

New Jersey's Anti-Harassment, Intimidation and Bullying Law

Governor Christie signed the "Anti-Bullying Bill of Rights Act", P.L. 2010, Chapter 122, into law on January 5, 2011. It became effective on September 1, 2011. It amends and supplements the 2003 New Jersey Bullying Law, and aims to forge a statewide and systemic approach to harassment and bullying that involves students, parents, teachers, administrators, and the community at large. It applies to all public elementary, secondary and postsecondary schools. The goal of the new amendments is to increase prevention, reporting and responsiveness to incidents by requiring the adoption of policy prohibiting harassment, intimidation and bullying on school property, at a school sponsored function, on a school bus, or off school grounds. It requires that staff report any allegations of bullying, requires that schools provide training and that they comply with strict guidelines for investigations.

Definition of Harassment, Intimidation and Bullying

Under the law, harassment, intimidation and bullying is broadly defined, and may consist of a single incident or series of incidents that a reasonable person would believe is intended to cause harm or create a hostile environment. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, including electronic communications, known as cyber-bullying, or conduct that is physically threatening, harmful or humiliating.

Investigations

Whenever a student, parent, teacher or other individual reports an incident of harassment, intimidation or bullying, the principal or designee must begin the investigation within one day of the report. A written investigative report must be completed within ten days of the initial allegation and the report may be amended if additional information becomes available. The superintendent must receive the final report within two days of its completion and make a recommendation regarding appropriate action. The results of each investigation shall be reported to the board of education at the next board of education meeting. Families must receive information regarding the investigation within five days after the report to the board of education.

Training Requirements

Full and part-time staff, as well as volunteers who have substantial contact with students, must have training on the school district's harassment, intimidation and bullying policy. School resource officers must have training in the protection of students from harassment, intimidation and bullying.

Applicability to Special Education Students

Students with disabilities may be particularly vulnerable to harassment and bullying, as they may be perceived as "different". The law specifically states that it does not alter or reduce the rights of a special education student to disciplinary action or to general or special education services and supports.

Decision by the Council of Local Mandates

On January 27, 2012, the Council on Local Mandates held a hearing on the Harassment, Intimidation and Bullying statute to determine whether it constituted an unfunded mandate on school districts. The Council only reviewed four sections of the statute:

1. Bully prevention programs for school staff;
2. Appointment of anti-bullying coordinator and anti-bullying specialist;
3. School safety team; and
4. Counseling for students and other intervention services.

The Council ruled that these four sections were an unfunded mandate and violated the New Jersey Constitution. A written decision will be available in 60 days and will take effect then. Although this decision is not appealable, the New Jersey State Legislature may, within these 60 days, modify the legislation or provide funding to save these sections of the law.

The remaining sections of the laws including the definition of harassment, intimidation and bullying, the investigation timeframes, and public reporting, among others, are not impacted by this decision.

Additional information can be found at:

<http://www.njspotlight.com/stories/12/0131/0200/>

(Christie open to ways to remedy anti-bullying setback: Money may be found to satisfy state ruling that portions of the landmark law are an unfunded mandate)

Intervention Services

Once a case of harassment, intimidation or bullying has been confirmed, the school may recommend counseling, support, or other intervention services, which must be made available.

School Safety Personnel

The superintendent must appoint a district-wide anti-bullying coordinator who works with personnel on all levels in the district.

Each principal must appoint an anti-bullying specialist for their school who may be a guidance counselor, school psychologist or another employee trained for this role, but not the principal. The specialist leads the investigations and is responsible for preventing, identifying, and addressing incidences of harassment, intimidation and bullying.

Each school must have a school safety team comprised of the principal, the anti-bullying specialist, parents and other school officials appointed by the principal and chaired by the school's anti-bullying specialist. The purpose of this group is to identify and address patterns of harassment, intimidation and bullying in schools, educate the community and participate in harassment, intimidation and bullying activities. Finally, the team assists in providing data to the anti-bullying coordinator and assists in the development of policies.

Public Reporting

The School Report Card must include data on the number and nature of all harassment, intimidation and bullying reports. The law requires that harassment, intimidation and bullying data be broken down into categories that identify the basis for the harassment. (ie. disability, sexual orientation, race, religion). The district must put a link to the report on its website.

Prevention Programs

Schools and school districts must annually establish, implement, document and assess the prevention programs in its schools. The approaches must be designed to create a school-wide environment that prevents and addresses harassment, intimidation and bullying.

For additional information contact:

Disability Rights New Jersey (DRNJ)

210 South Broad Street, Third Floor, Trenton, NJ 08608

For voice assistance and information, please call 1-800-922-7233.

TTY users may dial (609) 633-7106, or use the NJ Relay, 711 to reach the 800# above.

Visit us on the web at www.drnj.org

Advocating and Advancing the Human, Civil and Legal
Rights of Persons with Disabilities

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