

The 10 Steps of the HIB Complaint and Investigation Process

A school is required to take specific steps when HIB is reported. For information on a school district's or a school's procedure for reporting, please contact the school's main office. Tables of parent's rights and the section of the ABR that applies to the rights are provided in Appendix A.

The steps a school district and school must take when addressing a suspected incident of HIB are provided below. These steps can be found in N.J.S.A. 18A:37-15 of the ABR:

• **Step 1: The Verbal Report** – All reports of HIB acts must be reported to the principal the same day the incident occurs when a school staff member, a contractor or a volunteer:

- Personally witnesses an act of HIB; or
- 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 student 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 to the situation, 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 anti-bullying specialist conducts the investigation, in coordination with the principal.

Length of Investigation – The investigation should be completed as soon as possible, but must be completed no later than 10 school days from the date of the written report (see Step 4: The Written Report below). During the investigation:

- The principal might appoint other school staff to help with the investigation; and 18
- 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 CSA.

Amending the Investigation Report (Depends on the Facts): 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. The district would make a decision on the way to respond to the additional information, depending on the facts.

• **Step 6: CSA Actions** – Based on the investigation report, the CSA may choose to take any one of the following additional actions:

- Impose discipline;
- Provide intervention services;
- Create training programs to reduce HIB, improve school climate and make the school safer and more accepting of all students;
- Order counseling; or
- Take any other actions necessary 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 five 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:

- The type of investigation that was conducted;
- Whether or not the district found evidence of HIB, as defined in the ABR; and
- Whether or not discipline was imposed or services were provided to address the HIB.

Limited Information and Student Privacy Laws: Due to student records and privacy laws and regulations, parents are only entitled to review their child's educational records; a parent is not entitled to view the records of other students. This means that parents are not permitted to receive the entire HIB investigation report if it in any way would identify a student other than their own. If parents believe they are entitled to more information than has been provided by the school district, the parents may request a hearing before the board of education. The process for the board hearing and other options available to parents are explained in the following section (Based on 20 U.S.C. §1232g, the Family Education Rights and Privacy Act, and N.J.A.C. 6A:32-7, Student Records). 19

• **Step 9: Optional Hearing or Appeal** – After receiving the information on the investigation, parents have the right, but are not required, to request a hearing with the board of education, if they are unsatisfied with the investigation findings or any other actions taken by the school or school district. If the parent requests this hearing, it must be held within 10 days of the parents' request. Information on other reporting options can be found in the section of this guide titled Other Reporting Options (pages 19-20). More information on other appeal options is explained in the section of this guide titled Options for Appeals on pages 20-22.

• **Step 10: Board of Education Decision** – At the board of education's next meeting following its receipt of the 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.