



**KNOW YOUR RIGHTS**  
**Parents' Guide to Bullying**  
**in**  
**New Jersey**

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Student bullying has developed into a serious problem in our schools. It has been reported to be involved in student suicides across the State and the nation. The purpose of this document is to provide what the State of New Jersey has enacted to combat this problem. We have handled numerous cases throughout the State of New Jersey

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Part 1: Overview of the Anti-Bullying Bill Of Rights Act (ABR)  
District and School Obligations And Parents Rights

*How is Bullying Defined in the ABR?* The ABR defines harassment, intimidation and bullying 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 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 reasonable fear of physical or emotional harm to his or her person, or damage to his or her property; or
- Has the effect of insulting or demeaning any student or group of students; or
- 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)

*How Do Schools Decide Whether Conduct is Considered HIB?* The school must conduct an investigation when bullying is reported. During this investigation, the school must consider various factors to determine if the reported behavior is HIB as defined in ABR.

If a student's behavior is found not to be HIB, schools may be required to take other actions in the school district's code of student conduct. Contact the school for a copy of that code.

*Understanding Different Types of Bullying Behavior.* Bullying can occur in many different ways. It can be direct (face-to-face) or indirect ("behind someone's back"). Generally, there are four types of bullying behaviors:

- 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, purposely keeping people from activities and breaking up friendships or other relationships; and
- Electronic - Includes using the internet, mobile phones or other electronic equipment to intentionally harm others.

*Cyberbullying.* Cyberbullying is a form of bullying that is being used technologically. It uses devices 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. Cyberbullying can be especially damaging to the victim. It can happen any time of the day or night. It can reach a victim even when he or she is alone. These can be sent to a wide audience. Further, it can do this without anyone knowing that he or she did it. The messages and images are difficult to stop or delete once posted or sent. Examples of cyberbullying are:

- Using online social networking sites to make hurtful postings about someone;

- Using instant messenger services to repeatedly harass someone;
- Sending hurtful and unwanted text messages to someone;
- 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.* Bullying is most likely to occur outside of the classroom and where there is the least amount of adult supervision, such as:

- school playgrounds,
- hallways,
- lunch rooms,
- locker rooms, and
- buses.

*Conflicts vs. Bullying.* 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 basically evenly involved. Bullying, however, involves one or several people intentionally committing a mean or violent act against another person(s) or group of people. When bullying occurs, there is no mutual participation in a disagreement; it is totally one-sided. Bullying occurs when:

- one or more students are victims of unwanted aggression;

- the aggressor's behavior would lead a person to 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, the school is required to follow the ABR when dealing with the bullying aspect of the incident.

*Hazing and Bullying.* Hazing and bullying are often confused. Hazing can involve bullying, or can be considered bullying in some situations. Hazing is behavior that is based on a tradition, and is used by members of a group to maintain a hierarchy within the group. The lower group member or person who wants to join the group agrees to go along with the hazing activities, which may be physically, psychological or socially harmful. Two things that make hazing and bullying different are:

- The victim agrees to go along with being hazed as a way to prove that he or she should be accepted as a member of the group; and
- The victim eventually hazes others after his or her acceptance into the group, and has achieved a higher status therein.

From a school's perspective, hazing could also involve HIB. For example, HIB would occur when, as part of hazing, a student makes negative comments about another student's religion when the student enters the classroom, causing substantial disruption to the orderly operation of the school, and emotionally harming the student.

*School 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. Below is a summary of the district's and the school's main duties:

- Appoint a School Anti-Bullying Specialist (ABS). The ABS is the main person responsible for preventing, identifying and addressing bullying incidents in a school. He or she leads the School Safety Team; and investigates reported bullying, in cooperation with the principal.
- Appoint a District Anti-Bullying Coordinator (ABC) who serves the entire school district.
- Create a School Safety Team (SST). This team will include: the ABS, the school principal designee, a teacher in the school, the parent of a school student, and others determined by the school principal.
- Develop an Anti-Bullying Policy that is Approved by the Board of Education.
- Distribute the Policy annually to each parent.
- Implement Anti-Bullying Prevention Programs. These will include: Week of Respect beginning on the first Monday in October; and distributing instructions on preventing HIB throughout the school year.
- Provide training for all staff members, volunteers, contractors, and board of education members on preventing and responding to bullying.
- Publicly report HIB incidents at least twice annually to the board of education and to the New Jersey Department of Education as follows: between September 1 and January 1, and between January 1 and June 30.

- Post Anti-Bullying Assigned Grade on the District's and the Schools' Websites. This grade is assigned by the New Jersey Department of Education.

The ten steps required in the ABR for responding to and investigating HIB are explained in the section of this guide titled *The 10 Steps of the HIB Complaint and Investigation Process* located on pages                      These steps can also be found in N.J.S.A. 18A:37-15 of the ABR, and are as follows:

- Step 1: The Verbal Report - All reports of HIB must be reported to the principal the same day the incident occurs when a school staff member, a contractor or a volunteer (1) personally witnesses an act of HIB; or (2) 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 school 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, 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's anti-bullying specialist (ABS) conducts the investigation, in coordination with the principal.

*Length of the Investigation* - The investigation should be completed as soon as possible, but must be completed no less than 10 school days from the date of the written report (see Step 4 below). During the investigation, the principal might appoint other school staff to help with the investigation. Further, 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 chief school administrator (CSA).

*Amending the Investigation Report* - 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.

- Step 6: CSA Actions - Based on the investigation report, the CSA may choose to take one of the following additional actions: (a) Impose discipline; (b) Provide intervention services; © Create training programs to reduce HIB, improve school climate and make the school safer and more accepting of all students; (d) order counseling; or (e) take any other actions 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 5 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: (1) the type of investigation that was conducted; (2) whether or not the district found evidence of HIB, as defined in the ABR; and (3) whether or not discipline was imposed or services provided to address the HIB.

*Limited Information and Student Privacy Laws* - Due to student records and privacy laws, parents are entitled to review their child's educational and discipline records. Parents are not entitled to view the records of other students. If they believe they are entitled to more information than has been provided, the parents may request a hearing before the board of education. This and other parental options are available in the *Family Education Rights and Privacy Act* and *N.J.A.C. 6A:32-7*.

- Step 9: Optional Hearing or Appeal - After receiving the information on the investigation, parents have the right to request a hearing before the board of education, if they are unsatisfied with the investigation findings or any other actions taken by the school district. If such a meeting is requested, it must be held within 10 days of the parents' request.
- Step 10: Board of Education Decision - At the board of education's next meeting following its receipt of 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

At any point in time, parents have other options in reporting incidents of HIB. These include:

- Filing a complaint with the New Jersey Division of Civil Rights or the Superior Court of New Jersey 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. These are: race, creed, color, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression and disability.

- Contact the County Office of Education if you believe your child's school is not handling a possible bullying incident in line with the ABR or the board of education's policies.
- Contact Law Enforcement Officials (the police) if you believe the law has been violated. You should also contact the school if the HIB happened at school. These reporting should be made if: (1) A threat is made to your child's life or physical safety; (2) Your child arrives home from school showing signs of severe physical or emotional abuse; (3) Your child's personal belongings have been stolen or severely damaged while at school; or (4) Your child complains or shows signs of inappropriate sexual contact.

## OPTIONS FOR APPEALS

The ABR gives appeals options to parents who continue to be concerned with the results of an HIB investigation or any other steps taken by the school district. Before you decide to file an appeal, you should be clear on the reason for the appeal. Some examples include:

- You may disagree with the results of the investigation;
- You believe that the discipline, intervention or remedial steps taken have not protected your child or prevented HIB;
- You believe you are entitled to more information on the investigation;  
or

- You believe that part of the complaint process was handled unfairly or unlawfully.

*How can Parents Appeal a Decision or Action?* Regardless of the appeal option chosen, it is important for you to have detailed information about your concerns. You should be prepared to explain, at a minimum:

- The issues, concerns and allegations that are the basis for the appeal;
- The actions taken by you, school officials, and any other party to resolve the situation; and
- your expected resolution of the appeal.

*What Options are Available to Appeal a Decision or Action?* You have the following options:

- Request a hearing with the board of education. There is no time limit on requesting such a hearing. However, you should take action as close to the investigation as possible.
- Appeal to the Commissioner of Education. You may do this within 90 days of the board's decision on the CSA report. This should be done only after your attempt to resolve it with the board of education.
- Appeal to the Appellate Division of the Superior Court of New Jersey.

## **PART II: BULLYING PREVENTION AND RESPONSES TO BULLYING FOR PARENTS**

*Prevention* - How to Help Stop Bullying. The most effective way to prevent bullying is for parents, students, school staff and community members to cooperate in planning and acting to stop HIB.

*Work with Your Child's School to Stop Bullying.* You can take many different actions to ensure that your child's school is correctly dealing with bullying. These include:

- Knowing the district's anti-bullying and discipline policies;
- Helping with the development or revision of the district's HIB policy; and
- Being active in your child's education.

*Take Action to Help Stop Bullying.* Before children begin school, they learn to interact from behaviors they observe in their homes and communities. Some ideas for parents to use to help to stop the cycle of bullying include:

- Build empathy - Teach your children about the struggles all humans face, including pain, rejection and misunderstanding. Help them to understand the common human experience and to 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;
- Be a role model - Behave the way you want your children to behave;
- Show interest in your children's lives, and be an empathetic listener. Ask about their interests, hobbies, school activities;
- Actively supervise your children. Set clear, reasonable, consistent and age-appropriate rules and guidelines for them;
- Know your children's friends and their parents;
- Become involved in your community. You can help stop the cycle of bullying by becoming involved in the community and taking steps to ensure it is a safe and supportive environment;

- Encourage positive problem solving. Discourage verbal and physical revenge by telling your children that this type of behavior is unacceptable. Encourage them to solve conflicts with words and not with physical or verbal abuse;
- Ask questions. Ask your children about the way they handle social situations to determine whether they are being bullied or are bullies; or
- Disapprove of bullying. Send a clear message that bullying behavior is unacceptable and will not be tolerated. Teach them not to laugh when others are being bullied.

*What to Do if Your Child is Being Bullied.* Discovering that your child is a victim of bullying is very difficult. You must act immediately. Inaction can have harmful effects on the victim, including:

- 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. These groups include:

- Students who are believed to be lesbian, gay, bi-sexual or transgender (LGBT),
- Overweight students,
- Students with learning or physical disabilities,

- Students who appear to be intellectual or introverted, and
- 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.

*Signs that Your Child is Being Bullied.* It may be difficult for your child to tell you that he or she is being bullied. Some of the signs that may be an indication that this is happening include:

- Your child returns 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 exhibiting any of these warning signs, you should talk to him or her to determine the cause. Follow up with a talk with your child's teacher or principal.

*How to Help Your Child Who is Being Bullied.* Here are some steps you can take:

- Report the matter to school officials.
- Document ongoing bullying.
- Talk with your child and give him or her your undivided attention.
- Empathize with your child. Reinforce that bullying is wrong; that it is not your child's fault.
- Develop solutions together and provide positive ideas for ways to respond to bullying.
- Be persistent. Bullying is usually not stopped by one attempt.
- Stay alert to other problems. Some of the warning signs of bullying might be indicators of other serious problems.
- Cooperate with school staff.

*What Not to Do if You Believe Your Child is Being Bullied.* Some of the things you *should not do* include:

- Do not tell your child to ignore the bullying.
- Do not blame your child for being bullied.
- Do not encourage your child to harm or get back at the person who is bullying him or her. This could get your child hurt, suspended or expelled from school or sent to court.
- Do not contact the parents of the student(s) who bullied your child. This could exacerbate the problem.



- Do not demand or expect a solution immediately. An investigation must be conducted.

*What to Do if Your Child is Bullying Others.* Finding out that your child has bullied another person can be very disconcerting. The first step is to admit your child behaved in this manner. You may have difficulty accepting this because you have not seen him or her behave in this way. You may be concerned that you may be blamed for your child's conduct. Despite those concerns, it is important for you to deal with your child's behavior. Bullying is not harmful just to the victim. A child who bullies also has an increased chance for problems, including:

- higher risk for engaging in risky and criminal behavior as an adult;
- higher risk for substance abuse;
- higher risk at being disciplined at school, which can include suspension or expulsion;
- 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 behaviors listed below, it might be an indication that he or she is bullying others.

- 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.

If you observe any of these, spend some extra time with your child to talk about these behaviors. Also, schedule a conference with his or her school to discuss this.

*Reasons Children Bully Others.* Children bully others for many reasons. Some of these are:

- Control and power;
- Peer attention;
- Learned behavior and indifferent attitudes toward bullying;
- Bias issues; or
- Being a victim of bullying.

*How to Help a Child Who Bullies Others.* If you find that your child is bullying others, take the issue seriously and develop a plan with him or her that will help stop the bullying. Some steps you can take are:

- Calmly and thoroughly discuss the problem with your child;
- Clearly state your disapproval, and develop clear and consistent rules;
- Spend time with your child, and know his or her activities;
- Encourage your child's talents and positive attributes;

- Work closely with the school;
- Get counseling or other assistance for your child; and
- Help your child connect with other youth who show positive behavior.

*What Not to do if Your Child is Bullying Others.* The shame, anger, fear or misunderstanding parents might feel when they discover that their child bullies other children can lead them to take actions which may make the situation worse. The following are some actions parents should not take in this situation:

- Do not blame the victim;
- Do not overreact by becoming extremely angry or using excessive discipline;
- Do not contact the parents of the victim;
- Do not support your child's behavior or say that is "normal";
- Do not expect your child to change right away; and
- Do not tell your child that he or she is a bad person.

*Steps to Prevent Cyberbullying.* In the digital age, it is important for parents to monitor their child's online activity. Parents can take various steps to prevent their children from cyberbullying or other problems on the internet. These include:

- Become knowledgeable about current technologies and provide clear rules for their use, such as: (1) do not share personal information with anyone online; (2) do not become involved with online gossip or harassment; and (3) do not visit websites designed only for adult use.

- Keep computers and other technology in public areas of your home;
- Use protective software; and;
- Do not ban your child from using technology.

*What to do if Your Child Experiences Cyberbullying.* Take the following steps:

- Do not reply;
- Save all evidence related to Cyberbullying;
- Contact the authorities; and
- Contact the website where the Cyberbullying occurred.

*If your child was bullied or involved in bullying, call us or email us at Susan Clark Law Group for a free consultation regarding your options.*

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