LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR)
Harassment, Intimidation, and Bullying (HIB)

&

NJ Law Against Discrimination (LAD)

TRAINING

PART 1 of 4

AUDIENCE All Lodi BOE Employees
Contracted Service Providers
College Students in Residence
Volunteers

(No Sound)

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Important Reminder: After viewing Parts 1-4, please submit the Training Verification Form that you received via email.

"It's more than just bullying..."

How to protect students from:

Harassment,

Intimidation,

Bullying (ABR), and

Discrimination (LAD – Affirmative Action)

HIB Training Requirements

What are the professional development (PD) requirements for school staff?

In addition to the school district's in-service training requirements, during each <u>five-year staff development</u> <u>period</u>, ALL STAFF must complete the following PD, at a <u>minimum</u>:

HIB Prevention - Two hours of instruction on HIB prevention; and

Suicide and HIB Prevention - <u>Two hours</u> of instruction on suicide prevention that includes information on the relationship between the risk of suicide and HIB, and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

What does a bully look like?



CHARACTERISTICS OF BULLIES

Bullies come in all shapes and sizes. They can be large or small, athletic or not, popular or not, boys or girls.

It is important to remember that you can't tell if someone is a bully by what he or she looks like. The only way to identify a bully is by **how they act**.

A bully can be anyone, and there is no one profile, but here are some typical behaviors.

Characteristics of Bullies. Typically, they:

- Have a need to control and dominate others,
- Are quick tempered and impulsive,
- Find it difficult to see a situation from another person's point of view,
- Take pleasure in seeing someone or an animal* in distress,

*It is imperative for any individual who receives any information pertaining to the cruelty of an animal to report it immediately to the principal, who will in turn report this to law enforcement. Children who abuse animals possess an increased capacity for hurting others. In addition to being a crime, this is a sign of a serious mental illness.

CHARACTERISTICS OF BULLIES, continued

- Refuse to take responsibility or deny wrong doing,
- Blame the target or say they deserved what they got,
- Good at talking their way out of situations,
- Intolerant of differences,
- Feel superior,
- **Insensitive** to the feelings or needs of others -- a lack of empathy.

What does a victim look like?



Tyler Clementi



Amanda Todd

CHARACTERISTICS OF TARGETS

Bullies' targets include girls and boys of all ages, sizes, and backgrounds. They often may have:

- Low self-confidence,
- Anxiety,
- Fearfulness,
- Depression or sad appearance,
- Limited sense of humor,

CHARACTERISTICS OF TARGETS, continued

- Poor social skills,
- Low popularity,
- Few or no friends,
- Excessive dependence on adults,
- Someone who is different in physical or cultural characteristics,

CHARACTERISTICS OF TARGETS, continued

PART BULLY – PART VICTIM

Or they may be someone:

- who is envied by the bully, or
- who is competing with the bully for dominance in the social group.

These last two characteristics often make it difficult for adults to identify the TARGET because the TARGET may be a strong, confident, popular child, who may be the BULLY in one social circle, and the TARGET in another.

This often accounts for the spike in HIB incidents in grades 6-8 as students jockey for positions in the middle grades social hierarchy.

Which one is the bully? Which one is the victim?



YouTube Video "Australian Bully"

Richard Gale (left) – Casey Haynes (right)

NJ Anti-Bullying Bill of Rights Act (ABR)

Harassment, Intimidation, and Bullying (HIB)

What is the purpose of the Anti-Bullying Bill of Rights Act (ABR)?

The Anti-Bullying Bill of Rights Act (ABR) is intended to:

Clarify and strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of HIB of students that occur on school grounds and off school grounds under specified circumstances;

Respond to research on the incidence, prevalence and effects of HIB that has emerged since the adoption of the original HIB laws adopted in 2002* and amended in 2007 and 2008; (*original HIB law since 2002)

Establish clearer standards for the **definition of HIB**;

Use and better manage existing resources to increase school safety; and

REDUCE THE RISK OF SUICIDE DUE

TO HIB.

Introductory Statistics

By age 24, 60% of identified bullies have a criminal record

Children named by classmates as bullies by AGE 8 were often bullies throughout their lives

Bullying occurs once every 7 minutes

Only 25% of students report that teachers intervene in bullying situations, while 71% of teachers feel they always intervene.

Bullying, Depression, and Suicide

The statistics on bullying and suicide are alarming:

Suicide is the third leading cause of death among young people, resulting in about 4,400 deaths per year, according to the CDC.

For every suicide among young people, there are at least 100 suicide attempts.

About 14% of students in grades 9 - 12 (1 of every 7) – report seriously considering suicide in the past year.

About 11% - 1 in every 9 – report making a suicide plan.

About 7% of students in grades 9 - 12 (1 in 14) – report making a suicide attempt in the past year.

Adolescent girls report twice as many suicide attempts as boys.

Students who are bullied have an increased risk of suffering from **depression** and/or an **anxiety disorder**, and are consequently at-risk for self-medicating with **drugs** and **alcohol**.

Approximately **90%** of people who die by suicide have at least one **undiagnosed mental illness** or **substance abuse issue**.

Bullying, Depression, and Suicide

Bully victims are between 2 to 9 times more likely to consider suicide than non-victims, according to studies by Yale University. (one key purpose of the NJ ABR is to reduce the risk of suicide due to HIB)

According to statistics reported by ABC News, nearly **30 percent** of students are either bullies or victims of bullying, and **160,000** kids stay home from school every day because of fear of bullying.

Bully-related suicide can be connected to any type of bullying, including physical bullying, emotional bullying, and cyberbullying.

Bullying, Depression, and Suicide

Bullying and Depression

Researchers have discovered a strong link between bullying and depression.

Both bullies and their victims are more likely to suffer from depression than youth who are not involved in bullying. This connection can be long-lasting; people who are bullied as children are more likely to suffer from depression as an adult than children not involved in bullying.

Cyberbullying

The relationship between bullying and depression is not limited to face-to-face bullying. The Cyberbullying Research Center found that victims of cyberbullying were more likely to suffer from low self-esteem and suicidal thoughts. A recent study by the US National Institutes of Health, reported by Reuters, found that victims of cyberbullying showed more signs of depression than other bullying victims. This may be because cyber bullying can be more relentless and more frightening or discouraging, especially if the bully is anonymous.

Tyler 's Story



Tyler Clementi, Ridgewood, NJ

December 19, 1991 - September 22, 2010
Tyler Clementi was a smart, talented and creative young man. Tyler began playing the violin in the third grade. He performed in numerous orchestras and was awarded with several accolades for his musical contributions. Tyler was gay, and had just begun sharing this part of himself with the people he was close to during the summer after his high school graduation.

At college Tyler became a victim of cyberbullying. His privacy was invaded when his college roommate set up a webcam to spy on him. The roommate viewed him in an intimate act, and invited others to view this online. Tyler discovered what his abuser had done and that he was planning a second attempt. Viewing his roommate's Twitter feed, Tyler learned he had widely become a topic of ridicule in his new social environment. He ended his life several days later by jumping off the George Washington Bridge. Tyler was eighteen years old.

Excerpts taken from: http://www.tylerclementi.org

Amanda's Story



Amanda Todd, grade 10 committed suicide on October 10, 2012 at her home in Canada. Prior to her death, Todd posted a video online in which she used a series of flash cards to tell of her experience of being blackmailed, bullied, and physically assaulted. Todd was also teased by other students at her school for her low grades, a consequence of a <u>language-based learning disability</u> and the time she spent in the hospital to treat her severe depression.



Myths About Bullying

Before we can fully comprehend what bullying is, we must first understand what it is not.

MYTH - Bullying is the Same Thing as Conflict

- Conflict involves antagonism among two or more people. Whereas any two people can have a conflict (or a disagreement), bullying only occurs where there is a power imbalance—where one child has a hard time defending himself or herself.
- Why is the difference between bullying and conflict important? Conflict resolution or mediation strategies are sometimes misused to solve bullying problems. These strategies can send the message that both children are "partly right and partly wrong," or that, "We need to work out the conflict between you." These messages are not appropriate messages in cases of bullying (or in any situation where someone is being victimized). The appropriate message to the child who is bullied should be, "Bullying is wrong and no one deserves to be bullied. We are going to do everything we can to stop it."
- What does work? Research suggests that the best way to deal with bullying is through comprehensive programs that focus on changing the climate of a school and the social norms of the group.

MYTH - Bullying isn't Serious. It's Just a Matter of "Kids Being Kids."

Bullying can be extremely serious. Kids who are bullied can experience serious physical, academic, and social-emotional difficulties.

Kids who are bullied are more likely to experience:

- Depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they used to enjoy. These issues may persist into adulthood.
- Health complaints
- Decreased academic achievement—GPA and standardized test scores—and school participation. They are more likely to miss, skip, or drop out of school.
- Research suggests that adults who were bullied as children are more likely than their non-bullied peers to be depressed and have low self-esteem as adults.
- Children who bully are more likely than other children to be engaged in other antisocial, violent, or troubling behaviors.
- Bullying can negatively affect children who observe bullying going on around them—even if they aren't targeted themselves. (contagion effect of a negative, toxic school climate)

MYTH - Most Bullying is Physical (Involves Hitting, Shoving, Kicking).

Physical bullying may be what first comes to mind when adults think about bullying. **However, the most common form of bullying—both for boys and girls—is verbal bullying (e.g., name-calling).** It is also common for youth to bully each other through social bullying (e.g., leaving a child out on purpose, rumor-spreading).

Here are the types of harassment students reported in a recent survey:

- 21% said they had been called names, insulted, or made fun of
- 18% reported being the subject of rumors
- 11% said they were pushed, shoved, tripped, or spit on
- 6% said they were threatened with harm
- 4% said they were made to do things they didn't want to do



MYTH - The Bully is Always Bigger

Despite media depictions from the 1980s (Biff from Back to the Future) bullies aren't necessarily large kids who pack a powerful punch.

Bullying is often about power, and a child who bullies is often trying to counteract something that's going wrong (real or perceived) in his own life.

www.greatschools.org



MYTH - All Bullies Have Low Self-Esteem

There are two types of kids who are more likely to bully others:

- Some are well-connected to their peers, have social power, are overly concerned about their popularity, and like to dominate or be in charge of others.
- Others are more isolated from their peers and may be depressed or anxious, be less involved in school, be easily pressured by peers, or not identify with the emotions or feelings of others.

www.greatschools.org

MYTH - Low Self-Esteem Myth, cont.

Research studies have proven that there is no link between kids who behave aggressively toward other kids and low self-esteem.

In fact, psychologists have found that kids who behave like bullies have high self-esteem, but that they are very "shame-prone." That means they are afraid their failures or shortcomings will be exposed.

A person can have problems with shame and still have high self-esteem, and this is what makes a person act like a bully. Their mean behavior toward others keeps their self-esteem high because it takes their own and others' attention away from the parts of themselves about which they are ashamed.

Mary C. Lamia, Ph.D., Intense Emotions and Strong Feelings

MYTH - Bullying is a Phase

It is a myth that all bullies go through a "phase of bullying" that they will "eventually grow out of".

Children named by classmates as bullies by AGE 8 were often bullies throughout their lives.

Some young adults and adults who bully also have a personality disorder:

- Antisocial personality disorder
- Borderline personality disorder
- Narcissistic personality disorder

They key for educators is to be knowledgeable of the developmentally appropriate social and interpersonal behaviors of children and adolescents.

Not every child who bullies at age 8 is a potential sociopath, but the child who continues to bully after years of interventions, remediation, and counseling might be.

MYTH - Bullied Kids Need to Learn How to Deal with Bullying on Their Own

Some children have the confidence and skills to stop bullying when it happens, but many do not.

Moreover, children shouldn't be expected to deal with bullying on their own. Bullying is a form of victimization or peer abuse. Just as society does not expect victims of other types of abuse (e.g., child maltreatment or domestic abuse) to "deal with it on their own," we should not expect this from victims of bullying.

Adults have critical roles to play in helping to stop bullying, as do other children who witness or observe bullying.

www.greatschools.org

MYTH - Children Who Are Bullied Will Almost Always Tell an Adult

Adults are often unaware of bullying—in part because many children don't report it.

Only 1/3 of students who had been bullied reported it to adults.

Boys and older children are less likely than girls and younger children to tell adults about bullying.

Why are children reluctant to report bullying? They may fear retaliation by children doing the bullying.

They also may fear that adults won't take their concerns seriously or will deal with it inappropriately, e.g.. mediation or conflict resolution.

This concludes PART 1 of 4

LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR) Harassment, Intimidation, and Bullying (HIB) & NJ Law Against Discrimination (LAD)

Please proceed to PART 2

Thank you for your participation!

RESOURCES

NJDOE

NJ Division on Civil Rights
NJ Foundation for Educational Administration
The NJ Bar Foundation
Legal One
www.bullyingstatistics.org
www.greatschools.org
Mary C. Lamia, Ph.D.

Strauss Esmay Associates, LLC

LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR)
TRAINING

Part 2 of 3—Harassment, Intimidation, and Bullying (HIB)

&

NJ Law Against Discrimination (LAD)

AUDIENCE Board of Education Trustees Chief School Administrator Central

Administration

(No Sound)

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"It's more than just bullying..."

How to protect students from:

Harassment,

Intimidation,

Bullying, and

Discrimination

What is HIB?

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What is the definition of HIB under the ABR?

HIB 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 <u>reasonably perceived as being MOTIVATED by</u> any <u>ACTUAL</u> or <u>PERCEIVED CHARACTERISTIC</u>, such as race, color,

ancestry,

religion,

national origin,

gender,

sexual orientation,

gender identity and expression,

or a mental, physical or sensory disability,

or by ANY OTHER DISTINGUISHING CHARACTERISTIC*; and

*ANY OTHER Distinguishing Characteristic encompasses ANY and ALL OTHER personal characteristics, behaviors, beliefs, affiliations, etc., not included in the aforementioned list, including, but not limited to: height, weight, hair color, a birth mark, stutter/stammer, awkward gait, etc... Any actual or perceived characteristic that can be used by the bully to single-out and humiliate the victim.

*ANY OTHER Distinguishing Characteristic

*ANY OTHER DISTINGUISHING CHARACTERISTIC encompasses ANY and ALL OTHER actual or perceived personal characteristics, behaviors, beliefs, affiliations, etc., not included in the aforementioned list, including, but not limited to:

- rich/poor
- tall/short
- thin/heavy
- hair color/style
- skin tone/birth mark/freckles
- the way a person talks—an accent/lisp/stutter/stammer
- the way a person walks
- good grades/failing grades
- and most recently, the Commissioner of Education upheld a HIB ruling that qualified LICE as "any other distinguishing characteristic "

ANY actual or perceived characteristic that can be used by the bully to single-out and humiliate the victim can be qualify as ANY OTHER DISTINGUISHING CHARACTERISTIC

Case Law - Distinguishing Characteristic

What a PERSONAL CHARACTERISTIC is NOT:

"Harmful or demeaning conduct motivated only by another reason, for example, a dispute about a relationship or personal belongings, or aggressive conduct without identifiable motivation does not come within the statutory definition of bullying." K.L. v. Evesham School District (App. Div. 2011)

Takes place on school property,

at any school-sponsored function,

or off school grounds* as provided for in N.J.S.A. 18A:37-15.3;

and <u>SUBSTANTIALLY DISRUPTS</u> or interferes with the orderly operation of the

school or the rights of other students, and that:

*The bully/victim relationship must be within the same district for the district to have HIB jurisdiction. If not, then it may be referred to the home district administration as a code of conduct violation, in addition to the local law enforcement agency.

A REASONABLE PERSON* SHOULD KNOW, <u>UNDER THE CIRCUMSTANCES**</u>, 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

*A "reasonable person" is any adult member of the school community

**"under the circumstances, will have the effect of..." means even if the target claims to not be bothered by, upset by, offended by the behavior, the reasonable person must treat and respond to the behavior as it is presented, not as it is reported to be perceived by the target. The reasonable person must intervene.

Has the **effect of insulting or demeaning any STUDENT*** or **GROUP OF STUDENTS***; or

Creates a <u>HOSTILE EDUCATIONAL ENVIRONMENT</u> for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

*The ABR provides for student-tostudent and adult-to-student incidents,

not student-to-adult or adult-to-adult. Please note that students ages 18-20 (21 with IEP) are defined as students under the ABR while under the jurisdiction of school

district. If you are wondering, YES, a staff member can be subjected to a HIB Investigation if a student claims to be the victim of HIB.

Types of Bullying Behaviors

Verbal – Includes taunting, name calling, malicious teasing or making threats (U.S. Department of Justice, 2001);

Psychological – Includes spreading rumors, purposefully excluding people from activities, breaking up friendships (U.S. Department of Justice, 2001);

Physical – Includes hitting, punching, shoving, spitting or taking personal belongings (U.S. Department of Justice, 2001); and

Cyberbullying – Includes using the Internet, mobile phone or other digital technologies to harm others.

Cyberbullying

Cyberbullying, sometimes referred to as "electronic bullying" or "online social cruelty," is defined as HIB that takes place:

Through email;

Through instant messaging;

In a chat room;

On a website or gaming site; or

Through digital messages or images sent to a cellular phone.

The ABR requires "electronic communication" to be included in a school district's policy on HIB.

The ABR defines "electronic communication" as a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

HAZING

- Hazing is not always HIB.
- Hazing is a process, based on a tradition that is used by members of a group to keep a hierarchy or pecking order within the group.
- The lower group member or person who wants to join the group gives direct or indirect consent to engage in the hazing activities, which may be physically, psychologically or socially harmful.
- Unlike HIB, the victim or newcomer allows himself or herself to be hazed as a way to prove that they are worthy to become a member of the group.
- Once accepted by the group, the victim becomes a bystander, and watches others get hazed.
- Eventually, the bystander achieves senior status and power, and hazes others.
- Hazing, as is the case with HIB, is a behavior that interferes with the development and promotion of a
 positive school climate. 45

NJ Definition of HAZING

The definition of hazing in New Jersey (N.J.S.A. 2C:40-3a) is provided below:

A person is guilty of hazing, a disorderly persons offense, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.

A person is guilty of aggravated hazing, a crime of the fourth degree, if he commits an act prohibited in Subsection a. which results in serious bodily injury to another person.

Conflict vs. Bullying

To determine the classification of the behavior, the Anti-Bullying Specialist must go through the checklist of HIB criteria for the definition of bullying behaviors and the motivating factors for behavior.

If the behavior does not meet the requirements of HIB, it should be investigated by the administration as a Code of Conduct violation.

A HIB incident may **ALSO** qualify as one or more of the following if the qualifying elements of the offense meet the corresponding criteria, and must be treated as a parallel offense:

- Code of Conduct Offense
- Affirmative Action Offense (Affirmative Action Officer must be notified)

Conflict vs. Bullying

Bullying is not a phase young people must endure or outgrow.

Bullying is not a conflict between students or among groups of students.

Conflict is a <u>mutually competitive</u> or <u>opposing action</u> or engagement, including a disagreement, or an argument which is a normal part of human development.

Bullying is one-sided, where one or more students are victims of one or more person's aggression, which is intended to physically or emotionally hurt the victim(s).

*A conflict has the potential to transform into bullying if what was once a mutually competitive or opposing action or engagement becomes a one-sided act of aggression. This happens when one party has "moved on" from the conflict while the other has not, and continues to engage in inappropriate behaviors.

2011-12 Statewide Data

PROTECTED CATEGORIES

- Sexual Orientation (10.7%)
- Gender Identity & Expression (4.5%)
- Gender (9.9%)
- Disability (9.4%)
- Race/Color/Ancestry/Religion/Origin (3.2%)
- OTHER Distinguishing Characteristics (62.3%)*

*This is the area of the law that is the most difficult for "a reasonable person" to identify, and therefore the area with the greatest margin for error.

What about Teasing?

Teasing qualifies as Verbal Bullying if it causes emotional harm.

Verbal Bullying includes taunting, name calling, <u>malicious</u> teasing or making threats (U.S. Department of Justice, 2001)

REMEMBER

When confronted with "teasing" behaviors, <u>A REASONABLE PERSON</u> (school staff) SHOULD KNOW, <u>UNDER</u>

THE CIRCUMSTANCES**, that the behavior will have the effect of emotionally harming a student or place a student in reasonable fear of emotional harm.

**"under the circumstances, will have the effect of..." means even if the target claims to not be bothered by, upset by, offended by the behavior, the reasonable person must treat and respond to the behavior as it is presented, not as it is reported to be perceived by the target. The reasonable person must intervene.

"Just Kidding"

Have you ever heard the sayings?

"There's a grain of truth in every joke" or "Many a truth is told in jest"

According to the ABR, A REASONABLE PERSON must know the difference between playful joking and malicious teasing. If the intent is to cause harm, no matter how delicately it is disguised, it must be stopped.

"Just kidding" or "He knows I am kidding" does not excuse the behavior. If it is mean spirited with the potential to cause emotional harm it is wrong.

If the teasing is mutual, the reasonable person should still intervene to redirect the behavior since teasing behaviors have the potential to escalate and transform into a conflict or HIB incident.

The key to preventing HIB is to establish and maintain a school climate that promotes kindness, respect and civility.

Teasing, hurtful jokes, sarcasm, and insensitive and rude comments pollute the overall climate of a school.

NJ Law Against Discrimination (LAD)

A Parallel Requirement to ABR

NJ Law Against Discrimination (LAD) Introduction

The **New Jersey Law Against Discrimination (LAD)** makes it unlawful to subject people to differential treatment based on:

- race,
- creed,
- color,
- national origin,
- nationality,
- ancestry,
- age,
- sex (including pregnancy),
- familial status, marital status, domestic partnership or civil union status,
- affectional or sexual orientation, gender identity or expression,
- atypical hereditary cellular or blood trait, genetic information,
- mental or physical disability, perceived disability, and
- AIDS and HIV status.

How does the LAD differ from the ABR?

BIAS-BASED HIB

The ABR addresses HIB that targets a student because of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental physical or sensory disability, or because of any other distinguishing characteristic.

The LAD prohibits HIB that targets a student because of race, color, religion, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, or disability.

This type of conduct is commonly referred to as "bias-based" HIB.

The LAD does not cover HIB that targets a student because of any other distinguishing characteristics.

NJ Law Against Discrimination (LAD)

Introduction, continued

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

The LAD requires covered schools to *take appropriate action to prevent and remediate* HIB that targets a student because of his or her actual or perceived race, creed, color, national origin, nationality, ancestry, sex (including pregnancy), sexual orientation, gender identity or expression, and mental or physical disability, perceived disability.

The following groups are not listed in the ABR because these groups do not typically include "students". However, for example HIB against the student of same sex domestic partners may be considered a violation, therefore it is wise to remain cognizant of the rights of the following protected classes:

- familial status, marital status, domestic partnership or civil union status,
- atypical hereditary cellular or blood trait, genetic information,
- liability for military service, and
- AIDS and HIV status.

NJ Law Against Discrimination (LAD) Introduction, continued

When schools do not take appropriate preventive and remedial action, they could be held responsible for bias-based HIB committed by students, school employees, volunteers who have significant contact with students and persons contracted by the district to provide services to students.

Discrimination is based on a "perceived" protected characteristic when the perpetrator believes that the victim is a member of a LAD-protected group or has a LAD-protected characteristic, even if that belief is wrong.

THE PERSON DOES NOT HAVE TO BE A MEMBER OF THE PROTECTED CLASS TO BE A VICTIM.

THE PERSON DOES NOT HAVE TO BE THE INTENDED TARGET TO BE A VICTIM.

NJ Law Against Discrimination (LAD) Introduction, continued

To facilitate efforts to prevent and intervene with bias-based HIB, schools and school districts should be aware that research studies indicate that some students with LAD- protected characteristics are at higher risk for HIB than the general student population.

For example:

- Studies conducted in the United States found that **children with disabilities** were two to three times more likely to be the victims of HIB than other children, and that the HIB experienced by these children was more chronic in nature and directly related to their disability (http://www.abilitypath.org).
- The results of a 2009 National School Climate Survey conducted by the **Gay, Lesbian and Straight Education Network** (GLSEN) indicated that 84.6% of LGBT students reported being verbally harassed; 18.8% of LGBT students reported being physically assaulted at school because of their sexual orientation; 9 out of 10 LGBT students experienced harassment at school in the past year; and nearly two-thirds of LGBT students felt unsafe because of their sexual orientation (GLSEN, 2009).

In some communities, schools or school districts, students with other LAD-protected characteristics may be particularly vulnerable to bias-based HIB.

What does LAD require a school administration to do regarding bias-based HIB?

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

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

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

Are people who complain about bias-based HIB in school protected from reprisal or retaliation?

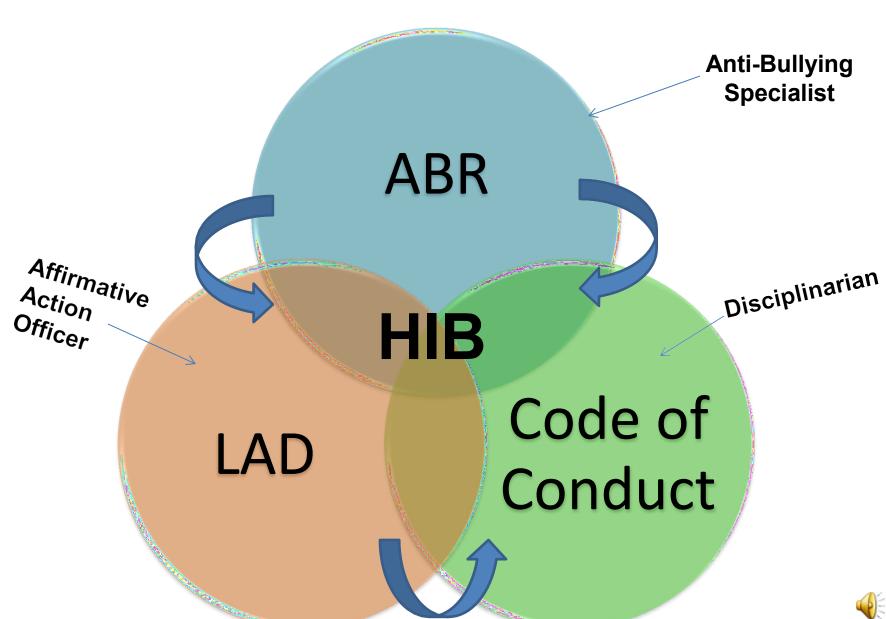
Yes.

The LAD prohibits reprisal or retaliation against anyone who reports or complains about bias-based HIB.

The LAD also prohibits reprisal or retaliation against anyone who assists someone else in reporting or complaining about bias-based HIB.

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

Parallel Laws and Regulations





Parallel Laws and Regulations

The nature of the HIB incident would determine which law(s) and regulation(s) must be employed, and therefore would also require collaboration among those responsible for the enforcement of the law/regulation.

One incident may require ABR, LAD, Code of Conduct, and local law enforcement.

For example, all HIB incidents based on race, creed, color, national origin, nationality, ancestry, sex (including pregnancy), sexual orientation, gender identity or expression, and mental or physical disability, perceived disability, require collaboration with the Affirmative Action Officer due to the requirements of LAD.

This concludes Part 2 of 3

LODI PUBLIC SCHOOLS

ABR Policies, Roles, and Responsibilities Training for:

Board of Education Trustees

Chief School Administrator

Central Office Administration

Please proceed to Part 3

Thank you for your participation!

RESOURCES

NJDOE

NJ Division on Civil Rights

NJ Foundation for Educational Administration

The NJ Bar Foundation

Legal One

www.bullyingstatistics.org

LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR)
Harassment, Intimidation, and Bullying (HIB)

&

NJ Law Against Discrimination (LAD)

TRAINING

PART 3 of 4

AUDIENCE
All Lodi BOE Employees
Contracted Service Providers

College Students in Residence Volunteers

(No Sound)

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Important Reminder: After viewing Parts 1-4, please submit the Training Verification Form that you received via email.

"It's more than just bullying..."

How to protect students from:

Harassment,

Intimidation,

Bullying, and

Discrimination

INTERVENTION

It is the responsibility of EVERY REASONABLE PERSON (All School Staff) to INTERVENE and STOP HIB behaviors, and to then immediately REPORT the HIB incident to the PRINCIPAL

APPROPRIATE AND EFFECTIVE INTERVENTION STRATEGIES TO RESPOND TO BULLYING

Appropriate and effective interventions always include:

- Immediately responding to the incident using a calm, rational, but firm tone of voice.
- Using body language that communicates authority, but does not invade the personal space of any student involved in the incident.
- Actions or verbal responses that do not cause embarrassment or a loss of emotion, or provoke vulnerable and/or overly sensitive reactions.
- Positioning yourself between the students using bullying behavior and the student being bullied, so that
 you can block eye contact between the two, to prevent gestures that would allow continued victimization
 or escalation of the incident.

APPROPRIATE AND EFFECTIVE INTERVENTION STRATEGIES, continued

- Taking the attention off the student or students who were being targeted.
- Paying close attention to the student or students who were being targeted. Take notice of their actions
 and reactions, words, body language, and any behavior or expression that communicates fear for their
 own safety and/or verbalizes a retaliation plan towards the bully.
- Addressing the students who were in the area and may have witnessed the incident, as well as those
 involved.
- Informing all students involved in the incident of what steps you will take next, and/or that you will be reporting this incident to the administration.
- Supporting and following-up with all students involved in the incident.

•	Monitoring future behaviors.
•	Verbalizing future behavioral expectations that will not permit retaliation of any kind.

NEVER

NEVER

- Remove or separate the student or students who are being targeted from the initial intervention.
- Doubt the fact that you have the responsibility to intervene.
- Ignore the incident.
- Accept the attitudes of "just teasing", "just kidding", "boys will be boys", "you're friends, you can work it out."
- Engage in verbal or physical arguments/disputes.
- Display your anger.

NEVER, continued

- Make accusations or excuse bullying, teasing, threatening, or intimidating behavior.
- Leave the student who is being targeted alone with the student or students who are using the bullying behavior.
- Rely on or assign a student to report a bullying incident to administration. It is your responsibility to report the incident.

PREVENTION

Empower, Educate, and Remediate

EMPOWER

TARGETS AND BYSTANDERS

What can districts do to EMPOWER victims of HIB?

School staff should explore with students specific ways of responding to HIB. Students should be guided in determining the responses that align with their personal characteristics and likely HIB situations, and in considering the most effective and safe ways for applying the responses. The following responses might not be appropriate for all students in all situations, but could be included in the options explored with students. These strategies can be utilized when the TARGET does not have an ADULT present to intervene and needs to simply survive the attack:

- Ignore the bully's behavior whenever possible.
- Request that the bully stop, and walk away. (Use "I Messages")
- Use social skills, such as assertiveness, negotiating, sharing, taking turns, inviting others to participate, assisting others

What can districts do to empower victims of HIB? continued

- Leave the situation.
- Agree with the bully (this can take the power away from the bully).
- Spend time with groups of students; avoid being alone.

Regardless of the strategy employed, the TARGET should always REPORT the incident to an ADULT.

What can districts do to empower bystanders to intervene?

Help them understand that their silence makes aggressive students more powerful and contributes to the harm done to the target.

Help them find ways to reach out in friendship to targets of HIB and isolated peers.

Discourage them from confronting aggressive youth directly about their behavior in most situations, and instead, problem solve with them to find a wide range of safer and more effective interventions. Student bystanders should not get involved in a physical confrontation. Instead, the student should immediately get the help of an adult.

Encourage them to tell adults about cruel behavior.

Model positive behavior they can observe and adopt.

Protect them from retaliation for speaking up about HIB incidents.

These strategies can be introduced through **classroom meetings**, **school assemblies** and **conversations** with individual students or groups of students, but should be consistently practiced and reinforced.

IMPORTANCE OF BYSTANDERS

Bystanders are important because:

- Bullying most often takes place in front of peers,
- It almost never happens when adults are watching,
- Most bystanders want to do something to stop the bully,
- **BULLIES LIKE AN AUDIENCE**. If the audience shows disapproval, the bullies are discouraged from continuing.

IMPORTANCE OF BYSTANDERS, continued

Sometimes bystanders, without realizing it, can make a situation even worse by:

- INSTIGATING the bullying by prodding the bully to begin,
- **ENCOURAGING** the bullying by laughing, cheering, or making comments that further stimulate the bully,
- JOINING in the bullying once it has begun,
- PASSIVELY ACCEPTING bullying by watching and doing nothing, or
- PROVIDING THE AUDIENCE a bully craves.

IMPORTANCE OF BYSTANDERS, continued

Bystanders can intervene and be part of the solution by:

- DISCOURAGING the bullying,
- DEFENDING the target,
- REDIRECTING the situation away from bullying,
- GETTING HELP from their peers, or
- REPORTING the act to adults.

IMPORTANCE OF BYSTANDERS, continued

Why is it that bystanders don't intervene more often?

- None of my business,
- Fear of becoming a target,
- Feel powerless,
- Don't like the target,
- Fear retribution,
- Telling adults won't help or may even make it worse,
- Don't know what to do.

BYSTANDERS and SCHADENFRAUDE

SCHADENFRAUDE is the enjoyment obtained from the troubles of others.

Many bystanders will permit the bullying behavior to continue because they **falsely** believe:

"It is better him than me!"

"Every target beneath me, moves ME up the social ladder."

"I don't like him anyway."

"He deserves it."

"He is weak, only the strong survive."

EDUCATE

ALL STAKEHOLDERS

What are some examples of individual, classroom, school or district responses to HIB?

Individual responses can include:

- Positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups, community service); and
- Punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion, law enforcement report or other legal action).

Classroom responses can include:

Class discussions about an HIB incident, role plays focused on skill building and that are sensitive to the
needs and experiences of the students, research projects, observing and discussing audio-visual materials
on HIB and related subjects, and skill-building lessons in courtesy, tolerance, assertiveness and conflict
management.

Examples of individual, classroom, school or district responses to HIB, continued

School responses can include:

 Theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior.

District-wide responses can include:

• Community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations) and dissemination of information on the core ethical values adopted by the district board of education's code of student conduct, per N.J.A.C. 6A:16-7.1(a)2

Prevention Program Elements Classroom Component

Classroom time includes messages and lessons that will help prevent HIB.

HIB information that promotes respect, civility, health, safety, diversity and responsibility.

Time is set aside each week for lessons on HIB prevention.

Lessons include videos, story books, role-playing, and artistic expression that promote and support the district's HIB goals.

Students and staff openly discuss HIB and peer relations.

Prevention efforts are effective when sustained over a long period of time.

Although a "kick-off" event may be held at the beginning of the implementation of a HIB prevention program, the success of the effort in changing climate, culture and behavior is sustained over time and does not have an end-date.

Prevention Program Elements Classroom Component

Opportunities for students to engage in the preferred behaviors.

Cross-age teaching about HIB and pro-social behavior.

Students performing leadership roles.

Consistent enforcement of the HIB policies and procedures.

REMEDIATE

TRANSFORM THE BULLY

&

SUPPORT THE TARGET

How are remediation and consequences different?

Clear distinctions exist between **remediation** and **consequences**:

Remediation is intended to correct the problem behavior, prevent a recurrence of the behavior, protect and provide support for the victim and take corrective action for documented systemic problems related to HIB.

Remedial measures provide the student with an opportunity to reflect on behavior, learn pro-social skills and make amends to those affected by the bullying behavior.

Remediation and Consequences Differences, continued

Punitive consequences (e.g., out-of-school suspension) frequently appear in school policies. However, punitive measures:

- Are not directly related to student behavior;
- Typically are not effective in correcting behavior and can be counterproductive since they are not designed to educate the student about the behavior(s) of concern and tend not to motivate students to change;
- Should be used only when appropriate and absolutely necessary; and
- Almost always should be used in conjunction with remedial measures.

Are negative consequences appropriate responses to children who bully?

If negative consequences are used, they should occur in conjunction with remediation interventions and should not be relied on as the sole intervention approach.

All school responses to HIB behavior must:

- Be graded according to the severity of the offenses;
- Consider the developmental ages of the student offenders and students' histories of inappropriate behaviors; and
- Include behavioral supports. (N.J.A.C. 6A:16-7.1(c)4 and 5)

What are examples of negative consequences that could be used in conjunction with remediation interventions?

Admonishment

Loss of privileges

Detention

Temporary removal from a classroom

Referral to school "disciplinarian"

Suspension (in or out of school)

Report to law enforcement

Expulsion

Remediation and Consequences Differences, continued

Logical consequences on the other hand, are complementary to remedial strategies, in that they are designed to correct the behavior of concern, while the bully also experiences the negative effects of his or her behavior.

Logical consequences require a student to make things "right" and are cognitively connected to misbehavior.

Logical consequences can be used in place of positive or negative reinforcement, punishment or praise.

There must be a connection between the consequences and the student's behavior for them to be effective.

In all instances, the district should respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution.

Remediation Considerations

HIB vs. Conflict

- *HIB is not a conflict*. Conflict is mutual engagement. **HIB is one-sided**, where one or more students are victims of one or more person's aggression, with the intent to physically or emotionally harm the victim(s).
- While well-intentioned, *peer mediation is an inappropriate strategy for addressing victimization*, because mediation is designed to help resolve conflict. Victims of HIB need adult intervention to stop the victimization.
- <u>Mediation only serves to further victimize the target of the HIB</u>, rather than provide relief from HIB for the victim, and increases the chances and severity of repeated HIB.

What are examples of factors that should be considered when determining remedial responses to HIB behavior?

Personal Factors – Life skill deficiencies; social relationships; strengths; talents; interests; hobbies; extracurricular activities; classroom participation; and academic performance.

Environmental Factors – School culture and climate; student-staff relationships; classroom management; crisis management; socio- emotional and behavioral supports; social relationships; community activities; neighborhood or family situation; and local data, including survey responses.

What are examples of supports for HIB victims?

In providing support for victims of HIB, the district should identify a range of strategies and resources, which could include the following actions for individual victims:

Environmental Arrangements

- Establish an obvious adult presence in the vicinity of "hot spots," by using teacher aides, "shadows,"
 hallway or playground monitors, and before- and after-school supervision;
- Change the bully's seat or schedule;
- Provide staff training; and
- Focus on the school climate and culture issues that contribute to the HIB.

Examples of Supports for HIB victims, continued

Social skill instruction that assists the victim in responding to incidents of HIB.

Increase positive contacts with adults through adult-student mentoring, counseling or therapy.

Provide counseling to ensure he or she does not feel responsible for the HIB behavior.

Involve victims in activities that build self concept and self esteem, particularly those that support the victim in experiencing success.

Build relationships and peer supports by teaching peer helpers to provide support to vulnerable or victimized peers.

What are examples of strategies for determining remediation interventions for students who bully others?

Gather information about the purposes of the bully's behavior (i.e., what it provides for the bully):

- Conduct interviews with the student and his or her parent(s).
- Conduct observations of the student.
- Review existing student conduct referral documentation.
- Consult with school staff as needed, including the ABS, Child Study Team members, I&RS team members, school counselors, student assistance coordinators and others as appropriate.

What are examples of remediation interventions for students who bully?

Develop a behavioral contract with the student, ensuring the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors, and schedule follow-up conferences with the student.

Develop a behavioral management plan, with benchmarks that are closely monitored.

Hold parent conferences or meetings with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations.

Explain the long-term negative consequences of HIB on all involved, and ensure understanding of consequences, if HIB behavior continues.

Meet with a school counselor, school social worker or school psychologist to consider mental health issues
(e.g., what is happening and why?)

Examples of remediation interventions for students who bully, continued

Provide corrective instruction, such as a learning plan that includes consequences and skill building.

Provide social skill training, such as impulse control, anger management, developing empathy and problem solving;

Arrange participation in a peer support group.

Provide relevant service experience.

Consider student recommendations and peer input from a student behavior or ethics council.

Arrange alternative placements (e.g., alternative education programs) or programs (e.g., after-school

programs).

Examples of remediation interventions for students who bully, continued

Consider wrap-around support services or after-school programs or services.

Provide supportive student intervention plans, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8.

Conduct a behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate.

Arrange for an apology, preferably written. (HIB is not a conflict—no mediation or conflict resolution)

Require a reflective essay to ensure the student understands the impact of his or her actions on others.

This concludes Part 3 of 4

LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR) Harassment,
Intimidation, and Bullying (HIB) & NJ Law Against
Discrimination (LAD)
TRAINING

Please proceed to Part 4

Thank you for your participation!

RESOURCES

NJDOE

NJ Division on Civil Rights
NJ Foundation for Educational Administration
The NJ Bar Foundation
Legal One
www.bullyingstatistics.org
www.greatschools.org
Mary C. Lamia, Ph.D.

Strauss Esmay Associates, LLC

LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR)
Harassment, Intimidation, and Bullying (HIB)

&

NJ Law Against Discrimination (LAD)

TRAINING

PART 4 of 4

AUDIENCE
All Lodi BOE Employees
Contracted Service Providers

College Students in Residence Volunteers

(No Sound)

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Important Reminder: After viewing Parts 1-4, please submit the Training Verification Form that you received via email.

"It's more than just bullying..."

How to protect students from:

Harassment,

Intimidation,

Bullying, and

Discrimination

NJ Law Against Discrimination (LAD)

A Parallel Requirement to ABR

NJ Law Against Discrimination (LAD) Introduction

The **New Jersey Law Against Discrimination (LAD)** makes it unlawful to subject people to differential treatment based on:

- race,
- creed,
- color,
- national origin,
- nationality,
- ancestry,
- age,
- sex (including pregnancy),
- familial status, marital status, domestic partnership or civil union status,
- affectional or sexual orientation, gender identity or expression,
- atypical hereditary cellular or blood trait, genetic information,
- mental or physical disability, perceived disability, and
- AIDS and HIV status.

How does the LAD differ from the ABR?

BIAS-BASED HIB

The ABR addresses HIB that targets a student because of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental physical or sensory disability, or because of any other distinguishing characteristic.

The LAD prohibits HIB that targets a student because of race, color, religion, national origin, ancestry, nationality, sex, sexual orientation, gender identity or expression, or disability.

This type of conduct is commonly referred to as "bias-based" HIB.

The LAD does not cover HIB that targets a student because of any other distinguishing characteristics.

NJ Law Against Discrimination (LAD)

Introduction, continued

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

The LAD requires covered schools to *take appropriate action to prevent and remediate* HIB that targets a student because of his or her actual or perceived race, creed, color, national origin, nationality, ancestry, sex (including pregnancy), sexual orientation, gender identity or expression, and mental or physical disability, perceived disability.

The following groups are not listed in the ABR because these groups do not typically include "students". However, for example HIB against the student of same sex domestic partners may be considered a violation, therefore it is wise to remain cognizant of the rights of the following protected classes:

- familial status, marital status, domestic partnership or civil union status,
- atypical hereditary cellular or blood trait, genetic information,
- liability for military service, and
- AIDS and HIV status.

NJ Law Against Discrimination (LAD) Introduction, continued

When schools do not take appropriate preventive and remedial action, they could be held responsible for bias-based HIB committed by students, school employees, volunteers who have significant contact with students and persons contracted by the district to provide services to students.

Discrimination is based on a "perceived" protected characteristic when the perpetrator believes that the victim is a member of a LAD-protected group or has a LAD-protected characteristic, even if that belief is wrong.

THE PERSON DOES NOT HAVE TO BE A MEMBER OF THE PROTECTED CLASS TO BE A VICTIM.

THE PERSON DOES NOT HAVE TO BE THE INTENDED TARGET TO BE A VICTIM.

For example...

A group of students are in class with their teacher. Two students from the same country of origin begin to "joke" with one another about the stereotypes associated with their country of origin.

The teacher joins in and contributes some "jokes" of his/her own.

Most of the other students in the class are not paying attention. Some of those who are paying attention laugh along and the others provide no response at all. One student, who is also from the same country of origin as the two students, voices his/her concern for the inappropriate nature of the of the conversation and requests that they stop "fooling around" so that the class can begin.

The two students and the teacher tell him/her to "lighten-up", we are "just kidding".

Meanwhile, seated quietly in the back of the room is a fourth student who has family members from the same country of origin, but is not known to the other students to be identified as being from the same country of origin. This student did not offer any "jokes" of his/her own, did not laugh along, did not voice his/her concern for the inappropriate nature of the of the conversation. He/she simply sat quietly and patiently waiting for the lesson to begin.

Is this fourth student a victim of discriminatory behavior? If so, who is guilty of the discriminatory behavior?

NJ Law Against Discrimination (LAD) Introduction, continued

To facilitate efforts to prevent and intervene with bias-based HIB, schools and school districts should be aware that research studies indicate that some students with LAD- protected characteristics are at higher risk for HIB than the general student population.

For example:

- Studies conducted in the United States found that **children with disabilities** were two to three times more likely to be the victims of HIB than other children, and that the HIB experienced by these children was more chronic in nature and directly related to their disability (http://www.abilitypath.org).
- The results of a 2009 National School Climate Survey conducted by the **Gay, Lesbian and Straight Education Network** (GLSEN) indicated that 84.6% of LGBT students reported being verbally harassed; 18.8% of LGBT students reported being physically assaulted at school because of their sexual orientation; 9 out of 10 LGBT students experienced harassment at school in the past year; and nearly two-thirds of LGBT students felt unsafe because of their sexual orientation (GLSEN, 2009).

In some communities, schools or school districts, students with other LAD-protected characteristics may be particularly vulnerable to bias-based HIB.

What does LAD require a school administration to do regarding bias-based HIB?

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

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

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

Are people who complain about bias-based HIB in school protected from reprisal or retaliation?

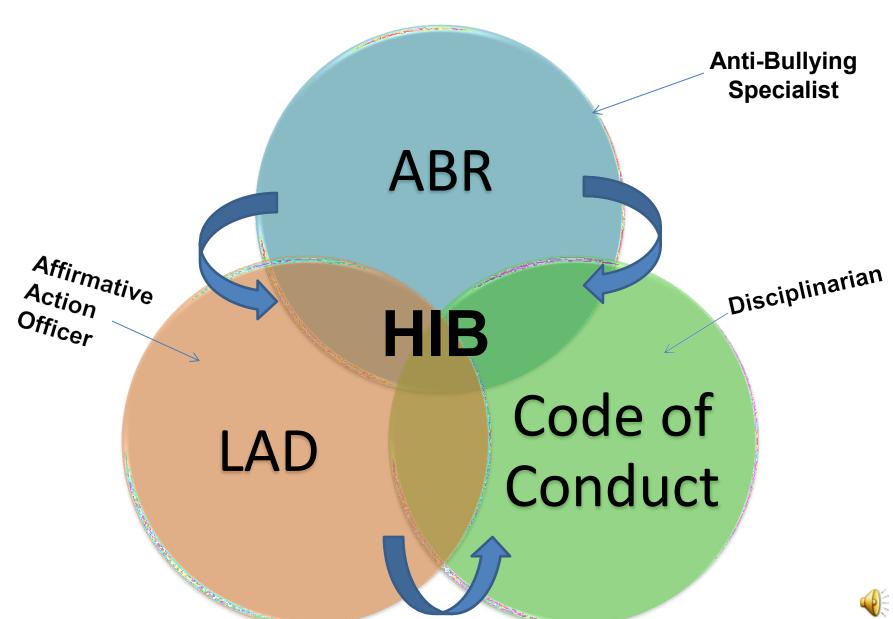
Yes.

The LAD prohibits reprisal or retaliation against anyone who reports or complains about bias-based HIB.

The LAD also prohibits reprisal or retaliation against anyone who assists someone else in reporting or complaining about bias-based HIB.

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

Parallel Laws and Regulations



Parallel Laws and Regulations

The nature of the HIB incident would determine which law(s) and regulation(s) must be employed, and therefore would also require collaboration among those responsible for the enforcement of the law/regulation.

One incident may require ABR, LAD, Code of Conduct, and local law enforcement.

For example, all HIB incidents based on race, creed, color, national origin, nationality, ancestry, sex (including pregnancy), sexual orientation, gender identity or expression, and mental or physical disability, perceived disability, require collaboration with the Affirmative Action Officer due to the requirements of LAD.

This concludes Part 4 of 4 LODI PUBLIC SCHOOLS

NJ Anti-Bullying Bill of Rights Act (ABR) Harassment, Intimidation, and Bullying (HIB) & NJ Law Against Discrimination (LAD)

TRAINING

Staff with Lodi Gmail account: submit the electronic HIB Training Verification Form that is linked in the email notification that you received for this training.

Staff without Lodi Gmail account: return the <u>paper</u> HIB Training Verification Form that you received.

Thank you for your participation!

Please feel free to contact Jamie Ciofalo if you have any
questions regarding the ABR or LAD.

RESOURCES

NJDOE

NJ Division on Civil Rights

NJ Foundation for Educational Administration

The NJ Bar Foundation

Legal One

www.bullyingstatistics.org

www.greatschools.org

Mary C. Lamia, Ph.D.

Strauss Esmay Associates, LLC