Tutorial for School Personnel on the *Anti-Bullying Bill of Rights Act* (ABR)

Part 1: Statutory Requirements

About this tutorial…

- This is the first of three tutorials designed to help school personnel implement the ABR. The other tutorials address harassment, intimidation and bullying (HIB) prevention and intervention.
- This tutorial is organized in a question and answer format.
- The following topics are covered in this tutorial:
  - The purpose of the ABR;
  - Comparison of the ABR to the original HIB statute and the amended ABR;
  - The statutory definition of HIB;
  - HIB policy contents;

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Tutorial, cont.

- Reprisal, retaliation and false accusation;
- In-service training and professional development;
- Public reporting and the HIB “grade;”
- HIB programs;
- Roles of the chief school administrator, principal, anti-bullying coordinator, anti-bullying specialist and school safety team;
- Resources; and
- Test.

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

The *Anti-Bullying Bill of Rights Act* is intended to:

- Clarify and strengthen the standards and procedures for preventing, reporting, investigating and responding to incidents of HIB of students that occur on school grounds and off school grounds under specified circumstances;
- Respond to research on the incidence, prevalence and effects of HIB that has emerged since the adoption of the original HIB laws adopted in 2002 and amended in 2007 and 2008;
- Establish clearer standards for the definition of HIB;
- Use and better manage existing resources to increase school safety; and
- Reduce the risk of suicide due to HIB.

Does the ABR adopted in 1/11 change or only add to the requirements from the original HIB law adopted in 9/02?

The ABR primarily adds to the previous law, with the exception of the following changes to the previous law:

HIB Investigations

- ***New Law*** – Anti-bullying specialist (ABS) conducts HIB investigations in coordination with the principal.
- ***Previous Law*** – Principal conducted HIB investigations.

Range of Responses

- ***New Law*** – Principal, in cooperation with the ABS, determines as appropriate to the situation, the responses to be implemented that have been established by the board of education (BOE).
- ***Previous Law*** – The BOE established the range of responses.

HIB Off School Grounds

- ***New Law*** – Required under specified HIB conditions.
- ***Previous Law*** – Not addressed in the law, but permitted under case law and regulations.

How do the amendments (*P.L.* 2012, *c.*1) to the ABR that were adopted in 3/12 affect implementation of the ABR?

- The amended ABR does not change school district requirements for the prevention and intervention of HIB.
- The amendments were made to establish parameters for the provision of funds to support implementation of the ABR and to form an Anti-Bullying Task Force.
- The costs that are eligible for funding are described below:
  - *HIB Personnel* – Personnel expenses to implement the ABR that are limited to the functions of the district anti-bullying coordinator and school anti-bullying specialist, pursuant to *N.J.S.A.* 18A:37-20, and the school safety team, pursuant to *N.J.S.A.* 18A:37-21.
  - *HIB Training* – Training on the district's HIB policy; information on improving school climate; information on preventing HIB on the basis of the protected categories and other distinguishing characteristics that might incite incidents of discrimination and HIB, pursuant to *N.J.S.A.* 18A:37-14 and 17.

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Amendments to the ABR, cont.

- *HIB Prevention Programs, Approaches or Other Initiatives* – Programs, approaches or other initiatives intended to create school-wide conditions for the prevention of HIB, pursuant to *N.J.S.A.* 18A:37-17. The district may apply for prevention funds only after district officials have investigated HIB prevention programs, approaches or other initiatives that are available at no cost.

- *HIB Intervention Programs and Services* – Programs or services (e.g., counseling services, support services, restitution or restoration) that are necessary to respond to, intervene in or remediate one or more reported incidents of HIB, pursuant to *N.J.S.A.* 18A:37-15b(7), that are not available within the school district and are only available from resources outside of the school district.

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Amendments to the ABR, cont.

- The amendments to the ABR also require the formation of an Anti-Bullying Task Force. The Task Force is required to perform the following tasks in a three-year time period:
  - Provide guidance to school districts on resources available to assist in implementing the ABR;
  - Examine the implementation of the ABR;
  - Draft model regulations for the Commissioner of Education to use in promulgating HIB regulations;
  - Present recommendations regarding the ABR deemed necessary and appropriate; and
  - Prepare reports on the effectiveness of the ABR in addressing HIB in schools.

Where can I find the ABR and the amendments to the ABR?

- The ABR - *P.L.*2010, *c.*122 – adopted on January 5, 2011 – can be found at http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF.

- The amendments to the ABR (*P.L.* 2012, c.1) – adopted on March 26, 2012 – can be found at http://www.njleg.state.nj.us/2012/Bills/AL12/1_.PDF.

What is the definition of HIB under the ABR?

HIB means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or series of incidents, that:

- Is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; <u>and</u>

- Takes place on school property, at any school-sponsored function, or off school grounds as provided for in *N.J.S.A.* 18A:37-15.3; <u>and</u>

- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students, **<u>and that</u>:**

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HIB Definition, cont.

- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; <u>or</u>
- Has the effect of insulting or demeaning any student or group of students; <u>or</u>
- Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

What are board of education requirements for adopting anti-HIB policies?

- Each board of education (BOE) is required to adopt a policy prohibiting HIB on school property, at a school-sponsored function or on a school bus.

- A BOE has local control over the content of the policy, except that the policy must contain, at a minimum, the components established in *N.J.S.A.*18A:37-15b, which are described on the next three slides.

- The HIB policy must be located within or must be consistent with the BOE's code of student conduct (*N.J.A.C.* 6A:16-7.1(c)7).

- The New Jersey Department of Education (NJDOE) has provided school districts with a "Model Policy" (http://www.state.nj.us/education/parents/bully.htm) which includes guidance to assist districts in addressing the minimum policy requirements.

What are the required components of the BOE's HIB policies?

- **HIB Prohibition –** A statement prohibiting HIB of a student.
- **HIB Definition –** A definition of HIB no less inclusive than the statuary definition.
- **Student Expectations –** A description of the type of behavior expected from each student.
- **Consequences and Remediation –** Consequences and remedial action for a person who commits an act of HIB.
- **HIB Incident Reporting –** A procedure for reporting an act of HIB, which includes anonymous reports.

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HIB Policy Components, cont.

- **HIB Investigations –** A procedure for prompt investigation of reports, which includes notification to parents, a report to the chief school administrator (CSA), a report to the board of education (BOE), investigation information provided to parents and the option for a BOE hearing for parents.

- **Range of Responses –** An appropriate combination of counseling, support services, intervention services and other programs.

- **Reprisal or Retaliation –** A statement that prohibits reprisal or retaliation against a person who reports an act of HIB and the consequences <u>and</u> remedial action for these acts.

- **False Accusation –** Consequences <u>and</u> remedial action for a person found to have falsely accused another as a means of retaliation or as a means of HIB.

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HIB Policy Components, cont.

- **Publication –** A statement of how the HIB policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions and on school buses.
- **Website Link –** A requirement that a link to the HIB policy be prominently posted on the home page of the school district's website.
- **Policy Dissemination –** A requirement that the HIB policy be distributed annually to parents of an enrolled student.
- **District ABC Contact Information –** A requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district's website.
- **School ABS Contact Information –** A requirement that the name, school phone number, school address and school email address of the school anti-bullying specialist and the district anti-bullying coordinator be listed on the home page of the school's website.

May an HIB policy be more stringent than the requirements in the ABR?

- Yes. The ABR explicitly establishes that nothing may prohibit a school district from adopting an HIB policy that includes components that are more stringent that the components in the ABR.

How often must the HIB policy be reviewed?

- The HIB policy must be annually re-evaluated, with input provided from the ABS.
- The policy must be developed using a process that includes representation from parents and other community representatives, students, school district staff and administrators, and volunteers who have significant contact with students.
- Revised HIB policies must be submitted to the executive county superintendent of schools within 30 days of BOE adoption of the revision.

Annually measure the effectiveness of your HIB Policy and Code of Student Conduct and revise as needed.

Are schools required to discuss the HIB policy with students?

- Yes. Each school district must develop a process for discussing the district's HIB policy with students.

Which provisions exist in the ABR regarding reprisal, retaliation and false accusation?

- The ABR establishes that a BOE member, school employee, student or volunteer is prohibited from engaging in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of HIB.

- Additionally, the BOE's HIB policy must include consequences <u>and</u> remedial action for a person who engages in reprisal and retaliation and for a person found to have falsely accused another as a means of retaliation or HIB.

What are school district's responsibilities for providing in-service training on HIB?

- ***Current "Staff"***
  - School districts must provide training on the BOE's HIB policy for all full- and part-time staff, persons contracted by the district to provide services to students and volunteers who have significant contact with students.
  - The training must include instruction on preventing HIB that is based on the protected categories identified in the HIB definition (*N.J.S.A.* 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying.
- ***New "Staff"***
  - Information on the HIB policy also must be incorporated into a school's training program for new employees, which must be provided to full- and part-time staff, persons contracted by the district to provide services to students and volunteers who have significant contact with students.

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

In addition to the school district's in-service training requirements, during each five-year staff development period, teachers and educational services professionals must complete the following PD, at a minimum:

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

What are the training requirements for the ABC and ABS?

- The BOE must provide time during the regular school schedule for training staff to act as the ABC and the ABS.

What are the training requirements for school leaders and BOE members?

- ***School Leaders*** (i.e., school district staff members who hold a position that requires the possession of a CSA, principal or supervisor endorsement) must complete training on the prevention of HIB as part of their training on school ethics, school law and school governance.

- ***BOE*** – Within one year of being elected or appointed, each BOE member must complete a training program provided by the New Jersey School Boards Association on HIB and a school district's responsibilities under *N.J.S.A.* 18A:37-14.

What are the requirements for school districts to report HIB information to the public and to the NJDOE?

- **Two times** each school year (between 9/1 and 1/1 and between 1/1 and 6/30), at a public hearing, the CSA must report to the BOE all acts of violence, vandalism and HIB that occurred during the previous reporting period, including the:
  - Number of reports of HIB;
  - Status of all HIB investigations;
  - Nature of the HIB based on the protected categories identified in *N.J.S.A.*18A:37-14;
  - Names of investigators;
  - Type nature of any discipline imposed; and
  - Any other measures imposed, training conducted or programs implemented to reduce HIB.
- A link to the district's reports to the BOE must be posted on the district's website.
- The data identified above also must be reported once during each reporting period to the NJDOE.

What are requirements for the "grade" that each school and school district will receive?

- ***Purpose*** – The purpose of the grade is to assess each school's effort to implement policies and programs consistent with the ABR.

- ***Grade Determination*** –
  - The grade will be determined according to the guidelines established by the Commissioner of Education.
  - The information reported twice each school year to the NJDOE (identified on the previous slide) will be used in determining the grade for each school.
  - The grade for the school district will be determined by averaging the grades of all schools in the district.

- ***Web Posting*** – The grade for each school and the school district must be posted on the homepage of the district's website within 10 days of assignment.

What are the requirements for the establishment of HIB prevention programs, approaches or other initiatives?

- **Programs –** Schools and school districts must **annually** establish, implement, document and assess HIB prevention programs, approaches or other initiatives involving school staff and administrators, students, parents, law enforcement and other community members and volunteers.
  - The programs must be designed to create school-wide conditions for preventing and addressing HIB.

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HIB Prevention Programs, cont.

- **Instruction –** Throughout the school year, the school district must provide ongoing, age-appropriate instruction on the prevention of HIB, in accordance with the Core Curriculum Standards.

- **Week of Respect**
  - School districts must be annually observe this week, beginning with the first Monday in October.
  - The purpose of the week is to recognize the importance of character education by providing age-appropriate instruction focusing on the prevention of HIB.

What is the CSA's role in implementing the ABR?

- The CSA is responsible to ensure that the district is fulfilling its responsibilities as required by the law.

- The following slides explain the CSA's responsibility for the district in the areas of policy, programs, training, intervention and public reporting.

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CSA's role in implementing the ABR, cont.

HIB Policy

- Develop the HIB policy in consultation with parents and other community representatives, students, school employees, school volunteers and other school administrators for BOE adoption.
- Annually review and revise, as appropriate, the policy with input from the ABS'.
- Post a prominent link to the HIB policy on the homepage of the district's website.
- Annually disseminate the HIB policy to parents.
- Include notice of the HIB policy in any district publication setting forth the rules, procedures and standards of conduct and in any student handbook.

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CSA's role in implementing the ABR, cont.

Program

- Appoint the district anti-bullying coordinator (ABC). The CSA must make every effort, but is not required, to appoint an employee of the school district to this role.
- Ensure that schools annually establish, implement, document and assess their bullying prevention programs, and that the programs are designed to create school-wide conditions for preventing and addressing HIB.
- Develop a process for discussing the district's HIB policy with students.
- Ensure ongoing age-appropriate instruction on HIB prevention throughout the school year.
- Observe the "Week of Respect" beginning with the first Monday in October of each year (separate from *School Violence Awareness Week*).

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CSA's role in implementing the ABR, cont.

Training

- Complete HIB training for school leaders.
- Ensure that existing and new school leaders, full- and part-time staff, volunteers who have significant contact with students and persons contacted to provide service to students receive training on HIB policy, including instruction on the prevention of HIB based on the protected categories, and other distinguishing characteristics that might incite incidents of discrimination.
- Ensure newly elected or appointed BOE members complete during the first year of their term the HIB training offered by the New Jersey School Boards Association.

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CSA's role in implementing the ABR, cont.

HIB Intervention

- Receive the HIB report within 2 days of an investigation's completion.
- May decide to provide intervention; establish HIB training program; impose discipline; order counseling; take or recommend appropriate action.
- Provide BOE with HIB report no later than its next board meeting (the BOE affirms, rejects or modifies in writing CSA's decision by the following BOE meeting).
- Provide parents of HIB offenders and victims with written information about the investigation within 5 days of the report to the BOE. This includes the nature of the investigation; whether evidence of HIB was found; and whether discipline was imposed or services provided to address the HIB.

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CSA's role in implementing the ABR, cont.

Public Reporting

- Report at a public hearing to BOE two times each year all acts of violence, vandalism, HIB occurring during previous periods (9/1-1/1; 1/1-6/30), including:
  - Number of reports of HIB,
  - Status of all HIB investigations,
  - Nature of the HIB based on the protected categories.
  - Names of investigators,
  - Type nature of discipline imposed, and
  - Any other measures imposed, training conducted or programs implemented to reduce HIB.
- Report the same information each reporting period to NJDOE, with data broken down by schools and district-wide.
- Post the grade received from the NJDOE as follows:
  - School and district grade on the homepage of the school's website, and
  - District grade and grades for all schools in the district on the homepage of the district's website.

What is the Principal's role in implementing the ABR?

- ***Appoint the School Anti-Bullying Specialist (ABS)***
  - The ABS must be a guidance counselor, school psychologist or another current school employee trained to act as the ABS.
- ***Receive all HIB reports***
  - Verbal report on the same day as the incident or the same day information received on the incident; and
  - Written report within 2 days.
- ***Initiate investigations of HIB***
  - Within 1 day of the verbal HIB report; and
  - Appoint additional staff to assist with investigations, as needed.
- ***Coordinate*** with the ABS in investigating reported HIB incidents.
- ***Inform*** parents of all alleged offenders and victims.

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Principal's Role, cont.

- Assure investigations are completed as soon as possible or within 10 days of the written report.
- Provide for student safety.
- Implement, in conjunction with the ABS, the range of responses to HIB established by the BOE.
- Submit written reports of HIB investigations to CSA within two days of the completion of the investigations.
- Appoint the members of the School Safety Team (SST), including a teacher in the school, an ABS, a parent of a student in the school and other members determined by the principal.
- Serve as a member of the SST.
- Assist the SST in fulfilling its responsibilities, and provide information on HIB complaints and HIB investigation reports.
- Complete the HIB training for school leaders.

What are the requirements for the District Anti-bullying Coordinator (ABC)?

The ABC is responsible to:

- Coordinate and strengthen the school district's HIB policies to prevent, identify and address HIB of students.
- Collaborate with the ABS, the BOE and the CSA to prevent, identify and respond to HIB acts in the district.
- Provide data, in collaboration with the CSA, to the NJDOE regarding HIB of students.
- Meet with ABS at least 2 times each year to discuss and strengthen procedures and policies to prevent, identify and address HIB in the district.
- Execute other duties related to HIB as requested by the CSA.

ABC contact information must be listed on the homepage of the school district.

What are the requirements for the School Anti-Bullying Specialist (ABS)?

The ABS is responsible to:

- Chair the school safety team.
- Lead, in coordination with the principal, the investigation of reported HIB incidents.
- Act as the primary school official responsible for preventing, identifying and addressing incidents of HIB in the school.
- Assist the principal in determining the responses to be implemented that have been established by the BOE.
- Provide input to the BOE on the annual re-evaluation, reassessment and review of the HIB policy.
- Provide input to the BOE meeting, in executive session, on reported HIB incidents, recommendations for discipline or services and any programs instituted to reduce these incidents.

ABS contact information must be listed on the homepage of the school's website.

What are the requirements for the School Safety Team?

A school safety team (SST) must be formed in *each* school, consisting of, at a minimum, the principal or designee, a teacher, the ABS, a parent of a student in school.

- The SST is responsible to:
  - Develop, foster and maintain a positive school climate by focusing on the ongoing, systemic practices in the school and addressing climate issues, such as HIB.
  - Meet, at a minimum, twice each school year.
  - Review complaints of HIB of students that have been reported to the principal.*
  - Receive copies of investigative reports of HIB of students.*
  - Identify and address patterns of HIB of students in the school.*

Parents serving on the SST are not permitted to participate in these or other activities that may compromise the confidentiality of a student.

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School Safety Team, cont.

- Review and strengthen the school climate and the policies of the school to prevent and address HIB of students.
- Educate students, teachers, administrative staff and parents to prevent and address HIB of students.
- Participate in required training, including professional development opportunities that address effective school climate programs or approaches, and other training requested by the principal or ABC.
- Collaborate with the ABC in the collection of district-wide data.
- Collaborate with the ABC in the development of policies to prevent and address HIB of students.

Where can additional information on the ABR and HIB be found?

- The NJDOE's resources on HIB, in general, can be found at http://www.state.nj.us/education/students/safety/behavior/hib/.

- The NJDOE's resources on the ABR can be found at http://www.state.nj.us/education/students/safety/behavior/hib/#si. These resources include:
  - Anti-bullying Bill of Rights Act
  - Questions and Answers Anti-Bullying Bill of Rights Act P.L.2010, c.122
  - Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act
  - Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying
  - Harassment, Intimidation and Bullying Compliance Checklist
  - Harassment, Intimidation and Bullying Power Point Presentations
  - Teacher and Educational Leader Professional Development on Harassment, Intimidation and Bullying Guidance

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Test
For the Tutorial on ABR Requirements for Administrators

- On the following slides are 10 true or false statements designed to test your knowledge of key points made in this tutorial.

- A slide with each true or false statement is followed by a slide that includes:
  - The true or false answer;
  - An explanation for the answer; and
  - The associated slide number in the tutorial.

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Test Your Knowledge
ABR Requirements for Administrators

1. One of the purposes of the ABR is to clarify and strengthen the standards and procedures for preventing, reporting, investigating and responding to harassment, intimidation and bullying (HIB) of students.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

1. **True**.

   See slide #4.

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Test Your Knowledge
ABR Requirements for Administrators

2. School districts are prohibited from responding to HIB incidents that occur off school grounds.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

2. **False.**

School districts are required to respond to HIB incidents that occur off school grounds when they meet *all* of the criteria established in the HIB definition at *N.J.S.A.* 18A:37-14, including the criterion that the HIB must substantially disrupt or interfere with the orderly operation of the school or the rights of other students.

See slide #10.

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Test Your Knowledge
ABR Requirements for Administrators

3. The HIB policy must be located within or must be consistent with the district's code of student conduct.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

3. **True**.

See slide #12.

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Test Your Knowledge
ABR Requirements for Administrators

4. By providing certificated staff with HIB training, the school district will comply with the in-service training requirements under the the ABR.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

4. **False**.

In addition to certificated staff, all other school staff, persons contracted by the district to provide services to students, and volunteers who have significant contact with students are required to receive HIB training from the school district.

See slide #20.

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Test Your Knowledge
ABR Requirements for Administrators

5. One of the functions of each building-based school safety team is to review and strengthen the school climate and the policies of the school to prevent and address HIB of students.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

5. **True**.

See slides #38 and #39.

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Test Your Knowledge
ABR Requirements for Administrators

6. The only role of the ABS is to investigate reports of HIB and write reports on the investigation.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

6. **False**.

The ABS is responsible to chair the school safety team, lead the 0HIB investigations and act as the primary school official responsible for preventing, identifying and addressing incidents of HIB in the school. The ABS provides input to the BOE on the annual re-evaluation, reassessment and review of the HIB policy and, at the BOE's request, makes recommendations to the BOE for discipline or services and any programs instituted to reduce these incidents.

See slide #37.

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Test Your Knowledge
ABR Requirements for Administrators

7. The principal must serve as a member of the SST.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

7. **True**.

   See slide #35.

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Test Your Knowledge
ABR Requirements for Administrators

8. The HIB policy must be developed with the input of parents and other community representatives, students, school staff and school administrators, and volunteers.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

8. **True**.

See slide #17.

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Test Your Knowledge
ABR Requirements for Administrators

9. The principal must submit the written reports of HIB investigations to the chief school administrator (CSA) within five school days of the investigation's completion.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

9. **False**.

The principal must submit the HIB report to the CSA within *two* school days of the investigation's completion.

See slide #35.

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Test Your Knowledge
ABR Requirements for Administrators

10. The CSA must report all acts of violence, vandalism, and HIB to the board of education, at a public hearing, two times each school year.

True or False?

(Answer on next slide.)

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Test Your Knowledge
ABR Requirements for Administrators

10. **True**.

See slide #33.

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