

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.