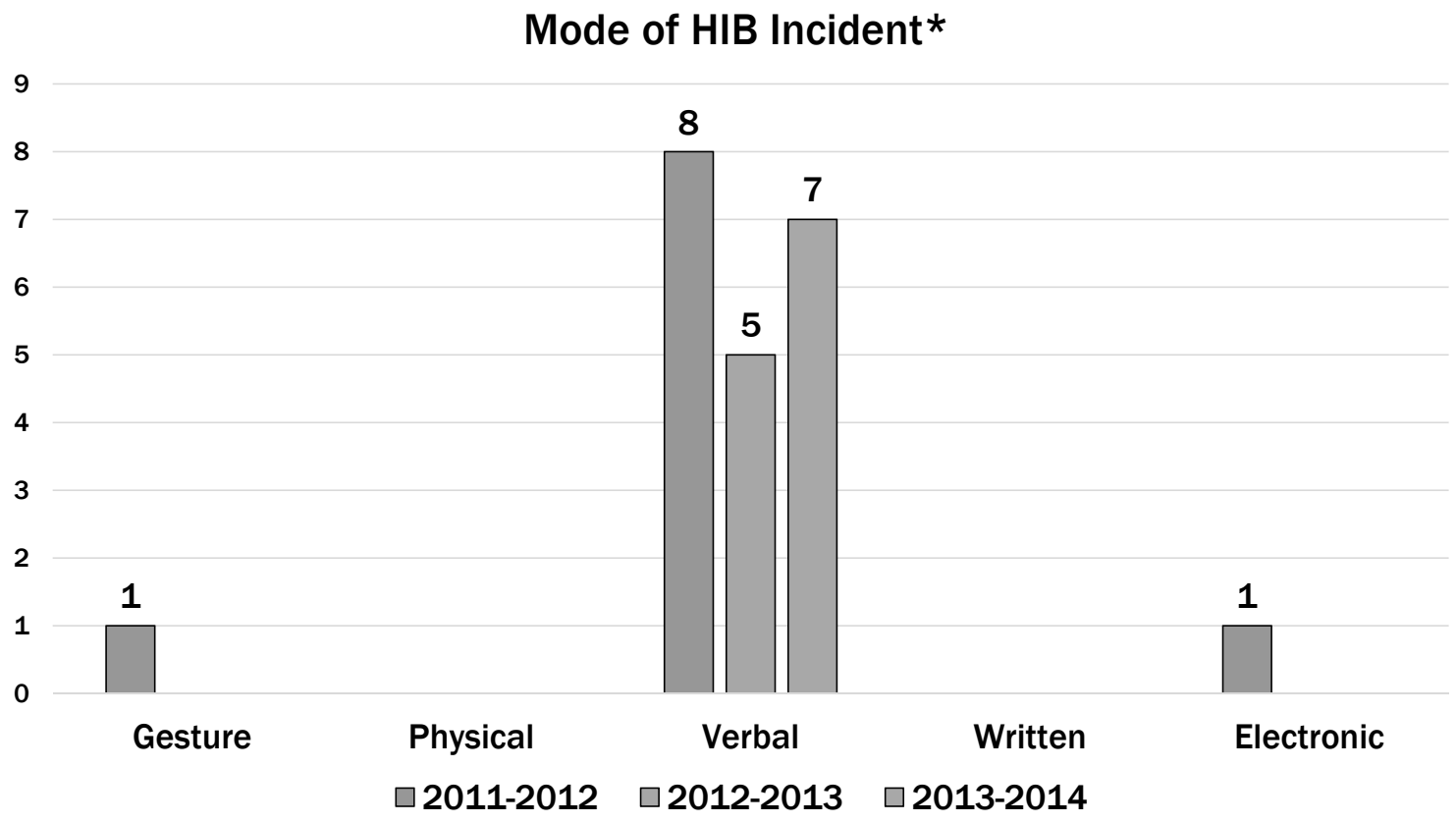
UPPER MIDDLE SCHOOL



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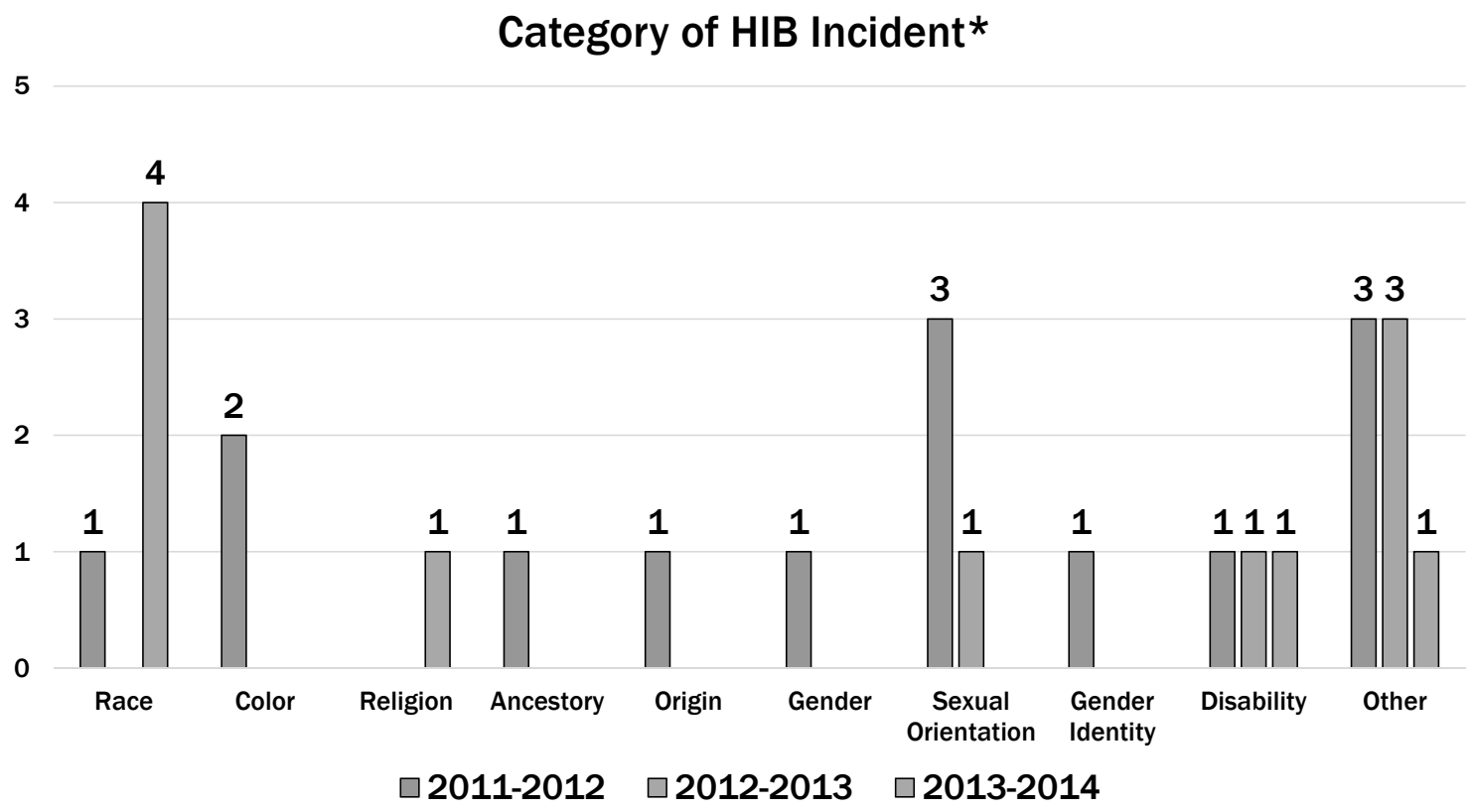
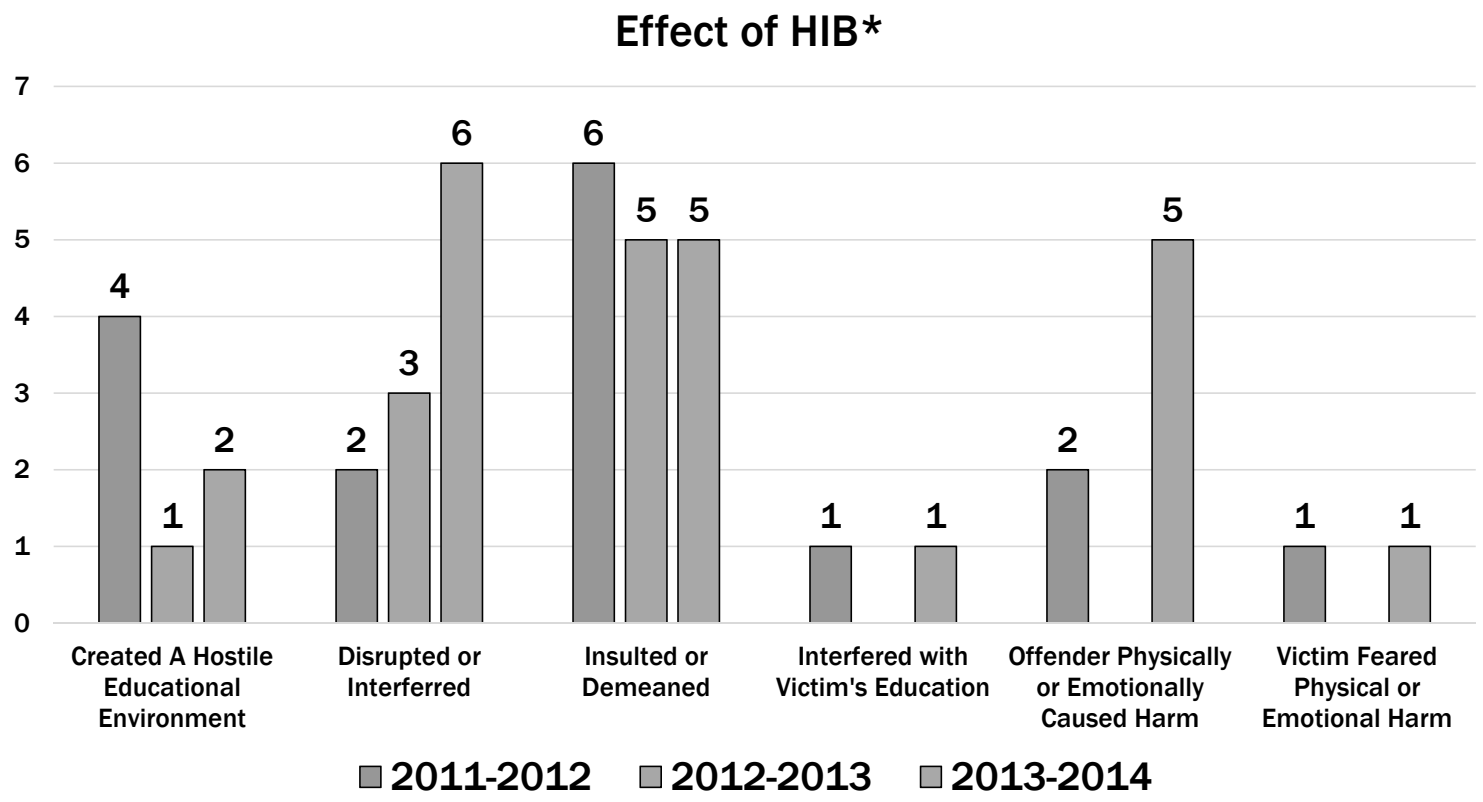
UPPER MIDDLE SCHOOL



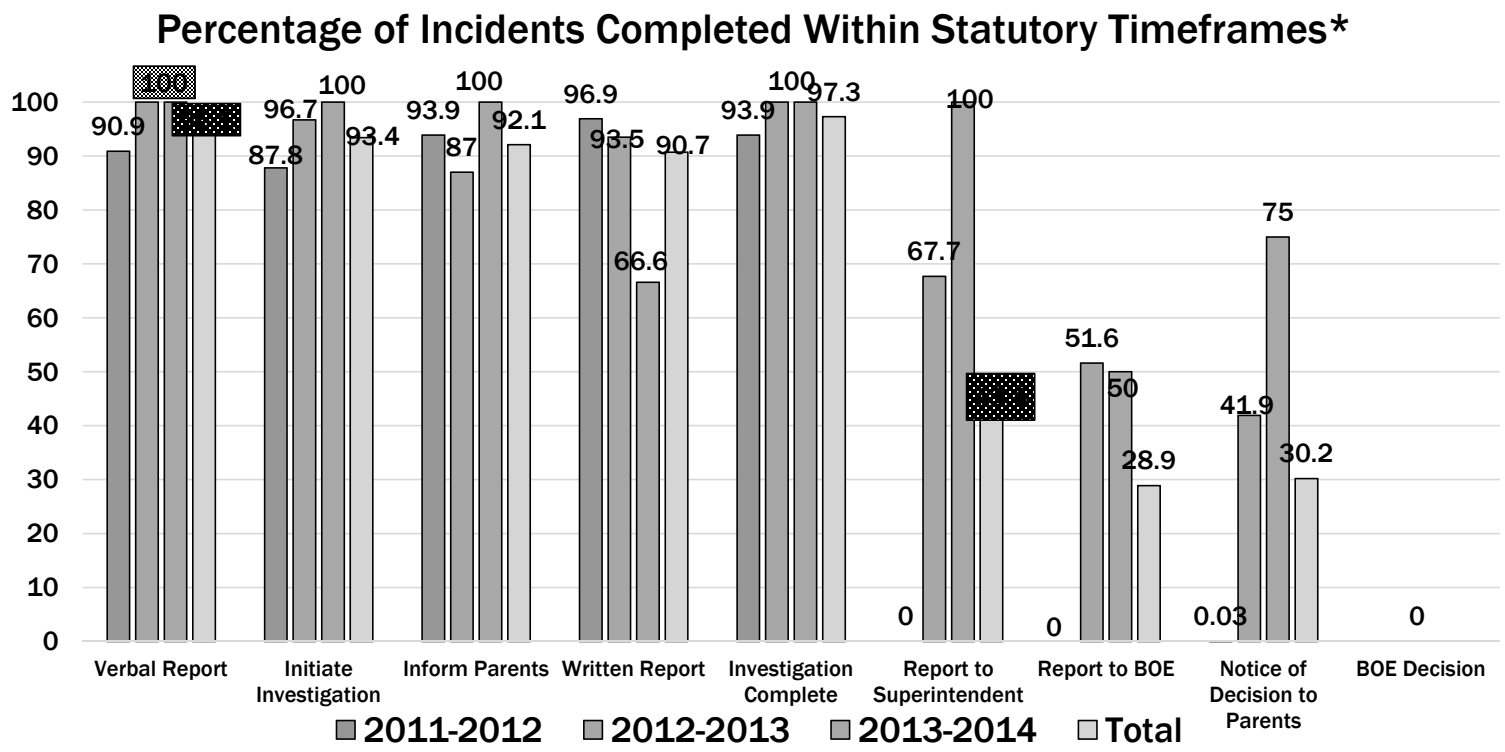
*More than one (1) category may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

UPPER MIDDLE SCHOOL



*More than one (1) effect may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

UPPER MIDDLE SCHOOL



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UPPER MIDDLE SCHOOL: FINDINGS

Strengths

- Meeting statutory timelines in the following areas:
  - Verbal report;
  - Initiating the investigation;
  - Informing parents; and
  - Completing the investigation.

- Significant improvement with regard to reporting to the Superintendent within the statutory timelines.

- Improved documentation of the incident with each successive year of implementation, especially with regard to witness statements.
  - Providing examples in HIB reports of why an incident met a category.
  - Conducting and reporting witness interviews and how those interviews impacted the final determination.

UPPER MIDDLE SCHOOL: FINDINGS

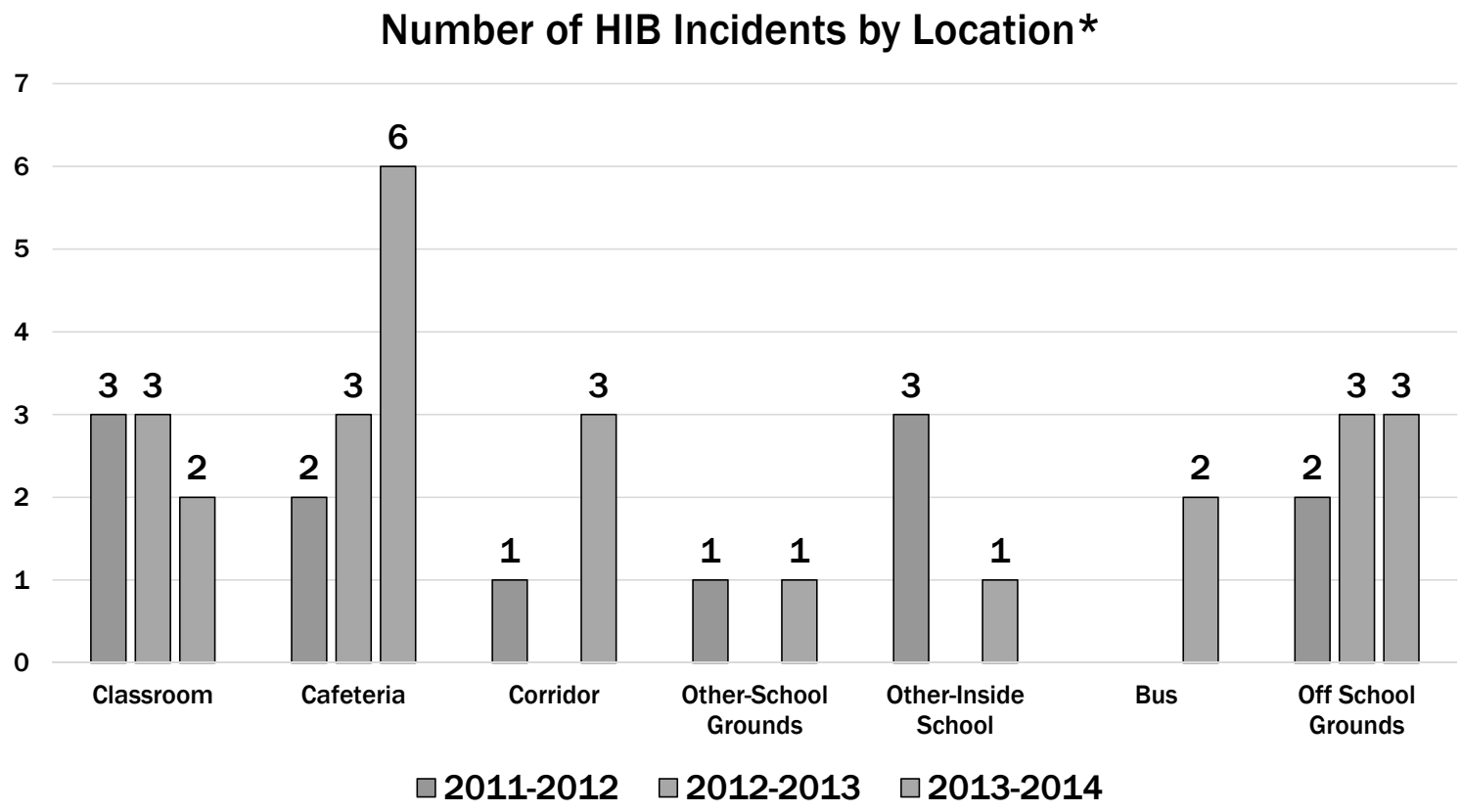
Areas for Growth

- Ensuring the full definition is satisfied when finding HIB:
  - Finding an incident is not HIB based on a lack of power imbalance or because a student is not "actually" the characteristic.
  - Using "reasonable" person standard vs. "victim's" or "offender's" opinion.
- Following up on allegations that are revealed through the HIB investigation.
- Conducting thorough investigations, including witness interviews.
- Documenting all of the relevant information on Genesis: mode, category, effect when the final determination is that the incident is Not HIB.
- Meeting the statutory timeline with regard to submitting the written report.

MONTGOMERY HIGH SCHOOL

2011-2012 Incidents	• Fifty (50) HIB related investigations were conducted. • Thirty-six (36) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Thirty (30) HIB related investigations were conducted. • Thirteen (13) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Twenty-one (21) HIB related investigations were conducted. • Fourteen (14) confirmed incidents of HIB reported in 2013-2014.
TOTAL	• One hundred one (101) HIB related investigations were conducted. • Sixty-three (63) confirmed incidents of HIB were reported (62.3% of reports).

MONTGOMERY HIGH SCHOOL



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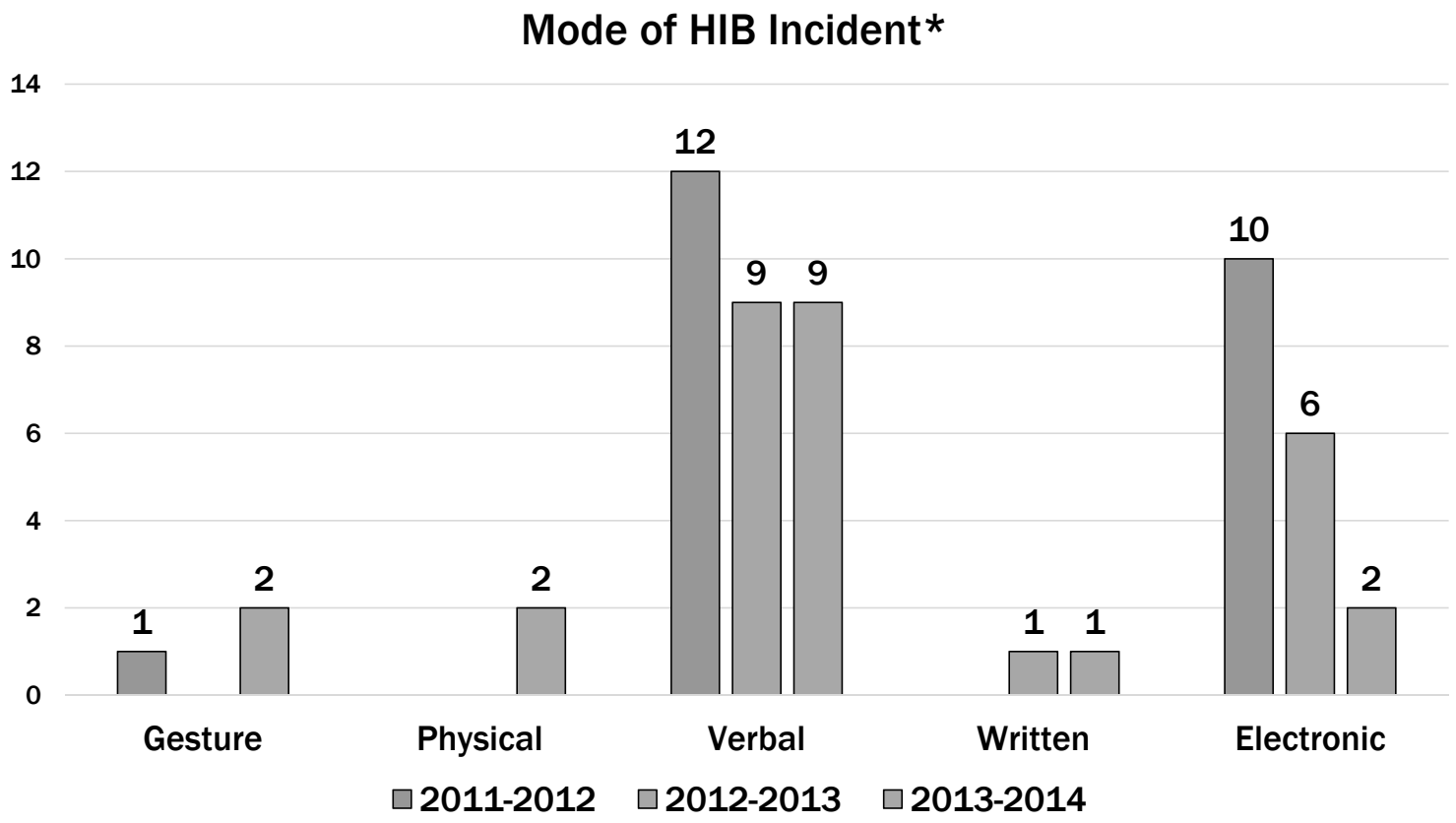
MONTGOMERY HIGH SCHOOL



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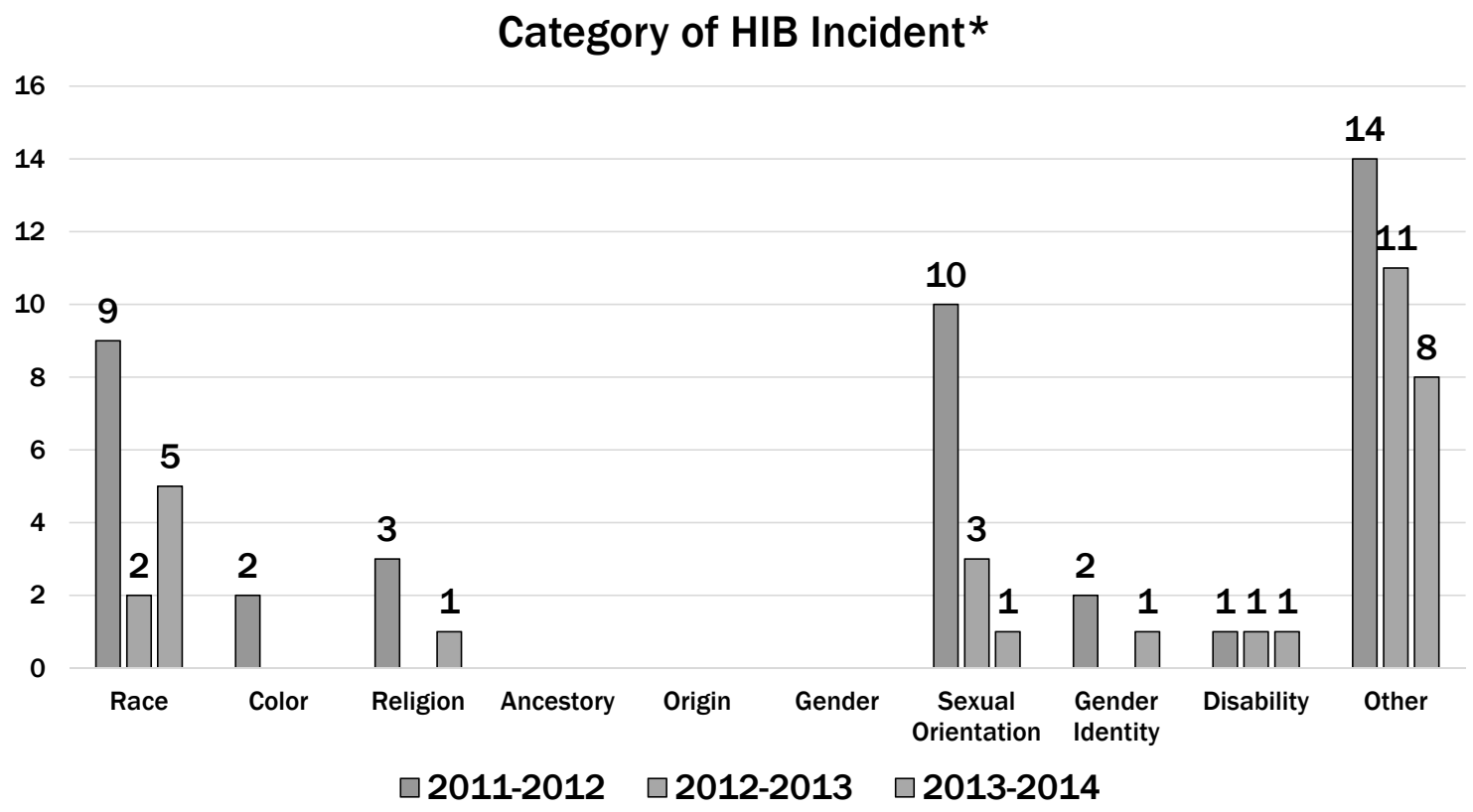
MONTGOMERY HIGH SCHOOL



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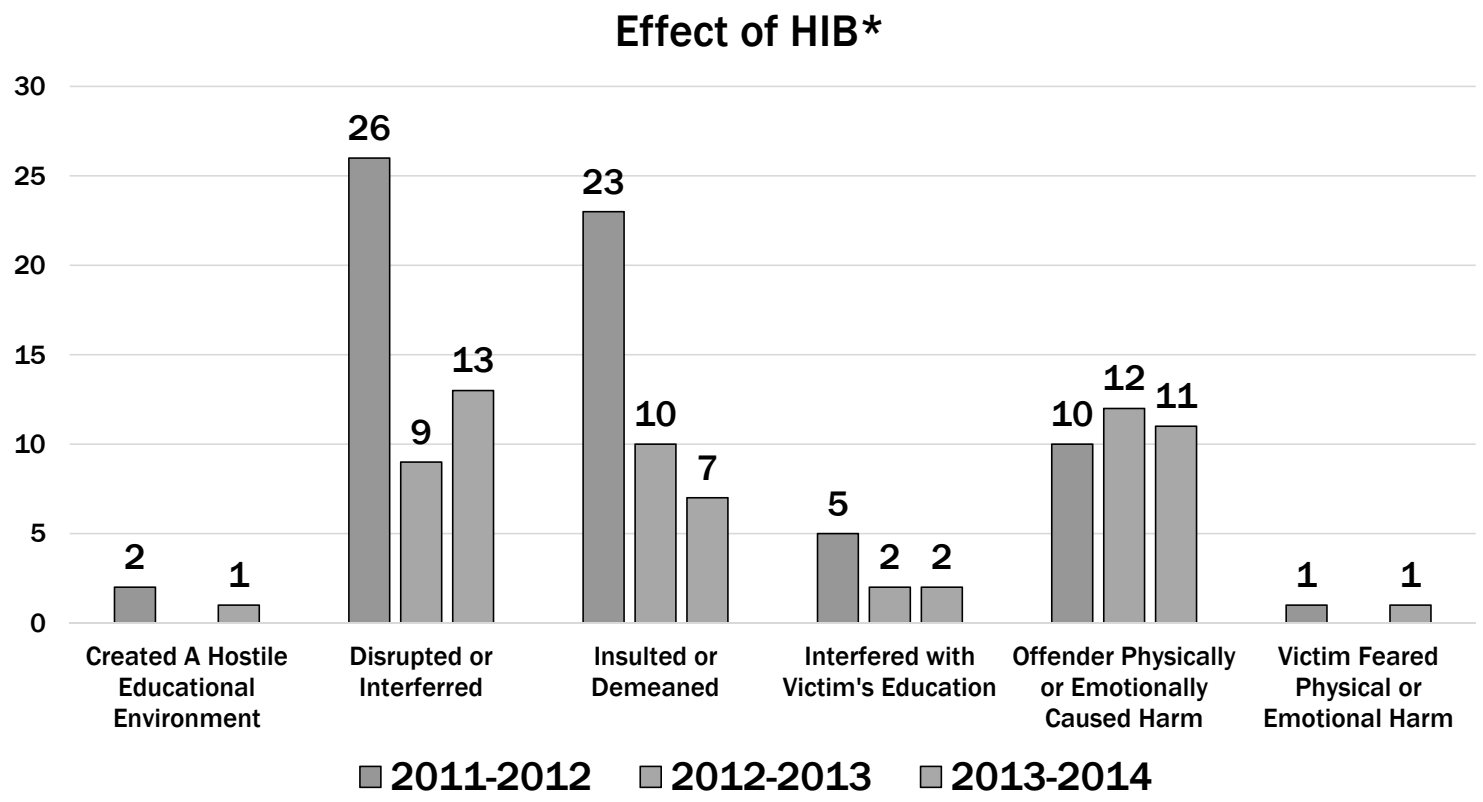
MONTGOMERY HIGH SCHOOL



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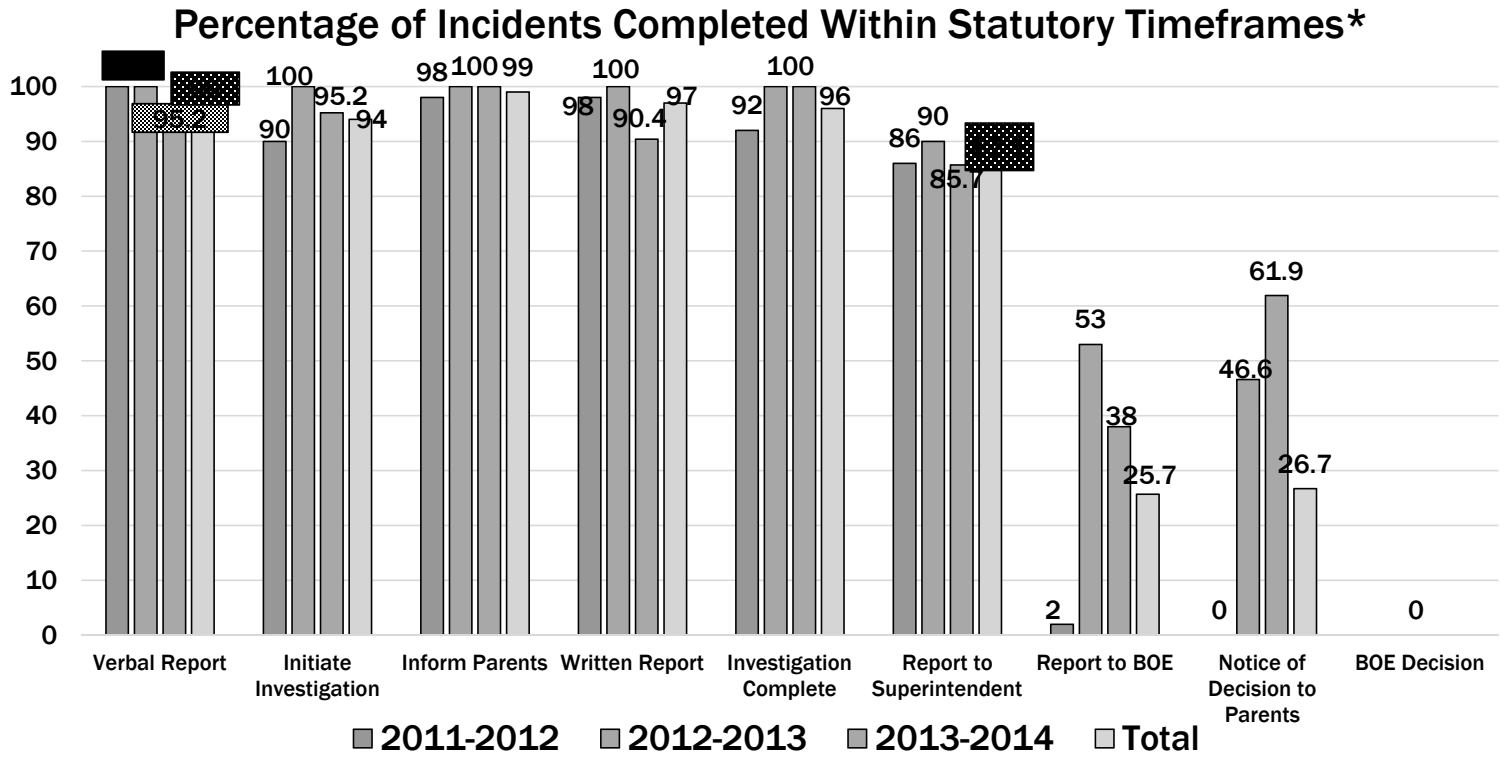
MONTGOMERY HIGH SCHOOL



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MONTGOMERY HIGH SCHOOL: FINDINGS

Strengths

- Meeting statutory timelines in the following areas:
  - Informing parents; and
  - Completing the investigation.

- Substantially meeting statutory timelines in the following areas:
  - Verbal report;
  - Initiating the investigation;
  - Written report; and
  - Reporting to the Superintendent.

- In 2013-2014, ensuring that the statutory definition was met with regard to the impact.
  - In twelve (12) of fourteen (14) instances, the reports indicated a substantial disruption or interference and at least one (1) other impact before finding HIB.

MONTGOMERY HIGH SCHOOL: FINDINGS

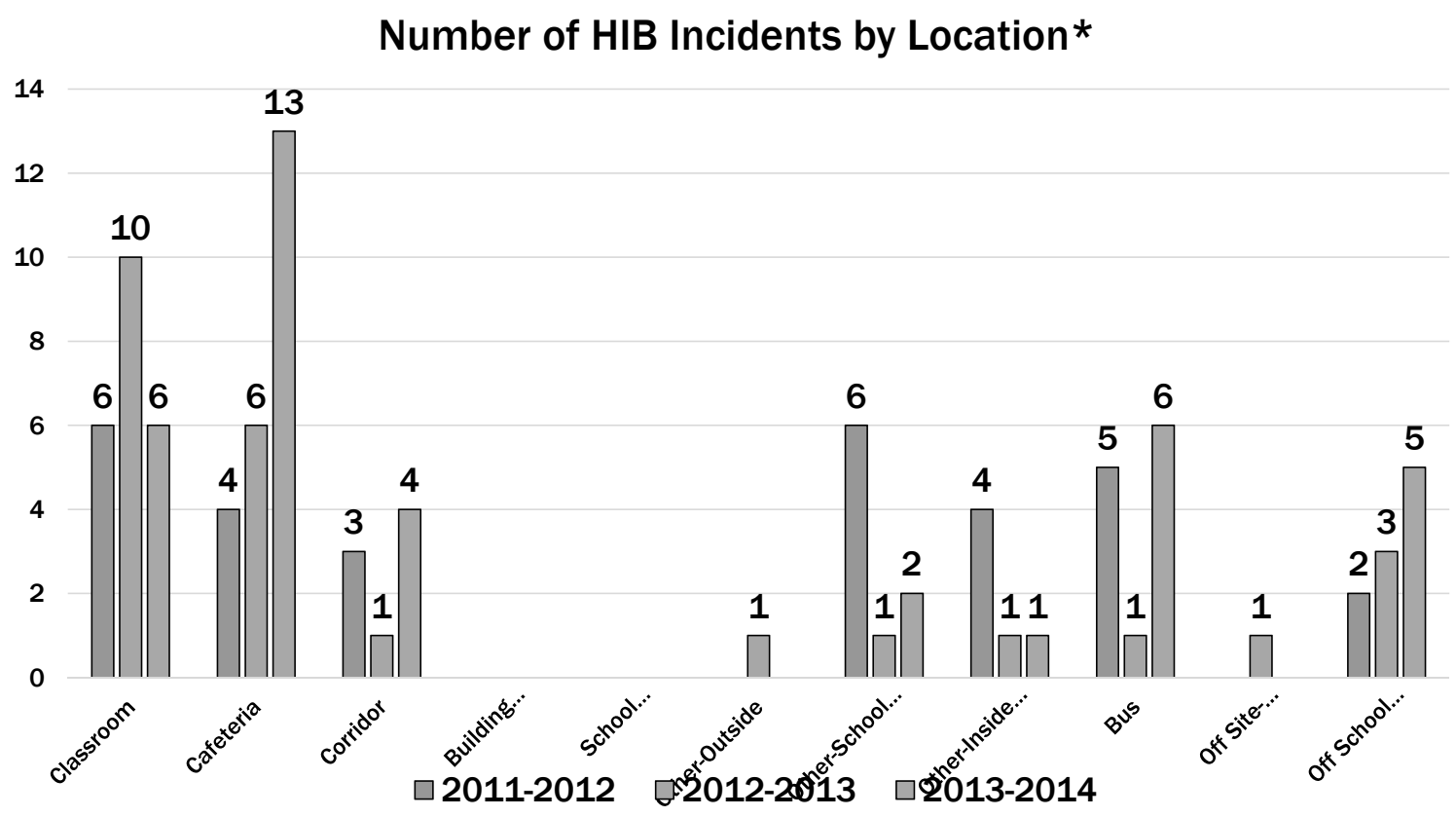
Areas for Growth

- Ensuring the full definition is satisfied when finding HIB:
  - Ensuring that if an incident occurred off school grounds that there was the requisite impact in school.
  - Using “reasonable” person standard vs. “victim’s” or “offender’s” opinion.
- Documenting all of the relevant information on Genesis: mode, category, effect, and impact.

MONTGOMERY SCHOOL DISTRICT

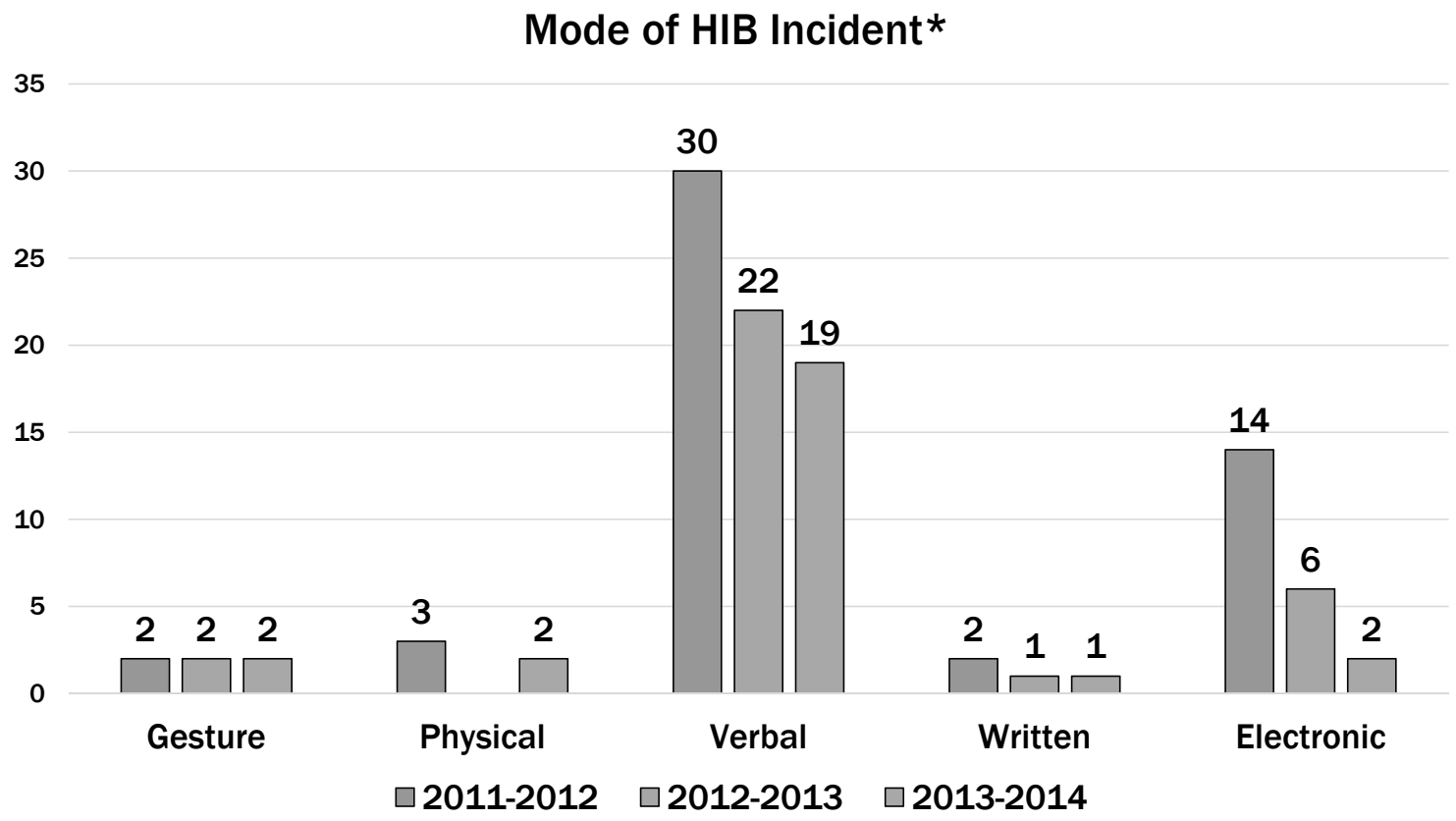
2011-2012 Incidents	• One hundred eleven (111) HIB related investigations were conducted. • Sixty-one (61) confirmed incidents of HIB reported in 2011-2012.
2012-2013 Incidents	• Eighty-nine (89) HIB related investigations were conducted. • Twenty-seven (27) confirmed incidents of HIB reported in 2012-2013.
2013-2014 Incidents	• Fifty-nine (59) HIB related investigations were conducted. • Twenty-seven (27) confirmed incidents of HIB reported in 2013-2014.
TOTAL	• Two hundred fifty-nine (259) HIB related investigations were conducted. • One hundred fifteen (115) confirmed incidents of HIB were reported (44.4% of reports).

MONTGOMERY SCHOOL DISTRICT



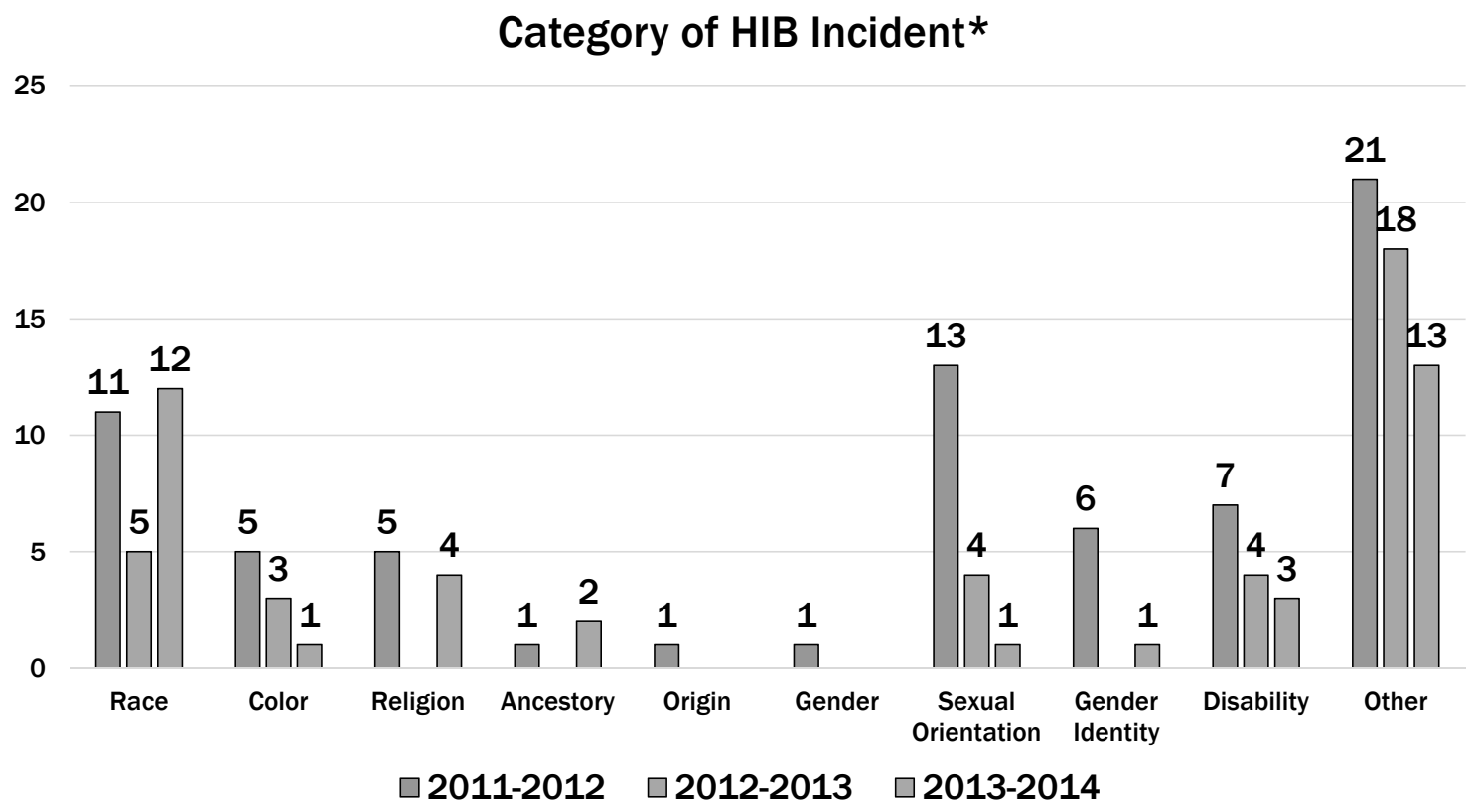
*More than one (1) location may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

MONTGOMERY SCHOOL DISTRICT



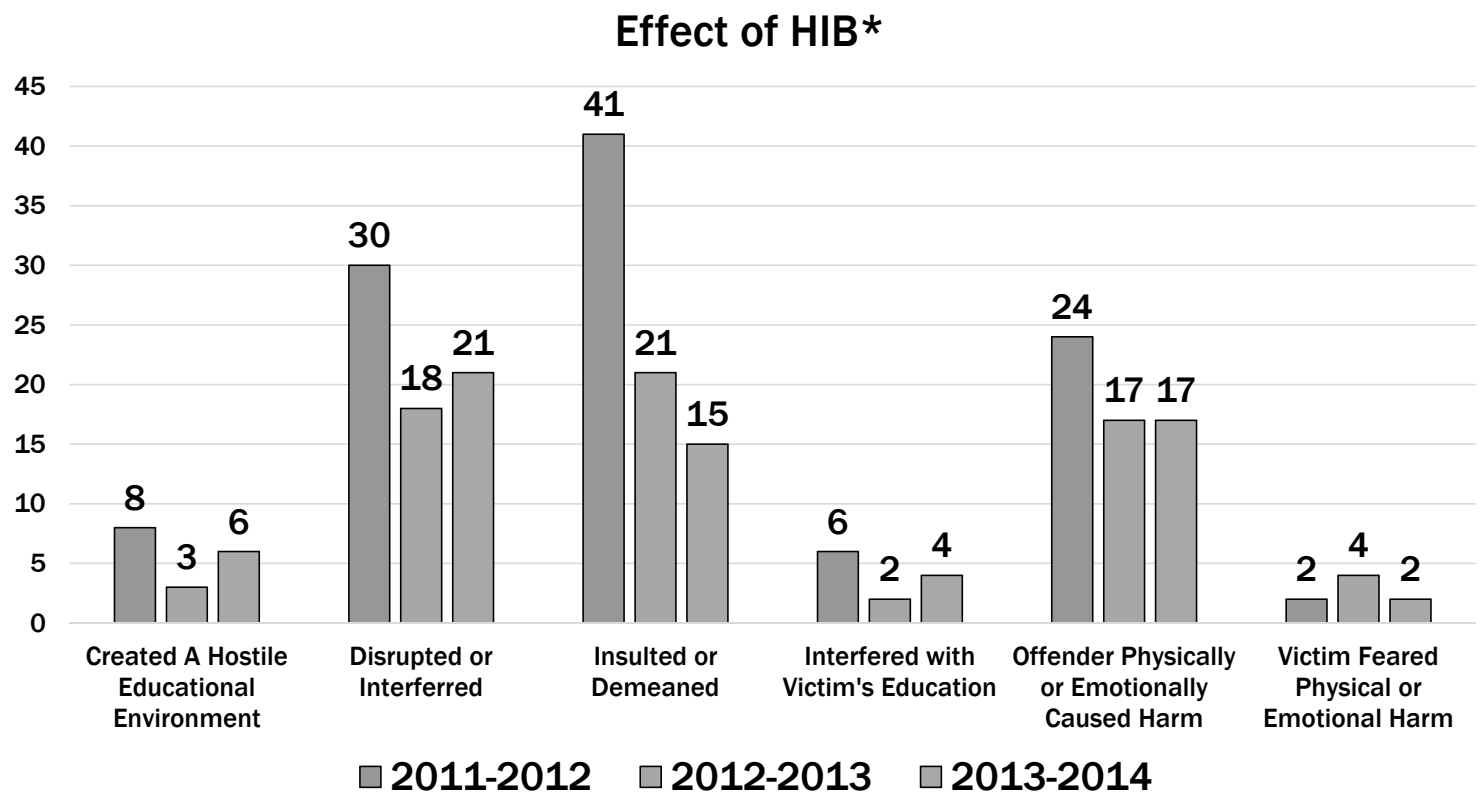
*More than one (1) mode may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

MONTGOMERY SCHOOL DISTRICT



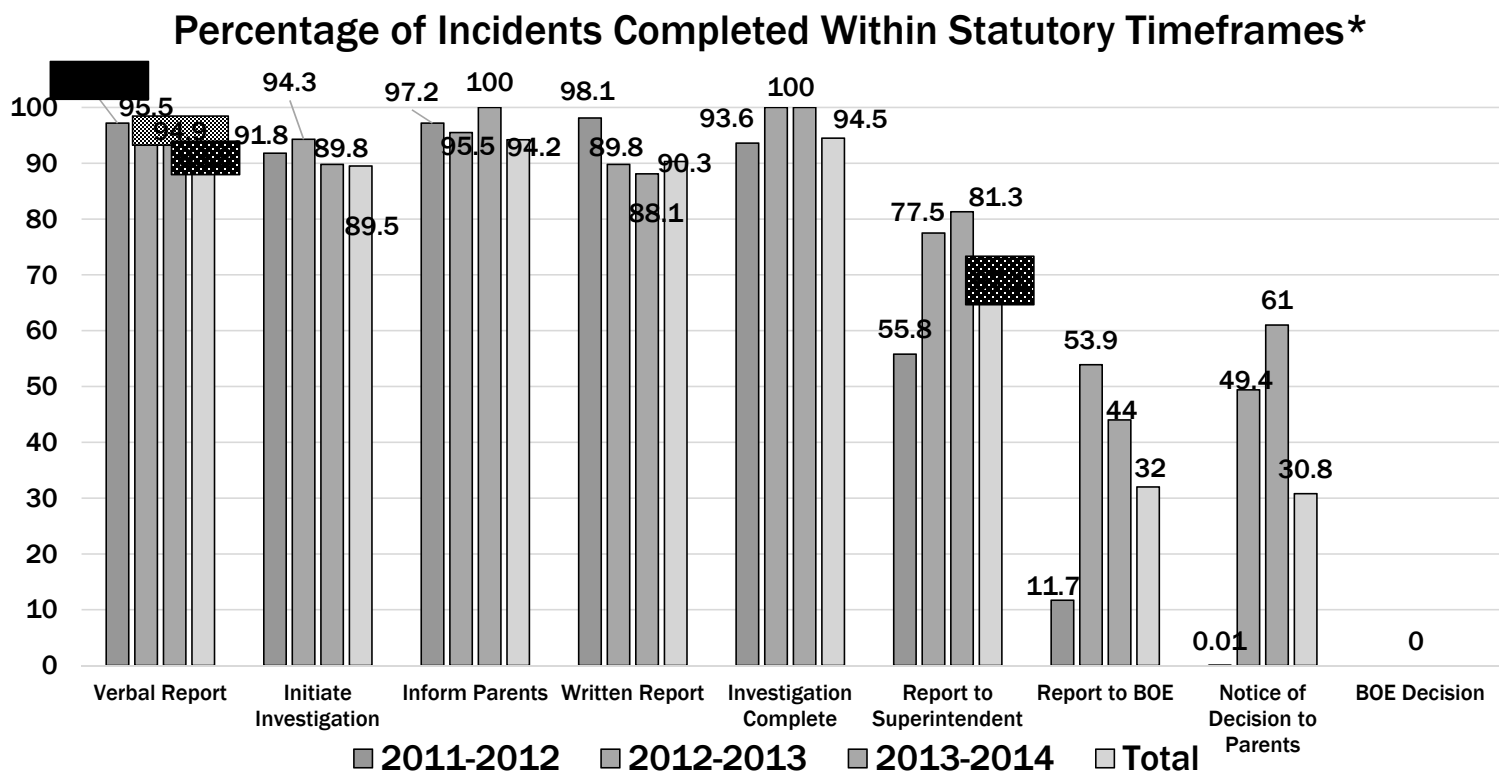
*More than one (1) category may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

MONTGOMERY SCHOOL DISTRICT



*More than one (1) effect may be associated with an incident; therefore, totals may exceed the number of HIB Incidents.

MONTGOMERY SCHOOL DISTRICT



*The provided percentages only reflect completion within the statutory timeframe. The steps may have ultimately been completed, but if they were outside the statutory timeframe they are not credited in this chart. In addition, the chart only reflects data as uploaded on Genesis, which may not reflect the actual dates a step was completed. Further, beginning in November 2013, the BOE has issued decisions; however, numbers are not available on Genesis.

MONTGOMERY SCHOOL DISTRICT: FINDINGS

Strengths

- Meeting statutory timelines in the following areas:
  - Informing parents; and
  - Completing the investigation.

- Substantially meeting statutory timelines in the following areas:
  - Verbal report;
  - Initiating the investigation; and
  - Written report.

- Significant improvement with regard to reporting to the Superintendent and Notifying Parents of the Board of Education's ("BOE") decision.

- In 2013-2014, the BOE began issuing decisions affirming, rejecting, or modifying the decisions.

DISTRICT: FINDINGS

Areas for Growth

- Ensuring the full definition is satisfied when finding HIB and/or is not satisfied when finding Not HIB.
- Documenting all of the relevant information on Genesis and in written reports.
- Reporting to the BOE within the statutory timeframe and with sufficient information.
- Notifying parents of the BOE decision within the statutory timeframe.

PART III:

RECOMMENDATIONS

RECOMMENDATIONS

Staff Training

- Timelines
- HIB Definition
- Application of HIB Definition
- Case Law
- Consistent and Thorough Documentation

RECOMMENDATIONS

Uniform Forms

- Initial Notification to Parents
- Written Report of Alleged HIB
- Anti-Bullying Specialist Investigation Report
- Report to the BOE
- Notification to Parents of the BOE's Decision

PART IV:

SAMPLE FORMS

DRAFT LETTER

[*insert date*]

[*insert name*]
[*insert address*]
[*insert address*]

Dear [*insert name*]:

In accordance with the provisions of New Jersey's Anti-Bullying Bill of Rights Act and the Montgomery Township Board of Education Policy 5512 – Harassment, Intimidation, and Bullying, it has been reported to me that your child, [*insert name*], may have been the target of an act of harassment, intimidation or bullying on [*insert date*]. The allegations will be investigated by our school's Anti-Bullying Specialist, [*insert name*]. This investigation will be completed no later than ten school days from the date of the written report.

The Anti-Bullying Specialist may be meeting with your child and other students and staff members during the investigation process. In accordance with Board Policy 5512, the Principal, may take measures to ensure the safety, health, and welfare of all parties during the investigation process. The school's administration shall proceed in accordance with the Student Code of Conduct, as appropriate. Upon completion of the investigation findings, additional actions may be taken by the Superintendent.

In accordance with New Jersey's Anti-Bullying Bill of Rights Act and Board Policy 5512, parents of pupils who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information will be provided to you in writing by the Superintendent within five days after the results of the investigation are reported to the Board of Education, which shall be no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation.

After receiving this information, parents or guardians may request a hearing before the Board of Education. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. At the regularly scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L. 1945, c.169 (C.10:5-1 et seq.).

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[*insert name*]
Principal

INITIAL NOTIFICATION TO PARENTS

Alleged Victim

DRAFT LETTER

[*insert date*]

[*insert name*]
[*insert address*]
[*insert address*]

Dear [*insert name*]:

In accordance with the provisions of New Jersey's Anti-Bullying Bill of Rights Act and the Montgomery Township Board of Education Policy 5512 – Harassment, Intimidation, and Bullying, it has been reported to me that your child, [*insert name*], may have committed an act of harassment, intimidation or bullying on [*insert* date]. The allegations will be investigated by our school's Anti-Bullying Specialist, [*insert name*]. This investigation will be completed no later than ten school days from the date of the written report.

The Anti-Bullying Specialist may be meeting with your child and other students and staff members during the investigation process. In accordance with Board Policy 5512, the Principal, may take measures to ensure the safety, health, and welfare of all parties during the investigation process. The school's administration shall proceed in accordance with the Student Code of Conduct, as appropriate. Upon completion of the investigation findings, additional actions may be taken by the Superintendent.

In accordance with New Jersey's Anti-Bullying Bill of Rights Act and Board Policy 5512, parents of pupils who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information will be provided to you in writing by the Superintendent within five days after the results of the investigation are reported to the Board of Education, which shall be no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation.

After receiving this information, parents or guardians may request a hearing before the Board of Education. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. At the regularly scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L. 1945, c.169 (C.10:5-1 et seq.).

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[*insert name*]
Principal

INITIAL NOTIFICATION TO PARENTS

Alleged Offender

Written Report of Alleged HIB

(Must be submitted to the school principal ***within two (2) school days*** *of witnessing or receiving reliable information that a student has been subject to harassment, intimidation, or bullying)*

Today's Date: _____ **Date of verbal report:** _____

Prepared by: _____

- ❑ Alleged Victim
- ❑ Student
- ❑ Parent/Guardian of Alleged Victim
- ❑ Parent/Guardian of Student (not victim)
- ❑ Teacher
- ❑ Administrator

Date and Time of Incident: _____

Alleged victim: _____ **School:** _____

Grade of the alleged Victim: _____ **Age of alleged Victim:** _____

Alleged Victim's race:

- ❑ American Indian
- ❑ Asian
- ❑ African American
- ❑ Pacific Islander
- ❑ Hispanic
- ❑ White (non-Hispanic)

Alleged Victim's education status:

- ❑ General Education
- ❑ Section 504
- ❑ Student with Disabilities/IEP
- ❑ Non-Student

Location where the alleged HIB occurred *(more than one can be selected):*

- ❑ Classroom
- ❑ Cafeteria
- ❑ Corridor
- ❑ Building Entrance
- ❑ School Entrance
- ❑ Other-School Grounds
- ❑ Other-Inside School
- ❑ Bus
- ❑ Off Site (School Sponsored)
- ❑ Off School Grounds

Mode of the alleged HIB *(more than one can be selected)*:

- ❑ Verbal Communication
- ❑ Written Communication
- ❑ Electronic Communication
- ❑ Physical Act
- ❑ Gesture

Alleged Offender: _____ **School:** _____

Grade of the alleged Offender: _____ **Age of the alleged Offender:** _____

Alleged Offender's race:

- ❑ American Indian
- ❑ Asian
- ❑ African American
- ❑ Pacific Islander
- ❑ Hispanic
- ❑ White (non-Hispanic)

Alleged Offender's education status:

- ❑ General Education
- ❑ Section 504
- ❑ Student with Disabilities/IEP
- ❑ Non-Student

WRITTEN REPORT OF ALLEGED HIB

Page 1

Complainant: _____

Statement of Complainant *(attach separate pages if necessary)*:

Did a physical injury result from the incident? ❑ Yes ❑ No. If yes, please describe the injury and if medical attention was necessary *(attach separate pages if necessary)*:

Was the target student absent from school as a result of the incident? ❑ Yes ❑ No. If yes, please list dates:

WRITTEN REPORT OF ALLEGED HIB

Page 2

Identify what harm you believe was or may have been caused by the incident. *Check all that apply:*

- ❑ Substantially disrupts of interferes with the orderly operation of the school;
- ❑ Substantially disrupts or interferes with the rights of other students;
- ❑ A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the students property;
- ❑ A reasonable person should know, under the circumstances, will have the effect of placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- ❑ Has the effect of insulting or demeaning any student or group of students;
- ❑ Creates a hostile educational environment for the student by interfering with the student's education;
- ❑ Creates a hostile educational environment for the student by severely or pervasively causing physical or emotional harm to the student.

If selected, describe the impact(s):

Were there any witnesses? ❑ Yes ❑ No. If yes, please provide their name(s) and summarize any statements provided to you *(attach separate pages if necessary):*

Are there any other individuals who may have relevant information regarding the alleged incident? ❑ Yes ❑ No. If yes, please provide their name(s) *(attach separate pages if necessary):*

WRITTEN REPORT OF ALLEGED HIB

Page 3

Anti-Bullying Specialist Investigation Report

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;

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

c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Dates/Timeline

Incident	Verbal Report	Parents Notified	Written Report	Investigation Began

Summary of Allegations

Person who completed the HIB written report:

- ❑ Alleged Victim
- ❑ Student
- ❑ Parent/Guardian of Alleged Victim
- ❑ Parent/Guardian of Student (not victim)
- ❑ Teacher
- ❑ Administrator

Alleged Victim:_____ **School:**_____

Grade of the alleged Victim:_____ **Age of the alleged Victim:**_____

Alleged Victim's race:

- ❑ American Indian
- ❑ Asian
- ❑ African American
- ❑ Pacific Islander
- ❑ Hispanic
- ❑ White (non-Hispanic)

Alleged Victim's education status:

- ❑ General Education
- ❑ Section 504
- ❑ Student with Disabilities/IEP
- ❑ Non-Student

Location where the alleged HIB occurred *(more than one can be selected):*

- ❑ Classroom
- ❑ Cafeteria
- ❑ Corridor
- ❑ Building Entrance
- ❑ School Entrance
- ❑ Other-School Grounds
- ❑ Other-Inside School
- ❑ Bus
- ❑ Off Site (School Sponsored)
- ❑ Off School Grounds

Mode of the alleged HIB (*more than one can be selected*):

- ❑ Verbal Communication
- ❑ Written Communication
- ❑ Electronic Communication
- ❑ Physical Act
- ❑ Gesture

ANTI-BULLYING SPECIALIST INVESTIGATION REPORT

Page 1

Alleged Offender:_____School:_____

Grade of the alleged Offender:_____Age of the alleged Offender:_____

Alleged Offender's race:

- ❑ American Indian
- ❑ Asian
- ❑ African American
- ❑ Pacific Islander
- ❑ Hispanic
- ❑ White (non-Hispanic)

Alleged Offender's education status:

- ❑ General Education
- ❑ Section 504
- ❑ Student with Disabilities/IEP
- ❑ Non-Student

Complainant:

Allegations *(attach separate pages if necessary):*

Summary of Investigation

(The investigation must be completed within ***ten (10) school days*** *of receipt of the Written Report of Alleged HIB Form).*

Person(s) appointed to assist ABS:

Interview with alleged victim *(attach separate pages if necessary):*

ANTI-BULLYING SPECIALIST INVESTIGATION REPORT

Page 2

Witnesses interviewed:_____

Summary of interview(s) *(attach separate pages if necessary)*:

Documents reviewed *(attach if necessary)*: _____

Other evidence reviewed: *(attach if necessary)*:_____

Do you anticipate receiving any additional information relative to this investigation? ❑ Yes ❑ No. If yes, please describe the additional information that is anticipated to be received:

Summary of Investigation Findings (Facts)

attach separate pages if necessary

ANTI-BULLYING SPECIALIST INVESTIGATION REPORT

Page 3

Identify *where* the alleged HIB occurred:

- ❑ Classroom
- ❑ Cafeteria
- ❑ Corridor
- ❑ Building Entrance
- ❑ School Entrance
- ❑ Other-School Grounds
- ❑ Other-Inside School
- ❑ Bus
- ❑ Off Site (School Sponsored)
- ❑ Off School Grounds (must also satisfy *N.J.A.C.* 6A:16-7.5)

Determination/Analysis

An allegation can *only* be determined HIB when the statutory requirements of *N.J.S.A.* 18A:37-14 are met. The following are *required*:

1. **HIB can occur from a single incident or a series of incidents.** Choose *one*:

   ❑ Single ❑ Series

2. **Mode of HIB** (*at least one* must be selected to find HIB):

   - ❑ Verbal Communication
   - ❑ Written Communication
   - ❑ Electronic Communication
   - ❑ Physical Act
   - ❑ Gesture

3. **Actual or Perceived Characteristic** (*at least one* must be selected to find HIB):

   - ❑ Race
   - ❑ Color
   - ❑ Religion
   - ❑ Ancestry
   - ❑ National Origin
   - ❑ Gender
   - ❑ Sexual Orientation
   - ❑ Gender Identity and Expression
   - ❑ Mental, Physical, or Sensory Disability

   –and/or–

   ❑ Other distinguishing characteristic: _____

4. **Impact of Incident(s)** (*at least one* must be selected to find HIB):

   ❑ Substantially disrupts of interferes with the orderly operation of the school

   –and/or–

   ❑ Substantially disrupts or interferes with the rights of other students

If selected, describe the impact(s):

ANTI-BULLYING SPECIALIST INVESTIGATION REPORT

Page 4

5. **Impact of Incident(s)** (*at least one* must be selected to find HIB):

- ❑ A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the students property; **–and/or–**
- ❑ A reasonable person should know, under the circumstances, will have the effect of placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; **–and/or–**
- ❑ Has the effect of insulting or demeaning any student or group of students; **–and/or–**
- ❑ Creates a hostile educational environment for the student by interfering with the student's education; **–and/or–**
- ❑ Creates a hostile educational environment for the student by severely or pervasively causing physical or emotional harm to the student.

If selected, describe the impact(s):

Conclusion

❑ HIB *(at least one check in each of 1-5 above)* ❑ Not HIB

Report Prepared By: _____ Position: _____
(Print Name)

Report Prepared By: _____ Date: _____
(Signature)

All supporting documentation including, but not limited to, incident reports, correspondence, and interview notes, **must be attached** to this form.

ANTI-BULLYING SPECIALIST INVESTIGATION REPORT

Page 5

New Jersey Anti-Bullying Bill of Rights Act Report to the Montgomery Township Board of Education

Date: [*insert date of BOE meeting here*]

1. **Finding HIB**

   [***Incident Number***]. On [*insert date here*], a report was made to the principal wherein Student A alleged that Student B committed a HIB because [*insert facts here*]. The investigation revealed that Student B did [*insert facts here*], that it was motivated by [*insert actual and/or perceived characteristic*], and that the impact of [*insert actual or perceived impact*] met the standard set forth in the law. Therefore, it was determined to be HIB. Student B was [*insert consequence here, including, but not limited to, counseling, support services, intervention, and/or discipline*].

2. **Finding Not HIB** *(no actual and/or perceived characteristic)*

   [***Incident Number***]. On [*insert date here*], a report was made to the principal wherein Student A alleged that Student B committed a HIB because [*insert facts here*]. The investigation revealed that Student B did [*insert facts here*], that it was not motivated by an actual or perceived characteristic and, therefore, did not meet the standard set forth in the law. Therefore, it was determined to not be HIB.

3. **Finding Not HIB** *(no impact that meets the law)*

   [***Incident Number***]. On [*insert date here*], a report was made to the principal wherein Student A alleged that Student B committed a HIB because [*insert facts here*]. The investigation revealed that Student B did [*insert facts here*] and that it was motivated by [*insert actual and/or perceived characteristic*]; however, the incident did not meet the standard set forth in the law with regard to the impact. Therefore, it was determined to be HIB.

REPORT TO THE BOE

DRAFT LETTER

[*Date*]

[*Name*]
[*Address*]
[*City, State, Zip Code*]

Dear [*insert name*]:

This letter shall serve as notice that your [*son/daughter*], [*insert name*], was involved in an investigation conducted by the School Anti-Bullying Specialist into an alleged incident of harassment, intimidation, or bullying ("HIB"). I am writing to inform you that the investigation has been completed, and that the results of this investigation were reported to the Board of Education in executive session at the Board meeting held on [*insert Board meeting date*].

The Nature of the Investigation

The School Anti-Bullying Specialist received a report that [*insert name*], was engaging in conduct that potentially constitutes HIB. As a result, the School Anti-Bullying Specialist conducted an investigation, which included [*insert investigation procedures, such as interviewing name of student, the victim, and witnesses, including teachers that witnessed some of the incidents*]. Based upon the results of the investigation, the School Anti-Bullying Specialist determined that [*insert name*] [*insert brief statement of incident such as what was said or done*].

Whether the District Found Evidence of HIB

I have concluded that, based upon the information provided to me by the School Anti-Bullying Specialist, that this incident does meet the definition of HIB as set forth in the District's Policy. Specifically, I have found that [*insert name*] actions were motivated by bias against the student's [*insert actual or perceived* category] that [*insert impact*].

Whether or Not Discipline Was Imposed or Services Provided

In conjunction with my findings set forth above, I have determined that a consequence should be imposed, which shall be [*insert consequence*].

Further Action

You may request a hearing with the Board of Education, which must be held within ten days of this request. This hearing will be held in executive session to protect the confidentiality of the students involved. If you wish to have such a hearing, you must notify me in writing on or before [*3-5 days before next Board meeting*]. If you request a hearing, it shall take place on [*next Board meeting date*]. Additional information regarding the hearing, should you request one, shall be provided under separate cover.

Please be advised that the Board of Education will issue a decision affirming, rejecting, or modifying my decision at its next regularly scheduled meeting, which will be held on [*next Board meeting date*]. You will receive a copy of the decision shortly thereafter. Any appeal of the Board's decision must be made to the Commissioner of Education of the State of New Jersey within ninety days of your receipt of the Board's decision.

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[*insert name*]

Superintendent of Schools

NOTIFICATION OF BOE'S DECISION TO PARENTS

Draft Letter to the Alleged Offender (HIB Found)

DRAFT LETTER

[*Date*]

[*Name*]
[*Address*]
[*City, State, Zip Code*]

Dear [*insert name*]:

This letter shall serve as notice that your [*son/daughter*], [*insert name*], was involved in an investigation conducted by the School Anti-Bullying Specialist into an alleged incident of harassment, intimidation, or bullying ("HIB"). I am writing to inform you that the investigation has been completed, and that the results of this investigation were reported to the Board of Education in executive session at the Board meeting held on [*Board meeting date*].

The Nature of the Investigation

The School Anti-Bullying Specialist received a report that [*insert name*] was engaging in conduct that potentially constitutes HIB. As a result, the School Anti-Bullying Specialist conducted an investigation, which included [*insert investigation information, such as: interviewing name of alleged offender, the alleged victim, and witnesses, including teachers that witnessed some of the incidents*]. Based upon the results of the investigation, the School Anti-Bullying Specialist determined that [*insert name*] [*insert events*].

Whether the District Found Evidence of HIB

I have concluded that, based upon the information provided to me by the School Anti-Bullying Specialist, that this incident does not meet the definition of HIB as set forth in the District's Policy. Specifically, I have found that while [*insert actions*] were inappropriate, and in violation of the student code of conduct, they were not [*select appropriate determination: motivated by bias against any distinguishing characteristic (real or perceived), and/or such conduct did not substantially interfere with that student's rights within the meaning of the Anti-Bullying Bill of Rights Act*].

Whether or Not Discipline Was Imposed or Services Provided

In conjunction with my findings set forth above, I have determined that no additional discipline should be imposed with respect to [*insert name*] above and beyond the discipline already received for [*insert act*]. I have also determined that no additional services and/or resources shall be provided as a result of this incident.

Further Action

You may request a hearing with the Board of Education, which must be held within ten days of this request. This hearing will be held in executive session to protect the confidentiality of the students involved. If you wish to have such a hearing, you must notify me in writing on or before [*3-5 days before next Board meeting*]. If you request a hearing, it shall take place on [*next Board meeting date*]. Additional information regarding the hearing, should you request one, shall be provided under separate cover.

Please be advised that the Board of Education will issue a decision affirming, rejecting, or modifying my decision at its next regularly scheduled meeting, which will be held on [*next Board meeting date*]. You will receive a copy of the decision shortly thereafter. Any appeal of the Board's decision must be made to the Commissioner of Education of the State of New Jersey within ninety days of your receipt of the Board's decision.

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[insert name]
Superintendent of Schools

NOTIFICATION OF BOE'S DECISION TO PARENTS

Draft Letter to the Alleged Offender (HIB Not Found)

DRAFT LETTER

[*Date*]

[*Name*]
[*Address*]
[*City, State, Zip Code*]

Dear [*insert name*]:

This letter shall serve as notice that your [*son/daughter*], [*insert name*], was involved in an investigation conducted by the School Anti-Bullying Specialist into an alleged incident of harassment, intimidation, or bullying ("HIB"). I am writing to inform you that the investigation has been completed, and that the results of this investigation were reported to the Board of Education in executive session at the Board meeting held on [*Board meeting date*].

The Nature of the Investigation

The School Anti-Bullying Specialist received a report that [*insert name*] was subjected to conduct that potentially constitutes HIB. As a result, the School Anti-Bullying Specialist conducted an investigation, which included [*insert investigation such as: interviewing name of victim, the offending student, and witnesses, including teachers that witnessed some of the incidents*]. Based upon the results of the investigation, the School Anti-Bullying Specialist determined that another student [*insert incident facts*].

Whether the District Found Evidence of HIB

I have concluded that, based upon the information provided to me by the School Anti-Bullying Specialist, that this incident does meet the definition of HIB as set forth in the District's Policy. Specifically, I have found that the offending student's actions were motivated by bias against [*insert actual and/or perceived category*] that [*insert effect*].

Whether or Not Discipline Was Imposed or Services Provided

In conjunction with my findings set forth above, I have determined that [*insert consequence, such as: discipline should be imposed with respect to the offending student. I have also determined that the District shall provide the offending student with appropriate services and/or resources as a result of this incident designed to remediate and prevent such conduct from occurring in the future*]. [*If additional services are offered to the victim or on a school-wide basis, insert them here*].

Further Action

You may request a hearing with the Board of Education, which must be held within ten days of this request. This hearing will be held in executive session to protect the confidentiality of the students involved. If you wish to have such a hearing, you must notify me in writing on or before [*3-5 days before next Board meeting*]. If you request a hearing, it shall take place on [*next Board meeting date*]. Additional information regarding the hearing, should you request one, shall be provided under separate cover.

Please be advised that the Board of Education will issue a decision affirming, rejecting, or modifying my decision at its next regularly scheduled meeting, which will be held on [*next Board meeting date*]. You will receive a copy of the decision shortly thereafter. Any appeal of the Board's decision must be made to the Commissioner of Education of the State of New Jersey within ninety days of your receipt of the Board's decision.

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[insert name]

Superintendent of Schools

NOTIFICATION OF BOE'S DECISION TO PARENTS

Draft Letter to the Alleged Victim (Finding HIB)

DRAFT LETTER

[*Date*]

[*Name*]
[*Address*]
[*City, State, Zip Code*]

Dear [*insert name*]:

This letter shall serve as notice that your [*son/daughter*], [*insert name*], was involved in an investigation conducted by the School Anti-Bullying Specialist into an alleged incident of harassment, intimidation, or bullying ("HIB"). I am writing to inform you that the investigation has been completed, and that the results of this investigation were reported to the Board of Education in executive session at the Board meeting held on [*Board meeting date*].

The Nature of the Investigation

The School Anti-Bullying Specialist received a report that [*insert name*] was allegedly the victim of conduct that potentially constitutes HIB. As a result, the School Anti-Bullying Specialist conducted an investigation, which included [*insert investigation such as: interviewing name of victim, the offending student, and witnesses, including teachers that witnessed some of the incidents*]. Based upon the results of the investigation, the School Anti-Bullying Specialist determined that another student [*insert incident facts*].

Whether the District Found Evidence of HIB

I have concluded that, based upon the information provided to me by the School Anti-Bullying Specialist, that this incident does not meet the definition of HIB as set forth in the District's Policy. Specifically, I have found that while the other student's actions were inappropriate, and in violation of the student code of conduct, they were not [*select appropriate determination: motivated by bias against any distinguishing characteristic (real or perceived) and/or such conduct did not have the requisite impact required by the Anti-Bullying Bill of Rights Act*].

Whether or Not Discipline Was Imposed or Services Provided

In conjunction with my findings set forth above, I have determined that no additional discipline should be imposed with respect to the other student above and beyond the discipline [*he/she*] has already received for [*insert incident*]. I have also determined that no additional services and/or resources shall be provided as a result of this incident.

Further Action

You may request a hearing with the Board of Education, which must be held within ten days of this request. This hearing will be held in executive session to protect the confidentiality of the students involved. If you wish to have such a hearing, you must notify me in writing on or before [*3-5 days before next Board meeting*]. If you request a hearing, it shall take place on [*next Board meeting date*]. Additional information regarding the hearing, should you request one, shall be provided under separate cover.

Please be advised that the Board of Education will issue a decision affirming, rejecting, or modifying my decision at its next regularly scheduled meeting, which will be held on [*next Board meeting date*]. You will receive a copy of the decision shortly thereafter. Any appeal of the Board's decision must be made to the Commissioner of Education of the State of New Jersey within ninety days of your receipt of the Board's decision.

Please do not hesitate to contact my office with any questions or concerns you may have regarding this matter.

Sincerely,

[insert name]
Superintendent of Schools

NOTIFICATION OF BOE'S DECISION TO PARENTS

Draft Letter to the Alleged Victim (Finding Not HIB)

PART V:

QUESTIONS????