

ELMWOOD PARK PUBLIC SCHOOLS

OFFICE OF THE ASSISTANT SUPERINTENDENT OF SCHOOLS

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April 6, 2020

SUBJECT: Process for Reporting HIB During Periods of School Closure:

Dear Parents/Guardians:

As you are aware, on March 16, 2020, Governor Philip D. Murphy issued Executive Order 104, which required schools in the State of New Jersey to close its buildings to students and offer distance learning. On or about March 26, 2020, Governor Murphy declared that schools will continue to be closed through, at least, April 17, 2020. It is unknown whether the period of closure will be further extended.

It seems that, due to the extended closure, the Department of Education is directing school districts to continue HIB investigations and appeals. The investigations will be conducted remotely. To the greatest extent possible, the HIB investigation procedures set forth in Board Policy 5512, a link to which is being provided [here](#), will continue to apply with the following modifications:

Parents/guardians are to contact their school's principal and/or anti-bullying specialist ("ABS"), by telephone or by email. All contact information is found on each school website, as well as in the attached presentation. When contacting the principal or ABS, it is important that you provide updated contact information (address, telephone number and email address, as applicable) where you can be reached by the district.

Consistent with the Anti-Bullying Bill of Rights Act and the Board Policy, within two (2) school days, the respective school principal shall be notified in writing (which includes email) by the ABS of the HIB report.

Within one (1) school day, the school principal shall assign the matter to an ABS who will initiate an investigation. The school principal may assign additional personnel who are not anti-bullying specialists, to assist with the investigation, as needed.

The ABS shall complete the investigation as soon as possible, but not more than ten (10) school days from the date s/he received the written report by the school principal. If additional, relevant information is provided to the ABS that is received by the end of the 10-day investigation period, the ABS may amend the investigation report to include the new information and reassess the findings.

Parents/guardians will be contacted by the ABS during the 10-day period to schedule a day and time for the ABS to speak with the student, and parent, as needed.

Within two (2) school days of completing the investigation, the ABS shall forward the results to the Superintendent of Schools, who may decide to provide intervention services; establish training programs to reduce HIB and enhance the school climate; impose discipline; order counseling as a result of the findings of the investigation; or take or recommend other appropriate action.

The results of the investigation shall be reported to the Board of Education at its next meeting following the completion of the HIB investigation, along with information as to any interventions provided; training established; discipline imposed; or other action deemed appropriate by the Superintendent.

Within five (5) school days following the report to the Board, the parents/guardians shall receive “information” as to the nature of the investigation, whether evidence of HIB was found, whether discipline was imposed and/or services provided to address the incident.

Within sixty (60) calendar days of receiving the information, parents/guardians may request a hearing before the Board of Education to oppose or support the determination. Unless extended upon consent by the parents, or unless a quorum cannot be established, the HIB hearing will be scheduled within ten (10) business days of the request for an HIB hearing.

Due to school closures and COVID-19 mitigation that prohibits gatherings, any HIB hearing before the Board of Education shall be virtual. Parents can instead, or in addition to, submit information to the Board of Education for review, prior to the scheduled HIB hearing. Any information for the Board’s consideration must be submitted to the Board Secretary, by email to jdipaola@epps.org or by mail to the Board of Education office located at: 60 East 53rd Street, Elmwood Park, New Jersey 07407, prior to the scheduled HIB hearing.

Within five (5) school days following the HIB hearing, parents/guardians shall be notified, in writing (which may include email) of the Board of Education’s determination. Parents/guardians will have 90 days to appeal the decision to the Commissioner of Education or 180 days from the date of the occurrence of the incident, to file a complaint with the Division on Civil Rights.

An ABS’s conversation with a student, as part of an HIB investigation, usually occurs in person with the ABS being able to speak privately with a student. This provides the student with a “safe space” and an opportunity to openly share information with the ABS without pressure or fear of another person listening. ABS’s are certified social workers, school counselors, school psychologists or similarly trained and certified individuals who are qualified to assess student’s needs, offer support and evaluate student behavior and conduct in an educational setting.

Due to distance learning, in-person meetings with students are unfortunately not possible. It is therefore requested that parents assist ABS’s and cooperate with the investigation process, to the greatest extent possible. Some ways that parents/guardians can help the ABS conduct a thorough and comprehensive investigation with minimal interference from outside parties is to:

- Provide a quiet and private location, as available, for the student and ABS to virtually communicate (i.e., a location where siblings or extended family members are not present)
- Promptly comply with the ABS’s requests for information;
- Resist and deter from contacting other-involved students or parents of those students for information about the reported incident, as this can taint information that is provided to the ABS, and can have the effect of influencing how another person participates in the investigation. Interference by a parent/guardian or another third party in the ABS’s investigation could diminish the evidence that is received, for example, by making it unreliable or not credible. To the extent able, ABS’s will assess whether there has been interference in the investigation, and will note an individual’s refusal to fully participate in the process.
- **Not record or otherwise capture the interviews between the ABS and your child;** HIB investigations are deemed confidential to, among other things, preserve the privacy rights and expectations of all students. When speaking with an ABS, students may refer to each other by name or description. Just how you would not want your student’s name being referenced in a recording of another student’s statement, we ask that you do not record any communication between the ABS and your child. Any records created by the ABS are kept confidential and are protected against unauthorized disclosure to third parties. If there are recordings made by parents or other third parties, for instance, the school district cannot protect that information.

- You are urged to please consider the privacy interests of everyone involved and refrain from recording student sessions with the ABS.

It is also important to notify you that, if you believe your child's life or physical safety is in danger, please immediately contact local law enforcement. It is also asked that, if you have academic or non-academic concerns regarding your child, which may not be HIB-related, please communicate them to your child's guidance counselor. The guidance counselor will then communicate with you and your child to assess the concern and what services, as applicable, are available.

If you have any questions, do not hesitate to contact me: torrento@epps.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jillian Torrento", followed by a vertical line.

Jillian Torrento, Assistant Superintendent of Schools/
District Anti-Bullying Coordinator

Cc: Mr. Anthony Iachetti, Superintendent of Schools
Mr. John DiPaola, Business Administrator/ Board Secretary