

Dear Parents,

Earlier this year, I shared with you the timeline and the steps a school must follow when a HIB is reported. One of those steps provides parents with the right to appeal a decision if they do not agree with the school. Or if they have other concerns that is tangential to their bullying concerns.

The ABR (Anti – Bullying Bill of Rights) gives options to parents who continue to be concerned with the result of an HIB investigation or any other steps taken by the school district or school. This letter provides information on these options:

Why Might Parents Decide to Appeal Decision or Action?

Before parents decide to file an appeal, they should be clear on the reason for the appeal. Some examples include:

- Parents disagree with the results of an investigation. For example, the school did not find that HIB, as defined in the ABR, occurred and the parents have evidence to prove their point.
- Parents have reason to believe that the discipline, intervention or remedial steps taken by the school in response to the incident have not protected the child or prevented HIB.
- Parents believe they are entitled to more information on the investigation. (Please note that parents are only entitled to limited information under student records and privacy laws and regulations. For a list of these laws and regulations, see the section of this guide titled Create a School Safety Team on page 15).
- Parents have reason to believe that a part of the complaint process was handled unfairly or unlawfully by school officials.

How can Parents Appeal a Decision or Action?

Regardless of the appeal option chosen, it is important for parents to have detailed information about their concern. A clearly stated argument that includes facts helps everyone involved to more quickly and effectively reach a decision. Parents should always maintain a record of all documents, conversations or other matters related to an incident involving their child.

Parents should be prepared to explain, at a minimum:

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

If applicable, the information a parent might keep or document includes:

- The names of the school, ABS, principal, CSA and others who have been involved in the matter;
- The name of the parent's child and the child's involvement in the incident (Was the child the alleged bully, the alleged victim or a bystander?);
- The reason for the investigation (the behavior or specific incident that lead the school to take action);
- The date the investigation began and ended;

- All disciplinary and remedial steps taken and by whom;
- The results of the investigation, the date the parents were provided a report on the results of the investigation and the names and titles of the school staff who provided parents with this information;
- The specific issues the parent has with the investigation findings and the actions of school officials, and the reasons for these concerns;
- The parent's conclusions from the facts of the incident and the investigation; and
- An explanation of the parent's expected result from the appeal;

These steps are only meant to provide suggestions and in no way are a complete or final list of all information parents should keep. In making an appeal, parents should review the board of education's policies and procedures to ensure there is a basis for their claim.

What Options are Available to Appeal a Decision or Action?

Request a Hearing with the Board of Education (N.J.S.A. 18A:37-15(b)6(d)) –

After parents are provided information on the results of an HIB investigation, they may request a hearing with the board of education to review the matter. A parent may request a hearing before or after the board's meeting where it accepts, rejects or changes the CSA's decision. There is no time limit on requesting a hearing; however, parents may want to take action as close to the investigation as possible.

The board must hold a hearing within 10 days of receiving a parent's request for a hearing, after the parent receives the results of an HIB investigation from the CSA. The hearing must be held in executive session in order to protect the privacy of the students. At the hearing, the board may hear from parents, the school's ABS, other school staff and administrators or any other individuals that may have information that is important to consider. The hearing must be held in accordance with the Open Public Meetings Law (N.J.S.A. 10:4-6 to 10:4-2) and the board of education's procedures. The main office of the school district can provide information on these procedures.

The hearing must take place whether or not the board has issued a decision on the CSA's report. If the hearing occurs before the board decision, the board should consider the information presented at the hearing in reaching its decision on the CSA's report. If the hearing occurs after the board's decision on the CSA's report, the board should take appropriate action, in line with the new information. The facts and the district's policies and procedures will determine any additional actions to be taken.

How to Request a Board Hearing – The ABR does not include information on the method parents should use to request a board hearing. For this reason, parents should contact the district's main office for this information. Some examples of ideas for requesting board hearings and other appeals are described below:

- Make a phone call to the school district's main office;
- Send a formal letter to the district by certified mail;
- Send an email to the district; or

Appeal to the Commissioner of Education (N.J.S.A. 18A:37-15(b)6(e)) – Parents may appeal to the Commissioner of Education within 90 days of the board's decision on the CSA's report. Before appealing to the Commissioner, parents typically should attempt to resolve the matter with school and school district officials, including with the board of education. please see the NJDOE's website at http://www.state.nj.us/education/genfo/faq/faq_candd.htm, or chapter 3 of the document titled Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act found at <http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf>.

Appeal to the Appellate Division of the Superior Court of New Jersey – Parents may appeal the Commissioner of Education’s decision to the Appellate Division of the New Jersey Superior Court. For a more detailed discussion of the steps involved in appealing to the Appellate Division, please see <http://www.judiciary.state.nj.us/appdiv/forms/forms.htm>, or chapter 4 of the document titled Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act found at <http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf>.

While the hope and intent of the Bullying Law is that every aspect of childhood aggression would be handled effectively, parents do need to know there are options if they continue to have a concern about the childhood aggression that occurred.

Next week will be my final message concerning bullying. More to come...

Have a great day!