

A Legal Update on The Anti-Bullying Bill of Rights Act

**Presented to Parents of the Midland Park School District
November 27, 2023**

Stacey Therese Cherry, Esq.

Fogarty & Hara, Esqs.

21-00 Route 208 South, Fair Lawn, New Jersey 07410

Phone: 201-791-3340 | Fax: 201-791-3432 | Email: scherry@fogartyandhara.com

What constitutes HIB?

The conduct must meet all of the following criteria...

It is one or more acts;

That occurs on school property, on a school bus, at a school-sponsored function, or off school grounds but has a nexus with the school;

In the form of written, verbal, or electronic communication, or a physical act;

That is “reasonably perceived” as being motivated by an actual or perceived characteristic or other distinguishing characteristic;

Which substantially disrupts or interferes with the operation of the school or the rights of other students; and

Has at least one of the following impacts...

One of these three

A reasonable person should know it would physically or emotionally harm a student, damage a student's property, or place a student in reasonable fear of such;

It insults or demeans a student; or

It creates a hostile educational environment by interfering with a student's education, or by severely or pervasively causing physical or emotional harm to a student.

An “act” is any gesture, written, verbal, or physical act, or electronic communication

Verbal

- Name calling
- Taunting
- Teasing
- Threatening

Physical

- Hitting
- Punching
- Shoving
- Spitting
- Taking or damaging personal property

Psychological

- Spreading rumors
- Purposely excluding people from activities
- Breaking up friendships or other relationships

Electronic Communication

- Communication transmitted by means of an electronic device (e.g., emails, text messages, social media messages, etc.)

Motivated by

Actual or Perceived Characteristic

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

Other Distinguishing Characteristic

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

“Reasonably Perceived”

- The act does not have to be *actually* motivated by any characteristic of the victim.
- The critical question is whether the victim or witnesses *felt* that the victim was targeted based on the characteristic.
- If the answer is yes, the question becomes whether that belief was *reasonable*.

“Substantial Disruption or Interference”

- The act must “substantially disrupt or interfere with the orderly operation of the school or the rights of other students.”
 - This requires “evidence of **interference, *actual or nascent*, with the school’s work or of the collision with the rights of other students to be secure and to be let alone.**”
 - There must be “a **specific and significant** fear of disruption, not just some remote apprehension of disturbance.” In other words, there must be something more than a mere desire to avoid the discomfort or unpleasantness that often accompanies an unpopular opinion.

“Substantial Disruption or Interference”

- For example, when an eighth grade student attempted to engage in sexual activity with a seventh grade peer on the school bus in front of several other students, invited her over to his house to engage in sexual activity, and asked her to strip over video chat for him, the Commissioner of Education held that such conduct met this standard.
- The aggressor substantially interfered with the orderly operation of the school because such **“lewd, indecent, offensive”** conduct did not comport with “the essential lessons of civil, mature conduct” that is to be conveyed in a school.
- He also substantially interfered with the rights of the victim to be **secure** and to be let alone, and the rights of the student witnesses who were **so affected** by his behavior that they reported it to school officials themselves.

“Substantial Disruption or Interference”

- As another example, this prong was met when a student repeatedly said “Kool-Aid” to his classmate, who was black, which the **victim perceived to be directed at him because of his race.**
- The victim told the offender, and other students, that he was **offended** by the comment; he **left a sporting event early without explanation**, which was unusual for him; and he **told his mother, who is black, not to attend the school concert** when he had previously welcomed his mother’s attendance.
- The victim was so **embarrassed** and **uncomfortable** in the school and extracurricular settings as a result of the comments that he **“was not fully available for learning.”**

The act must be inappropriate in *one* of the following ways:

1. A reasonable person should know, under the circumstances, that the act will either:
 - a. Have the effect of physically or emotionally harming a student;
 - b. Damage a student's property; or
 - c. Place a student in reasonable fear of physical or emotional harm or property damage;
2. The act has the effect of insulting or demeaning any student or group of students; or
3. The act creates a hostile educational environment for the student by:
 - a. Interfering with the student's education; or
 - b. Severely or pervasively harming the student, physically or emotionally.

Where and when can an act of HIB occur?

1. On school grounds;
2. At any school-sponsored function;
3. On a school bus; or
4. Off school grounds, when a school employee is made aware of such act, including:
 1. Any other physical location; or
 2. Over the Internet outside the boundaries of the school day/school grounds (e.g., via email, text message, social media or other messaging platform, video chat, etc.).

Where and when can an act of HIB occur?

- Although HIB can occur off school grounds, the District can only impose discipline subject to the following restrictions:
 1. The discipline must be consistent with Board Policy 5600, “Student Discipline/Code of Conduct”;
 2. The discipline must be **reasonably necessary for the physical or emotional safety, security, and well-being of the student**, other students, staff, or school property in accordance with N.J.S.A. 18A:25-2 (authority over pupils) and N.J.S.A. 18A:37-2 (causes for suspension and expulsion of pupils); and
 3. The conduct must have **materially and substantially interfered** with the requirements of appropriate discipline in the operation of the school.

Staff Member Reporting Timelines

- All acts of HIB **must** be reported...
 - To the school principal...
 - **Verbally** on the **same day** and...
 - In **writing** within **two school days**...
 - Triggered whenever a Board member, school employee, volunteer, or contracted service provider witnessed or received reliable information that a student has been the subject of an act of HIB.
- Pursuant to the amendments to the statute, the written report must be on the revised **HIB 338 Form** (revised by the DOE in Summer 2023).

HIB 338 Form

- The DOE developed forms, HIB 338 Form, for LEAs and parents/guardians. Written reports to the Principal **must** be made on the appropriate form.
- The form must be completed **regardless** of whether the Principal determines that an investigation is warranted or not.
- The form **must be kept on file at the school**, but not in any student's record, **unless** the incident results in disciplinary action or the form is otherwise required to be kept in a student's record under State or Federal law.
- If a parent requests a hearing after an investigation is conducted, the Superintendent **must share a redacted copy of the form** that removes all student identification information.

HIB 338 Form

- The revised form has the following changes:
 - A **timestamp box** to document the date and time the report is received. This box also includes space for an optional **incident number** should a local education agency use a system to track alleged incidents of HIB.
 - A section where the individual completing the form can **sign and date** the document.
 - Language for families/caregivers who prefer to report **anonymously** to include their name in the list of witnesses so they may remain anonymous yet still contribute to the investigation.
 - Additional guidance on the use of the **preliminary determination** and specific next steps for each role.
- Staff members must use the form and **cannot report anonymously.**

Principal's Preliminary Determination

- **Board Policy 5512**, “Harassment, Intimidation, and Bullying,” authorizes the Principal or his/her designee, in consultation with the Anti-Bullying Specialist, to determine whether the reported incident, assuming all the allegations are true, falls within the scope of the definition of HIB.
- The Principal must report to the Superintendent if he/she determines that the reported incident is outside the scope of the definition of HIB.
- The Superintendent **may disagree** with the Principal and require an investigation; he/she must inform the Principal of this determination **in writing**.
- Individuals making a report **must complete the HIB 338 Form** even if the Principal finds that an investigation is not warranted. The Principal must promptly submit a copy of the completed form to the Superintendent.
- The Superintendent must provide an **annual report** to the Board on the number of times that a Principal made a preliminary determination that a reported incident fell outside the scope of the definition of HIB for purposes of the State’s monitoring of the District.

Parental Notification Requirements

- If the Principal determines that an investigation is not warranted, Parents must be notified. Parents may appeal this decision to the Board.
- Parents of the alleged victim and offender must be notified that an investigation is being conducted under the Act and the Principal may discuss the availability of counseling and other intervention services, as appropriate. The Principal must keep a record of time, date, and manner of notification.
- Within five business days after the findings are reported to the Board, parents must be provided in writing:
 - The nature of the investigation;
 - Whether the District found evidence of HIB; and
 - Whether any discipline was imposed or services were provided to address the act of HIB.
- After the Board meeting where the Board affirms, rejects, or modifies the decision, Parents must be informed of the decision.

Parental Appeal Procedures

- A parent may request a hearing before the Board within **sixty** calendar days of receiving the written information about the investigation.
- If a hearing is requested, the hearing shall be held within **ten** days of the request.
 - The Board shall meet in executive session for the hearing to protect the confidentiality of the students involved.
 - If a parent requests a hearing after an investigation is completed, the Superintendent must share with the Board a **redacted** copy of the form that removes all student identification information.
 - At the hearing, the Board may hear from the ABS about the recommendations for discipline or services, and any programs instituted to reduce acts of HIB.
- Upon request, parents are entitled to the investigation materials, provided all other students' names are redacted.
- Parents may appeal the Board's decision to the Commissioner of Education no later than **90 days** after the Board's decision is issued.
- Parents can also file complaints.

Consequences

- For the first and second act of HIB, the District may provide counseling or behavior intervention services, or discipline, or both, as determined by the Principal in consultation with appropriate school staff.
- For the third act, the Principal, in consultation with appropriate school staff, must develop an **individual student intervention plan**, which must be approved by the Superintendent or his/her designee, which may include remedial actions including counseling or behavioral intervention services, or progressive discipline, or both, and which may require the student, accompanied by a parent/guardian, to complete, in a satisfactory manner, a class or training program to reduce HIB behavior.
- For all instances in which there is an **affirmative HIB finding**, a copy of the **investigation results must be placed in the student's record**.
- The Superintendent and Principal must consult **law enforcement**, as appropriate, pursuant to the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if a student's behavior may constitute a violation of the New Jersey Code of Criminal Justice.

Liability for Cyber Harassment

- A parent or guardian who demonstrates **willful or wanton disregard in the exercise of supervision and control** over the conduct of a minor over whom they have legal custody and who is adjudicated delinquent of cyber harassment (a fourth-degree crime) can be held liable in a civil action.
- A parent or guardian may also be assessed a **fine** of up to \$100 for the first offense and up to \$500 for each subsequent offense for failure to comply with a condition of the sentence of a minor who committed cyber harassment (e.g., jointly attending a class or training program on cyber harassment).

Recent HIB Cases

Credibility of Witnesses is Critical

- R.S. airdropped a picture of J.A. “flexing for the camera” to students in the cafeteria. **He admitted to sending the picture, and stated he did it because he was angry at J.A. for calling him a “fat ‘n-word” during cooking class.** The ABS determined that R.S. did not commit an act of HIB, but opened an HIB investigation into J.A.’s comment.
- The ABS did not interview the entire cooking class, only those students who R.S. and J.A. said overheard the incident. During his interview, **J.S. admitted to having used the epithet on previous occasions, but not in this instance.** Two interviewees said they had heard J.S. use the epithet in the past, but could not say when or where. A third interviewee said that the epithet was “thrown around a lot as a joke.” The ABS concluded that J.A. made the comment and that the incident constituted HIB on the basis of race. The Board affirmed.
- The parent appealed, arguing that J.A. **only admitted to using the epithet after “being badgered for fifteen minutes” to get out of her office** and after she told him that he might as well “fess up” since other students already said they heard him use the epithet. She also argued that the ABS should have interviewed more students.
- The ALJ found that the parent testified credibly, and that there was no reason to doubt that J.A. told his parent what she testified. However, there was **insufficient evidence to conclude that J.A.’s confession to the ABS was untrue.** “It is not unusual that a student in trouble may tell one account to a school authority and a different account to a parent, nor is it unusual or inappropriate that a parent will believe the account of their child. Nothing is inherently unbelievable, but the evidence constrains the findings.” The ALJ also found that the ABS **reasonably relied on J.A.’s confession**, and that it was **not the sole determining factor in reaching her conclusions**—she was also informed by her interviews of other students, and the totality of the investigation consistent with her training. Therefore, the ALJ upheld the Board’s decision, and the Commissioner concurred.

Actual Motivation/Intent Not Required

- The alleged offender made a statement to a peer that she “**hates black people.**” The peer reported the comment to the alleged victim.
- The alleged offender’s intent was not to insult her classmate but to share her dislike for her aftercare personnel who were African-American and yelled at her.
- The ABS found the conduct **constituted HIB**. She found the conduct was **motivated by race**, the victim did not want to attend school, felt unsafe at recess and lunch, and felt fear from knowing her classmates did not like her because of her race.
- The ALJ affirmed finding that even if the decision could be different based on the intent of A.D., that does not mean that the Board’s decision upholding the determination was arbitrary, capricious, or unreasonable.
- The Commissioner affirmed and explained that it is not the actual intent but the perceived motivation and whether that was reasonable.

Peer Conflict vs. HIB

- Z.A. reported to his teacher and his mother that he felt bullied when his classmates were upset with him, called him names, and said they did not like him **because his absences from school caused his class to lose an attendance competition.** The teacher put a stop to the issue immediately. According to a written statement by the child (which his mother had him prepare), later the same day, he overheard students sitting near him in the cafeteria making comments about something that smelled bad, which he interpreted to mean him.
- The investigation revealed that the students did question Z.A. and were upset with him, but that Z.A. returned some “jabs . . . verbally.” The investigators characterized the exchange as a “back and forth of unkind words” and found that **Z.A. was not targeted because of any particular characteristic.** Further, the video footage of the cafeteria, showed that the students identified in the statement were not sitting near Z.A. The students who were sitting *with* Z.A. were interviewed and said they did not make or hear a comment about a bad smell. The district did not find any act of HIB and the Board affirmed.
- On appeal by the parent, the ALJ upheld the Board’s decision, and the Commissioner concurred. The investigation was prompt and thorough. **The classroom incident was not based on any characteristic contemplated by the statute.** There was no opportunity for the cafeteria incident to have occurred as it was reported by Z.A. While the mother, “like any parent, [was] seeking to protect her child from what she believe[d] [was] bullying ... **not all disputes between students are subject to the HIB statute...** . [T]he District [did] not dispute that the conduct was inappropriate, and the teacher dealt with it promptly.”

Procedural Deficiencies Were Not Prejudicial

- While a **transgender male sophomore** was using the stall inside the boys' bathroom, B.C. (also a sophomore) said to himself or his friend, R.C., something to the effect that, “**girls should not be allowed to use the boys' bathroom.**” B.C. and R.C. confirmed the victim's parent's report in writing. The District found that this constituted HIB and the Board affirmed.
- B.C.'s parent appealed citing several procedural deficiencies: (1) the investigation report did not indicate when or if the Superintendent reported the HIB findings to the Board; (2) the written notice following the investigation vaguely stated that an incident was reported regarding the victim and “other students” without identifying B.C.; and (3) the written notice also stated that the HIB findings would be “affirmed” at the next Board meeting. The Judge found that although the Board should have been more precise in its recordkeeping, these missteps did not amount to a violation of due process because B.C. was given a hearing where he was represented by counsel and testimony was presented in his favor.
 - The parent raised two other procedural arguments that were simply misguided. (1) She took issue with the fact that the District did not interview the victim. However, the statute does not require that. Also, that was not necessary here, where the offender and the witness corroborated the victim's parent's report. (2) She also argued that the Board did not comply with her discovery request for the victim's parent's report and the students' written statements. However, the Board was not required to provide these documents—HIB determination procedures are not meant “to mirror . . . trial-like adversarial proceedings.”

HIB Found: Weight and Appearance

- A student made comments about a peer's **weight and attire**, including **calling his shoes “as big as sailboats.”** The alleged victim **stopped taking his medication** in hope that he would lose weight. He also **did not want to go to school** because he was afraid he would be made fun of by the alleged offender (but he did not miss any days of school). The alleged offender said the alleged victim used his body to push and intimidate him. The HIB investigator found that the conduct **did constitute HIB.**
- The determination was upheld by the ALJ and Commissioner.
- The Commissioner found that all criteria were met and noted that the **offender's claims that the conduct as retaliation** for being punched by a witness or mutual “trash talk” **was not supported.**
- The Commissioner also dismissed the claim that the offender was “joking” noting that the **HIB definition does not consider the offender's intent.**
- The Commissioner also found a **substantial disruption** where the victim stopped taking his medicine and had a fear of coming to school.

HIB Not Found: Conflict

- A student **grabbed a peer by the arm and would not let her go**. The peer had also stolen the alleged victim's Chromebook twice and then turned it in, claiming she found it. The alleged victim **did not come to school for three days** following the incident. She stated that the incident made her uncomfortable and she was afraid it would happen again. The HIB investigator found that the conduct did not constitute HIB.
- The investigator found that it was a **conflict between students**.
 - The ABS found the conduct was **not based on an actual or perceived characteristic**, there was **no substantial disruption or interference** with the operation of the school or the rights of students, there was **no physical or emotional harm or fear of harm** to the student or property, **no effect of insulting or demeaning**, and **no creation of a hostile educational environment**.
- The determination as upheld by the ALJ and Commissioner.
- The school **did implement a “no contact order”** for the students.

HIB Found: Racially Motivated

- The alleged victim reported that, as the students were leaving class, the alleged offender referred to the alleged victim as **angry and black**. The alleged offender said that she was mad leaving class because students were blocking the hall and the alleged victim asked if the alleged offender was mad. The alleged offender said she was mad. The alleged victim asked if it was because she was black. The alleged offender answered “yes.”
- The alleged victim and witness stated that when a **student sent a picture of a black and blue finger, the alleged offender said the finger was “black” like the alleged victim**. The alleged offender claimed that the victim said the finger was black, “like me” and she simply replied, “yes,” sarcastically.
- The alleged victim left the lunchroom but returned. The alleged victim **had to be removed from her next class by the teacher because she was upset**.
- The alleged victim continued attending school and her grades did not suffer.
- The **alleged offender stated that the alleged victim called her “cracker,”** which the alleged victim admitted. The alleged offender also stated that the alleged victim called the other students at the table racists.
- The ABS found the conduct **constituted HIB**. She found the conduct was **motivated by race**, that the **victim downplayed the impact** because she didn’t want to have to change tables away from her one friend, **but she was upset and crying in class, which resulted in her removal and a disruption to the learning environment**. The ALJ and Commissioner affirmed.

HIB Found: Allergen Status

- A student offered a cashew to a peer who had a known nut allergy, causing the peer to recoil. Then, the student touched the peer's lunch bag/lunchbox and water bottle without washing his hands. The student admitted to the conduct and that he knew the peer was allergic to peanuts, but said he temporarily forgot. The peer was upset. **The ABS and BOE found the conduct constituted HIB.**
- The ALJ overruled the BOE finding that the **conduct was not part of a pattern**; the mother of the victim did not seek a severe penalty for the conduct; and the school officials acted defensively and **overreacted**. The ALJ also considered the **impact of a HIB finding** on the alleged offender in the future.
- The Commissioner **reversed the ALJ** and agreed with the BOE that the conduct was HIB. The Commissioner found the conduct satisfied the statutory definition. It was **motivated by his nut allergy**; a distinguishing characteristic. Moreover, the **offender's intent is not relevant**. It **interfered with the peers right to a safe and civil environment** and **placed the victim in fear of physical harm**. Whether the parents sought a finding of HIB and if there would be a future impact of a HIB on his school record were also irrelevant.

HIB Found: Size of Forehead

- The offender sent a text message with a picture of the character Stewie Griffin, from Family Guy, and a picture of the victim stating, “Hey Stewie, what do you call someone with a big head?” The offender admitted posting a TikTok with an image of Stewie Griffin with the caption, “If you know, you know.”
- Through the investigation, the ABS **found that the offender and other offenders referred to the victim as Stewie Griffin due to the size of her forehead.** The victim was hurt, sad, and crying; missed several days of school; and had her classes changed.
- The Parent appealed to the Board requesting a reversal and alleging that the timeline to investigate was not followed. The Board affirmed the findings.
- The ALJ upheld the decision on summary decision, where the Parent argued that the HIB law is too broad but did not allege the Board’s decision was arbitrary, capricious, or unreasonable.
- The Commissioner affirmed.

Not HIB: No Distinguishing Characteristic

- A student **pushed a peer** and called him “**racist**” during kickball practice when the alleged victim told him he was in the wrong line. The parent alleged that three days after the incident the peer commented on the alleged victim’s size, calling him “small.”
- The ABS found that the conduct in the kickball line was not HIB because it was **not based on a distinguishing characteristic**.
- The Parent appealed and the Board upheld the decision.
- The ALJ affirmed finding that there was no evidence that the comment three days after the alleged incident was the motivation and there was **no evidence about the student’s size**. The ABS also noted that the alleged victim does not stand out as big or tall.
- The Commissioner **affirmed**.

When/What Parents Can Appeal

- Parents reported that their child was the victim of an act of HIB. After the District investigated, the Superintendent advised the parents that **no violation occurred** and that the investigation results would be reported to the Board at its meeting scheduled for December 20. The next day, the parents requested a Board hearing. On December 16, the Superintendent responded that the request was premature and that they would receive written information five days after the investigation results are presented to the Board. The parents appealed to the Commissioner, challenging the Superintendent's denial of a Board hearing. On December 21, the Superintendent formally notified the parents that the matter had been reported to the Board and explained how they could request a hearing.
- On appeal, the Board took the position that the parents failed to exhaust their administrative remedies before appealing to the Commissioner, as there had not been a Board hearing. The parents argued that the Board violated the Anti-Bullying Bill of Rights Act by not holding a Board hearing within ten days of their request (which they made *before* the Superintendent even reported the investigation results to the Board).
- The Commissioner remanded the matter for a Board hearing within ten days. The Commissioner pointed out that there is nothing in the statute that prohibits parents from filing an appeal *before* a Board level hearing. However, the **Commissioner could not review the merits of such appeal until the Board issues a decision** affirming, rejecting, or modifying the Superintendent's decision, because **it is the *Board's* decision that is appealable, not the Superintendent's.**

Questions?



School Culture & Climate Initiative

Midland Park School District

School Climate and Bullying Prevention Survey

Findings from Spring 2023

Supporting, Connecting and Empowering Schools

Patricia Heindel, PhD

- Professor of Psychology
- Co-Director and Co-Founder- School Culture and Climate Initiative
- Co-Director - On-line Academy for Social-Emotional Learning in Schools
- Director - Center for Human and Social Development, Saint Elizabeth University
- Dean, College of Professional Studies – Saint Elizabeth University

Elizabeth Warner

- Co-Director and Co-Founder- School Culture and Climate Initiative
- President – SEL4NJ

<http://www.schoolcultureandclimate.org>

Student Response Rates

GRADE	2018	2019	2020	2021	2022	2023
2 nd	85%	84%	76%	81%	93%	100%
3 rd	80%	77%	93%	87%	101%	103%
4 th	76%	92%	86%	91%	92%	107%
5 th	77%	96%	99%	90%	101%	91%
6 th	93%	88%	100%	100%	88%	107%
7 th	75%	95%	79%	94%	97%	104%
8 th	90%	88%	95%	92%	87%	103%
9 th	84%	90%	89%	100%	88%	91%
10 th	74%	89%	96%	82%	93%	92%
11 th	79%	80%	79%	90%	95%	86%
12 th	75%	63%	84%	92%	93%	87%

SURVEY ITEMS*

- 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?

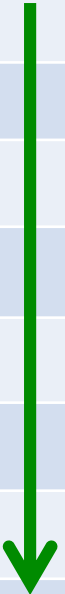
**Note: This is not exactly how the questions are worded on the survey*

Survey Findings

Percentage of Students Reporting Fewer than Four Friends

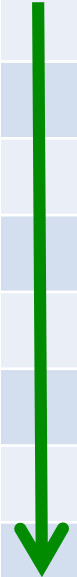
Having fewer than four friends is a **risk** factor; the *lower* the percentages in this table, the better.

	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	HS	9 th	10 th	11 th	12 th	
2014													
2015													
2016													
2017													
2018													
2019													
2020													
2021													
2022													
2023													

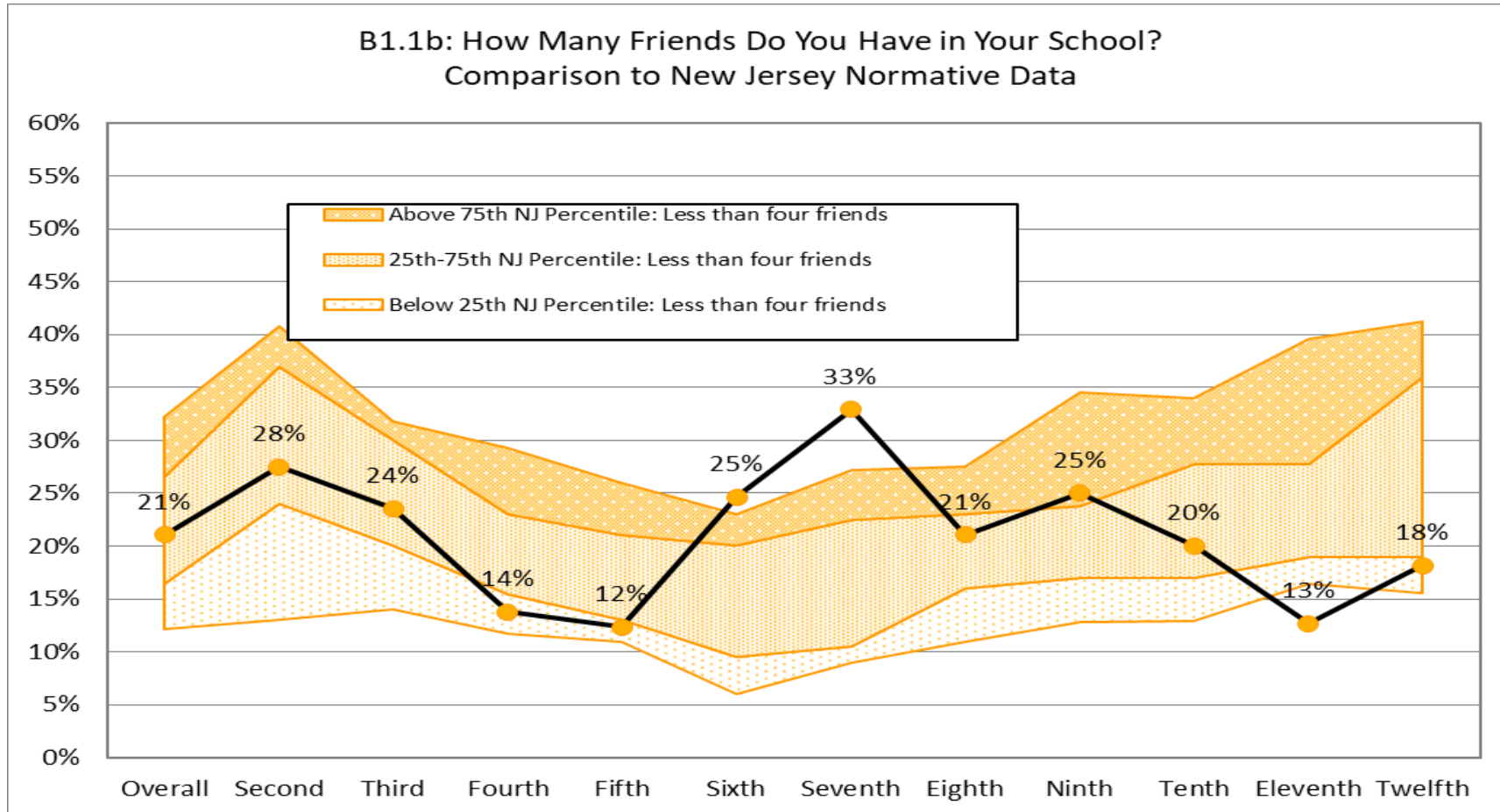


Percentage of Students Reporting Fewer than Four Friends

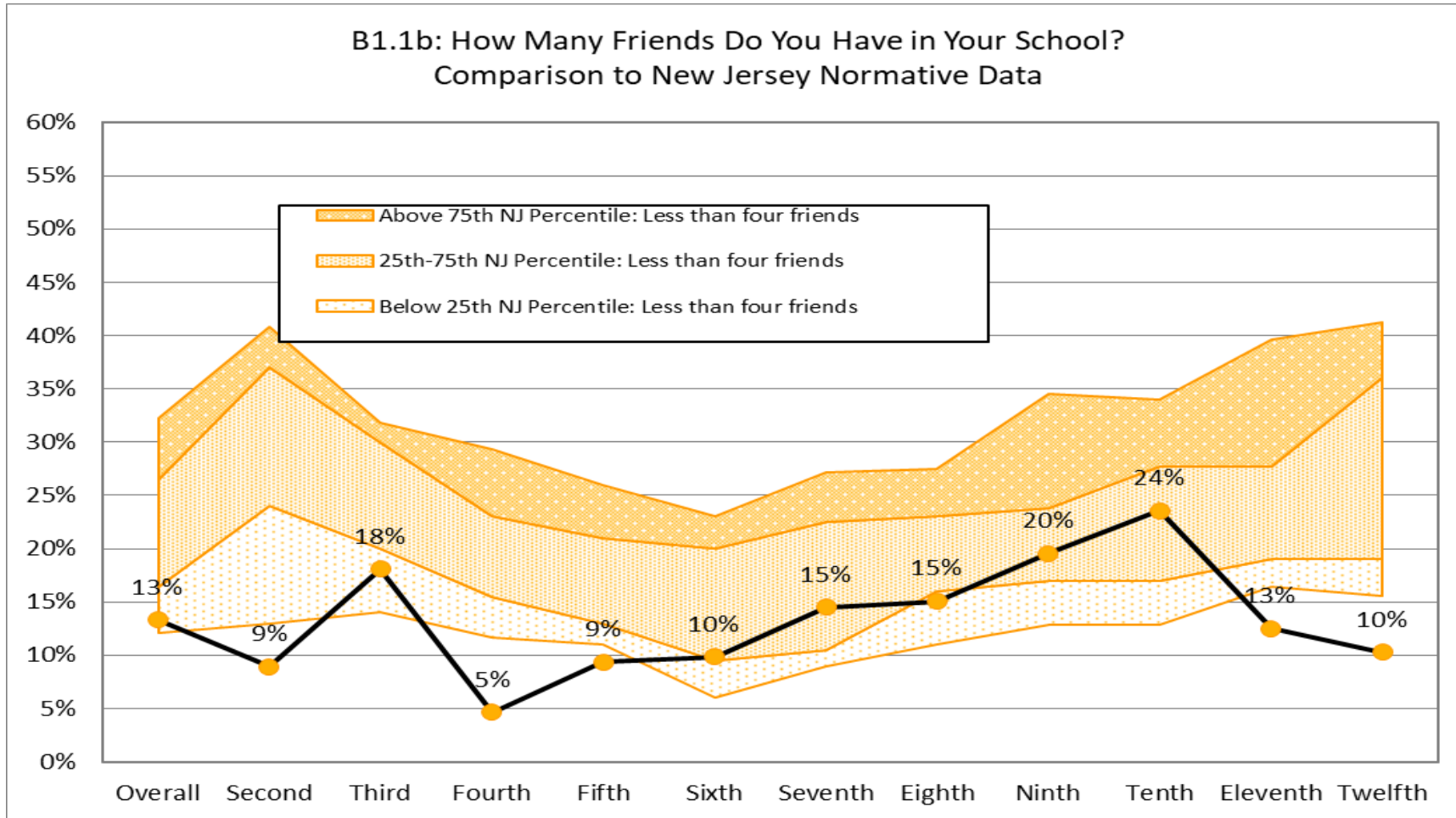
	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	HS	9 th	10 th	11 th	12 th	
2014	33%	25%	23%	21%	14%	21%	20%	20%	NR	NR	NR	NR	
2015	5%	6%	14%	7%	3%	13%	7%	13%	9%	15%	12%	15%	
2016	14%	11%	4%	20%	6%	3%	16%	15%	16%	12%	19%	14%	
2017	27%	16%	7%	12%	13%	10%	10%	14%	10%	19%	11%	15%	
2018	6%	15%	12%	4%	11%	15%	11%	15%	13%	14%	20%	14%	
2019	4%	8%	3%	14%	7%	12%	20%	13%	6%	14%	16%	16%	
2020	19%	8%	8%	7%	8%	6%	7%	17%	14%	20%	13%	22%	
2021	28%	24%	14%	12%	25%	33%	21%	19%	25%	20%	13%	18%	
2022	9%	18%	5%	9%	10%	15%	15%	17%	20%	24%	13%	10%	
2023	17%	14%	15%	7%	10%	7%	16%	16%	16%	10%	15%	22%	



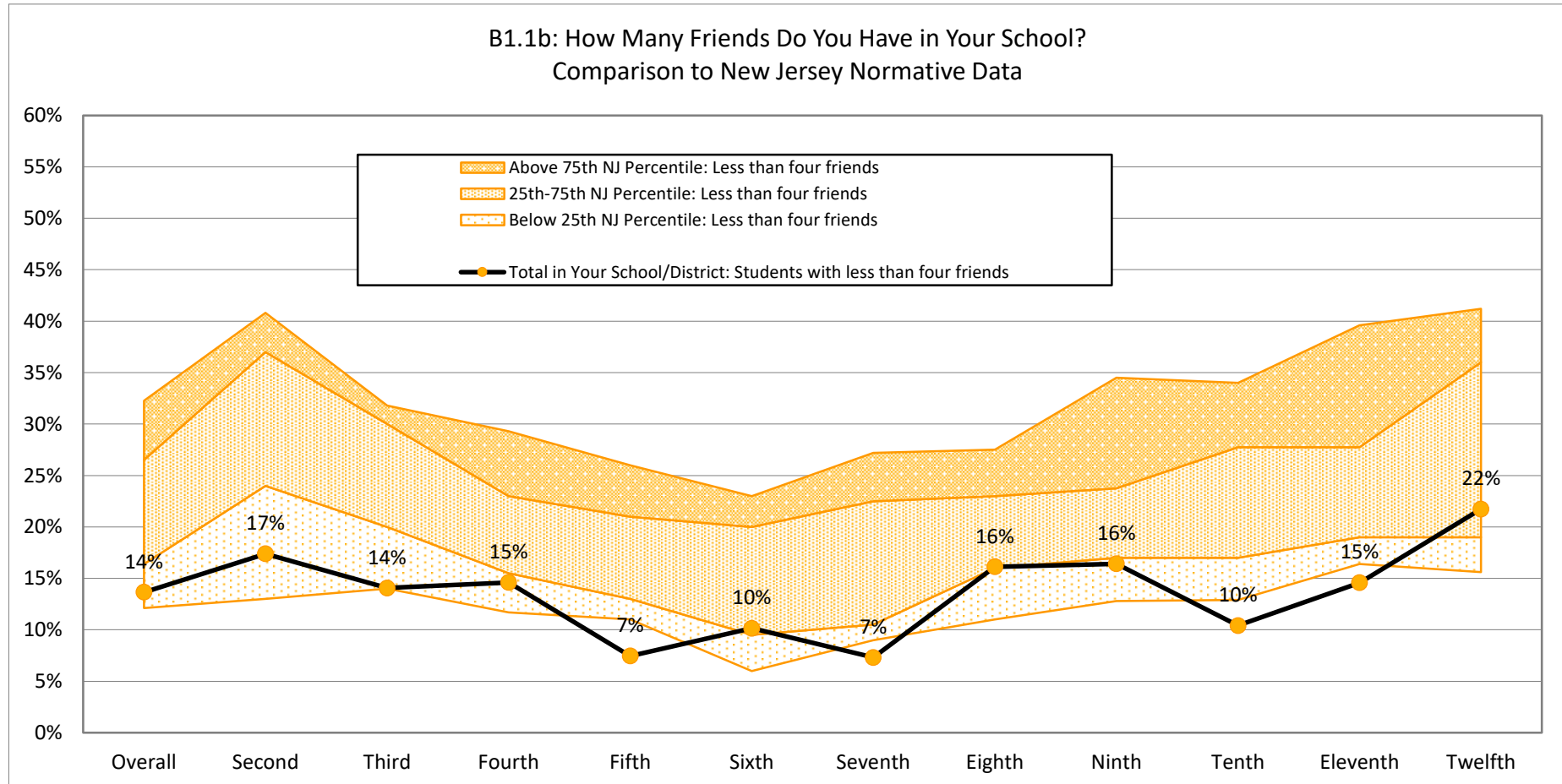
Percentage of Students Reporting Fewer than Four Friends S2021



Percentage of Students Reporting Fewer than Four Friends S2022



Percentage of Students Reporting Fewer than Four Friends S2023



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

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

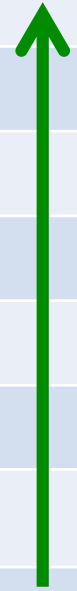
	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	HS	
2014									
2015									
2016									
2017									
2018									
2019									
2020									
2021									
2022									
2023									



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

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

	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%	
2020	86%	97%	93%	82%	91%	74%	72%	72%	
2021	62%	78%	91%	90%	80%	58%	84%	71%	
2022	87%	88%	83%	87%	79%	81%	71%	69%	
2023	84%	89%	78%	78%	84%	73%	76%	76%	



Grade 2-5 Students' Perceptions of Problems at School

	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing								
Mean Name-calling								
Leaving each other out								
Gangs								
Prejudice (race, religion)								
Appearance pressure								
Mean text messages								
Rumors								
Teachers say mean things								

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 2-5 Students' Perceptions of Problems at School, 2019 to 2020

	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing	33%	13%	20%	14%	6%	11%	6%	3%
Mean Name-calling	41%	19%	36%	16%	35%	13%	38%	17%
Leaving each other out	40%	20%	38%	23%	45%	17%	41%	14%
Gangs					12%	3%	6%	4%
Prejudice (race, religion)					6%	2%	3%	1%
Appearance pressure					5%	3%	16%	5%
Mean text messages					15%	6%	9%	7%
Rumors	27%	13%	33%	11%	49%	15%	60%	15%
Teachers say mean things	11%	6%	6%	4%	9%	5%	12%	3%

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 2-5 Students' Perceptions of Problems at School, 2020 to 2021

	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing	13%	11%	14%	7%	11%	5%	3%	4%
Mean Name-calling	19%	17%	16%	10%	13%	12%	17%	10%
Leaving each other out	20%	19%	23%	16%	17%	15%	14%	16%
Gangs					3%	3%	4%	4%
Prejudice (race, religion)					2%	5%	1%	1%
Appearance pressure					3%	8%	5%	5%
Mean text messages					6%	2%	7%	4%
Rumors	13%	9%	11%	8%	15%	14%	15%	18%
Teachers say mean things	6%	5%	4%	1%	5%	1%	3%	6%

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 2-5 Students' Perceptions of Problems at School, 2021 to 2022

	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing	11%	14%	7%	11%	5%	12%	4%	3%
Mean Name-calling	17%	20%	10%	22%	12%	15%	10%	14%
Leaving each other out	19%	20%	16%	15%	15%	16%	16%	15%
Gangs					3%	6%	4%	4%
Prejudice (race, religion)					5%	1%	1%	3%
Appearance pressure					8%	4%	5%	8%
Mean text messages					2%	3%	4%	8%
Rumors	9%	17%	8%	18%	14%	12%	18%	18%
Teachers say mean things	5%	5%	1%	5%	1%	6%	6%	5%

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 2-5 Students' Perceptions of Problems at School, 2022 to 2023

	2 nd	2 nd	3 rd	3 rd	4 th	4 th	5 th	5 th
Fighting, hitting, pushing	14%	13%	11%	11%	12%	8%	3%	14%
Mean Name-calling	20%	13%	22%	14%	15%	17%	14%	17%
Leaving each other out	20%	16%	15%	20%	16%	13%	15%	11%
Gangs					6%	3%	4%	2%
Prejudice (race, religion)					1%	5%	3%	1%
Appearance pressure					4%	6%	8%	5%
Mean text messages					3%	3%	8%	3%
Rumors	17%	19%	18%	21%	12%	16%	18%	16%
Teachers say mean things	5%	7%	5%	4%	6%	6%	5%	7%

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	6 th	7 th	7 th	8 th	8 th	HS	HS
Appearance Pressure								
Social Exclusion								
Name-calling								
Racial prejudice								
Anti-LGBTQ+ prejudice								
Physical aggression								
Gangs								
Unwanted photography								
Hurtful posting								
Adults insulting students								
Adults disrespecting each other								
Rumors								

Grade 6-12 Students' Perceptions of Problems at School, 2019 to 2020

	6 th	6 th	7 th	7 th	8 th	8 th	HS	HS
Appearance Pressure	16%	13%	2%	20%	13%	9%	8%	12%
Social Exclusion	9%	14%	25%	23%	11%	16%	17%	14%
Name-calling	21%	4%	7%	23%	17%	10%	9%	8%
Racial prejudice	5%	7%	5%	4%	10%	6%	4%	10%
Anti-LGBTQ+ prejudice			3%	14%	16%	4%	6%	7%
Physical aggression	9%	7%	10%	6%	11%	6%	4%	5%
Gangs	4%	9%	5%	0%	11%	2%	5%	8%
Unwanted photography			9%	19%	18%	5%	7%	11%
Hurtful posting			5%	12%	11%	6%	8%	9%
Adults insulting students	5%	6%	5%	2%	11%	6%	6%	7%
Adults disrespecting each other			7%	2%	10%	5%	2%	3%
Rumors	35%	31%	13%	26%	20%	25%	32%	19%

Grade 6-12 Students' Perceptions of Problems at School, 2020 to 2021

	6 th	6 th	7 th	7 th	8 th	8 th	HS	HS
Appearance Pressure	13%	8%	20%	12%	9%	19%	12%	6%
Social Exclusion	14%	8%	23%	13%	16%	4%	14%	11%
Name-calling	4%	3%	23%	9%	10%	11%	8%	2%
Racial prejudice	7%	3%	4%	5%	6%	11%	10%	4%
Anti-LGBTQ+ prejudice			14%	4%	4%	18%	7%	8%
Physical aggression	7%	6%	6%	9%	6%	5%	5%	2%
Gangs	9%	2%	0%	5%	2%	2%	8%	3%
Unwanted photography			19%	9%	5%	13%	11%	4%
Hurtful posting			12%	8%	6%	15%	9%	4%
Adults insulting students	6%	7%	2%	5%	6%	4%	7%	4%
Adults disrespecting each other			2%	3%	5%	4%	3%	2%
Rumors	31%	14%	26%	9%	25%	9%	19%	11%

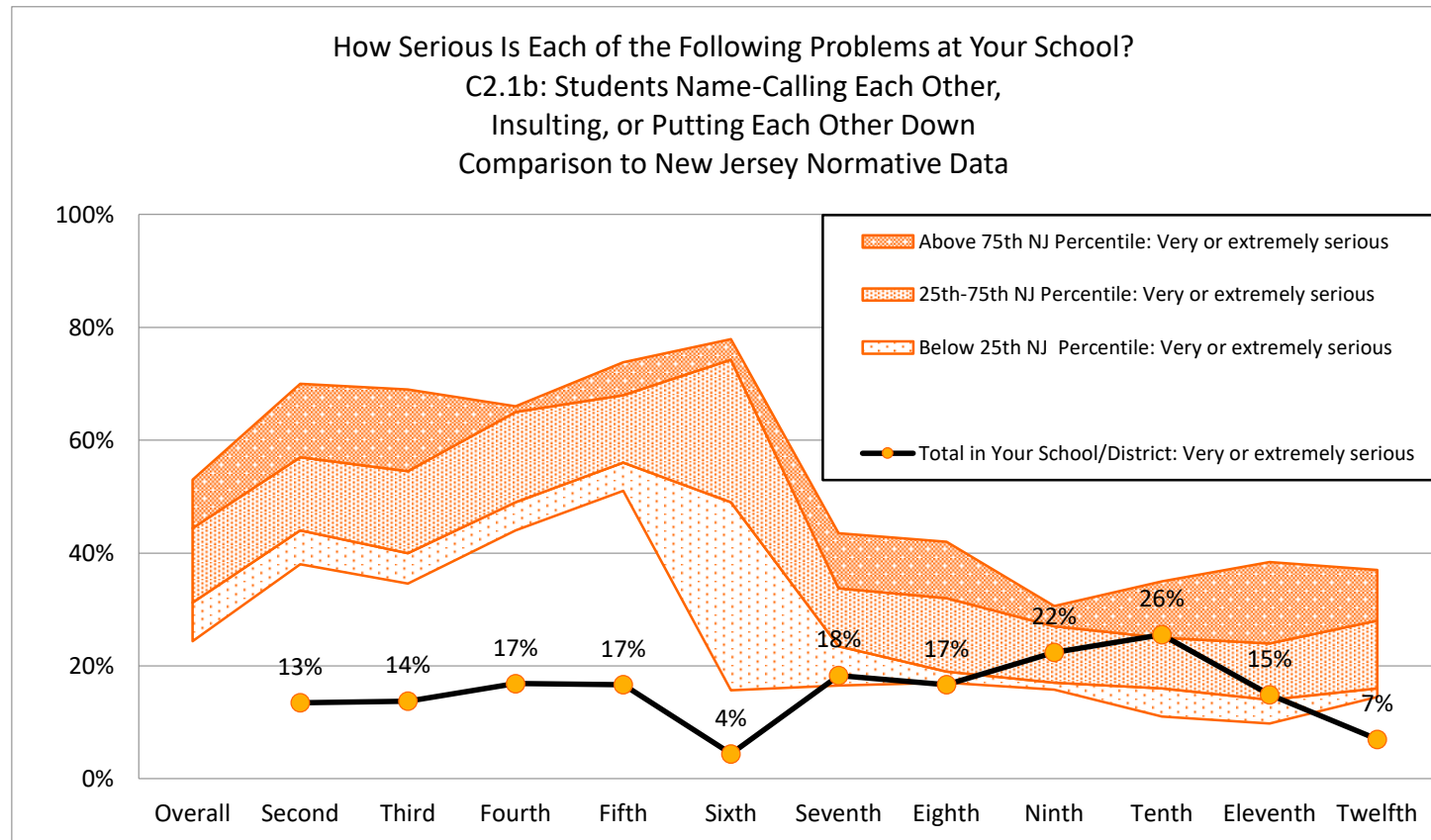
Grade 6-12 Students' Perceptions of Problems at School, 2021 to 2022

	6 th	6 th	7 th	7 th	8 th	8 th	HS	HS
Appearance Pressure	8%	19%	12%	8%	19%	19%	6%	13%
Social Exclusion	8%	19%	13%	12%	4%	22%	11%	15%
Name-calling	3%	19%	9%	10%	11%	10%	2%	7%
Racial prejudice	3%	5%	5%	0%	11%	9%	4%	7%
Anti-LGBTQ+ prejudice			4%	4%	18%	8%	8%	8%
Physical aggression	6%	16%	9%	8%	5%	12%	2%	6%
Gangs	2%	5%	5%	3%	2%	7%	3%	5%
Unwanted photography			9%	12%	13%	25%	4%	9%
Hurtful posting			8%	12%	15%	10%	4%	7%
Adults insulting students	7%	15%	5%	10%	4%	12%	4%	5%
Adults disrespecting each other			3%	7%	4%	11%	2%	4%
Rumors	14%	25%	9%	12%	9%	27%	11%	17%

Grade 6-12 Students' Perceptions of Problems at School, 2022 to 2023

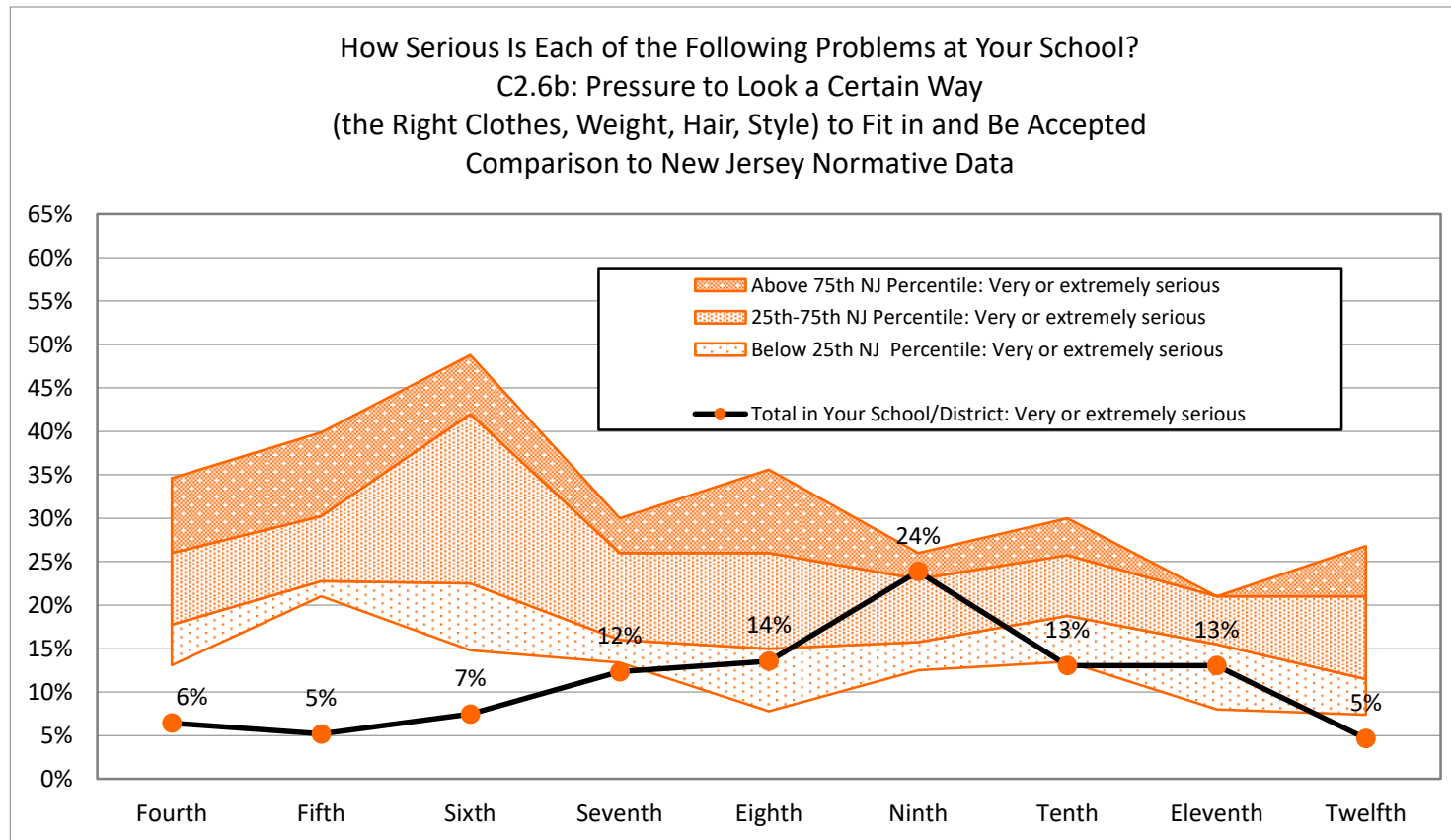
	6 th	6 th	7 th	7 th	8 th	8 th	HS	HS
Appearance Pressure	19%	7%	8%	12%	19%	14%	13%	14%
Social Exclusion	19%	16%	12%	18%	22%	20%	15%	19%
Name-calling	19%	4%	10%	18%	10%	17%	7%	18%
Racial prejudice	5%	18%	0%	15%	9%	8%	7%	9%
Anti-LGBTQ+ prejudice			4%	6%	8%	5%	8%	9%
Physical aggression	16%	0%	8%	18%	12%	5%	6%	7%
Gangs	5%	0%	3%	4%	7%	8%	5%	7%
Unwanted photography			12%	22%	25%	15%	9%	18%
Hurtful posting			12%	15%	10%	14%	7%	11%
Adults insulting students	15%	0%	10%	9%	12%	5%	5%	6%
Adults disrespecting each other			7%	9%	11%	2%	4%	4%
Rumors	25%	27%	12%	29%	27%	27%	17%	26%

Grade 2-12 Students' Perceptions of Problems at School S2023



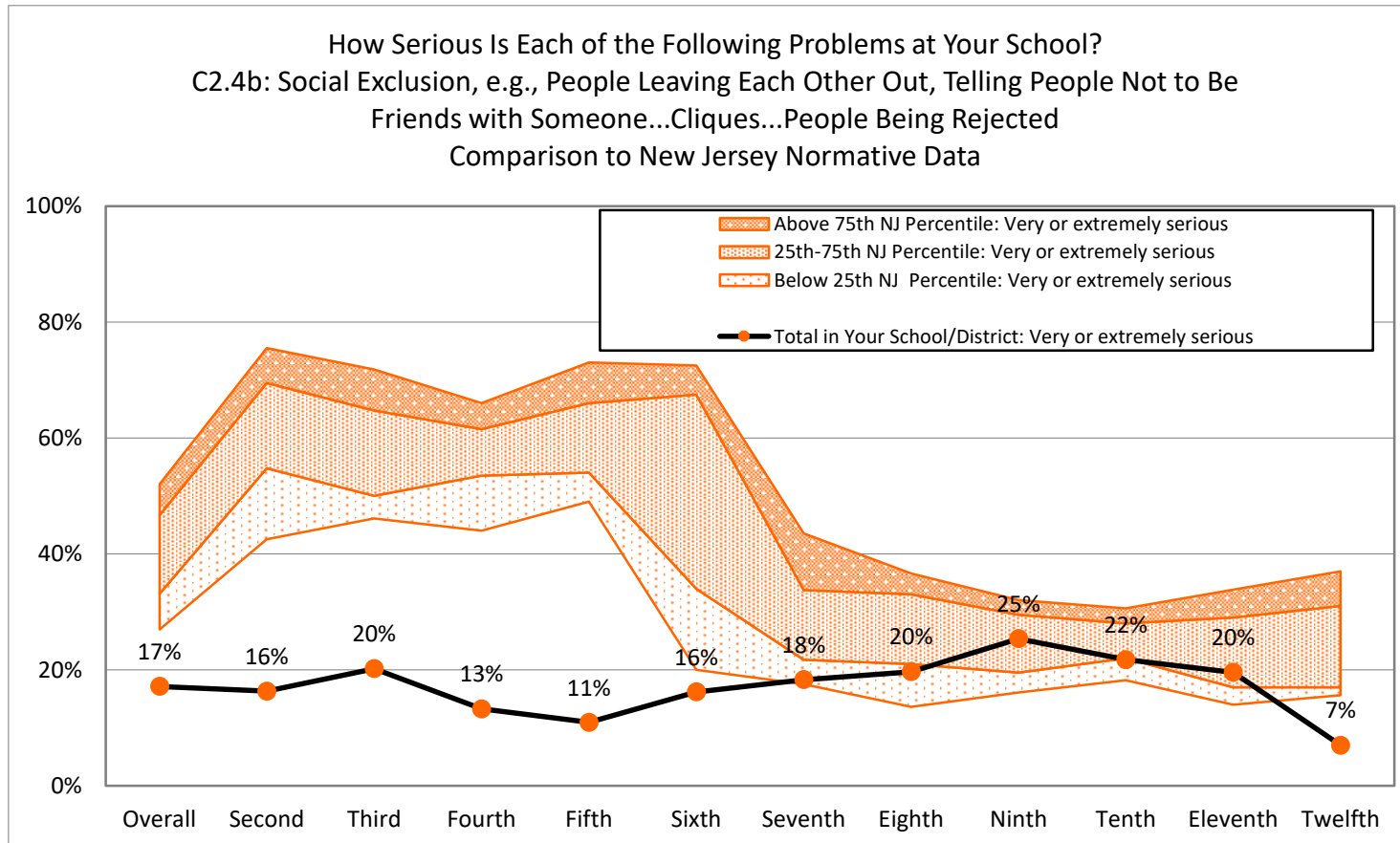
Compared to normative data, the percentages of students who say that **name-calling** is a problem are low in most grades – at or below the 25th percentile. The two exceptions are 9th and 10th grades.

Grade 2-12 Students' Perceptions of Problems at School S2023



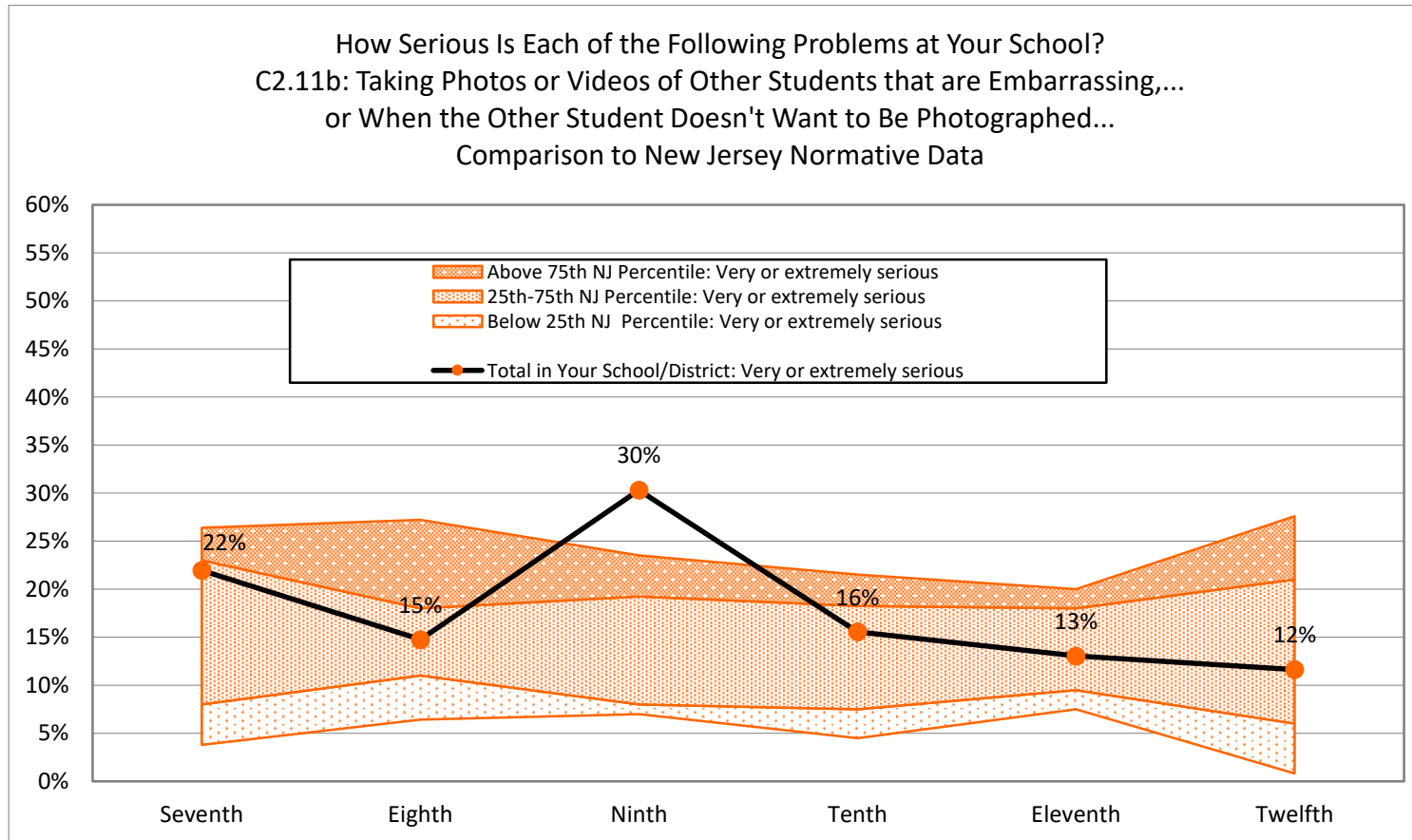
Compared to normative data, the percentages of students who consider “**appearance pressure**” to be a problem are low in most grades except for Grade 9 (75th percentile).

Grade 2-12 Students' Perceptions of Problems at School S2023



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

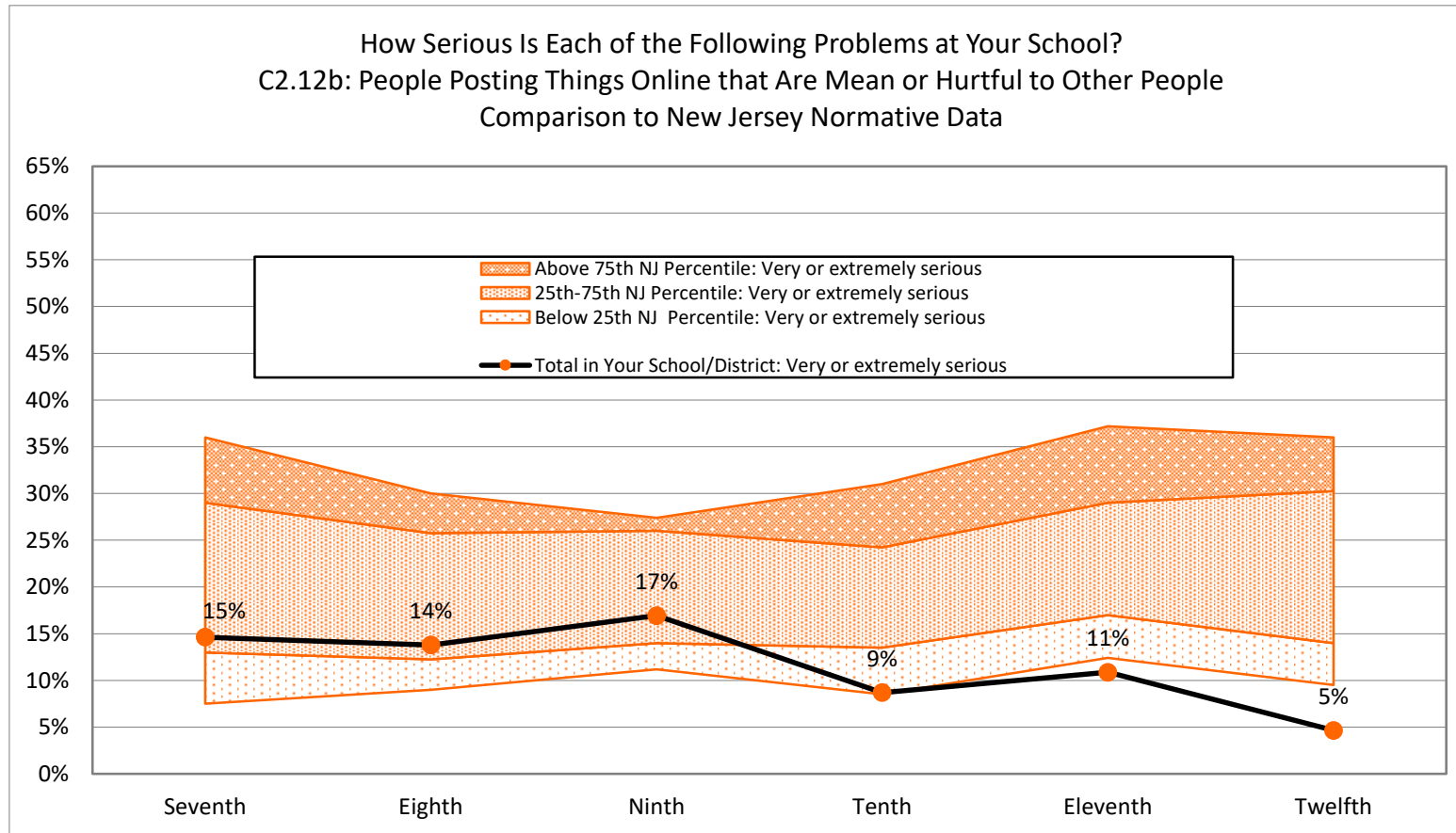
Grade 7-12 Students' Perceptions of Problems at School S2023



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 for the cohorts *now* in Grades 8 and 10 in particular.

Grade 7-12 Students' Perceptions of Problems at School S2023



Compared to normative data, the percentages of students who consider “**posting hurtful things online**” to be a problem are low in all grades; this could be a focus with students *now* in Grade 10.

Frequency of Derogatory Language among Students – Grades 2-8

- The findings again in S2023 indicate that the prevalence of derogatory comments of various types is much lower at Midland Park than in other schools in New Jersey and in prior years at Midland Park. In most grades, with respect to most types of derogatory comments, the percentage of students who say that they hear derogatory comments frequently is well below the 25th percentile.
- A low percentage of students in Grades 2-6 say they frequently hear peers make insulting comments about someone's APPEARANCE. As is the normative pattern in most schools, **derogatory comments tend to peak in Middle School**. This has occurred in Midland Park in the past and did again in 2023. In 2023, **30%, 27%, 36%** of students in Grades 7, 8, and 9 respectively, said they frequently hear peers make insulting comments about someone's APPEARANCE.

Frequency of Derogatory Language among Students – Grades 2-8

- The percentage of students who say they frequently hear peers call each other “DUMB,” “RETARD,” “STUPID,” etc., tends to increase with grade level. The percentage saying this rose from **2%** in Grade 2 to an average **34%** in HS.
- Derogatory comments about girls are low in all grades except 8th grade (**24%**) which falls at the 75th percentile. Derogatory comments about boys are low compared to normative data with the exception of 4th grade (**19%**; 75th percentile) and 7th grade (**15%**; 50th percentile).
- Compared to normative findings, the percentage of students in all grades report a very low prevalence of the use of “GAY” AS AN INSULT (i.e., “so gay”). This peaks in Grades 8-10, with **@ 30%** of students saying they frequently hear peers use the word “GAY” AS AN INSULT (i.e., “so gay”). **These percentages are significantly down from 27%-77% in 2011.**

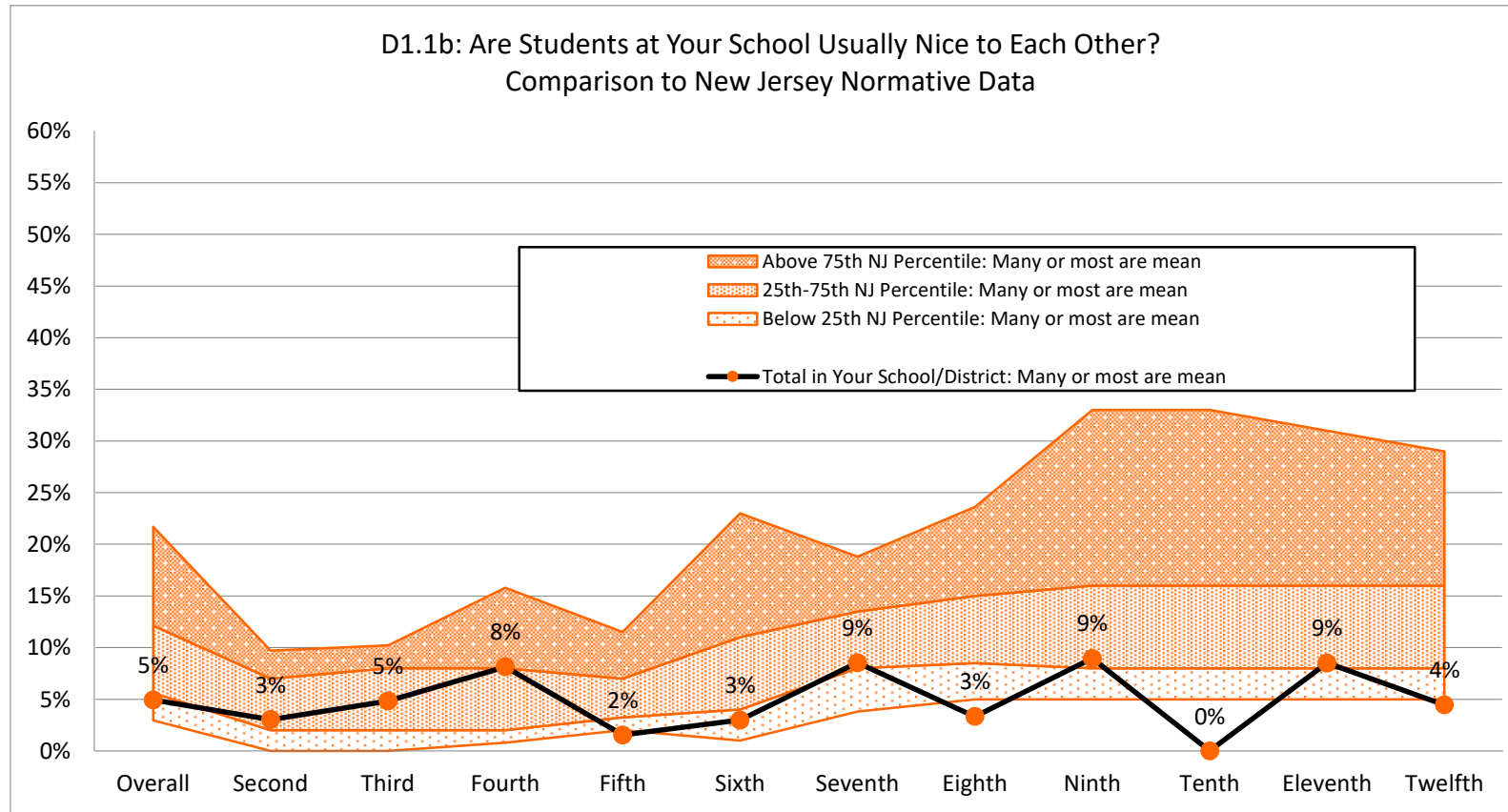
Frequency of Derogatory Language among Students – High School Students

- **13%** say they frequently hear peers use the word “GAY” AS AN INSULT (i.e., “so gay”); which is consistent with the past several years and significantly lower than **76% in 2011**.
- **34%** say they frequently hear INTELLIGENCE-BASED insults; **down from 80% in 2011, and similar to most years since 2019. The exception was 10% in 2021.**
- **21%** say they frequently hear APPEARANCE-BASED insults; **down from 42% in 2011 and typical of @25% in prior years. The exception was 5% in 2021.**

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

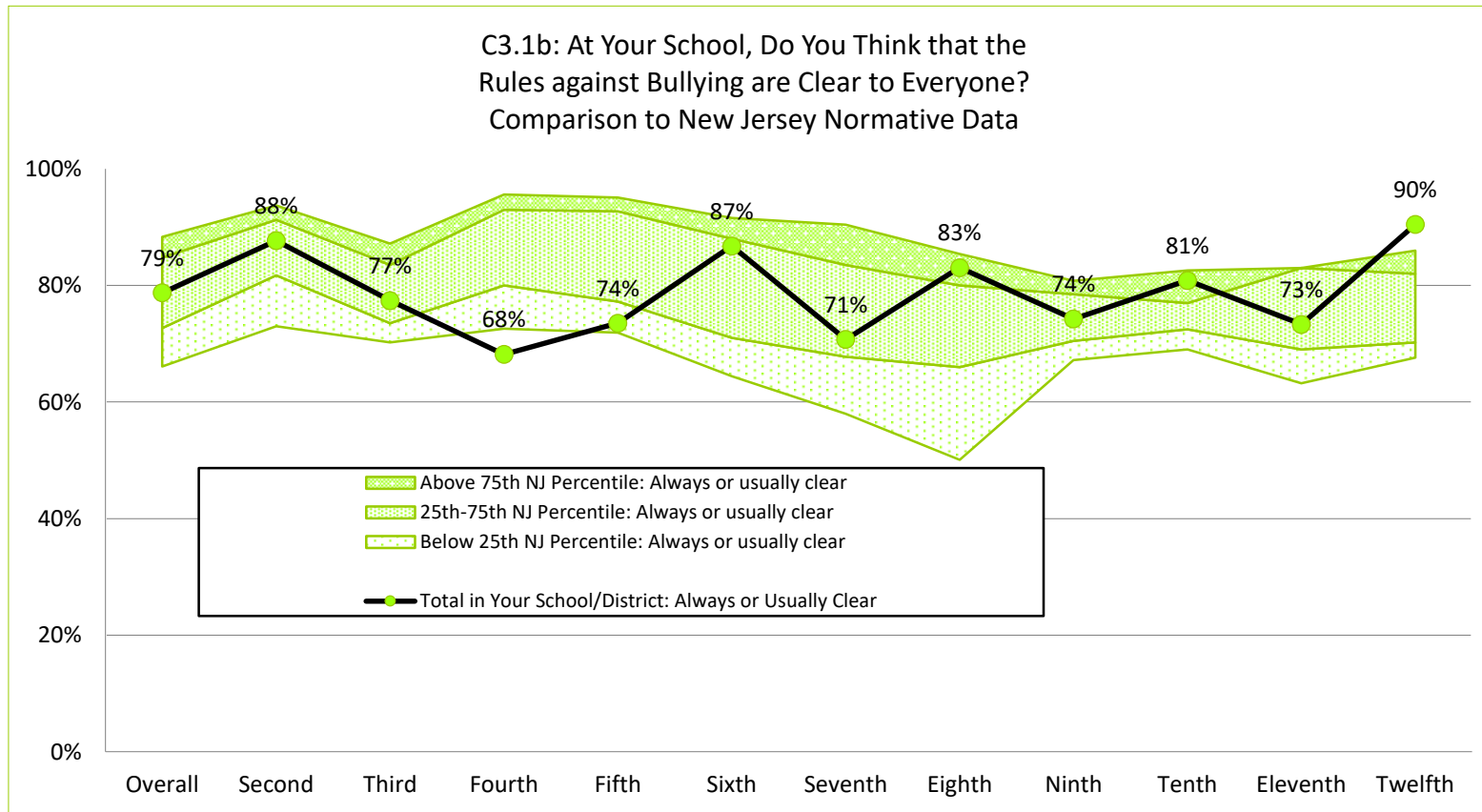
NOTE: This variable is coded as a “risk factor;” what you will see on the next slide are the percentages of students who say that many or most of their peers are *mean*. Therefore, the ideal would be for these percentages to be *low*.

Grade 2-12 Students' Perceptions of Whether Students are Usually Nice to Each Other S2023



Compared to normative data, the percentages of students who say that many or most of their peers are mean are very low in most grades. Exceptions are Grades 3 (50th) and 4 (75th).

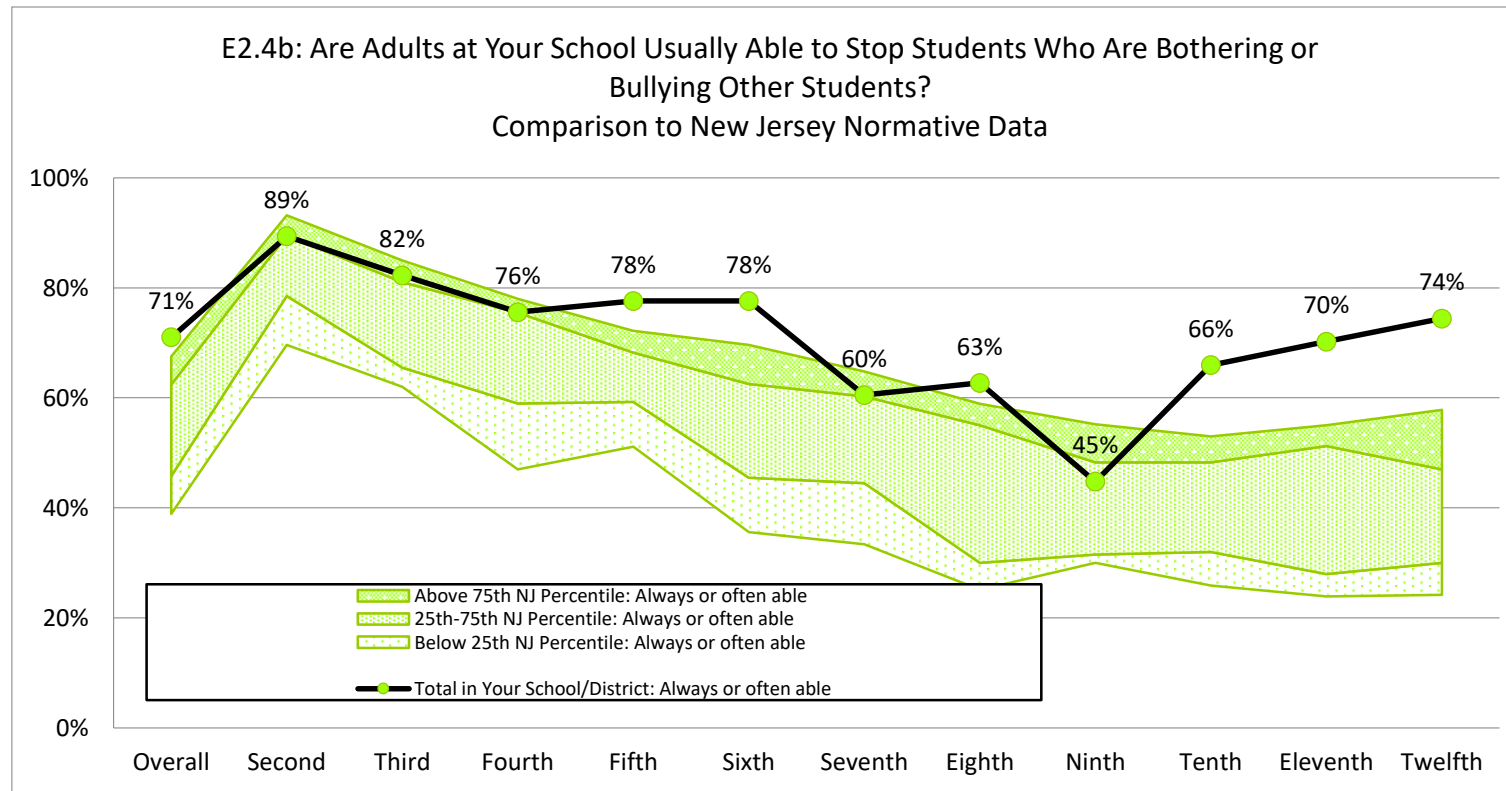
Grade 2-12 Students' Perceptions of Whether the Rules Against Bullying are Clear S2023



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

Findings indicate that this is an area for specific focus with students *now* in Grades 5 & 6.

Grade 2-12 Students' Perceptions of Adults' Ability to Stop Bullying S2023



Compared to normative data, the percentages of students who say that adults are usually or always able to stop bullying are very high in all grades – near or above the 75th percentile.

Has this happened to you... (percent saying often, weekly, daily, or more than once a day)? S2020-S2021

	<i>Verbal Name-calling</i>		<i>Hurtful Exclusion</i>		<i>Appearance Denigration</i>	
	2020	2021	2020	2021	2020	2021
2 nd grade	10%	1%	8%	0%	0%	0%
3 rd grade	10%	0%	2%	0%	6%	0%
4 th grade	1%	0%	4%	0%	2%	0%
5 th grade	8%	3%	8%	3%	7%	1%
6 th grade	6%	0%	6%	0%	3%	0%
7 th grade	12%	6%	8%	9%	6%	4%
8 th grade	10%	8%	2%	0%	5%	6%
HS	11%	2%	8%	3%	5%	1%

Students were asked about 11 different experiences. The three shown here are those that are generally most common, throughout New Jersey, and in Midland Park in the past. The percentages were extremely low in 2021.

Has this happened to you... (percent saying often, weekly, daily, or more than once a day)? S2021-S2022

	<i>Verbal Name-calling</i>		<i>Hurtful Exclusion</i>		<i>Appearance Denigration</i>	
	2021	2022	2021	2022	2021	2022
	2 nd grade	1%	1%	0%	0%	0%
3 rd grade	0%	0%	0%	0%	0%	0%
4 th grade	0%	0%	0%	0%	0%	0%
5 th grade	3%	2%	3%	3%	1%	0%
6 th grade	0%	0%	0%	0%	0%	0%
7 th grade	6%	6%	9%	9%	4%	2%
8 th grade	8%	8%	0%	0%	6%	6%
HS	2%	2%	3%	3%	1%	2%

Students were asked about 11 different experiences. The three shown here are those that are generally most common, throughout New Jersey, and in Midland Park in the past. The percentages were extremely low in 2021 and 2022.

Has this happened to you... (percent saying often, weekly, daily, or more than once a day)? S2022-S2023

	<i>Verbal Name-calling</i>		<i>Hurtful Exclusion</i>		<i>Appearance Denigration</i>	
	2022	2023	2022	2023	2022	2023
2 nd grade	1%	8%	0%	2%	0%	5%
3 rd grade	0%	5%	0%	8%	0%	0%
4 th grade	0%	6%	0%	6%	0%	11%
5 th grade	2%	3%	3%	1%	0%	3%
6 th grade	0%	9%	0%	10%	0%	3%
7 th grade	6%	8%	9%	8%	2%	9%
8 th grade	8%	7%	0%	7%	6%	8%
HS	2%	11%	3%	3%	2%	6%

Students were asked about 11 different experiences. The three shown here are those that are most common, throughout New Jersey, and in Midland Park in the past. The percentages were extremely low in 2021 and 2022.

Has this happened to you... (percent saying often, weekly, daily, or more than once a day)? S2023

- The percentage of students reporting being insulted based on INTELLIGENCE was higher in Grades 8 and 9 compared to all other grades (10% and 18%, respectively).
- The percentage of students reporting being called "GAY" as an insult was higher in Grades 8 and 9 compared to all other grades (12% and 10%, respectively).
- The percentage of students reporting having someone taking an UNWANTED PHOTO of them and sending UNWANTED PHOTOS were also both significantly higher in Grades 8 (10% and 14%, respectively) and 9 (8% and 12%, respectively) compared to all other grades

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

*Older students are usually less likely to tell an adult. Percentages in Midland Park have typically decreased from @80% in Grade 2 to @33% in HS. In S2023, this changed. More HS students indicated they would usually or always tell an adult (46%).



Conclusions & Implications

Summary Comments

- After an increase in the percentage of students who reported they have less than four friends in 2021 compared to prior years, there are significant improvements in this risk factor as these percentages went down in 2022 and remained down in 2023.
- Each student can identify an adult at school whom they trust, to whom they could go if they had a problem with another student. The vast majority of students across all grades indicated that they had a trusted adult to go to.
- Each school has a positive and safe school climate. 67% (Grade 9) - 92% of students across all grades indicated that they felt very or mostly safe in school.
- 51% of students overall reported there is somewhat or much less bullying now than in the past and 64% reported that students are somewhat or much nicer to them than in past years.



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.
 - Students are encouraged to include each other and develop positive social relationships with peers in school.
 - Students are encouraged to help each other; students confide in peers, more than in adults. If a peer is in trouble, tell an adult.

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 about 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
Stay Safe, Stay Well, and
Have a *Respectful*
School Year