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*By the EdLaw Group at Lindabury*

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*The EDUCATION LAW GROUP at Lindabury has extensive experience in the area of school law. We serve as general counsel, special education counsel, and labor counsel for boards of education throughout the State.*

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## Extensive Requirements in New Anti-Bullying Law

**By Jennifer A. Osborne**

On or about January 5, 2011, the New Jersey Legislature signed public law 2010, c. 122 (“the law”), also known as the “Anti-Bullying Bill of Rights Act,” for implementation during the 2011-2012 school year. The main purpose of the law is to revise and supplement existing law on harassment, intimidation and bullying (“HIB”) in public schools. The new law is extensive. The purpose of this alert is to highlight some of the key areas addressed by the law.

The law amends the definition of “harassment, intimidation or bullying” to specify that the “harm” that a student may experience may be either physical or emotional. Additional criteria were added to the definition including behavior that creates a hostile educational environment by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student. Statutes are revised to include HIB in the list of good causes for suspension or expulsion.

### Training

The law increases the requirements for training for HIB prevention. This includes but is not limited to the following: (1) including HIB training in the suicide prevention training for public school teaching staff members; (2) requiring, by the 2011-2012 school year, all candidates for school administrator or teacher certification to complete a program on HIB prevention; (3) including, by the 2011-2012 school year, HIB prevention and training as part of the professional development requirements for school administrators and teachers; and (4) requiring school board members to receive HIB training as part of their board member training requirement.

Districts are now required to establish bullying prevention programs or approaches. The week beginning with the first Monday in October of each year shall be known as the “Week of Respect,” and school districts are required to observe the week by providing age-appropriate instruction focusing on preventing HIB.

### New Positions

The new law also requires the creation of two positions: the anti-bullying specialist and the anti-bullying coordinator. School principals must appoint a currently employed school guidance counselor, school psychologist or other similarly trained individual as the school anti-bullying specialist. If there is no individual that meets this criteria, the principal must appoint another currently employed individual in the school to (cont’d ➔)

this position. Superintendents must also appoint a district anti-bullying coordinator.

The school anti-bullying specialist is the primary school official responsible for preventing, identifying, and addressing incidents of HIB at school. The school anti-bullying specialist shall also ensure that the superintendent appoints a district anti-bullying coordinator and sets forth the responsibilities of that individual, which shall include, but not be limited to, the following: coordinate and strengthen the school district's policies to prevent, identify, and address incidents of HIB; collaborate with school anti-bullying specialists in the district, with the board of education, and with the superintendent to prevent, identify and respond to incidents of HIB; and provide data, in collaboration with the superintendent, to the Department of Education ("DOE") regarding the HIB of students.

### **Safety Team**

Each school district must form a school safety team in every school in the district. The purpose of the school safety team is to foster and maintain a positive school climate within the schools. The school safety team shall consist of the following members: school principal or a senior school administrator; a teacher in the school; the school anti-bullying specialist, who shall serve as the team chair; and other members to be determined by the principal.

The responsibilities of the school safety team shall include, but not be limited to, the following: receive any complaints of HIB 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 HIB; educate the community, including students, teachers, administrative staff, and parents, to prevent and address the 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 the HIB of students.

### **Investigations**

Detailed procedures must now be included in each school district's policy concerning the

investigation of incidents of HIB. The policy must include appropriate responses to actions that occur off school grounds. School administrators who fail to initiate or conduct an investigation of an incident, or who should have known of an incident and fail to take action, are subject to discipline. Additionally, all acts of HIB must now be reported verbally to the principal on the same day the employee witnessed or received reliable information on the incident. School employees or contracted service providers must also file written reports with the school principal within two days of observing or being made aware of an act of HIB. Superintendents must report to the board of education twice per year, rather than annually, at a public hearing on all acts of violence, vandalism and HIB that occurred during the previous period. The report will be used to "grade" individual schools and districts in their efforts to implement policies and programs consistent with the requirements of the law. Furthermore, School Report Card data shall now identify the number and nature of all reports of HIB.

### **Department of Education**

In addition to the requirements of school districts, the law also requires certain actions from the DOE. The DOE, 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 HIB and the implementation by school districts of statutory requirements in this area. The DOE must also establish a formal protocol to be used by executive county superintendents in investigating complaints that school districts are not adhering to the provisions of the law. The DOE is further charged with creating the "Bullying Prevention Fund" to be used to fund grants to school districts to provide training on HIB prevention and on effective means for creating a positive school climate.

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*The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the EdLaw Group at [edlawgroup@lindabury.com](mailto:edlawgroup@lindabury.com).*

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