



NORTH BRUNSWICK TOWNSHIP SCHOOLS

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NORTH BRUNSWICK, NJ 08902

NBTSchools Harassment, Intimidation, and Bullying FAQs

1. What is Harassment, Intimidation, and Bullying per the Anti-Bullying Bill of Rights Act?

HIB is defined in both NJ law and Board Policy 5512 as:

Any gesture or written, verbal or physical act or any electronic communication which is

- (1) motivated by any actual or perceived characteristic such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or disability, or any other distinguishing characteristic(s); AND
- (2) which takes place on school property, on a school bus, at a school sponsored or related event or even off school grounds in certain circumstances;

AND that:

- a. a reasonable person should know, under the circumstances, that the actions will physically or emotionally harm the student or damage the student's property, that the actions would place a student in reasonable fear of physical or emotional harm to his person or property; OR
- b. has the effect of insulting or demeaning the student or groups of students, OR
- c. interferes with the student's education, or is severe or pervasive enough that it causes physical or emotional harm to a student.

2. What should I do if my child is accused of HIB?

Conflict resolution, coping skills and learning about differences among peers are part of the character education programs implemented by School Counselors. Students are treated with respect and care by school officials during investigations and throughout the school day. Encourage your children to be truthful and reassure them that school officials are present to help all students feel safe and secure in school.

3. What actions do school officials take when they receive a HIB complaint?

HIB complaint is filed using the New Jersey HIB 338 Form; **district/school staff cannot anonymously report allegations of HIB and, in fact, must submit the HIB 338 Form to the principal within two school days of witnessing or receiving reliable information that a student has been subject to HIB (N.J.S.A. 18A:37- 15b(5))**

[2023-24 HIB 338 Incident Form For Families/Caregivers](#) *Please email this form to the school's Anti-Bullying Specialist. If families would like to remain anonymous, please click [HERE](#)

- Principal receives report
 - Principal ensures student safety and contacts all involved parents by the end of the school day
 - Required investigative procedures shall continue after the submission of this form to the school principal.
 - The completed form must be kept on file in the school.
 - **The principal must promptly submit a copy of this form to the superintendent.**
- Principal initiates an investigation within 1 day
- Anti-Bullying Specialist (ABS) conducts and completes an investigation within 10 days
- ABS sends a written report to the Superintendent within 2 days
- Superintendent reports investigation results to the BOE at the next regularly scheduled board meeting
- Superintendent provides parent notification of same within 5 days
- Board takes action at the next regularly scheduled board meeting
- Superintendent provides parent notification of same within 10 days

4. What if I disagree with the outcome of an investigation?

Either party may appeal to the Board of Education. You may request a hearing before the Board of Education within ten (10) days of receiving a letter from the Superintendent notifying you that the investigation has been completed. Submit a letter requesting a Board hearing to the Superintendent of Schools. When a request for a hearing is granted, the hearing shall be held within ten (10) school days of the request.

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 (90) 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.).

5.What if the Board of Education affirmed the outcome of the investigation before I was able to submit an appeal?

You may appeal to the Commissioner of Education within (90) ninety days as detailed above.

6. Is the school district required to provide parents with an investigation report?

No. Parents are only entitled to learn the outcome of the investigation as it pertains to their children. The Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) require school personnel to maintain student confidentiality. Discipline, consequences, and remediation activities regarding children other than your own **cannot** be shared.

7.What if the investigation determined that the student's action constituted an act of HIB?

The student will receive consequences and/or remedial actions as appropriate. Examples of consequences and/or remedial actions may include, but are not limited to, counseling, social skills instruction, peer support groups, detention, suspension.

8.What happens to my child's record if it is determined that my child engaged in an act of HIB?

Reports of HIB investigations are maintained at the school level and are ***not*** maintained in students' cumulative files. Consequences such as detentions and suspensions are maintained in each student's disciplinary file. The District is legally required to transfer a student's disciplinary file to any NJ public school district to which the student transfers.

9. HIB or peer conflict?

Peer conflict most often involves mutual engagement in a disagreement between or among individuals. Conflict, which occurs in everyday life, can range from simple disagreement over an idea to a verbal argument or a physical altercation. During a conflict, name calling, threats and other behaviors that may look like HIB can occur.

HIB usually involves one or several individuals intentionally committing a mean or violent act against another person or persons who have a hard time defending themselves. When HIB occurs, there is NOT mutual engagement between individuals, but a one-sided victimization of another person or group. The intention is to cause harm.

10. How do school officials determine if an incident is HIB or peer conflict?

School officials conduct investigations to determine whether a reported incident occurred, whether it meets the definition of HIB and whether the behavior conflicts with the Student Code of Conduct. Investigations involve discussions with students, teachers, and parents who have information about the incident. School officials are also required to consider the involved students' ages and developmental stages, the severity of the incident(s), how long the conduct has occurred and the impact on the students in receipt of the actions.

The Student Code of Conduct delineates expected student behaviors and possible consequences. If a reported incident is found to be accurate but does not meet the definition of HIB, school officials handle the situation as a Student Code of Conduct infraction and impose discipline as needed.

11. Do HIB consequences and discipline differ from Code of Conduct consequences and discipline?

It depends on the incident. Consequences and discipline are imposed to curtail continued incidents whether the incidents meet the definition of HIB or whether the actions conflict with the Student Code of Conduct. School officials will take the actions necessary to maintain a safe and secure school environment for all students.

12. If school officials determine an incident is not HIB, does that mean that school officials will curtail further investigation of the incident?

No. Many incidents that do not fall under the definition of HIB will violate the Student Code of Conduct so consequences will be imposed even before a HIB investigation is initiated.

13. Can parents refuse to allow school officials to speak with their children?

No. School officials will conduct an investigation as determined by the allegation. In order to protect the identity and personal information of the students involved and to guard the integrity of the investigation, parents are not permitted to sit-in with their children when the incident is discussed.

14. What if a parent is bullying my child?

District officials are required to investigate alleged acts of HIB perpetrated by an adult when the alleged perpetrator is employed by or volunteering on behalf of the Board. Investigating alleged acts of HIB perpetrated by a parent who is not employed by or volunteering for the Board is beyond the scope of the ABR; therefore, District officials have no involvement in this type of allegation. This is a private matter that District officials are not permitted to address.