

The Anti-Bullying Bill of Rights Act: **2019 Update**

Presented to Midland Park School District Parents
October 21, 2019

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HIB: The Legal Definition

Not all conflicts constitute harassment, intimidation, or bullying under the law. The conduct must meet all these criteria:

1. It is one or multiple **gestures, acts, or electronic communications**.
2. It is “reasonably perceived” as being motivated by the victim’s “**actual or perceived**” **characteristic** or other distinguishing characteristic.
3. It occurs on **school property**, on a **school bus**, at a **school-sponsored function**, or it has certain **effects that resonate within the school**.
4. It causes a “**substantial disruption or interference**” to the operation of the school or the rights of its students.
5. It has at least one of these characteristics:
 - a. A reasonable person should know that it would **harm a student, damage his/her property**, or place him/her in **fear** of such.
 - b. It **insults or demeans** a student.
 - c. It creates a **hostile environment** by interfering with a student’s education or severely/pervasively causing physical/emotional harm.

What Type of Conduct?

“... any **gesture**, any written, verbal or physical **act**, or any **electronic communication**, whether it be a **single incident** or a **series of incidents** . . .”

Verbal

- Name-calling
- Taunting
- Teasing
- Threatening

Physical

- Punching
- Spitting
- Taking or damaging personal belongings

Psychological

- Spreading rumors
- Deliberately excluding from activities
- Breaking up friendships

Electronic

- “Cyberbullying”—communications via text message, social media, etc.

What Was the Motivation for the Conduct?

“... **reasonably perceived** as being motivated either by any **actual or perceived characteristic**, ... or by any other **distinguishing characteristic**”

Actual or perceived characteristic

- Race
- Color
- Religion
- Ancestry
- National origin
- Gender
- Sexual orientation
- Gender identity/expression
- Mental/physical/sensory disability

“Any other distinguishing characteristic”

Likely YES

- Hair color
- Piercings
- Braces
- Glasses
- Intelligence
- Weight

Possibly YES

- Grade level
- Political affiliation
- Social standing
- Popularity

Probably NO

Comparative
traits between
students—
strength, age,
popularity, etc.

What Harm Did the Conduct Cause?

Conduct may constitute HIB only if it:

“substantially disrupts or interferes with the orderly operation of the school or the rights of other students”

AND

meets at least one of the following:

- a. a **reasonable person** should know, under the circumstances, that it will **physically or emotionally harm** a student, **damage the student’s property**, or place the student in **reasonable fear** of such;
- b. it **insults or demeans** a student or group of students; or
- c. it creates a **hostile educational environment** by interfering with a student’s education or by severely/pervasively causing physical or emotional harm

What Might “Substantial Disruption or Interference” Look Like?

- The victim’s **grades** are declining.
- The victim’s **attendance** has become inconsistent.
- The victim is **acting differently** (e.g., aggressive or withdrawn).
- The victim has **physical manifestations** of stress or trauma.
- There are **interruptions or distractions** in the learning environment.

Substantial Disruption or Interference: an Example

E.R. v. Board of Education of Bridgewater-Raritan Regional School District (2014)

Facts: An eighth-grade boy repeatedly propositioned E.R., a seventh-grade girl. E.R.'s parents complained to school officials, reporting that the boy "attempt[ed] to sit on her lap on the school bus," "invit[ed] her to get off at his bus stop so that she could accompany him home and utilize her hands to provide stimulation to his private parts," and "invit[ed] her to strip over the internet for him." The school officials downplayed the behavior and advised E.R.'s parents to raise their concerns with the boy's parents.

The district finally began an investigation after E.R.'s parents complained to the superintendent. The investigators obtained text messages verifying many of E.R.'s complaints, and the boy admitted to some of the conduct. However, the investigation determined—and the Superintendent and Board agreed—that the incident was just "adolescent sexual curiosity," not HIB.

Substantial Disruption or Interference: an Example (cont.)

E.R. v. Board of Education of Bridgewater-Raritan Regional School District (2014)

Resolution: E.R.'s parents appealed to the Commissioner of Education, who overturned the district's decision because it was "arbitrary, capricious, and unreasonable." The boy's behavior met all the criteria for HIB.

On the issue of substantial disruption or interference, the judge noted that "**the essential lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct.**" The boy's speech and conduct were directly contrary to these values. Not only did E.R. herself suffer harassment, but multiple other students made reports to school officials, demonstrating that they too were affected.

Substantial Disruption or Interference: a Counter-Example

D.K. v. Board of Education of the Township of Readington (2016)

Facts: On Spirit Day, twelve-year-old D.K. wore a yellow shirt. His classmate said to him, “you’re already yellow, you’re Asian.” The district conducted an HIB investigation and confirmed that the statement had been made. However, when asked about his feelings, D.K. said, “fortunately, this was not problematic for my learning experience, but it ticked me off at the time.” He never missed school, his grades averaged A or A+, and he never sought the care of a doctor or counselor. On this basis, the district determined that D.K. had not suffered HIB because no substantial disruption or interference had occurred.

Substantial Disruption or Interference: a Counter-Example (cont.)

D.K. v. Board of Education of the Township of Readington (2016)

Resolution: D.K.'s father appealed to the Commissioner, but the Commissioner agreed that no HIB had occurred. The comment met most of the HIB criteria: it was based on D.K.'s race or color, was insulting, and occurred at school. But it **did not substantially disrupt or interfere** with the orderly operation of the school or the rights of students. D.K. admitted he was “ticked off” at the time but **suffered no detrimental educational, emotional, or other effects**, and there was no evidence that any other student was affected, either.

Where and When Did the Conduct Occur?

If the conduct did not occur on **school property**, at a **school-sponsored function**, or on a **school bus**, the District can impose consequences only if:

The conduct **materially and substantially interfered** with the requirements of **appropriate discipline** in the operation of the school.

The consequence is **reasonably necessary** for the physical or emotional **safety, security, or well-being** of students, staff, or school grounds.

The consequence is in accordance with the District's **code of conduct**.

What About Freedom of Speech?

According to the Supreme Court,

- students do not “**shed their constitutional rights to freedom of speech or expression** at the schoolhouse gate,”

BUT

- school officials must still have the power to maintain **appropriate discipline** in the operation of the school.

To reconcile these two principles, the Court decided that a public school is allowed to suppress speech/expression, but only if it “**materially disrupts classwork or involves substantial disorder or invasion of the rights of others.**”

Tinker v. Des Moines Independent Community School District (1969)

How Does the District Investigate HIB?

1. Any school employee or contracted service provider who witnesses or learns of potential HIB must **report it** to the Principal.
2. The Principal must **initiate an investigation**, conducted by the School Anti-Bullying Specialist (“ABS”).
3. The ABS must **report the results** to the Superintendent, who may **take action** (impose discipline, provide services, etc.).
4. The Board must **review the investigation results** and the Superintendent’s decision, and must **affirm, reject, or modify** the decision.
5. A parent/guardian has the right to a **hearing** before the Board.
6. The parent/guardian may **appeal** the Board’s decision to the Commissioner of Education within 90 days.

Who Must Report a Potential HIB Incident?

Under District Policy No. 5512, the following people ***must report*** to the Principal if they “**witness**” or receive “**reliable information**” about an incident of potential HIB:

- Board members
- School employees
- Volunteers
- Contracted service providers

The following people are **encouraged but not required** to report:

- Students
- Parents
- Visitors

Is the Principal Required to Investigate Every Reported Incident?

According to District Policy No. 5512, the Principal may make a “**preliminary determination**” upon learning of potential HIB:

Assuming all the allegations are true, would the incident qualify as harassment, intimidation, or bullying under the law?

If the reported facts *would not* qualify as HIB, no investigation need occur.

- The Principal must **report this result to the parents** of the children involved.
- The parents may **appeal the Principal’s determination** to the Board.

Preliminary Determinations: an Example

I.M. v. Board of Education of the Township of Saddle Brook (2019)

Facts: I.M.'s mother emailed the superintendent to report that another student "had told [I.M.] how ugly, and bad dancer she is and all school feels the same." The mother demanded that the district make an HIB finding against the aggressor: "NO[] APOLOGY IS ACCEPTABLE. ONLY HIB."

The superintendent did not refer the accusations for an HIB investigation because, in the opinion of her administration, they would not constitute HIB even if true.

Preliminary Determinations: an Example (cont.)

I.M. v. Board of Education of the Township of Saddle Brook (2019)

Resolution: I.M.'s mother filed an appeal with the Commissioner to challenge the district's decision not to conduct a HIB investigation. The Commissioner upheld the decision. I.M.'s mother **had not alleged that “the statement . . . that I.M. is an ‘ugly and bad dancer,’ was motivated by an actual or perceived distinguishing characteristic** such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability.” Because the allegations couldn't possibly constitute HIB, the district had no obligation under the law to investigate.

Example Cases

Substantial Interference

W.D. and J.D. o/b/o G.D. v. Bd. of Educ. of the Twp. of Jefferson (2018)

Facts: Fifth-grade student G.D.'s classmates referred to her as the N-word in a chatroom. After an HIB investigation, the district determined the incident was not HIB because the students all called each other by words such as “cunt,” “bitch,” and “whore”—it was no more than a coarse interaction among friends. The superintendent and board confirmed the findings.

Commissioner's Decision: **HIB did not occur**. G.D. herself admitted **she was not bothered** by the incident. Her grades did not suffer and she appeared “entirely nonplussed.” Therefore, the conduct did not **substantially disrupt** the orderly operation of the school or **interfere with** a student's rights. The racial epithet was abhorrent, but the students were all mutually and voluntarily disparaging each other.

Distinguishing Characteristics: Disability

S.A. and C.A. ex rel. G.A. v. Bd. of Educ. of Moorestown (2018)

Facts: A sixth-grade classified student alleged that her special education teacher committed acts of HIB when she checked her papers in class and singled her out to provide study guides. The student was afraid and embarrassed by the interactions. The district investigated and found that the teacher was implementing the student's IEP, but nonetheless changed the student's schedule to avoid the teacher.

Commissioner's Decision: **HIB did not occur.** The teacher's actions were **not motivated by the student's disability**. Even if she checked the work of only classified students, this was within her role as a special education teacher and was consistent with the student's IEP. Moreover, the actions **did not substantially disrupt** the orderly operation of the school or the rights of other students: a student has a right "to be secure and to be let alone" but not to be free from instruction or discipline.

Distinguishing Characteristics: Gender

R.P. ex rel. A.P. v. Bd. of Educ. of Hamilton (2018)

Facts: A nine-year-old male student harassed a ten-year-old female student by making inappropriate gestures (e.g., depicting oral sex), grabbing his genitals and referring to them as “bananas,” and using curse words. He admitted to the conduct but claimed it was not directed at the girl, although she happened to be present.

Commissioner’s Decision: **HIB did occur.** The boy made comments and gestures throughout the school year, including “fuck you,” a gesture depicting oral sex, and grabbing his genitals and referring to them as “bananas.” The victim was upset and wrote a letter to the school asking for immediate help, evidencing that she had been **demeaned or insulted** by the conduct. It was not unreasonable to conclude the actions were **based on the victim’s gender**, supporting a finding of HIB.

Absence of a Distinguishing Characteristic

R.A. o/b/o B.A. v. Bd. of Educ. of the Township of Hamilton (2016)

Facts: A girl was the victim in a series of incidents after she attended a party to which some of her classmates were not invited, culminating in the other girls kicking the victim's lunch bag out of the classroom and then back in. Her parents alleged that there was a power differential with a negative impact on the victim.

Commissioner's Decision: **HIB did not occur.** The incidents between the girls were not based on a distinguishing characteristic. A **power imbalance is insufficient to constitute HIB**—"being invited to a party is not a distinguishing characteristic that is actionable under [the Act] . . . [and] kicking of the lunch bag . . . also was not motivated by a distinguishing characteristic."

Mutual Conflict

M.S. & N.S. o/b/o J.S. v. Bd. of Educ. of the Twp. of Hainesport (2019)

Facts: A boy's parent pleaded with the district to investigate bullying that had persisted for several years. An investigation determined that the latest incident, the perpetrator calling the victim a "weakling" in front of classmates, constituted HIB. However, there was also evidence that the two students had a history of mutual antagonism.

Commissioner's Decision: **HIB did occur.** The particular incident at issue—calling the victim a "weakling"—was based on the victim's **actual or perceived characteristic** and **caused him embarrassment**. It was immaterial that the evidence also showed that the victim and perpetrator had a long history of mutual conflict, including instances when the victim was the aggressor. Evidence of possible past HIB acts by the victim does not excuse current HIB acts in which he is the perpetrator, and **the board need evaluate each incident independently.**

Off-Campus Conduct and the First Amendment

Dunkley v. Bd. of Educ. of the Greater Egg Harbor Reg'l High Sch. Dist. (2016)

Facts: A high school student sued the board for First Amendment violations when it suspended him for posting a YouTube video criticizing a football teammate and for co-owning a Twitter account that disparaged his classmates.

Court's Decision: **HIB did occur.** Off-campus speech can justify discipline “if a school can point to a **well-founded expectation of disruption.**” Here, students complained and the administration was forced to devote resources to an investigation. Combined, this constituted “**material and substantial disruption**” to the “work and discipline of the school” that warranted discipline for out-of-school speech. The court concluded that “the First Amendment does not protect student speech that amounts to harassment, intimidation, or bullying of other students.”

Board's Discretion to Make an HIB Finding

E.W. and D.W. o/b/o A.W. v. Bd. of Educ. of the Bridgewater-Raritan Reg'l Sch. Dist. (2017)

Facts: A student commented during class to the victim, who is Jewish, “if you throw those scissors at me you are going back to the concentration camp.” The student admitted making the statement but claimed the victim had been twirling scissors menacingly, causing her to blurt out the comment from fear. The Board decided, by 6–3 vote, that the student had committed HIB.

Commissioner's Decision: Without question, the comment was meant to be and was perceived as offensive. The only issue was **whether the Board was justified to discipline the student** when the victim arguably had some responsibility too. A judge concluded that in light of the facts, the Board would have been justified to either find HIB or to consider the situation a mutual conflict, with discipline imposed for both students or neither student. Whatever the decision, **the judge would not overturn it “unless decisively flawed.”**

Mootness

R.S. o/b/o G.M. v. State Operated Sch. Dist. of Paterson (2017)

Facts: A child with a disability was targeted by her classmates. The district determined that the abuse was not based on the victim's disabilities and so did not constitute HIB. While an appeal was pending, the victim and perpetrators graduated, prompting the district to file a motion to dismiss because the matter had become moot.

Commissioner's Decision: A judge granted the motion, reasoning that the aggressors could no longer be subject to discipline. The Commissioner, however, disagreed and remanded the matter to the Board. Under the HIB law, a parent has the right to file an appeal on basis that the Board's action was arbitrary, capricious, or unreasonable. **Whether the affected students had graduated has no bearing on whether the past conduct was, in fact, HIB.** The Commissioner compared a similar case in which an HIB appeal was allowed to continue despite that the accused, a coach, had left his position.

HIB: You Be the Judge

Question 1

Ben receives a note from his classmate, Joe. He opens the note to find a swastika and the message, “We don’t need any Jews in this school. You should move before something happens to you.” Ben is not, in fact, Jewish. Ben shows the note to a teacher, who reports it as an incident of HIB.

Did Joe commit an act of HIB?

Answer: Probably

- There was a **written act**.
- The act was reasonably perceived as being motivated by Ben's **perceived characteristic**, regardless that it wasn't his *actual* characteristic.
- It occurred on **school grounds**.

However, the ABS must still determine whether:

- the act caused **substantial disruption or interference** with the orderly operation of the school (likely no) or the rights of other students (likely yes), and
- the act **physically or emotionally harmed** Ben or placed in him fear of such, or **insulted or demeaned** him, or created a **hostile educational environment**.

Question 2

Sarah finds out that Jane has been sending suggestive text messages to Sarah's boyfriend. Sarah confronts Jane in the hallway and yells, "Stay away from my boyfriend, you slut!" She attacks Jane, slapping her and pulling her hair. A teacher quickly intervenes, and soon reports the incident as HIB.

Did Sarah commit an act of HIB?

Answer: No

This was a **student conflict**, not HIB.

- There was a **verbal and physical act**.
- The act occurred on **school grounds**.

BUT

- The act was not reasonably perceived as motivated by Jane's **actual or perceived characteristic**. It was a relationship dispute.
- The incident likely did not cause **substantial disruption** to the operation of the school or to other students' rights. A teacher quickly intervened in the fight.

This still is a **violation of the student code of conduct** and should result in discipline for Sarah. It just doesn't trigger the rules and procedures of the HIB law.

Question 3

Kevin and some of his classmates become friends with the new kid, Oscar. They all friend each other on Facebook. About a month later, Kevin learns that Oscar is gay. He stops talking to Oscar and tells his classmates to un-friend Oscar. Most of them comply. Oscar, upset, texts Kevin for an explanation, and Kevin responds, “don’t send me any more texts u fag.” Oscar is so devastated that he misses school for two days. When his parents learn the reason, they report the incident as HIB.

Did Kevin commit an act of HIB?

Answer: Yes

- There was at least one **verbal act**.
- The act was reasonably perceived as motivated by Oscar's **actual or perceived characteristic**—his sexual orientation.
- The act occurred off school grounds but **materially and substantially interfered** with the requirements of appropriate discipline in the school.
- The act **substantially disrupted or interfered with** Oscar's rights as a student.
- The act **emotionally harmed** Oscar and **insulted or demeaned** him.

Question 4

Luigi and Seamus are walking to class together. Seamus takes Luigi's ballcap. Luigi says, "You better give it back, or else..." Seamus cuts him off: "Or else what? Your dad will give me some cement shoes and throw me in the Hudson River? Isn't that how you guys take care of business?" Luigi grabs the cap, laughs, and says, "You've been watching too much Sopranos, you idiot." They proceed to class together without further issue. A teacher who saw the interaction reports it to the principal as potential HIB.

Did Seamus commit an act of HIB?

Answer: No

This is a normal conflict between peers.

- There was a **verbal act** and a **physical act**.
- The acts were reasonably perceived as motivated by Luigi's **actual or perceived characteristic**.
- The acts took place on **school grounds**.

BUT

- There was no **substantial disruption or interference with** the orderly operation of the school or the rights of a student.
- Luigi was not **harmed, insulted or demeaned**, or subjected to a **hostile educational environment**.

Question 5

Clark is in middle school. His ears are somewhat large for his head. Over the period of a few months, his classmates frequently make fun of his ears, calling him “Dumbo” and asking if he can fly. Even as individual students are caught and punished, others take their place. Clark finally resolves to stand up for himself, but instead his classmates continue taunting him and call him a “wimp” for complaining. They ostracize him and exclude him from activities. Clark tells his guidance counselor that he hates coming to school and wishes he could go somewhere else.

Was Clark the victim of HIB?

Answer: Yes

- There were numerous **verbal acts**.
- The acts took place on **school grounds**.
- The acts were motivated by Clark's **distinguishing characteristic**: his unusual physical appearance.
- There was **substantial disruption or interference** with the orderly operation of the school or the rights of other students.
- Clark was **insulted and demeaned** and he suffered **emotional harm**.

Question 6

Ron spent his allowance playing Fortnite, and he can't afford lunch for the week. He thinks Bobby probably has lunch money, so he approaches Bobby, grabs him by the collar, and says, "Give me your lunch money or I'll beat you up." Bobby is generally peaceful, is much smaller than Ron, and doesn't want to get beat up, so he surrenders his lunch money. This happens every day until Ron's best friend begins to feel bad for Bobby and reports all these details the principal.

Must the principal conduct an HIB investigation?

Answer: Not Necessarily

Under Policy 5512, when the Principal receives a report of potential HIB, he or she may make a “**preliminary determination.**”

- The Principal must **assume all the reported facts are true.**
- If the facts would not constitute HIB even if true, the Principal **need not initiate an HIB investigation.**
- The **parents/guardians must be informed** of the decision to not investigate, and they can appeal the decision to the Board.

In this case, the reported facts describe “**classic bullying**” but do not fit the *legal* definition of bullying. Ron’s actions were not motivated by an actual or perceived characteristic—he just wanted Bobby’s lunch money.

Although the HIB law is not triggered, Ron still **violated the code of conduct.**

Question 7

Mr. Smith is substituting for the chemistry teacher, who's out sick. He sees Timmy and Andy horsing around at the back of the class and then overhears Timmy call Andy a "homo." Andy appears to laugh it off, but Mr. Smith thinks it was just nervous laughter and that Andy was actually deeply hurt by the slur. He reports these facts to the principal. The principal is familiar with the boys and knows they are best friends, but has had to reprimand them in the past for using unacceptable language when they tease each other.

Must the principal conduct an HIB investigation?

Answer: Yes

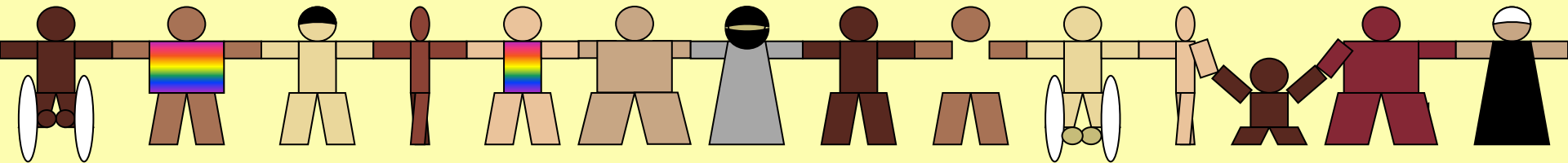
As in the case of Ron and Bobby, the Principal is allowed under Policy 5512 to make a **preliminary determination**. However, again, he or she must **assume all the reported facts are true**. Mr. Smith reported that:

- Timmy directed a **verbal act** at Andy.
- The act was based on Andy's **actual or perceived characteristic** (sexual orientation).
- The act occurred on **school grounds**.
- The act **substantially interfered** with Andy's rights and **insulted or demeaned** him.

Even if the Principal suspects that Andy perceived no insult, he or she must **accept the teacher's reported facts as true** and initiate an investigation.

Questions?

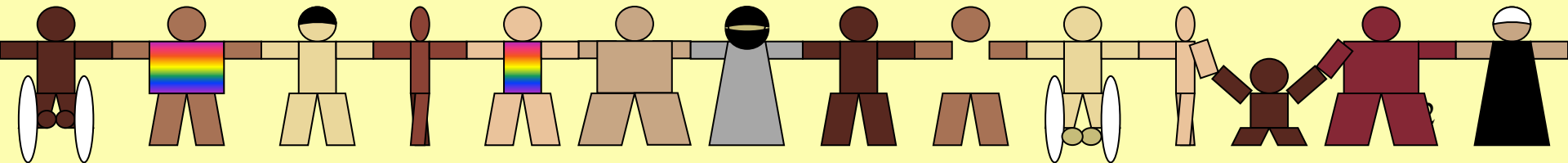
Findings from the 2019 Midland Park School Climate Student Survey



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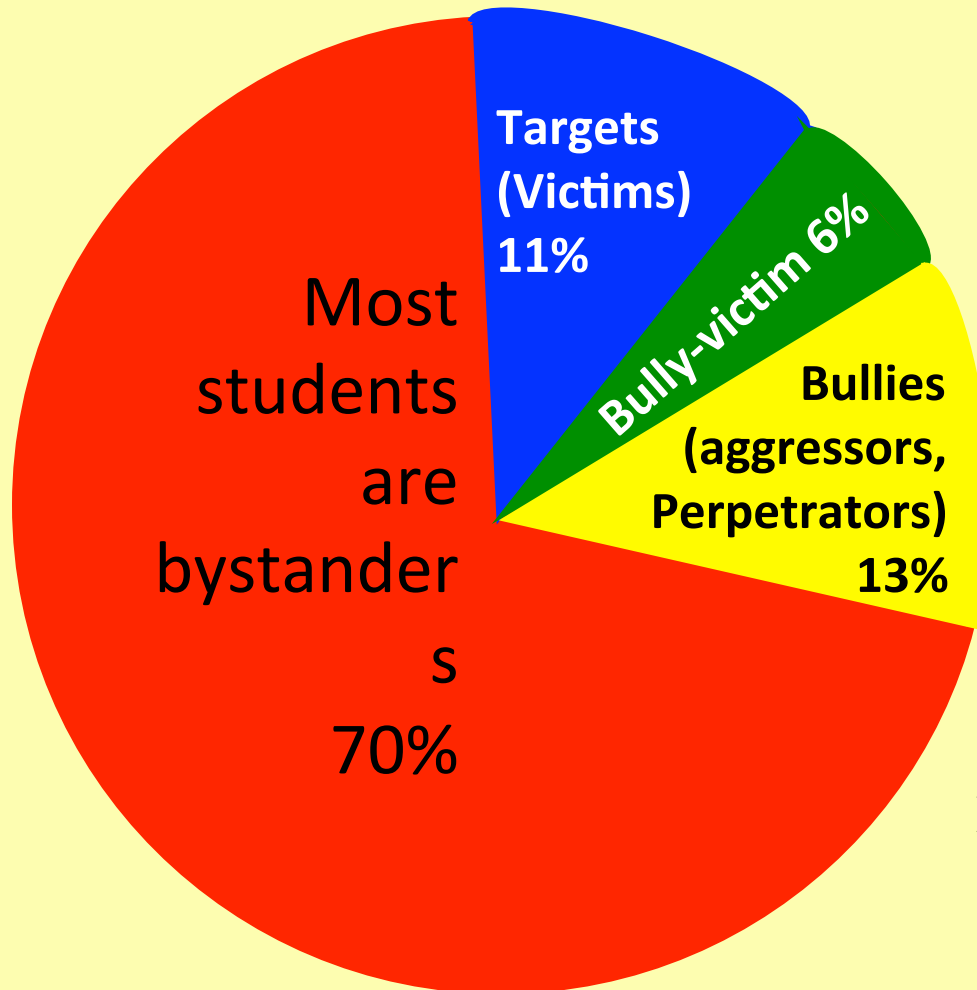


Context:

National Statistics

Bullying Statistics:

Targets, Bullies, & Bystanders



- The term “target” is preferred over the term “victim.”
- The “Target-Perpetrator” or “Bully-victim” is an individual who is both a bully and a target. Usually a target who in turn bullies others or retaliates by bullying. These students are at special risk, socially and emotionally.
- Most students are bystanders.

NICHD study, self reports by students of moderate or frequent involvement in bullying)

Midland Park Student Survey Findings

Response Rates

GRADE	ENROLLMENT 2019	RESPONSE RATE 2014	RESPONSE RATE 2018	RESPONSE RATE 2019
2 nd	80	91%	85%	84%
3 rd	84	78%	80%	77%
4 th	71	85%	76%	92%
5 th	90	81%	77%	96%
6 th	66	80%	93%	88%
7 th	62	43%	75%	95%
8 th	73	44%	90%	88%
9 th	73	25%	84%	90%
10 th	79	34%	74%	89%
11 th	84	20%	79%	80%
12 th	88	14%	75%	63%

Examples of Detailed Findings


THE SURVEY INCLUDES . . .

Note: This is not how the questions are worded on the survey

- How many friends do you have that would support you?
- Do you have a trusted adult in school?
- Given a list of issues, how serious is each as a problem in your school?
- How often do you hear various types of derogatory language?
- In general, are students in your school nice to each other?
- Are the rules against bullying clear in your school?
- Are teachers able to stop bullying?
- Has each of the following things happened to you? If so, how often?
- If you were having a problem in school, whom would you go to for help?

Percentage of Students Reporting Fewer than Four Friends

	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	HS				
2013	42%	28%	15%	16%	19%	22%	22%	21%				
2014	33%	25%	23%	21%	14%	21%	20%	20%				
2015	5%	6%	14%	7%	3%	13%	7%	13%				
2016	14%	11%	4%	20%	6%	3%	16%	15%				
2017	27%	16%	7%	12%	13%	10%	10%	14%				
2018	6%	15%	12%	4%	11%	15%	11%	15%				
2019	4%	8%	3%	14%	7%	12%	20%	13%				



- Having fewer than four friends is a **risk** factor; the *lower* the percentages in this table, the better.

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2017	27%	16%	7%	12%	13%	10%	10%	14%				
2018	6%	15%	12%	4%	11%	15%	11%	15%				
2019	4%	8%	3%	14%	7%	12%	20%	13%				

- Inclusiveness tends to be a cohort characteristic.
- Given this, the fact that 4% of the S2018 cohort of second graders₁₀ said that they had fewer than four friends is a very good sign.

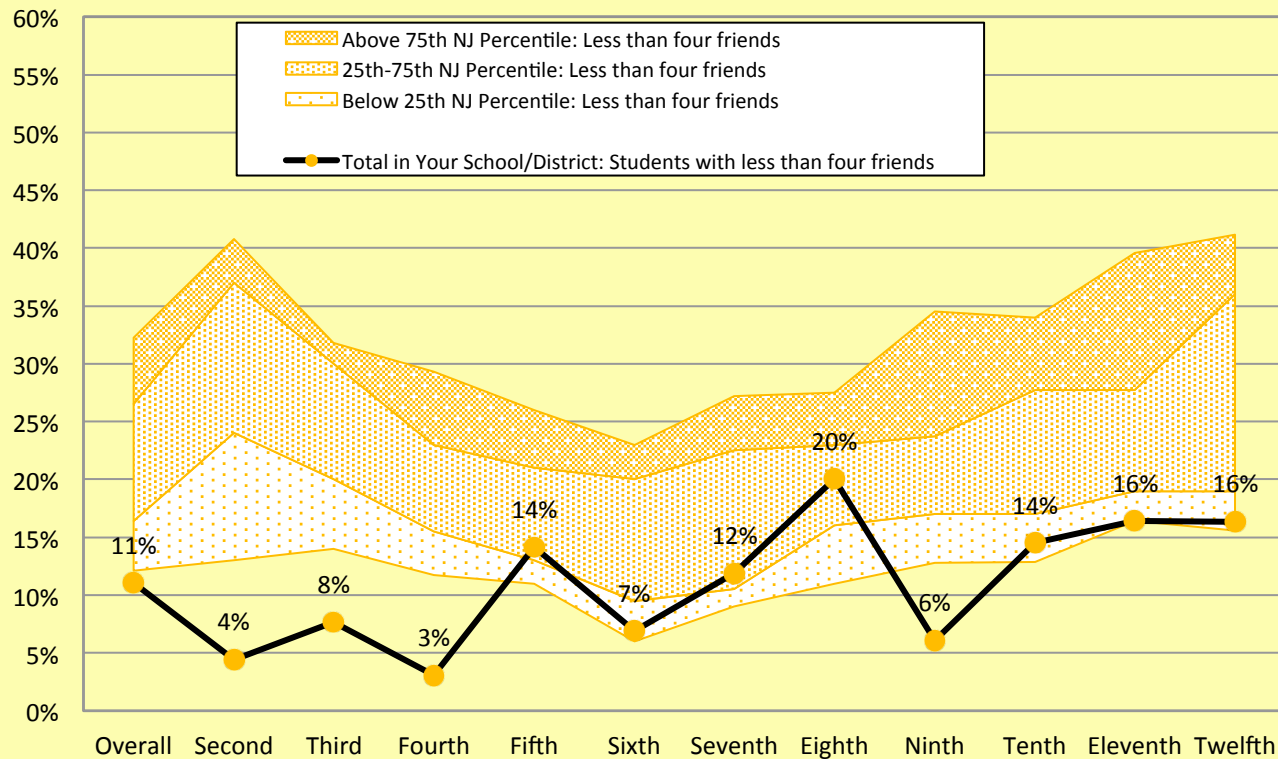
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- Inclusiveness tends to be a cohort characteristic.
- Also, the fact that the S2019 cohort of fourth graders have become much more inclusive since they were second graders, is an extremely positive change.

Percentage of Students Reporting Fewer than Four Friends

B1.1b: How Many Friends Do You Have in Your School?
Comparison to New Jersey Normative Data



Percentage of Students Who Say They Have a Trusted Adult at School

	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	HS				
2014	87%	79%	91%	95%	81%	59%	74%	85%				
2015	89%	82%	85%	84%	86%	75%	71%	69%				
2016	88%	89%	80%	67%	95%	81%	75%	76%				
2017	91%	88%	91%	80%	75%	81%	78%	77%				
2018	92%	84%	86%	91%	81%	71%	79%	73%				
2019	85%	92%	89%	92%	95%	76%	72%	82%				

Having a trusted adult is a **protective** factor; the *higher* the percentages in this table, the better.

Grade 2-5 Students' Perceptions of Problems at School

	2018 & 2019							
	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing	25%	33%	14%	20%	23%	6%	25%	6%
Mean Name-calling	51%	41%	35%	36%	44%	35%	67%	38%
Leaving each other out	57%	40%	44%	38%	48%	45%	47%	41%
Gangs					15%	12%	2%	6%
Prejudice (race, religion)					11%	6%	18%	3%
Appearance pressure					19%	5%	22%	16%
Mean text messages					10%	15%	22%	9%
Rumors	29%	27%	40%	33%	41%	49%	65%	60%
Teachers say mean things	10%	11%	9%	6%	4%	9%	13%	12%

The question about gangs, in a district with no measurable gang problem, serves as a reference point against which to compare findings about the level of student concern about other issues in school. In general, findings less than 10% indicate there might be some students with individual concerns, but do not indicate school-related climate issue, and findings of 20% or less indicate low levels of concern among students.

Grade 6-12 Students' Perceptions of Problems at School

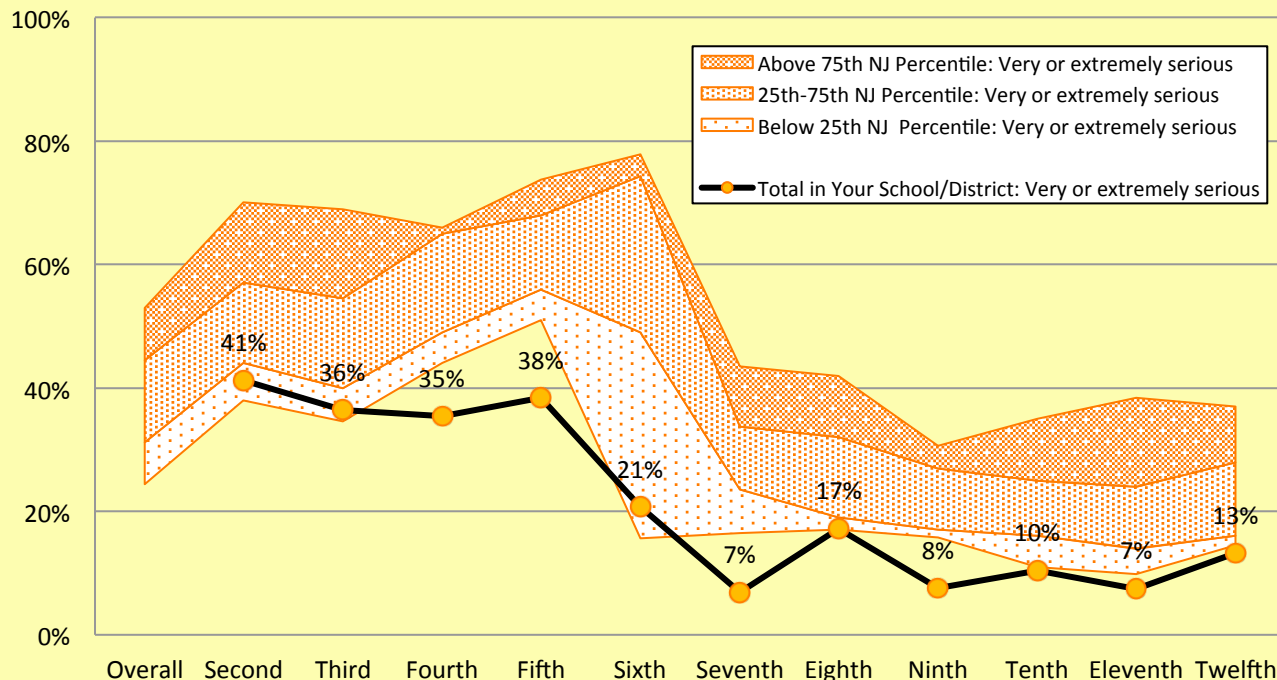
	6 th 2018	6 th 2019	7 th 2018	7 th 2019	8 th 2018	8 th 2019	HS 2018	HS 2019
Appearance Pressure	8%	16%	17%	2%	11%	13%	14%	8%
Social Exclusion	17%	9%	24%	25%	15%	11%	25%	17%
Name-calling	6%	21%	26%	7%	15%	17%	14%	9%
Racial prejudice	2%	5%	12%	5%	3%	10%	7%	4%
Anti-LGBT prejudice			16%	3%	3%	16%	8%	6%
Physical aggression	4%	9%	14%	10%	4%	11%	5%	4%
Gangs	2%	4%	11%	5%	2%	11%	6%	5%
Unwanted photography			16%	9%	16%	18%	14%	7%
Hurtful posting			19%	5%	11%	11%	15%	8%
Adults insulting students	4%	5%	12%	5%	6%	11%	8%	6%
Adults disrespecting each other			14%	7%	1%	10%	5%	2%
Rumors	14%	35%	27%	13%	24%	20%	34%	32%

Grade 6-12 Students' Perceptions of Problems at School

	6 th 2018	6 th 2019	7 th 2018	7 th 2019	8 th 2018	8 th 2019	HS 2018	HS 2019
Appearance Pressure	8%	16%	17%	2%	11%	13%	14%	8%
Social Exclusion	17%	9%	24%	25%	15%	11%	25%	17%
Name-calling	6%	21%	26%	7%	15%	17%	14%	9%
Racial prejudice	2%	5%	12%	5%	3%	10%	7%	4%
Anti-LGBT prejudice			16%	3%	3%	16%	8%	6%
Physical aggression	4%	9%	14%	10%	4%	11%	5%	4%
Gangs	2%	4%	11%	5%	2%	11%	6%	5%
Unwanted photography			16%	9%	16%	18%	14%	7%
Hurtful posting			19%	5%	11%	11%	15%	8%
Adults insulting students	4%	5%	12%	5%	6%	11%	8%	6%
Adults disrespecting each other			14%	7%	1%	10%	5%	2%
Rumors	14%	35%	27%	13%	24%	20%	34%	32%

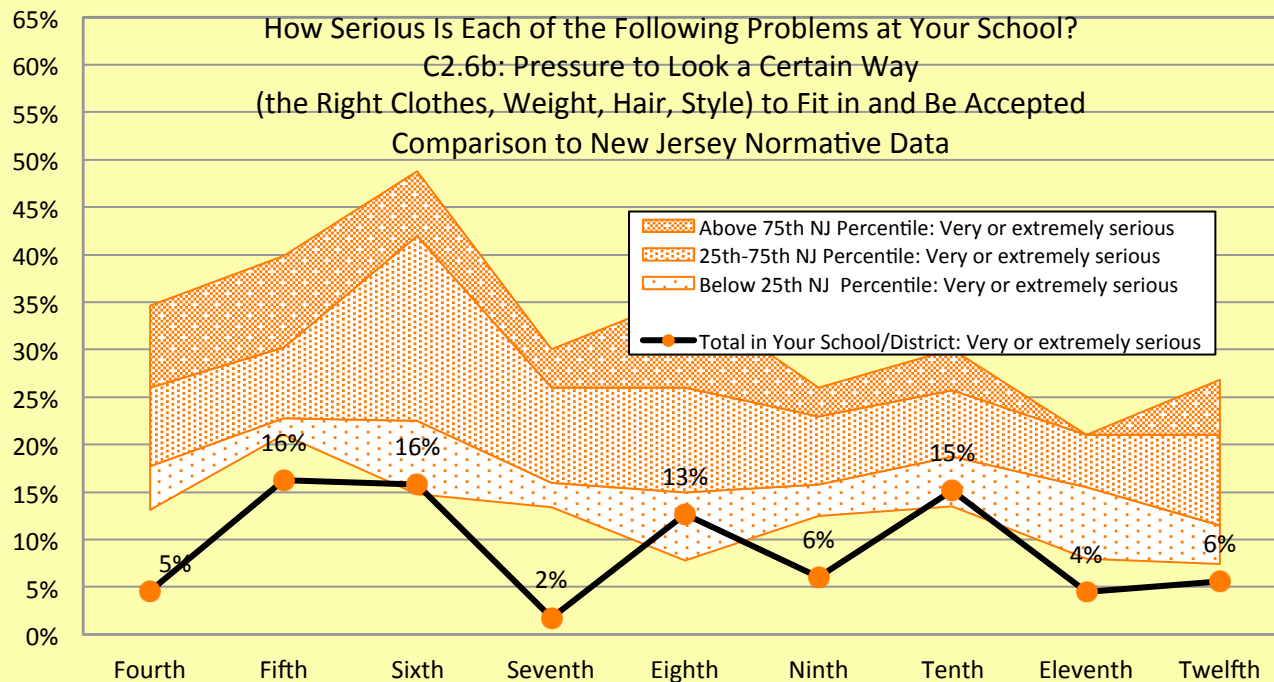
Grade 2-12 Students' Perceptions of Problems at School

How Serious Is Each of the Following Problems at Your School?
C2.1b: Students Name-Calling Each Other,
Insulting, or Putting Each Other Down
Comparison to New Jersey Normative Data



Compared to normative data, the percentages of students who say that **name-calling** is a problem are low in most grades.

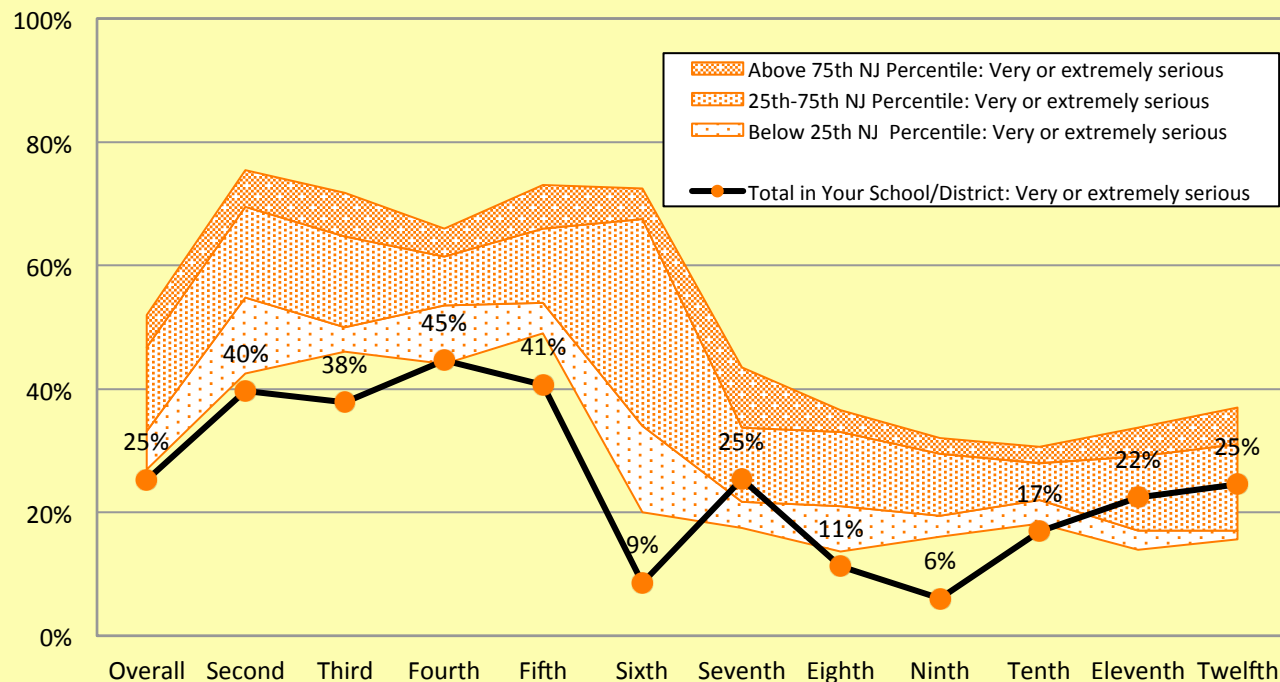
Grade 2-12 Students' Perceptions of Problems at School



Compared to normative data, the percentages of students who consider “**appearance pressure**” to be a problem are low.

Grade 2-12 Students' Perceptions of Problems at School

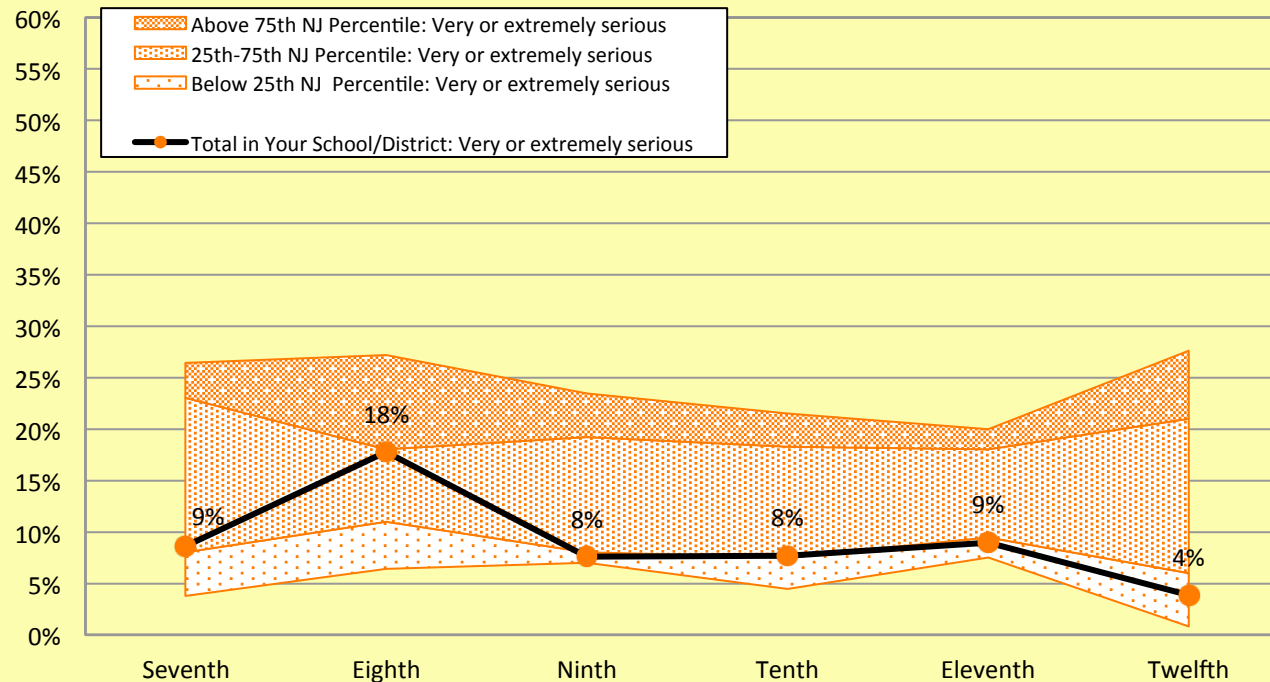
How Serious Is Each of the Following Problems at Your School?
C2.4b: Social Exclusion, e.g., People Leaving Each Other Out, Telling People Not to Be Friends with Someone...Cliques...People Being Rejected
Comparison to New Jersey Normative Data



Compared to normative data, the percentages of students who consider **social exclusion** to be a problem are low.

Grade 7-12 Students' Perceptions of Problems at School

How Serious Is Each of the Following Problems at Your School?
C2.11b: Taking Photos or Videos of Other Students that are Embarrassing,...
or When the Other Student Doesn't Want to Be Photographed...
Comparison to New Jersey Normative Data

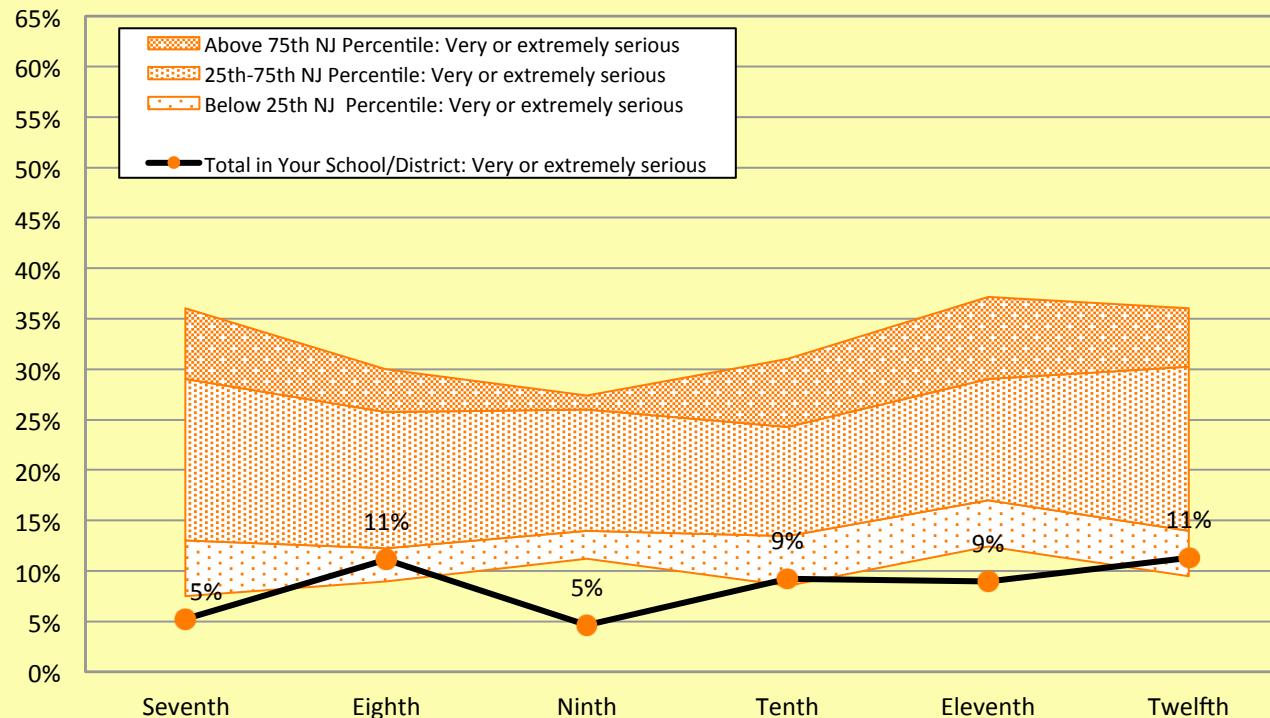


Compared to normative data, the percentages of students who consider **“taking non-consensual photos or videos”** to be a problem are moderate.

Findings indicate that this issue should be a focus in grade 8.

Grade 7-12 Students' Perceptions of Problems at School

How Serious Is Each of the Following Problems at Your School?
C2.12b: People Posting Things Online that Are Mean or Hurtful to Other People
Comparison to New Jersey Normative Data



Compared to normative data, the percentages of students who consider **“posting hurtful things online”** to be a problem are low in all grades.

Frequency of Derogatory Language among Students

- In grades 2-8, 5%-33% of students say they frequently hear peers make insulting comments about someone's APPEARANCE; **down from 15%-61% in 2011, but up from the all-time low of 3%-22% in 2018.**
- In grades 2-8, 3%-41% of students say they frequently hear peers call each other "DUMB," "RETARD," "STUPID," etc. ; **down from 12%-84% in 2011, and almost identical to 2018 findings.**
- In grades 4-8, 8%-23% of students say they frequently hear peers use the word "GAY" AS AN INSULT (i.e., "so gay"); **down from 27%-77% in 2011, and almost identical to 2018 findings.**

Frequency of Derogatory Language among Students

- In High School, 25% of students say they frequently hear peers make insulting comments about someone's APPEARANCE; **down from 42% in 2011, and down slightly from 30% in 2018.**
- In High School, 39% of students say they frequently hear peers call each other "DUMB," "RETARD," "STUPID," etc. ; **down from 80% in 2011, and down from 53% in 2018.**
- In High School, 25% of students say they frequently hear peers use the word "GAY" AS AN INSULT (i.e., "so gay"); **down from 76% in 2011, and down from 35% in 2018.**

Frequency of Derogatory Language among Students

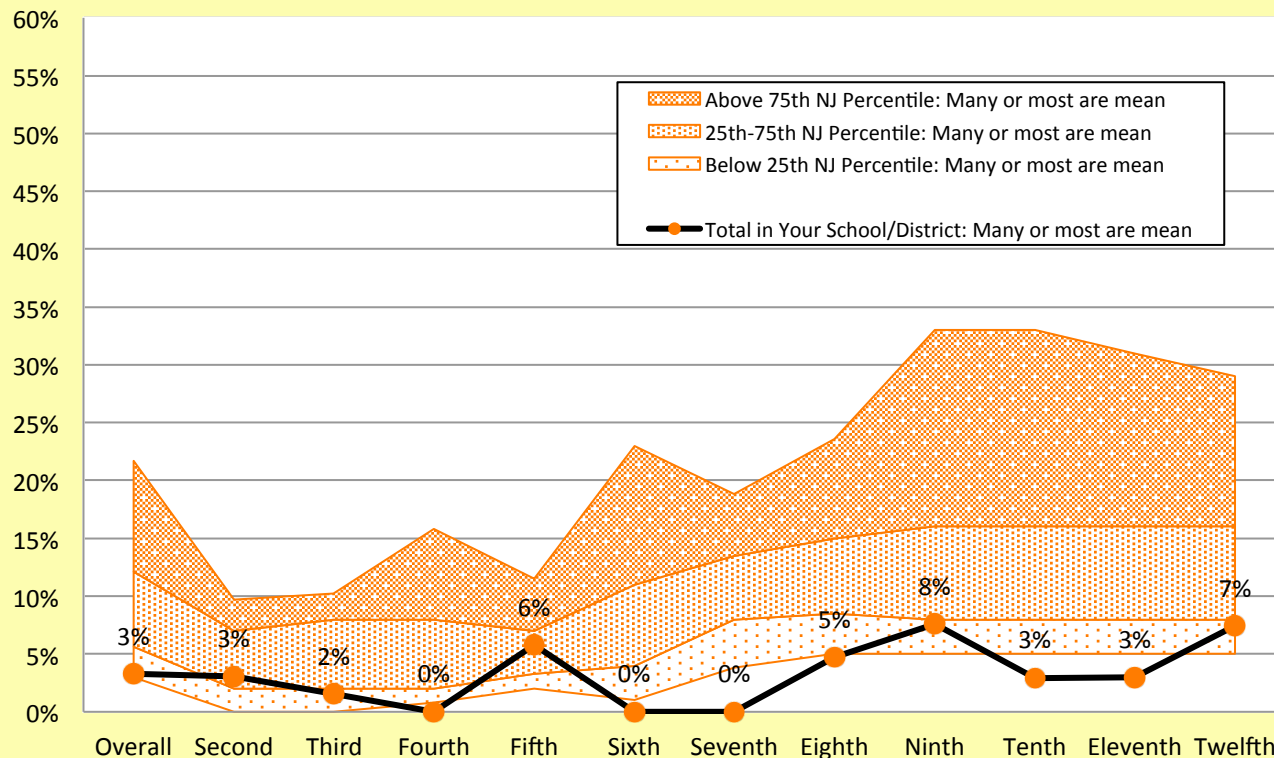
- The cohort that was in sixth grade in S2019 has, for the past five years since they were in second grade in S2015, reported hearing more derogatory language than other cohorts before or after them. As sixth graders:
 - 22% hear appearance-related insults frequently, *compared to 8% in the previous cohort*
 - 26% hear intelligence-related insults frequently, *compared to 6% in the previous cohort*
 - 22% hear “so gay” frequently, *compared to 2% in the previous cohort*
 - However, as sixth graders, members of this cohort no longer hear gender-based insults more frequently than previous cohorts of sixth graders.

Grade 2-12 Students' Perceptions of Whether Students are Usually Nice to Each Other

NOTE: This variable is coded as a “risk factor;” what you will see on the next slide are the percentages of students who say that many or most of their peers are *mean*. Therefore, the ideal would be for these percentages to be *low*.

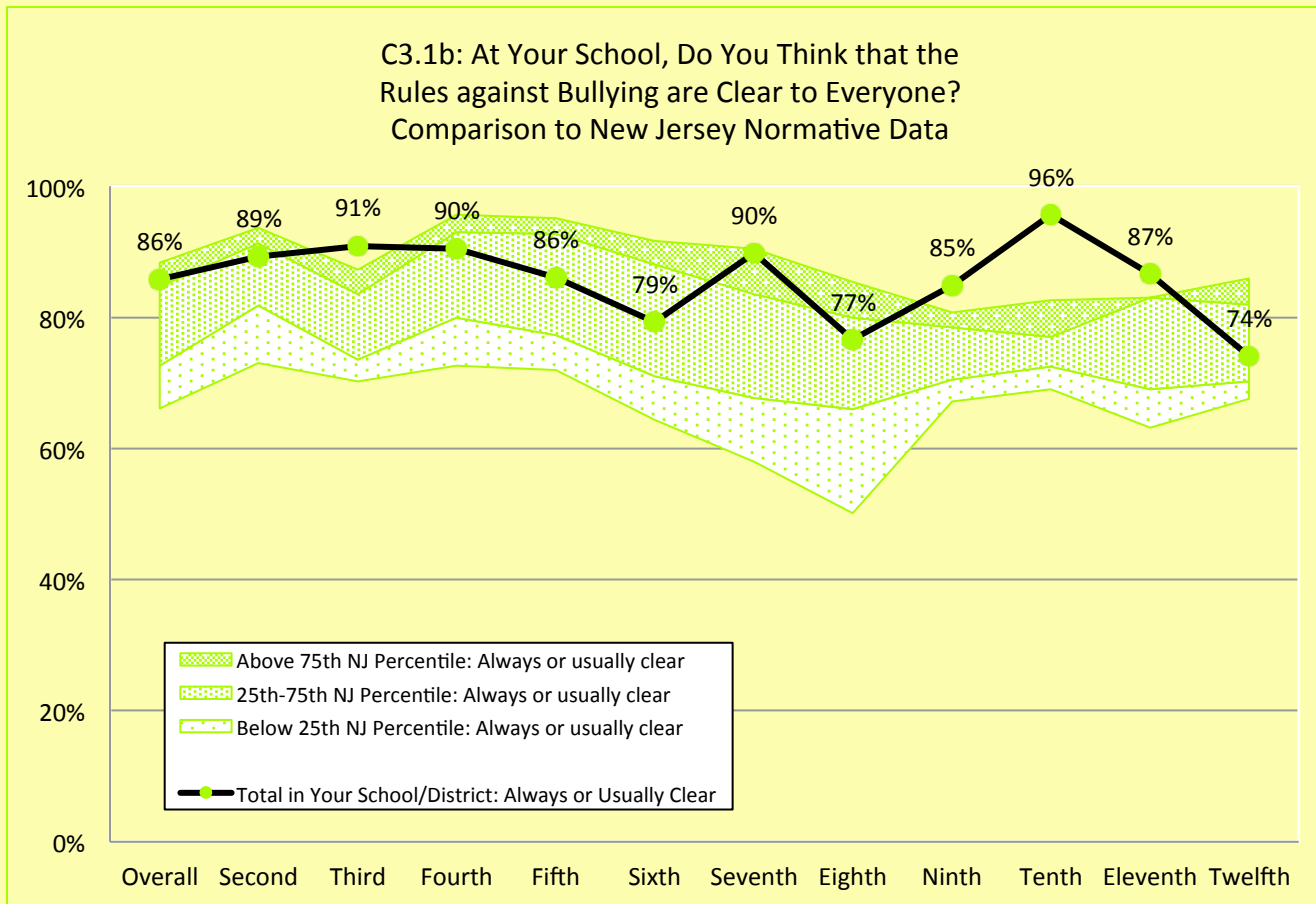
Grade 2-12 Students' Perceptions of Whether Students are Usually Nice to Each Other

D1.1b: Are Students at Your School Usually Nice to Each Other?
Comparison to New Jersey Normative Data



Compared to normative data, the **percentages of students who say their peers are mean are very low in every grade.**

Grade 2-12 Students' Perceptions of Whether the Rules Against Bullying are Clear

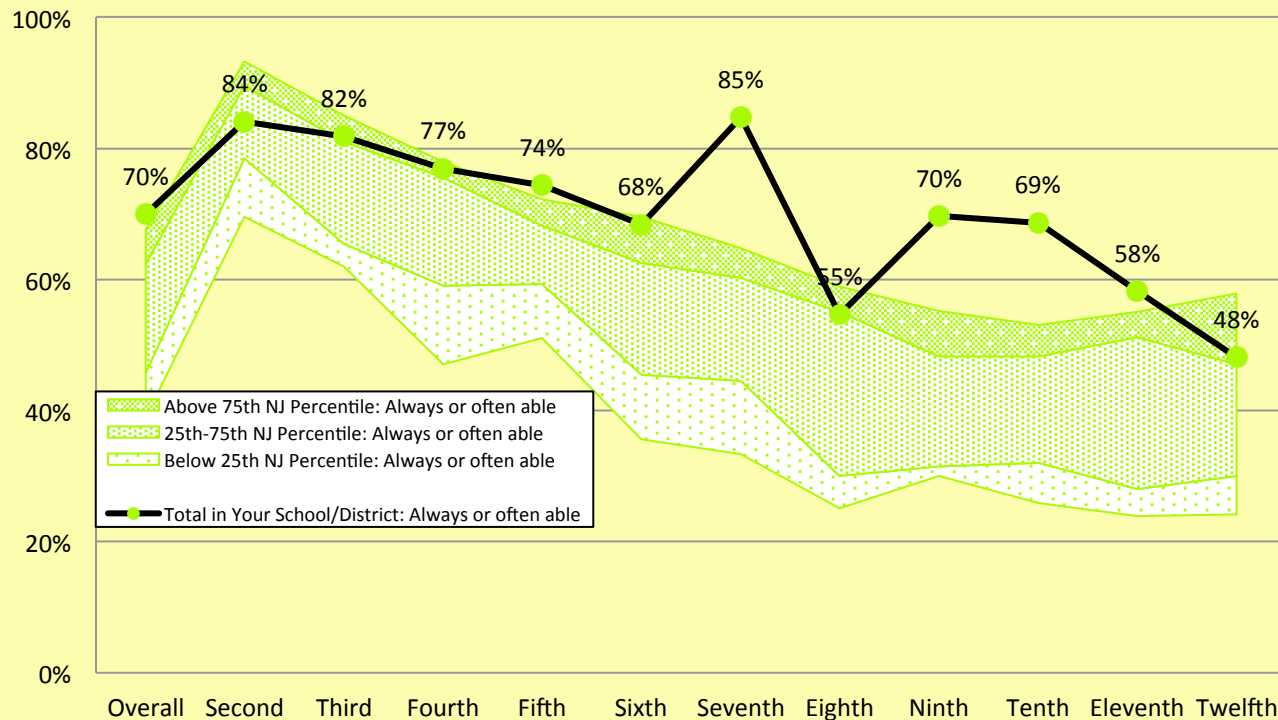


Compared to normative data, the percentages of students who say that the rules against bullying are clear are very high in most grades.

Findings indicate that this is an area for specific focus in grades 4-6 & 8.

Grade 2-12 Students' Perceptions of Adults' Ability to Stop Bullying

E2.4b: Are Adults at Your School Usually Able to Stop Students Who Are Bothering or Bullying Other Students?
Comparison to New Jersey Normative Data



Compared to normative data, the percentages of students who say that adults are usually or always able to stop bullying are very high in most grades.

Has this happened to you... (percent saying often, weekly, daily, or more than once a day)?

Students were asked about 17 different experiences. The three shown here are those that are generally most common, throughout New Jersey, and the Midland Park percentages indicate typical age-related issues. The fact that an issue is typical does not mean it does not have to be addressed, but it does indicate that these issues are not unique to Midland Park; these are issues facing schools throughout New Jersey.

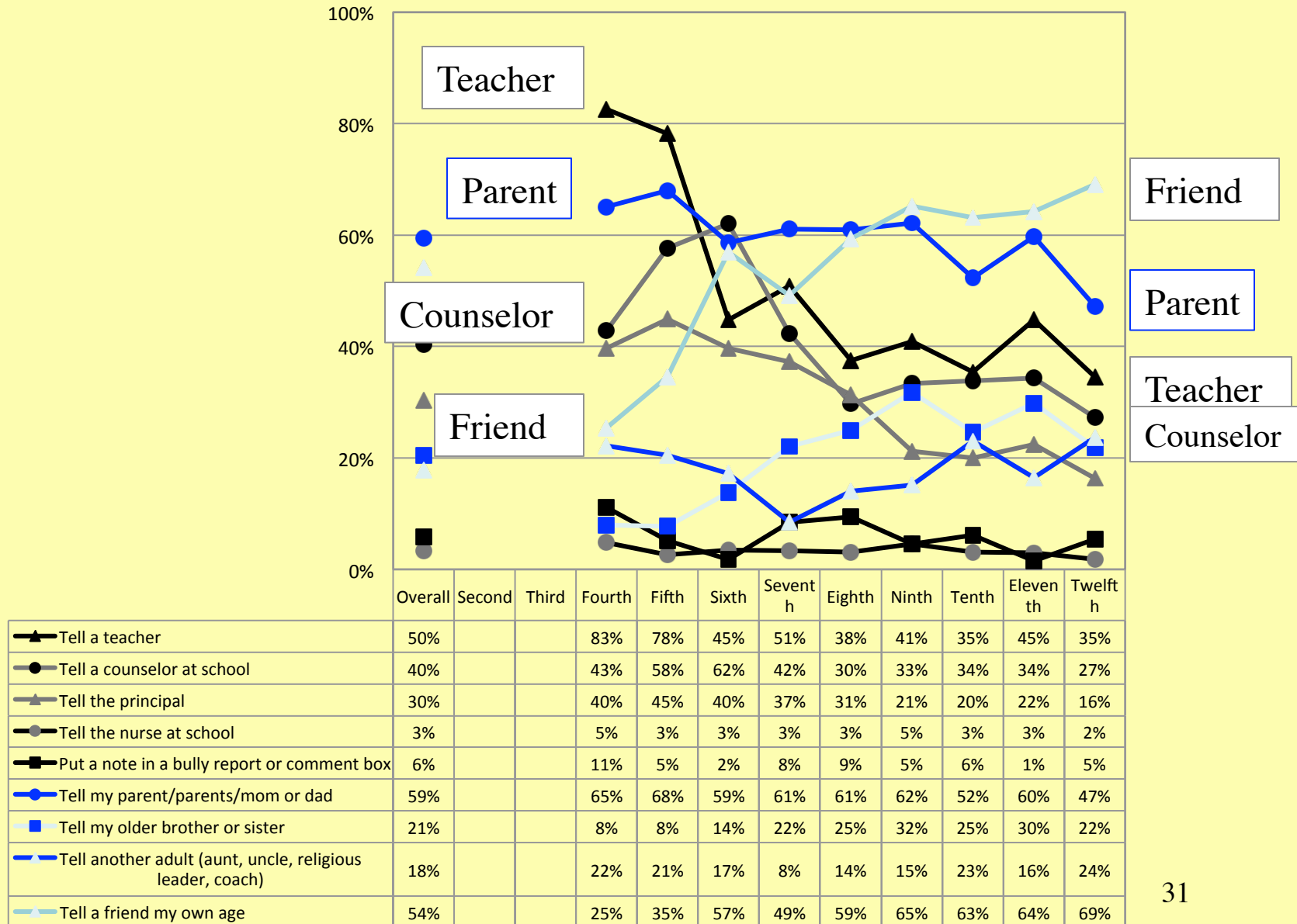
	<i>Verbal Name-calling</i>		<i>Hurtful Exclusion</i>		<i>Appearance Denigration</i>	
	2018	2019	2018	2019	2018	2019
2 nd grade	4%	3%	0%	2%	2%	0%
3 rd grade	2%	0%	4%	2%	2%	0%
4 th grade	8%	8%	8%	8%	2%	3%
5 th grade	9%	6%	4%	5%	6%	5%
6 th grade	2%	12%	0%	5%	2%	9%
7 th grade	11%	3%	6%	7%	4%	2%
8 th grade	14%	13%	2%	6%	5%	8%
HS	13%	9%	11%	5%	9%	8%

If You Were Having a Problem... Bullying... and You Needed Help, How Would You Get Help?

- Tell a teacher
- Tell a counselor at school
- Tell the principal
- Tell the nurse at school
- Put a note in a bully report or comment box
- Tell my parent/parents/mom or dad
- Tell my older brother or sister
- Tell another adult (aunt, uncle, religious leader, coach
- Tell a friend my own age

E4.1: If You Were Having a Problem... Bullying... and You Needed Help, How Would You Get Help?

Detailed School/District Findings



Conclusion: Implications

STRATEGIES TO MAINTAIN PROGRESS

- Parents and School Should Work Together to Ensure that:
 - Each student has friends in school who can be supportive
 - Each student can identify an adult at school whom they trust, to whom they could go if they had a problem with another student.
 - Encourage students to help each other; students confide in peers, more than in adults. If a peer is in trouble, tell an adult.³³

STRATEGIES TO MAINTAIN PROGRESS

- Parents and School Should Work Together to Ensure that:
 - Students are discouraged from using language that is derogatory to others.
 - Students know that harmful social exclusion and rumor-telling are forms of bullying
 - Cyber safety education occurs both at home and at school

STRATEGIES TO MAINTAIN PROGRESS

- Parents and School Should Work Together to Ensure that:
 - Continue to encourage students to include each other and develop positive social relationships with peers in school.
 - The word “bullying” is not used for incidents that involve other types of hurtful behavior that are not bullying.

WHAT DO YOU NEED TO KNOW ABOUT THE SCHOOL'S PROCEDURES?

- School personnel must protect the confidentiality of all students. The school cannot provide you with information about discipline given another student.
- The school's jurisdiction is limited. If an incident occurred off campus, your recourse might be with law enforcement, and not through the school
- “Tough on Bullying” means appropriate, not extreme, responses; remedial responses are often more effective
- School staff are required to report certain types of incidents within the district, and at the state level.

WHAT CAN YOU DO TO HELP?

- Be familiar with your district's anti-bullying policy
- Know that bullying today is different than it used to be; take it seriously. Listen/talk about it.
- Tell your son/daughter what to do if s/he is bullied (tell an adult). Do not give advice that will put your child in a difficult situation in school (e.g. do not advise to “hit back”)
- Teach your son/daughter what to do if someone else is bullied (tell an adult, stand up for them, help them walk away, etc.)
- Teach about cultural diversity; teach the difference between Respect and Agreement
- If you learn of a situation or incident in the school, tell a member of the school staff immediately

THANK YOU

**Have a Safe, Happy,
Productive
and Respectful
School Year**