



NEW JERSEY GENERAL ASSEMBLY

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Ridgewood Public Schools
Office of Superintendent

COMMITTEES /

CHAIRWOMAN

HUMAN SERVICES

VICE CHAIRWOMAN

CONSUMER AFFAIRS

TOURISM AND ARTS

November 24, 2010

Dr. Daniel Fishbein
The Education Center
49 Cottage Place
Ridgewood, NJ, 076451

Dear Dr. Fishbein,

I am pleased to provide you with information regarding the "Anti-Bullying Bill of Rights".

The process of crafting this legislation began in January 2010 following the issuance of a December 2009 report by the New Jersey Commission on Bullying in Schools. It is the product of nearly a year of research and discussions with top bullying experts, advocates and victims of harassment, intimidation and bullying. This legislation is designed to provide you, the school administrators, with the tools you need to more effectively respond to incidents of bullying among students.

Enclosed please find an overview of the legislation along with the official bill statement. If you would like a full copy of the bill, please visit www.njleg.state.nj.us and enter bill number A3466 on the bill search box.

If you have any questions or would like to further discuss this issue, please feel free to contact me at the above number.

Sincerely,

Valerie Vainieri Huttle
Assemblywoman District 37

New Jersey's Anti-Bullying Bill of Rights

Bullying Awareness and Prevention

- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.
- Provides that by the 2011-2012 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals.
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members.
- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying.
- Requires school districts to establish bullying prevention programs or approaches. Under current law school districts are only "encouraged" to establish such programs.
- Provides that each school district must form a **school safety team** in each school in the district to foster and maintain a positive school climate within the schools:
 - Consists of the principal or a senior administrator in the school and a teacher in the school, the school anti-bullying specialist, and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.
 - The school safety team shall:
 - receive any complaints of HIB of students that have been reported to the principal
 - receive copies of any report prepared after an investigation of an incident of HIB
 - identify and address patterns of HIB

- review and strengthen school climate and the policies of the school in order to prevent and HIB
 - educate the community, including students, teachers, administrative staff, and parents, to prevent and address HIB of students
 - collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation or bullying of students
- Creates the “Bullying Prevention Fund” in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate.
 - Designates the week beginning with the first Monday in October of each year as a “Week of Respect” and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying.

Response and Enforcement-Response to HIB and Enforcement of Appropriate Consequences

- Amends the definition of “harassment, intimidation or bullying”: to specify that the “harm” that a student may experience could be either physical or emotional; to add two additional criteria to the definition - the creation of a hostile environment at school and the infringement on the rights of the student at school; and to eliminate the requirement that the disruption or interference with the orderly operation of the school be “substantial.”
- Adds a conviction of “bias intimidation” to the list of crimes for which a person may be disqualified for employment in a school.
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area.

- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion.
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Provides that a school district's policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds.
- Provides a detailed procedure that must be included in each district's policy concerning the investigation of incidents of harassment, intimidation, or bullying.
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying.
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists:
 - Chair the school safety team
 - Lead investigation of incidents
 - Act as primary school official responsible preventing, identifying, and addressing incidents at school
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual:
 - Responsible for coordinating and strengthening the school district's policies to prevent, identify, and address incidents

- Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent of schools to prevent, identify and respond to incidents
- Provide data, in collaboration with the superintendent of schools, to the Department of Education regarding harassment, intimidation, and bullying of students
- Require the addition of an anti-bullying policy and enforcement mechanism to the student code of conduct of every public college and university.

Accountability-Accountability of School, School District, and State of New Jersey

- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools.
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline.
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report shall be used to grade schools and districts in their efforts to identify harassment, intimidation or bullying, pursuant to a program for which the commissioner will provide guidelines.
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3466

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Education Committee favorably reports Assembly Bill No. 3466 with committee amendments.

As amended, this bill revises and supplements the law on harassment, intimidation, and bullying in public schools. The bill includes a number of the recommendations of the New Jersey Commission on Bullying in Schools contained in its report issued December 15, 2009, in addition to a number of other provisions. The bill:

- Amends the definition of "harassment, intimidation or bullying": to provide that an incident must either substantially disrupt or interfere with the orderly operation of the school or the rights of other students; and to add additional criteria to the definition - the creation of 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;
- Adds a conviction of "bias intimidation" to the list of crimes for which a person may be disqualified for employment in a school;
- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide for students who are members of communities identified as having members at high risk of suicide;
- Provides that by the 2012-2013 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals;
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members;

- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying;
- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Requires school districts to establish bullying prevention programs or approaches. Under current law, school districts are only "encouraged" to establish such programs;
- Provides that a school district's policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds;
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area;
- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools;
- Provides that each school district must form a school safety team in each school in the district to foster and maintain a positive school climate within the schools;
- Creates the "Bullying Prevention Fund" in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate;
- Designates the week beginning with the first Monday in October of each year as a "Week of Respect" and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying;

- Provides a detailed procedure that must be included in each district's policy concerning the investigation of incidents of harassment, intimidation, or bullying;
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline;
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying;
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists;
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual;
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report will be used to grade schools and districts in their efforts to implement policies and programs consistent with the "Anti-Bullying Bill of Rights Act"; and
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.

The bill also includes a provision that requires all public institutions of higher education to include a policy on harassment, intimidation, or bullying as part of its student code of conduct.

The committee amended the bill to:

- Provide that in order to be considered an incident of harassment, intimidation, or bullying, the incident must substantially disrupt or interfere with the orderly operation of the school or the rights of other students;
- Require that schools and districts be graded based on their effort to "implement policies and programs consistent with the 'Anti-Bullying Bill of Rights Act,'" not on their effort to "identify harassment, intimidations, or bullying";
- Clarify that the "Anti-Bullying Bill of Rights Act" is not intended to alter or reduce the rights of students with disabilities;

- Include a provision that encourages nonpublic schools to comply with the "Anti-Bullying Bill of Rights Act" and a provision that states that the bill, in the case of a faith-based nonpublic school, may not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school's faculty, staff, or student body;
- Provide that in the event that information relevant to the investigation of the bullying incident is not received by the end of the 10-day limit for the completion of an investigation, the initial report of the results of the investigation may be amended to reflect the information;
- Protect the privacy rights of students by limiting the participation of parent members of school safety teams to the activities of the team which do not involve confidential matters involving students.

STATEMENT

This bill amends and supplements the law on harassment, intimidation, and bullying in public schools. The bill includes a number of the recommendations of the New Jersey Commission on Bullying in Schools contained in its report issued December 15, 2009, in addition to a number of other provisions. The bill:

- Amends the definition of "harassment, intimidation or bullying": to specify that the "harm" that a student may experience could be either physical or emotional; to add two additional criteria to the definition - the creation of a hostile environment at school and the infringement on the rights of the student at school; and to eliminate the requirement that the disruption or interference with the orderly operation of the school be "substantial";
- Adds a conviction of "bias intimidation" to the list of crimes for which a person may be disqualified for employment in a school;
- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide for students who are members of communities identified as having members at high risk of suicide;
- Provides that by the 2011-2012 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals;
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members;
- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying;

- Provides a detailed procedure that must be included in each district's policy concerning the investigation of incidents of harassment, intimidation, or bullying;
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline;
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying;
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists;
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual;
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report shall be used to grade schools and districts in their efforts to identify harassment, intimidation or bullying, pursuant to a program for which the commissioner will provide guidelines; and
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.

The New Jersey Commission on Bullying in Schools was established pursuant to P.L.2007, c.303. The commission was charged with the responsibility of studying the issue of school harassment, intimidation, and bullying and making recommendations on how to reduce these activities in our schools.

The bill also includes a provision that requires all public institutions of higher education to include a policy on harassment,

Establishes measures to address harassment, intimidation, and bullying in school settings.

- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Requires school districts to establish bullying prevention programs or approaches. Under current law school districts are only “encouraged” to establish such programs;
- Provides that a school district’s policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds;
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area;
- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools;
- Provides that each school district must form a school safety team in each school in the district to foster and maintain a positive school climate within the schools;
- Creates the “Bullying Prevention Fund” in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate;
- Designates the week beginning with the first Monday in October of each year as a “Week of Respect” and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying;