

INTERIM REPORT

NEW JERSEY ANTI-BULLYING TASK FORCE

January 26, 2013

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Executive Summary

The Anti-Bullying Task Force (ABTF) was established in March 2012 as part of an amendment to the “*Anti-Bullying Bill of Rights Act*,” (ABR; *P.L.* 2010, *c.*122, *N.J.S.A.* 18A:37-13.2 *et seq.*). The ABTF was established in order to: 1) provide guidance to school districts on available resources to assist in the implementation of the ABR, 2) examine the implementation of the ABR, 3) draft model regulations and submit them to the Commissioner of Education for use in promulgating regulations to implement provisions of the act, 4) present any recommendations regarding the ABR deemed to be necessary and appropriate, and 5) prepare a report within 180 days of its organizational meeting and annually for the following three years on the effectiveness of the act in addressing bullying in schools.

This Interim Report satisfies the 180-day reporting requirement noted above, and provides an overview of ABTF activities, as well as preliminary findings and recommendations. The report consists of four sections: Committee Actions to Date, Preliminary Trends and Analysis, Preliminary Recommendations, and Next Steps. Additional support materials can be found in the appendices. In subsequent reports, the ABTF will delineate further actions taken to fulfill the responsibilities as enumerated above. This report is being submitted to the Commissioner of Education, to the Governor, and to the Legislature in accordance with the requirements of section 2 of *P.L.* 1991, *c.*164 (C.52:14-19.1).

Introduction

In September 2002, the New Jersey Legislature created a body of law to address harassment, intimidation and bullying (HIB) in New Jersey's public schools. Governor James McGreevy signed the law into effect, which required each school district to adopt a policy prohibiting HIB on school property, at a school-sponsored function, or on a school bus. The policy was required to include: 1) a statement prohibiting HIB, 2) a definition of HIB behavior, 3) a description of behavior expected by students, 4) consequences for engaging in such behavior, 5) a procedure for reporting HIB behaviors, 6) a procedure for investigation of reports of such behavior, 7) a range of responses to HIB incidents, 8) a statement prohibiting retaliation or reprisal against persons reporting HIB, 9) consequences for making a false accusation, and 10) a statement of how the policy will be publicized. The law also required all school personnel, students and/or volunteers to report any incidents of HIB to school officials. The Legislature declared that, "a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying."

In subsequent years, a number of events occurred that heightened public awareness concerning the intensity of HIB behaviors, and the potentially negative consequences for the perpetrators, victims and bystanders. A seminal legal case in New Jersey highlighting

these issues is L.W. v. Toms River Regional Schools Board of Education, 189 N.J. 381 (2007). L.W. was a student in the Toms River school district who was being bullied because of his “perceived sexual orientation.” The harassment became so severe that he transferred to a different school. The New Jersey Division on Civil Rights and L.W. filed a complaint against the Toms River Regional Schools Board of Education. The L.W. case was eventually heard by the New Jersey Supreme Court, which ruled in 2007, “that a school district can be sued for damages, under the Law Against Discrimination (LAD), for not responding reasonably to bias-based, student-on-student bullying and harassment that creates a hostile educational environment.” The Court went on to state, “Our students should receive no less protection from discrimination than their counterparts in the workplace.” This ruling emphasized the school’s responsibility to provide a safe educational environment for all students.

Following issuance of the L.W. decision, the Governor and Legislature established the New Jersey Commission on Bullying in Schools. The Commission was charged with studying the impact of HIB in New Jersey public schools and making recommendations on methods to reduce HIB incidents. In December 2009, the Commission issued a report entitled “There Isn’t a Moment to Lose” which outlined recommended legal and policy reforms to improve New Jersey’s response to bullying in schools. The Commission report emphasized the need for schools to create a “safe and civil school climate” as the primary measure in combating HIB. This, among other factors, influenced the drafting of subsequent legislation, the “*Anti-Bullying Bill of Rights Act*” (ABR; *P.L.* 2010, *c.* 122, *N.J.S.A.* 18A:37-13.2 *et seq.*). The suicide of Rutgers University student, Tyler Clementi, reignited the public’s attention toward HIB and the

protection of all students including those at the college and university level. New Jersey legislators responded to these concerns by overwhelmingly adopting the New Jersey ABR, which includes requirements for public institutions of higher education.

The ABR was signed into law by Governor Chris Christie on January 5, 2011, and went into effect on September 1, 2011. The overarching goal of the ABR is to strengthen the standards and procedures for preventing, reporting, investigating and responding to all incidents of HIB pertaining to students on and off school grounds, at school-sponsored functions and on school buses. Comprehensive changes to the 2002 law may be organized into eight core categories: 1) HIB programs, approaches or other initiatives; 2) training on the Board of Education-approved HIB policy; 3) other staff instruction and training programs; 4) curriculum and instruction on HIB and related information and skills; 5) HIB personnel; 6) school-level HIB incident reporting procedures; 7) HIB investigation procedures, and 8) public reporting of HIB incidents.

The New Jersey Department of Education (NJDOE) has provided a number of services to help school staff implement both the anti-bullying law adopted in 2002 and the amendments to the law adopted in 2010 under the ABR. The NJDOE's support to schools includes: 1) trainings, presentations, and technical assistance; 2) the development and dissemination of guidance, training and survey materials and other resources; 3) reporting tools and guidance, and 4) the awarding of grant funds. Additionally, the NJDOE has consulted with experts and key stakeholders on the implementation of the ABR, and annually reports to the Legislature on incidents of violence, vandalism and harassment, intimidation and bullying in New Jersey schools. Finally, the NJDOE created a web page solely dedicated to HIB at

<http://www.state.nj.us/education/students/safety/behavior/hib/#si>, where the NJDOE's resources in support of the ABR can be found. A description of the NJDOE's activities is provided in Appendix E.

On January 27, 2012, following a complaint filed by the Allamuchy school district, the Council on Local Mandates ruled that a portion of the provisions in the ABR constituted an unfunded legislative mandate, and were unenforceable.

In March, 2012, the New Jersey Legislature amended the ABR in part to address concerns raised during the Council on Local Mandates process. These amendments established parameters for the provision of funds to support implementation of the ABR, and created the Anti-Bullying Task Force (ABTF). To address funding, the Legislature made a supplemental appropriation of \$1,000,000 from the General Fund into the Bullying Prevention Fund for use during the 2011-2012 school year. Costs determined to be eligible for funding included: 1) HIB personnel; 2) HIB training; 3) HIB prevention programs, approaches, or other initiatives, and 4) intervention programs and services. The amendments also encouraged school districts to utilize anti-bullying programs, approaches and training that are provided at no cost by entities such as the NJDOE, the New Jersey State Bar Foundation, or any other entity. It also stated that a school district may, at its own discretion, implement bullying prevention programs and approaches that impose a cost on the district. In order to obtain funding a school district must explore bullying prevention programs and approaches that are available at no cost, and make an affirmative demonstration of that exploration in its grant application.

The amendment established the ABTF "in but not of" the NJDOE. Seven members with "background in, or special knowledge of, the legal, policy, educational, social or

psychological aspects of bullying in public schools” were appointed in the following manner: 1) one appointed by the Senate President, 2) one appointed by the Speaker of the General Assembly, 3) one appointed jointly by the Senate President and the Speaker of the General Assembly, and 4) four appointed by the Governor. The members of the Task Force, who serve without compensation, are:

- Patricia Wright, Ed.M. – Chairperson: Appointed by Governor Chris Christie; Executive Director of the New Jersey Principals and Supervisors Association; Consultant to the New Jersey Bar Foundation’s Anti-Bullying Program; Former teacher, assistant principal, principal and chief school administrator.
- Philip Hoyt Meisner, Esq. – Vice Chairperson: Appointed by Senate President Stephen M. Sweeney; Presently a corporate attorney servicing Hudson Media, Inc. as Deputy Counsel; former staff member in the New Jersey Legislature in the offices of Senator Loretta Weinberg, Assemblyman Gordon M. Johnson and Assemblywoman Valerie Vainieri Huttie specializing in policy and legislation, including the Anti-Bullying Bill of Rights Act and the 2012 Legislation creating the ABTF.
- Joseph L. Ricca, Jr., Ed.D. – Appointed by Governor Chris Christie; Former classroom teacher, assistant principal, principal and current Superintendent of the East Hanover Township Public Schools, East Hanover Township, New Jersey.
- Bradford C. Lerman, Psy.D. – Appointed by Governor Chris Christie; Director of the Inclusive Schools Climate Initiative and the Bullying Prevention Institute at the Graduate School of Applied and Professional Psychology at Rutgers University.
- Toni Pergolin – Appointed by Governor Chris Christie; President of Bancroft, a non-profit organization that annually serves 1,500 children and adults with autism, acquired brain injuries, and other intellectual or developmental disabilities, through a wide variety of programs in New Jersey, Pennsylvania and Delaware. Bancroft programs include an approved private school for over 200 students with disabilities.
- Jessica de Koninck, Esq. – Appointed by the Speaker of the General Assembly Sheila Y. Oliver; In-house Counsel, South Orange and Maplewood School District; Anti-bullying Coordinator, South Orange and Maplewood School District; Former Director of Legislative Services, New Jersey Department of Education; Former In-house Counsel, Trenton School District.

- Luanne Peterpaul, Esq. – Appointed by the Senate President Stephen M. Sweeney and Speaker of the General Assembly Sheila Y. Oliver; Partner in the law firm of Peterpaul & Clark, Vice Chair of Garden State Equality and Co-Chair of its Anti-Bullying Initiative.

The Task Force was charged with the following:

1. providing guidance to school districts on available resources to assist in the implementation of the ABR;
2. examining the implementation of the ABR;
3. drafting model regulations to be submitted to the Commissioner of Education for use in promulgating regulations to implement provision of the Act;
4. presenting any recommendations regarding the ABR deemed to be necessary and appropriate; and
5. preparing a report within 180 days of its organizational meeting and annually for the following three years on the effectiveness of the act in addressing bullying in schools; submitted to the commissioner, to the Governor, and to the Legislature.

The Task Force thanks the following New Jersey Department of Education staff for critical assistance in providing necessary resources, materials and for supporting the work of the Task Force:

- Barbara Gantwerk – Assistant Commissioner, Division of Student and Field Services
- Susan Martz – Director, Office of Student Support Services, Division of Student and Field Services
- Gary Vermeire – Coordinator, Safe and Supportive Schools Unit, Office of Student Support Services, Division of Student and Field Services
- Lara Brodzinsky, Psy.M. – School Psychologist; Anti-Bullying Task Force Coordinator

In addition, appreciation is extended to the New Jersey Principals and Supervisors Association for serving as host for Task Force meetings. Thanks are also given to those who volunteered to provide information through participation in focus groups or surveys.

Section I: Committee Actions to Date

The organizational meeting of the Anti-Bullying Task Force took place on July 26, 2012; subsequent monthly meetings were held on August 29, 2012; September 27, 2012; October 22, 2012; November 27, 2012; December 12, 2012; January 3, 2013, and January 15, 2013. Members of the ABTF created group norms, and identified and prioritized the work to be done. The ABTF began its charge by investigating ABR implementation, and organized its work around several categories representing the major components of the ABR. The selected categories included: 1) HIB definition, 2) reporting, 3) investigation, 4) range of responses, 5) training, 6) programs, 7) roles, 8) grading, and 9) resources. The first stage of this work focused on information gathering, accomplished through a review of available resources and the collection of data.

The ABTF collected information and data from July 2012 through January 2013. Data collection procedures included: 1) focus group feedback, 2) the development and administration of surveys, 3) review of existing data, and 4) review of case law and extant literature related to bullying. To form focus groups, the ABTF contacted professional organizations representative of individuals involved in the implementation of ABR requirements, including the following stakeholders: superintendents of schools, school and district-level administrators, board of education members, school board attorneys, teachers, parent-teacher association members, guidance counselors and other student support services personnel (Appendix A). Organizations comprised of these stakeholders arranged for representatives to attend focus group meetings facilitated by ABTF members. The ABTF developed a Focus Group Discussion Protocol (Appendix B) to provide a framework for gathering feedback from the focus group participants

regarding ABR implementation. The ABTF will continue to meet with focus groups in the upcoming months and anticipates accepting feedback from interested organizations and parties throughout its appointment.

In order to collect additional data, the ABTF developed a survey directed at school anti-bullying specialists (ABS) and district anti-bullying coordinators (ABC). Two versions were developed, one for ABSs and one for ABCs. Each survey provided an opportunity for respondents to provide feedback on: 1) the impact of the ABR in their school or district, 2) their roles as ABSs or ABCs, and 3) the degree of implementation of the components of the ABR in their school communities. The surveys, conducted online through SurveyMonkey®, opened on November 26, 2012 and closed on December 7, 2012. The NJDOE generated a list of 2,446 ABSs and 659 ABCs based on information submitted by school districts. Each ABS and ABC on the list was invited to respond to their respective survey through an email invitation. A total of 391 ABSs and 168 ABCs responded. This represents a 23% survey response rate overall (15.9% for ABSs and 25.5% for ABCs). The ABTF is in the beginning stages of analyzing data collected through these surveys.¹

The ABTF also reviewed the *Commissioner's Annual Report to the Education Committees of the Senate and General Assembly on Violence Vandalism and Substance Abuse in New Jersey Public Schools July 1, 2011 to June 30, 2012* (V&V Report). The report includes trend data on HIB incidents reported by school districts on the Electronic Violence, Vandalism, and Substance Abuse Incident Reporting System (EVVRS) for the 2009-2010, 2010-2011 and 2011-12 school years. The EVVRS is a data collection system developed by the NJDOE to meet the violence, vandalism and harassment, intimidation

¹ Survey questions, summaries and charts can be found in Appendices C and D to this document.

and bullying reporting requirements in *N.J.S.A. 18A:17-46*. The report also includes data collected through the Harassment, Intimidation and Bullying Investigations, Trainings and Programs (HIB-ITP) system. The HIB-ITP system was developed in 2011 to assist the NJDOE in complying with the ABR. Other resources reviewed by the ABTF included: 1) NJDOE activities in support of the ABR (Appendix E), 2) materials provided to the ABTF by the NJDOE (Appendix F), 3) relevant case law reviewed (Appendix G), and 4) list of resources and websites provided by the NJDOE (Appendix H).

Section II: Trends and Preliminary Analysis

At each monthly meeting, the ABTF reviewed information and data related to its charge. Both the positive impacts of the ABR and the challenges of effective implementation were discussed in detail. Collectively, focus group feedback, survey responses and the EVVRS data revealed a positive response to the intent of the ABR, particularly related to promoting respectful behavior and a positive school climate. Specifically, focus group feedback and survey comments disclosed that the ABR was successful in heightening awareness of and the need to more adequately address bullying behavior in schools. This was supported by EVVRS data pertaining to the number of confirmed HIB incidents reported during the 2011-2012 academic year, which numbered over 13,000 cases statewide. This was the first full year that HIB was reported as a separate category using the ABR definition.

Focus group feedback and survey data also showed increased responsiveness to incidents of HIB as a result of the ABR. Both teacher and student responsiveness to HIB incidents were noted to have improved, and students were perceived as more empowered to participate in reporting and taking bystander action. Parents reported that communication related to HIB had improved as a result of the ABR implementation, and that the introduction of new intervention and prevention programming had a positive impact on their children as well as on teachers. Additionally, increased professional development opportunities were noted as a positive outcome. Survey results showed that 63% of ABSs and 53% of ABCs “agreed” or “strongly agreed” that the ABR has been a positive step toward preventing HIB at their school.

Focus group feedback and survey data also revealed a number of challenges related to ABR implementation. The ABTF identified common trends within six categories (i.e., HIB definition, reporting, investigation, training, roles, and resources) of the nine selected. Below is an analysis of the information gathered and trends noted in each of the selected categories. Trend analysis will continue to drive ABTF deliberations as its members continue to collect information in all selected categories to inform future recommendations.

Trends Related to the Definition of Harassment, Intimidation and Bullying

The ABR revised the definition of HIB found in the 2002 law and clarified that any incident of HIB must substantially disrupt or interfere with the orderly operation of the school or “the rights of other students.” Added sections include the ‘rights of other students,’ and that incidents of HIB may be on or off school grounds, but must meet the threshold requirement of substantial disruption or interference. Further, the ABR clarified that a HIB incident can be a single incident or a series of incidents, and that the harm to the student can be emotional or physical. The revised ABR definition includes the term “hostile educational environment.” These all require a threshold showing of substantial disruption or interference. The use of the words “substantial disruption²” and “interference” are directly related to several court decisions, including Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, 513 (1969); Sypniewski v. Warren Hills Regional Bd. Of Educ. 307 F.3d 243, 253 (3d Cir. NJ 2002), and Saxe v.

² The Statement to the ABR, dated November 15, 2010 states, “ 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;

State College Area School Dist., 240 F 3d 200, 217 (3d Cir. 2001).³ Additionally, in Davis v. Monroe County Board of Education, 526 U.S. 629, 651 (1999), the U.S.

Supreme Court defined peer-on-peer harassment in the educational context as unwelcome conduct directed at an individual that is "so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victim-students are effectively denied equal access to an institution's resources and opportunities."

For immediate reference, the resulting ABR HIB Definition is reproduced below:

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of *P.L.2010, c.122* (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or

³ In Saxe the court invalidated an anti-harassment policy. The court held that in order for a policy to be valid and prohibit or punish speech the suspect conduct must "substantial[ly] disrupt[ion] or interfere[ence] with the work of the school or the rights of other students. Speech that is offensive or even hurtful, but that does not substantially disrupt the school (or substantially and pervasively interfere with a student's right to an education), cannot be constitutionally prohibited. Saxe also held that the "hostile environment" prong requires a threshold sowing of severity or pervasiveness.

- c. creates 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.

Succinctly, the statutory definition of HIB requires that any gesture/act/communication motivated by a set of defined and open-ended characteristics that takes place on or off school grounds **AND** substantially disrupts or interferes with the orderly operation of a school **AND** that a *reasonable person* should know will harm a student **OR** has the result of demeaning a student(s) **OR** creates a hostile educational environment for the student(s).

Focus group feedback indicated that the greatest concern with ABR implementation relates to confusion surrounding the HIB definition set forth in the legislation. Specifically, many felt that the distinction between HIB, social conflict, and other behavior problems is unclear. The concept of “imbalance of power” is prevalent in the literature but not articulated in the legal definition of HIB in the ABR. Many expressed that age-appropriateness and developmental expectations as they relate to HIB need to be addressed. In addition, definitional clarification regarding “other distinguishing characteristics,” “off school grounds,” and single versus multiple incidents is needed. Furthermore, some participants indicated that the word “bullying” is not being used appropriately by staff, students or parents, perhaps due to definitional confusion or lack of programming and training, and that further clarification should distinguish the behaviors that constitute “bullying,” other problem behaviors and social conflict.”

Sixty-seven percent of ABSs and ABCs rated understanding whether a behavior meets the statutory definition of HIB as “challenging” or “very challenging.” Focus group feedback related to HIB reporting issues identified confusion over “what” must be reported, an indication that the definition is not being understood and/or is not user

friendly. More specifically, it appeared that the confusion over the HIB definition led to non-HIB behaviors being reported, thus requiring an investigation. Feedback indicated that since some teachers, administrators and school employees did not understand, were not properly trained, were not given practicable guidance on the definition, or were overly concerned about liability, their reaction was to report any conflict as HIB. Routine discretionary judgments that every teacher, school employee or administrator make on a daily basis are governed by a certain combination of training and common sense. Survey comments suggested that over-reporting was an outcome in the first year of implementation in an effort to protect the school/district/personnel from potential liability. Similarly, over-reporting was linked to confusion regarding whether every reported incident needs to be formally investigated in order to determine whether a behavior constitutes HIB.

The ABR HIB definition is necessarily legalistic in form. This articulation is necessary to properly express and balance the underlying Constitutional principles upon which it is based. However, the ABTF recognizes that adopting the definition to every day usage can be difficult. Consequently, there are reporting and investigation challenges stemming from confusion in understanding the HIB definition.

Trends Related to Reporting and Investigation Procedures

Evaluation of information and data revealed five trends specific to reporting procedures: 1) confusion related to the information that must be reported in an alleged incident of HIB; 2) uncertainty regarding the incidents that must be reported (there are more cases of alleged HIB being reported than actual incidents of HIB); 3) over-reporting of HIB incidents resulting from efforts to protect the child, oneself and the school/district;

4) under-reporting of HIB incidents, and 5) concern related to the mandatory timeline of the investigation process and the prescribed requirements.

The ABR requires that each school district's HIB policy provide for, among other requirements, "a procedure for reporting an act of harassment, intimidation or bullying...." and "a procedure for prompt investigation of reports of violations and complaints..." (*N.J.S.A.18A:37-15b(5) and (6)*). Thus, each school district must enact a policy establishing reporting and investigation procedures, and must institute protocols to be followed by personnel charged with carrying out HIB investigations. While districts are required to develop policy locally, the law requires that the reporting and investigation procedures, at a minimum, follow a statutorily required course of action. This timeline of action is delineated within *N.J.S.A.18A:37-15*.

Focus group participants and survey respondents expressed concern related to the mandatory timeline of the investigation process and the prescribed requirements. Further, qualitative data suggests that many HIB investigations were conducted for cases that, from the outset, appeared to be other code of student conduct infractions and/or social conflict rather than conduct that applies to the ABR definition of HIB. Decisions to investigate alleged incidents were borne from: 1) an actual HIB incident; 2) an uncertainty related to the behavior that must be reported, and 3) a distinct concern that failure to investigate, even the most unreasonable report, could lead to potential legal penalties.

Focus group feedback suggested concerns related to the seemingly unlimited timeline for the parent request of appeal to the district board of education (BOE). Focus group participants expressed the need for clear language to set a time limit for an appeal period.

According to some focus group participants, appeals to the BOE for reconsideration of an HIB case could be initiated months after the initial BOE determination.

Focus group feedback also revealed that there were questions associated with determining when to impose disciplinary consequences that could potentially be overruled by the BOE, in some cases, weeks after they had been meted out. Analysis of qualitative data collected through the ABS and ABC surveys supports the aforementioned common themes identified in the focus group sessions (ABTF, 2012a; ABTF 2012b).

Focus group members, survey respondents, and the V&V report indicated that there were many more cases of reported HIB incidents in the 2011-2012 school year than were actually confirmed as HIB as defined by and the law (NJDOE, 2012b). According to focus group participants, these high numbers were directly attributed to investigators' uncertainties regarding cases that need not be investigated as potential HIB incidents. Specifically, concern was raised about the lack of discretion for the professional to make a preliminary determination whether a case should be fully investigated as potential HIB. It was noted that many hours have been spent investigating cases that were ultimately deemed social conflict or other code of student conduct infractions. Time and resources could be saved if a determination could be made at the outset about the need for an investigation. Professionals suggested that they were uncomfortable exercising discretion in applying the reasonable person standard to investigations. Feedback also suggested that there was an over emphasis on concern about protecting against legal reprisals, which resulted in a great expenditure of time and organizational energy.

Both focus group participants and survey respondents requested that a clearer understanding of the definition of HIB be provided. This would assist decision-making at

the initial filing of a report as to whether a case is potentially HIB versus another code of student conduct infraction. Some also suggested that the concept of the power differential be incorporated. Further, focus group members and survey respondents requested that specific training related to conducting investigations be provided. While 76% of ABCs identified completing the reporting procedure (e.g. filling out the paperwork) of an alleged HIB incident as “easy,” 43.1% expressed that the investigation process was a “challenge” (ABTF, 2012a). Focus group members suggested that the ABR allow for flexibility within the investigation process in cases where non-HIB determinations could be made at the outset of an HIB report.

Finally, some school districts reported no or very few incidents of HIB to the NJDOE for the 2011-2012 school year. It must be emphasized that it was the failure to appropriately address incidents of HIB that was a significant factor in the establishment of the New Jersey Commission on Bullying in Schools and ultimately the enactment of the ABR. The ABTF will fully explore the reasons for the underreporting, and make recommendations in future ABTF reports.

Trends Related to Roles and Resources

Approximately half of ABSs and ABCs felt their role has had a positive impact on school climate. Nearly 72% of ABSs and 86% of ABCs indicated that communication between ABSs, ABCs, school principals, and superintendents is “excellent” or “good.” In addition, approximately 50% of ABSs and 64% of ABCs indicated that they felt adequately prepared to carry out their job responsibilities.

Regarding their ability to implement the required functions for each role, ABSs reported that, “leading the investigation of reported HIB incidents” is the role most

frequently implemented, while “providing input to the BOE on the annual re-evaluation, reassessment, and review of the district’s HIB policy” is the role least frequently implemented. When asked the extent to which the job functions have been easy or challenging, ABSs reported that, “acting as the primary school official responsible for preventing identifying, and addressing incidents of HIB in the school” and “leading the investigation of reported HIB incidents” are the “most challenging” job functions.

ABCs reported that “collaborating and meeting at least twice per year with the ABSs in the district” and “providing data, in collaboration with the superintendent to the NJDOE” are roles most frequently implemented with slightly less implementation for “coordinating and strengthening district HIB policy to prevent, identify, and address HIB.” ABCs reported that “meeting at least twice per year with the district ABSs” is an easier job function than “coordinating and strengthening district HIB policy to prevent, identify, and address HIB” and “providing data, in collaboration with the superintendent to the NJDOE.” In addition, almost 54% of ABCs indicated that they have been asked to perform other related duties in their role as the district ABC.

Both ABSs and ABCs were asked whether they had to give up other job responsibilities to carry out the role of ABS or ABC. Nearly 62% of ABSs and over 49% of ABCs indicated that they “agreed” or “strongly agreed” that they had to give up other job responsibilities. Focus group feedback indicated that ABSs had to give up other job responsibilities due to the amount of time spent on investigations, which correlates to less time available for counseling or other duties. Focus group data also suggested that there is an inherent conflict in the role of a counselor in conducting investigations, and that the principal should be more involved in the investigation process. In addition, resolving a

difference of opinion related to a HIB investigation is also challenging because of the supervisory relationship between the ABS and the school principal.

Both ABSs and ABCs were asked two questions regarding resources associated with ABR implementation; one focused on programmatic resources and the other on financial resources. About 51% of ABSs and 65% of ABCs “agreed” or “strongly agreed” that there is a large enough pool of program resources to implement the ABR, however approximately 67% of ABSs and approximately 71% of ABCs “disagreed” or “strongly disagreed” that there are enough financial resources to implement the ABR. Focus group participants noted the need for additional staff to cover the duties normally handled by the ABS, as well as a need for additional resources for training and staffing, especially related to student support services and student-focused interventions.

Trends Related to Training

The training obligations under the ABR fall into two general categories: 1) training to address and/or avoid incidents of HIB, and 2) training concerning the implementation of the requirements set forth in the ABR. Training on implementation of the BOE’s HIB policy in support of the ABR is required for all full- and part-time school employees, volunteers who have significant contact with students and persons contracted by the district to provide services to students (*N.J.S.A. 18A:37-17b and c*). Of ABC respondents, 56% “agreed” and 10.6% “strongly agreed” that “there are enough training opportunities available for staff to carry out the responsibilities specified in the ABR,” with approximately 25% of respondents indicating that training opportunities have not been sufficient. ABS respondents to the same question reflected a similar range of responses. Both ABSs and ABCs indicated that training in the requirements of the law

was more easily obtained than training staff on best practices for HIB prevention. Survey comments also highlight a desire for enhanced training on best practices.

In 2012, to fulfill ABR reporting requirements districts submitted data on the HIB-ITP system to the NJDOE. Districts reported that 11,445 trainings were conducted related to the reduction of HIB. The reported trainings focused on policy alone (9.2%), policy and prevention (33.8%), or other training topics (57%). Reported trainings may target one or more of these categories, so the totals reported include duplicates. Training was largely targeted at school personnel (33.8%), with 23.5% targeting students and 16.9% targeting parents. In addition to training, there were 8,760 HIB programs, approaches or initiatives implemented in the 2011-2012 school year. The majority (89.8%) of these programs, approaches, or initiatives targeted students. As part of the HIB-ITP reporting, districts also identified the ten safe and supportive school-wide conditions that were the focus of the program, approach or initiative. The ten choices are described in *The Essential Dimensions for Consideration for Safe and Supportive School Conditions* (Appendix E). The top school-wide factors addressed were Relationships (78%), Sense of School Community (72.7%) and Peer-Social Norms (70.7%).

The V&V Report did not summarize the duration of the trainings and programs provided. Further, HIB-ITP does not collect information on the quality or impact of the trainings, programs, approaches or initiatives undertaken to improve school climate conditions. Consistent with the findings of the Commission on Bullying in Schools, “Comprehensive and systemic approaches, as opposed to 'one-shot' events or uneven implementation, are likely to have lasting impact or to create the changes in school climate necessary to create a positive and respectful learning environment where

incidences of HIB are least likely to occur.” It is not possible to determine from the data collected by the HIB-ITP if these training programs included assistance in implementing the on-going instructional component for students required by the ABR (*N.J.S.A. 18A:37-29*).

Another trend that the ABTF identified was confusion over the role of the school safety team (SST). Under the ABR, the SST has responsibilities in addition to just reviewing anti-bullying reports. The primary charge for this team in the ABR is “to develop, foster and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school to address school climate issues such as HIB.” (*N.J.S.A. 18A:37-21*) This charge is consistent with the findings of the Commission on Bullying in Schools and is at the heart of the spirit of the ABR. The Commission recommended, “**Each school form a school climate team or use an existing team to participate in professional learning opportunities related to school climate programs/approaches and assist in developing a comprehensive school-wide program/approach to address school climate-related issues, including HIB.**” It is unclear from the EVVRS data the amount of training that was provided specifically to the SSTs. Schools are permitted and should be encouraged to provide such training.

Section III: Preliminary Recommendations

The following preliminary recommendations address three common trends uncovered during the initial stages of the ABTF's data collection and analysis process. The ABTF believes that further evaluation, deliberation and analysis of the common trends is necessary to providing focused guidance to New Jersey public school districts related to ABR implementation, and in making future recommendations to the Commissioner of Education, the Governor and the Legislature. As such, detailed recommendations will be issued on an ongoing basis.

HIB Definition

As noted, empirical sources such as the V&V Report of data from the EVVRS yielded information that nearly three times as many HIB reports had been made than confirmed HIB instances. In addition, focus group interviews confirmed that there was confusion regarding reporting requirements, which resulted in inaccurate identification and over reporting of instances of HIB.

There are multiple reasons which contribute to the over reporting of alleged incidents of HIB. First and more generally, there is confusion about recognizing the difference between social conflict and other infractions of the code of student conduct and HIB. Additionally, there is added confusion in recognizing behavior that satisfies the legal statutory definition of HIB in the ABR, when it comes to age appropriate behavior and the developmental level of students, particularly as it applies to the behavior and comprehension of elementary school students. Lastly, there is an underlying fear of liability both as to the school entity and individually.

According to focus group participants, the result of these challenges are: 1) inaccurate identification leading to the over-reporting of alleged HIB behaviors; 2) clogging of the ABS, principal, superintendent and BOE chain of responsibility with cases that do not involve HIB behavior, when these cases could be more appropriately and expeditiously handled by school administrators and staff, and 3) delayed implementation of the code of student conduct to mete out discipline in instances that have been reported as HIB, and which warrant immediate interventions or sanctions.

The ABTF has determined that each of these results, while unintended, countermand part of the intent and spirit of the ABR – to be certain that actual incidents of HIB are identified and addressed. Additionally, there is confusion regarding the relationship between the code of student conduct and HIB behavior. Specifically, there is a perception that the ABR either supplants or is separate from the code of student conduct, neither of which is true. The BOE's HIB policy is required to be a component of the code of student conduct. HIB behavior must be addressed as one of many behaviors set forth in the code of student conduct.

In response, the ABTF offers the preliminary recommendation for school districts to implement as a strategy to address these issues: ***Upon a report of a purported incident of HIB by a student, parent, school employee, volunteer or contracted service provider to the principal (received verbally on the same day, in writing within two days), the principal or the principal's designee has the discretion to determine, based on the totality of facts available, whether the incident meets the minimum standard of HIB as set forth in the ABR definition. In instances when a principal determines, based on the initial fact finding, that the reported situation does not meet the standards set forth, the***

HIB investigation will not be required. Rather, the applicable procedures set forth in the district code of student conduct would apply. It is incumbent on the principal to preserve the records documenting the information that led to the decision not to initiate an HIB investigation. If at any time after the principal's initial determination, the principal receives any information indicating that HIB may have occurred, the principal is required to promptly initiate the ABR investigation procedures. In instances where the reported allegations appear to satisfy the definition of HIB, the principal is required to refer the matter to the ABS for investigation.

The above recommendation fits within the framework of the ABR when reading three parts of the law in concert. First, *N.J.S.A. 18A:37-15b(5)* establishes that “All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident.” Second, *N.J.S.A. 18A:37-15b(6)(a)* sets forth that “...the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist.” Third, the ABR definition (*N.J.S.A. 18A:37-14*), requires that any gesture, act, or communication “... that is reasonably perceived as being motivated either by ...” a set of defined or open-ended or “perceived” characteristics, that takes place on or off school grounds that substantially disrupts or interferes with the orderly operation of a school and that “...a reasonable person should know...” will harm a student, or has the result of either demeaning a student(s) or creating a hostile educational environment for the student(s).

The threshold question that must be answered prior to initiating the investigation provisions in the ABR is whether the principal has reason to believe that an act of HIB may have taken place. If the initial facts do not indicate that the minimum standards have been satisfied, then the ABR provisions would be inapplicable and the other applicable provisions of the code of student conduct would control. The ABR definition contemplates such a determination by an individual when exercising the reasonable person standard (i.e., a reasonable person should know). The ABR by stating that the principal or the principal's designee must initiate the investigation, logically leads to the conclusion that the principal or the principal's designee make the threshold determination of HIB for purposes of initiating the investigation. As long as the allegations appear to satisfy the definition of HIB, the principal would be required to refer the matter to the ABS for investigation. Once the principal initiates the investigation, it is the responsibility of the ABS to investigate the reported incident as outlined in the ABR and write the report of the results of the investigation. In applying the investigative findings the ABS also would be required to apply the reasonable person standard to determine whether the incident was ABR-defined HIB.

The ABTF is aware, based on its findings, that principals are not immune to the difficulties in discerning whether behavior is HIB under the ABR definition. Therefore, it is the ABTF's conclusion that further training for principals and others as well as a developing body of practice-based knowledge in applying the HIB definition, will yield more positive results. The ABTF will consider recommendations for the minimum criteria for principals to use in making the initial decision regarding HIB status and include information on these recommendations in subsequent ABTF reports.

HIB Investigations

It is important to note that not all instances of social conflict or code of conduct infractions are necessarily acts of HIB. As such, it is recommended that principals and/or their designees determine whether an alleged incident appears to meet the legal definition according to the ABR, prior to initiating a HIB investigation. Further, an administrator should strive to mete out disciplinary consequences and/or implement remedial actions in an expeditious manner, per the BOE's code of student conduct and other policies. School administrators should not reserve consequences and/or remedial actions until chief school administrator or BOE review.

Regarding a parent/guardian's right to request a BOE hearing related to an alleged, or founded, incident of HIB, the ABTF recommends that all requests should be made in writing to the BOE Secretary no more than forty-five (45) calendar days after written information about the results of the investigation is sent to the parent. Upon receiving a request, the BOE should provide for a hearing in closed, executive session at the next regularly scheduled BOE meeting.

Training

During the first year of the implementation of the ABR, much attention focused on the compliance and procedural implications of the legislation. The ABTF believes that future training should emphasize the role of the SST in improving the overall school climate. Such training should guide these teams in the use of school climate and other data to develop and implement comprehensive school-wide approaches to improving all facets of the school climate. This recommendation coincides with the NJDOE's collaboration with the Bloustein Center for Survey Research at Rutgers, the State

University of New Jersey to develop the New Jersey School Climate Survey, a free resource that was disseminated to all chief school administrators and statewide professional education associations in 2012. The SST's plan should focus on dealing with bullying and other student conduct infractions and social conflict and the provision of on-going instruction for students as part of a systemic plan to improve the school environment. In this way, schools could set up a cycle of continuous climate improvement by reflecting on subsequent climate and other data and revising the programs, approaches and initiatives to meet current needs. The ABTF believes that training which emphasizes the role of the SST in meeting its charge to provide leadership in the development of a positive school climate will assist schools in fostering the types of learning environments where HIB is least likely to occur.

As previously noted, the ABC survey clearly indicated the need for additional training in the conducting of investigations. The NJDOE is currently collaborating with other agencies to develop training opportunities for school staff on conducting HIB investigations. Additional training focused on the practical application of the legal definition of HIB should be provided to everyone involved in implementation of the ABR. This training would serve to help all stakeholders make more knowledgeable determinations on the behaviors to be reported and investigated. Specific guidance and professional development should be provided for principals who initiate the investigations.

Section IV: Next Steps

Over the past 180 days, the ABTF has focused on its charge of investigating the implementation of the ABR. Through methods and procedures described in previous sections of this report, preliminary recommendations on ABR implementation have been established. These will be refined as the ABTF continues to review information and collect data. Specifically, the ABTF has begun to address six of the nine selected categories within this report, and intends to examine all nine selected categories in greater depth over the course of its term.

The ABTF will also focus on the issue of under reporting in terms of identifying reasons why and steps to take to eradicate the obstacles to achieve the spirit of the law, a positive, respectful educational environment. The ABTF will continue to meet with focus groups comprised of relevant stakeholders involved in ABR implementation, as well as hold a series of public hearings in order to gain focused feedback from the New Jersey community at large. As required by law, ABTF reports will be issued annually as additional information is reviewed and recommendations are developed.

Appendix A

New Jersey Anti-Bullying Task Force Focus Group List

New Jersey Association of School Administrators

New Jersey Association of School Psychologists

New Jersey Association of Student Assistance Professionals

New Jersey Education Association

New Jersey Principals and Supervisors Association

New Jersey School Board Attorneys

New Jersey School Boards Association

New Jersey School Counselor Association

Appendix B

New Jersey Anti-Bullying Task Force Focus Group Protocol Summer/Fall 2012

Purpose:

The following protocol is to be used to guide the members of the NJ Anti-Bullying Taskforce in facilitating focus groups with members of associations, agencies, groups, etc., who have been identified as key stakeholders in providing feedback regarding the implementation of the Anti-Bullying Bill of Rights Act (ABR) (*P.L.2010, c.122*).

Focus Group Process:

1) Introduction, purpose, and “ground rules”

Focus groups will ideally be facilitated by pairs. Pairs will determine breakdown of responsibilities. Facilitators will address the following:

- Facilitator introductions - name, role, and organizational affiliation, thank attendees for participating in the focus group, and provide an overview of the task force and its purpose (as stated in *P.L.2012, c.1*).
- Purpose - let participants know that the focus group process has been designed to provide “implementers” of the ABR an opportunity to discuss their experiences and share feedback with the taskforce, which will assist with our examination of the implementation of the ABR.
- “Ground Rules” - cover the following:
 - Anticipated duration – approximately 90 minutes
 - We are looking to identify trends, themes, strengths, and challenges with implementation of the ABR. Names of attendees or organizations will not be associated with any data collected from the focus group. We will only be reporting which organizations participated.
 - We ask that all participants also honor this confidentiality. We are not here to judge anybody’s individual efforts. For example, if a participant shares concerns over her/his school not handling something correctly, we are not here to report this information to anybody or discuss it beyond today’s meeting. Again, we are looking to summarize themes, so if a common issue is identified, it would not be summarized in our reports as connected to an individual school.
 - If anybody cares to follow up with additional input or responses after the focus group, we will provide our contact information.

2) Questions

Facilitators will use the following questions to help guide discussion for the focus group. One facilitator should focus on asking questions and allowing participants

to share responses, and the other should focus on capturing notes on flipchart in the front of the room.

1. What positive changes have you noticed in your school(s) as a result of the ABR?
2. What has been easy to implement?
3. What has been challenging to implement?
4. What resources have you used to assist with implementation of the ABR? (and for what specific aspect or requirement in the law)

Probing questions

Facilitators should be mindful to elicit responses in the major categories where ABR implementation questions or issues have emerged in the past, such as HIB definition, reporting procedures, range of responses, roles, policy, programs, HIB grade, or others (see handout provided by NJDOE with Policy Implementation Questions, not for distribution). If the group is not addressing these major areas of the ABR, specific questions may be asked such as, “How has the reporting an investigation of HIB incidents been going in your school(s)?”

- 3) Conclusion
Thank participants for their time and for sharing their experiences with the ABR. Let them know some of the task force’s next steps: meetings, more focus groups, summary reporting, etc.
- 4) Write-up
After completion of the focus group, facilitators should together debrief, and use the Data Chart to summarize findings from the focus group.

Appendix C

New Jersey Anti-Bullying Task Force Anti-Bullying Specialist Survey & Data

NJ School Anti-Bullying Specialist (ABS) Survey








1. The ABR has been a positive step towards the prevention of Harassment, Intimidation, and Bullying (HIB) in my school.

| | | Response Percent | Response Count |
|----------------------------|--|---------------------|-------------------|
| Strongly Disagree | | 2.3% | 9 |
| Disagree | | 10.0% | 39 |
| Neither Agree Nor Disagree | | 22.6% | 88 |
| Agree | | 51.7% | 201 |
| Strongly Agree | | 13.4% | 52 |
| answered question | | | 389 |
| skipped question | | | 2 |

2. The ABR has been a positive step towards responding to incidents of HIB in my school.

| | | Response Percent | Response Count |
|----------------------------|--|---------------------|-------------------|
| Strongly Disagree | | 2.8% | 11 |
| Disagree | | 12.1% | 47 |
| Neither Agree Nor Disagree | | 20.1% | 78 |
| Agree | | 51.7% | 201 |
| Strongly Agree | | 13.4% | 52 |
| answered question | | | 389 |
| skipped question | | | 2 |

3. There are enough training opportunities available for staff in our school to carry out the responsibilities specified in the ABR.






| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 13.0% | 51 |
| Disagree |  | 31.5% | 123 |
| Neither Agree Nor Disagree |  | 14.3% | 56 |
| Agree |  | 34.0% | 133 |
| Strongly Agree |  | 7.2% | 28 |

If you think additional training is needed, specify the topics that would be most useful:

158

| | |
|-------------------|-----|
| answered question | 391 |
| skipped question | 0 |






4. There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my school. (Note: This question is NOT addressing financial resources.)

| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 5.2% | 20 |
| Disagree |  | 23.5% | 91 |
| Neither Agree Nor Disagree |  | 19.9% | 77 |
| Agree |  | 43.4% | 168 |
| Strongly Agree |  | 8.0% | 31 |

If you think additional program resources are needed, specify the areas that would be most useful.

68

| | |
|-------------------|-----|
| answered question | 387 |
| skipped question | 4 |






| 5. I believe that there are enough financial resources available for our school to carry out the school responsibilities specified in the ABR. | | | |
|--|---|------------------|----------------|
| | | Response Percent | Response Count |
| Strongly Disagree |  | 30.0% | 117 |
| Disagree |  | 37.2% | 145 |
| Neither Agree Nor Disagree |  | 15.4% | 60 |
| Agree |  | 15.1% | 59 |
| Strongly Agree |  | 2.3% | 9 |
| If you think additional financial resources are needed, identify for what those resources are most needed. | | | 131 |
| answered question | | | 390 |
| skipped question | | | 1 |

| 6. Please indicate the extent to which you have been able to implement the following requirements of the ABS role. | | | | | | |
|--|-------------|--------------|-------------------|-------------|-------------|----------------|
| | Not At All | A Little Bit | A Moderate Amount | Quite a Bit | Very Much | Response Count |
| Chairing the School Safety Team | 9.6% (37) | 12.1% (47) | 19.6% (76) | 19.6% (76) | 39.0% (151) | 387 |
| Leading the investigation of reported HIB incidents | 1.6% (6) | 3.9% (15) | 7.5% (29) | 22.7% (88) | 64.3% (249) | 387 |
| Acting as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school | 1.8% (7) | 7.5% (29) | 19.9% (77) | 30.3% (117) | 40.4% (156) | 386 |
| Assisting the principal in defining a range of ways to respond to HIB | 3.4% (13) | 9.0% (35) | 14.4% (56) | 30.2% (117) | 43.0% (167) | 388 |
| Providing input to the local board of education on the annual re-evaluation, reassessment, and review of the district's HIB policy | 41.2% (160) | 21.1% (82) | 18.8% (73) | 11.6% (45) | 7.2% (28) | 388 |
| answered question | | | | | | 389 |
| skipped question | | | | | | 2 |

7. Please indicate the degree to which it has been easy or challenging for you to implement the following requirements of the ABS role.

| | Very Challenging | Challenging | Neither Easy nor Challenging | Easy | Very Easy | Response Count |
|--|------------------|--------------------|------------------------------|-------------|------------|----------------|
| Chairing the School Safety Team | 9.8% (38) | 20.6% (80) | 31.7% (123) | 25.8% (100) | 12.1% (47) | 388 |
| Leading the investigation of reported HIB incidents | 14.5% (56) | 39.3% (152) | 16.8% (65) | 20.2% (78) | 9.3% (36) | 387 |
| Acting as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school | 22.8% (88) | 36.3% (140) | 16.6% (64) | 16.1% (62) | 8.3% (32) | 386 |
| Assisting the principal in defining a range of ways to respond to HIB | 8.8% (34) | 28.4% (110) | 26.4% (102) | 25.6% (99) | 10.9% (42) | 387 |
| Providing input to the local board of education on the annual re-evaluation, reassessment, and review of the district's HIB policy | 20.2% (77) | 16.5% (63) | 52.1% (199) | 8.1% (31) | 3.1% (12) | 382 |
| answered question | | | | | | 389 |
| skipped question | | | | | | 2 |

8. Please indicate the extent to which you agree or disagree: I believe that I have been adequately prepared (e.g., through training) to carry out the job responsibilities of the ABS.






| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 11.8% | 46 |
| Disagree |  | 19.0% | 74 |
| Neither Agree Nor Disagree |  | 17.2% | 67 |
| Agree |  | 42.6% | 166 |
| Strongly Agree |  | 9.5% | 37 |

If you do not feel adequately prepared, what would you need to be adequately prepared?

136

| | |
|-------------------|-----|
| answered question | 390 |
| skipped question | 1 |

9. Please indicate the extent to which you agree or disagree: My role as the school ABS is having a positive impact on school climate.




| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 4.4% | 17 |
| Disagree |  | 9.2% | 36 |
| Neither Agree nor Disagree |  | 36.9% | 144 |
| Agree |  | 42.3% | 165 |
| Strongly Agree |  | 7.2% | 28 |

How can you tell?






146

| | |
|-------------------|-----|
| answered question | 390 |
| skipped question | 1 |

10. Since the implementation of the ABR in September 2011, please indicate if your school has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)

| | | Response Percent | Response Count |
|-------------------|--|---------------------|-------------------|
| Students |  | 89.1% | 197 |
| Staff |  | 57.0% | 126 |
| Parents |  | 36.7% | 81 |
| answered question | | | 221 |
| skipped question | | | 170 |

11. Please indicate the extent to which you agree or disagree: I have had to give up other job responsibilities to carry out the role of ABS in my school.

| | | Response Percent | Response Count |
|---|---|---------------------|-------------------|
| Strongly Disagree |  | 8.5% | 33 |
| Disagree |  | 14.1% | 55 |
| Neither Agree nor Disagree |  | 15.4% | 60 |
| Agree |  | 32.6% | 127 |
| Strongly Agree |  | 29.3% | 114 |
| If applicable, please specify the duties you are no longer able to perform. | | | 209 |
| answered question | | | 389 |
| skipped question | | | 2 |

12. How would you rate the quality of communication regarding HIB incidents between you, as the ABS, your school's principal, the district Anti-Bullying Coordinator, and the superintendent?

| | | Response Percent | Response Count |
|-----------|--|---------------------|-------------------|
| Poor | | 2.6% | 10 |
| Fair | | 9.5% | 37 |
| Average | | 16.2% | 63 |
| Good | | 35.7% | 139 |
| Excellent | | 36.0% | 140 |

Please indicate why you rated this question the way you did.

183

| | |
|-------------------|-----|
| answered question | 389 |
| skipped question | 2 |

13. Please indicate the degree to which it has been easy or challenging for your school community to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.

| | Very Challenging | Challenging | Neither Easy nor Challenging | Easy | Very Easy | Response Count |
|--|------------------|--------------------|------------------------------|--------------------|-----------|----------------|
| Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB) | 14.4% (56) | 53.5% (208) | 17.2% (67) | 12.3% (48) | 2.6% (10) | 389 |
| Reporting an incident of HIB | 2.1% (8) | 16.5% (64) | 28.4% (110) | 45.9% (178) | 7.2% (28) | 388 |
| Investigating an incident of HIB | 7.8% (30) | 41.4% (159) | 22.1% (85) | 25.8% (99) | 2.9% (11) | 384 |
| Determining appropriate responses to an incident of HIB | 7.3% (28) | 34.8% (134) | 31.4% (121) | 23.9% (92) | 2.6% (10) | 385 |
| Implementing appropriate responses to an incident of HIB | 6.4% (25) | 28.9% (112) | 34.5% (134) | 26.8% (104) | 3.4% (13) | 388 |
| Training staff on the Anti-Bullying Bill of Rights | 7.2% (28) | 25.8% (100) | 35.9% (139) | 28.4% (110) | 2.6% (10) | 387 |
| Training staff on best practices for HIB prevention | 10.0% (39) | 31.6% (123) | 32.4% (126) | 23.7% (92) | 2.3% (9) | 389 |
| Comments: | | | | | | 166 |
| answered question | | | | | | 389 |
| skipped question | | | | | | 2 |

14. If you have any additional comments regarding your role as ABS or about the ABR, please include them here.






| Response Count | |
|-------------------|-----|
| 108 | |
| answered question | 108 |
| skipped question | 283 |

Appendix D






New Jersey Anti-Bullying Task Force Anti-Bullying Coordinator Survey & Data

NJ District Anti-Bullying Coordinator (ABC) Survey SurveyMonkey






1. The ABR has been a positive step towards the prevention of Harassment, Intimidation, and Bullying (HIB) in my district.

| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 6.5% | 11 |
| Disagree |  | 8.3% | 14 |
| Neither Agree Nor Disagree |  | 29.8% | 50 |
| Agree |  | 42.3% | 71 |
| Strongly Agree |  | 13.1% | 22 |
| answered question | | | 168 |
| skipped question | | | 0 |

2. The ABR has been a positive step towards responding to incidents of HIB in my district.

| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 6.0% | 10 |
| Disagree |  | 10.2% | 17 |
| Neither Agree Nor Disagree |  | 24.1% | 40 |
| Agree |  | 43.4% | 72 |
| Strongly Agree |  | 16.3% | 27 |
| answered question | | | 166 |
| skipped question | | | 2 |

3. There are enough training opportunities available for staff in our district to carry out the responsibilities specified in the ABR.






| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 3.0% | 5 |
| Disagree |  | 22.6% | 38 |
| Neither Agree Nor Disagree |  | 7.7% | 13 |
| Agree |  | 56.0% | 94 |
| Strongly Agree |  | 10.7% | 18 |

If you think additional training is needed, specify the topics that would be most useful:

39

| | |
|-------------------|-----|
| answered question | 168 |
| skipped question | 0 |

4. There is a large enough pool of program resources (e.g., strategies, effective programs, best practices) available to help implement the ABR in my district. (Note: This question is NOT addressing financial resources.)






| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 6.0% | 10 |
| Disagree |  | 15.0% | 25 |
| Neither Agree Nor Disagree |  | 14.4% | 24 |
| Agree |  | 59.3% | 99 |
| Strongly Agree |  | 5.4% | 9 |

If you think additional program resources are needed, specify the areas that would be most useful.

23

| | |
|-------------------|-----|
| answered question | 167 |
| skipped question | 1 |

5. I believe that there are enough financial resources available for our district to carry out the responsibilities specified in the ABR.

| | | Response Percent | Response Count |
|----------------------------|---|------------------|----------------|
| Strongly Disagree |  | 33.5% | 56 |
| Disagree |  | 37.7% | 63 |
| Neither Agree Nor Disagree |  | 7.2% | 12 |
| Agree |  | 18.6% | 31 |
| Strongly Agree |  | 3.0% | 5 |

If you think additional financial resources are needed, identify for what those resources are most needed.

62

| | |
|-------------------|-----|
| answered question | 167 |
| skipped question | 1 |


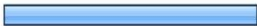
6. Please indicate the extent to which you have been able to implement the following requirements of the ABC role.

| | Not At All | A Little Bit | A Moderate Amount | Quite a Bit | Very Much | Response Count |
|---|------------|--------------|-------------------|-------------|-------------|----------------|
| Coordinating and strengthening district HIB policy to prevent, identify, and address HIB | 3.0% (5) | 6.5% (11) | 18.5% (31) | 39.9% (67) | 32.1% (54) | 168 |
| Collaborating and meeting at least twice per year with the school Anti-Bullying Specialists in the district | 0.6% (1) | 2.4% (4) | 7.8% (13) | 23.4% (39) | 65.9% (110) | 167 |
| Providing data, in collaboration with the superintendent to the New Jersey Department of Education | 1.8% (3) | 3.0% (5) | 13.9% (23) | 31.3% (52) | 50.0% (83) | 166 |
| answered question | | | | | | 168 |
| skipped question | | | | | | 0 |






7. Please indicate the degree to which it has been easy or challenging for you to implement the following requirements of the ABC role.

| | Very Challenging | Challenging | Neither Easy nor Challenging | Easy | Very Easy | Response Count |
|--|------------------|-------------|------------------------------|------------|-------------------|----------------|
| Coordinating and strengthening district HIB policy to prevent, identify, and address HIB | 6.0% (10) | 22.9% (38) | 33.1% (55) | 27.1% (45) | 10.8% (18) | 166 |
| Meeting at least twice per year with the district Anti-Bullying Specialists | 1.2% (2) | 9.6% (16) | 23.4% (39) | 30.5% (51) | 35.3% (59) | 167 |
| Providing data, in collaboration with the superintendent to the New Jersey Department of Education | 4.2% (7) | 24.1% (40) | 32.5% (54) | 22.3% (37) | 16.9% (28) | 166 |
| answered question | | | | | | 167 |
| skipped question | | | | | | 1 |

8. Have you been asked to perform other related duties in your role as the district ABC?






| | | Response Percent | Response Count |
|--|---|------------------|----------------|
| No |  | 46.4% | 77 |
| Yes |  | 53.6% | 89 |
| If yes, which duties have you been asked to perform? | | | 83 |
| answered question | | | 166 |
| skipped question | | | 2 |

9. Please indicate the extent to which you agree or disagree: I believe that I have been adequately prepared (e.g., through training) to carry out the job responsibilities of the ABC.

| | | Response Percent | Response Count |
|--|---|---------------------|-------------------|
| Strongly Disagree |  | 3.6% | 6 |
| Disagree |  | 13.7% | 23 |
| Neither Agree Nor Disagree |  | 18.5% | 31 |
| Agree |  | 50.0% | 84 |
| Strongly Agree |  | 14.3% | 24 |
| If you do not feel adequately prepared, what would you need to be adequately prepared? | | | 37 |




| | |
|-------------------|-----|
| answered question | 168 |
| skipped question | 0 |

10. Please indicate the extent to which you agree or disagree: My role as the district ABC is having a positive impact on school climate.






| | | Response Percent | Response Count |
|----------------------------|---|---------------------|-------------------|
| Strongly Disagree |  | 3.0% | 5 |
| Disagree |  | 7.8% | 13 |
| Neither Agree nor Disagree |  | 39.8% | 66 |
| Agree |  | 38.0% | 63 |
| Strongly Agree |  | 11.4% | 19 |
| How can you tell? | | | 66 |

| | |
|-------------------|-----|
| answered question | 166 |
| skipped question | 2 |





11. Since the implementation of the ABR in September 2011, please indicate if your district has conducted a school climate or bullying-related survey with any of the following audiences. (Check all that apply.)

| | | Response Percent | Response Count |
|-------------------|--|------------------|----------------|
| Students |  | 92.8% | 103 |
| Staff |  | 71.2% | 79 |
| Parents |  | 49.5% | 55 |
| answered question | | | 111 |
| skipped question | | | 57 |

12. Please indicate the extent to which you agree or disagree: I have had to give up other job responsibilities to carry out the role of ABC in my district.

| | | Response Percent | Response Count |
|---|---|------------------|----------------|
| Strongly Disagree |  | 15.5% | 26 |
| Disagree |  | 24.4% | 41 |
| Neither Agree nor Disagree |  | 24.4% | 41 |
| Agree |  | 22.0% | 37 |
| Strongly Agree |  | 13.7% | 23 |
| If applicable, please specify the duties you are no longer able to perform. | | | 62 |
| answered question | | | 168 |
| skipped question | | | 0 |

13. How would you rate the quality of communication regarding HIB incidents between the school Anti-Bullying Specialists throughout your district, school principals, you, as the ABC, and the superintendent?

| | | Response Percent | Response Count |
|-----------|---|---------------------|-------------------|
| Poor | | 0.0% | 0 |
| Fair |  | 1.8% | 3 |
| Average |  | 12.5% | 21 |
| Good |  | 32.7% | 55 |
| Excellent |  | 53.0% | 89 |

Please indicate why you rated this question the way you did.

75

| | |
|-------------------|-----|
| answered question | 168 |
| skipped question | 0 |

14. Please indicate the degree to which it has been easy or challenging for your school community to implement the following components of the ABR. If the component has been challenging to implement, please indicate the specific challenges and the reasons for the challenges in the comments section provided.

| | Very Challenging | Challenging | Neither Easy nor Challenging | Easy | Very Easy | Response Count |
|--|------------------|-------------------|------------------------------|-------------------|------------|----------------|
| Understanding if behavior meets the statutory definition of Harassment, Intimidation, and Bullying (HIB) | 14.4% (24) | 52.7% (88) | 18.0% (30) | 13.2% (22) | 1.8% (3) | 167 |
| Reporting an incident of HIB | 1.8% (3) | 16.8% (28) | 19.8% (33) | 45.5% (76) | 16.2% (27) | 167 |
| Investigating an incident of HIB | 7.8% (13) | 43.1% (72) | 11.4% (19) | 29.9% (50) | 7.8% (13) | 167 |
| Determining appropriate responses to an incident of HIB | 5.4% (9) | 34.7% (58) | 24.6% (41) | 28.1% (47) | 7.2% (12) | 167 |
| Implementing appropriate responses to an incident of HIB | 3.6% (6) | 24.6% (41) | 30.5% (51) | 34.7% (58) | 6.6% (11) | 167 |
| Training staff on the Anti-Bullying Bill of Rights | 3.0% (5) | 28.7% (48) | 28.7% (48) | 32.3% (54) | 7.2% (12) | 167 |
| Training staff on best practices for HIB prevention | 6.0% (10) | 37.7% (63) | 28.1% (47) | 23.4% (39) | 4.8% (8) | 167 |
| Comments: | | | | | | 65 |
| answered question | | | | | | 168 |
| skipped question | | | | | | 0 |

15. If you have any additional comments regarding your role as ABC or about the ABR, please include them here.

| Response Count | |
|-------------------|-----|
| 34 | |
| answered question | 34 |
| skipped question | 134 |

Appendix E

New Jersey Department of Education (NJDOE) Summary of Activities in Support of the *Anti-Bullying Bill of Rights Act (ABR)* (* = NJDOE requirements under the *Anti-Bullying Bill of Rights Act, P.L.2010, c.122.*)

Before the Adoption of the ABR

- Prior to the adoption of the *ABR* in 2011, the NJDOE had engaged in a number of activities to support the original harassment, intimidation and bullying (HIB) law adopted in 2002:
 - *Model HIB Policy and Guidance* – In September 2002, disseminated and posted original model HIB policy and guidance, and disseminated and posted revisions/updates in April 2006, April 2007 and November 2008.
 - *Administrative Advisory* – In September 2006, disseminated a memorandum encouraging sensitivity to HIB, particularly among ethnic groups.
 - *HIB Compliance Checklist* – In 2007, posted the checklist.
 - *HIB Policy Review* – In 2007-2008, reviewed all school district's HIB policies and provided feedback to districts through county training and technical assistance sessions.
 - *HIB Policy Review Follow Up* – In 2009-2010, conducted a follow-up review of school district's HIB policies and provided feedback to districts through county training and technical assistance sessions.
 - *HIB Training and Technical Assistance* – During 2007-2010, provided ongoing training and technical assistance on the subject of HIB prevention through the Center for Applied Psychology, Rutgers University.
- *New Jersey Commission on Bullying in Schools* – During 2008-2009, the NJDOE participated on the Commission. The Commission's report was issued in December 2009 and can be found at <http://www.state.nj.us/childadvocate/publications/PDFs/Bullying%20Report%20December%202009%20-%20%20Final.pdf>.

After the Adoption of the ABR

With the adoption of the *ABR* on January 5, 2011, the NDOE has engaged in a variety of activities to support schools in implementing the law and in achieving the purposes of the law:

Consultation

- *HIB Advisory Committee* – March 2011, the DOE's advisory committee of experts/stakeholders met to guide the DOE's continued efforts to implement the *ABR*. In June 2011, the three working groups of the advisory committee submitted their recommendations regarding the: 1) district anti-bullying coordinator and school anti-bullying specialist training; 2) the guidance document for parents, students and school district staff; and 3) the online tutorial.
- *New Jersey School Boards Association (NJSBA)** – June 2011, DOE staff consulted with staff from the NJSBA on the training program to be developed and implemented by NJSBA for school board members.

- *HIB Grade** – In July 2011, an *HIB Grade Subcommittee of the NJDOE's Safe and Support Schools Advisory Committee*, comprised of experts/stakeholders, met to advise the NJDOE on the development of the HIB grade. In July 2012, a *HIB Grade Local-Level Advisory Committee*, comprised a school district representative from each of the 21 counties, met to comment on the NJDOE's draft plans to implement the Commissioner of Education's program to grade schools on their efforts to implement policies and programs consistent with the ABR.
- *Anti-Bullying Task Force (ABTF)** – In March 2012, the NJDOE, at the request of the Governor's office, nominated members for appointment to the ABTF. In June 2012, the NJDOE organized the first meeting of the ABTF established under *P.L.2012, c. 1*, that was held in July 2012. NJDOE staff serve as ad hoc members to the ABTF.

Training and Technical Assistance

Trainings, presentations and technical assistance has been provided as follows:

- *County Based School Orientations* – Winter/Spring of 2011, trainings were provided in each of 21 counties to orient approximately 600 school staff to the changes in the anti-bullying law.
- *New Jersey State Board of Education* – In February 2011, NJDOE staff presented and discussed the provisions of the ABR.
- *County Offices of Education* – Spring and summer of 2011, presentations provided and meetings and discussions held with county offices of education on the implementation of the ABR. October 2011 - December 2011, six technical support conference calls were held with county office of education staff to address local implementation issues. June 2012, reviewed refinements to investigation protocol with county executive superintendents. July 2012, reviewed refinements to investigation protocol with county education specialists.
- *New Jersey Bar Foundation Law Conference* – In February 2011, presented highlights of ABR with 100 school attorneys and school administrators.
- *Holocaust Commission Conference* – In March 2011, presented highlights of the ABR to 100 conference participants.
- *Child Assault Prevention Program* – In March 2011, presented information on the ABR with 20 program coordinators.
- *New Charter School Lead Persons* – In March 2011, oriented 10 new charter school administrators to the requirements of the ABR.
- *NJDOE Leadership Conferences* – In April and May 2011, conducted presentations on the ABR to a total of 225 school administrators and other staff at three regional conferences.
- *Rowan University/EIRC Training* – In May 2011, presented to 75 school staff on the ABR.
- *District Anti-Bullying Coordinator (ABC) and School Anti-Bullying Specialist (ABS) Trainings** – September 2011, provided training to 1,250 people at 10 sessions about the ABR and the roles of the district anti-bullying coordinator and school anti-bullying specialist. While not required, three of the trainings were designed as train-the-trainer sessions to build the capacity in the state to help school districts with the implementation of the ABR.

- *Gloucester County In-service Day* – In November 2011, presented information on the ABR to 50 school staff throughout Gloucester County.
- *Union County ABCs* – In December 2011, provided information and technical assistance on the ABR to 20 ABCs.
- *Special Education Advisory Council* – In December 2011, provided information on the ABR to 20 members of the Council.
- *New Jersey Alliance for Social, Emotional and Character Development Conference* – In March 2012, provided information on the ABR and school climate improvement to 200 participants.
- *Middlesex County ABCs and ABSs* – In May 2012, provided information and technical assistance on the ABR to 25 ABCs and ABSs.
- *Passaic County ABCs and ABSs* – In May 2012, provided information and technical assistance on the ABR to 25 ABCs and ABSs.
- *Warren County ABCs and ABSs* – In May 2012, provided information and technical assistance on the ABR to 30 ABCs and ABSs.
- *Best Practices for the Practical Implementation of the Anti-Bullying Bill of Rights Act* – In September 2012, provided 4 regional training sessions for a total of 300 ABCs & ABSs.
- *Improving School Climate and the Conditions for Learning* – In October and November 2012, provided 8 regional trainings for district teams of 3 school staff, totaling 900 people. A webinar of the training program and training materials will be posted on the NJDOE website.
- *Sussex County ABCs and ABSs* – In October 2012, provided information and technical assistance on the ABR to 45 ABCs and ABSs.

Guidance Materials

- *Model HIB Policy and Guidance** – In April 2011, disseminated and posted the model HIB policy and guidance that was revised to include the requirements in the ABR. (<http://www.state.nj.us/education/parents/bully.htm>)
- *Chief School Administrator Advisory* – In the spring and summer of 2011, letters were sent advising districts of their responsibilities under the ABR.
- *Week of Respect* – In September 2011 and 2012, disseminated and posted guidance on the “Week of Respect,” to be observed the week beginning with the first Monday in October of each year. (<http://www.state.nj.us/education/students/safety/behavior/violence.shtml>)
- *Memorandum of Agreement between Education and Law Enforcement Officials (MOA)* –
In September 2011, disseminated and posted a revised MOA, which was amended to comply with the ABR. (<http://www.state.nj.us/education/schools/security/regs/agree.pdf>)
 - *MOA Frequently Asked Questions (FAQ)* – In July 2012, the FAQ document supporting the MOA was revised, in part to address issues pertaining to the ABR, and posted on the NJDOE’s website. (<http://www.state.nj.us/education/schools/security/regs/agreefaq.pdf>)
- *Educator Preparation Program Requirements* – In November 2011, posted and disseminated the Educator Preparation Program Requirements in the ABR for the

Deans and Alternate Route Directors of Educator Preparation Programs.

(<http://www.state.nj.us/education/students/safety/behavior/hib/HIBGuidanceEdPrep.pdf>)

- *Guidance for Teacher and Educational Leader Professional Development on Harassment, Intimidation and Bullying* – In September 2011, disseminated and posted the guidance.
(<http://www.state.nj.us/education/students/safety/behavior/hib/HIBGuidancePD.pdf>)
- *Harassment, Intimidation and Bullying Compliance Checklist* – In October 2011, posted a revised checklist to include the requirements in the ABR.
(<http://www.state.nj.us/education/students/safety/behavior/hib/checklist.pdf>)
- *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act** – In December 2011, disseminated and posted comprehensive guidance for school staff on implementing the ABR and for assisting in preventing HIB and in resolving complaints. Coordinated with the Division on Civil Rights (DCR), the Appellate Division of the Superior Court and the DOE's Office of Controversies and Disputes in the preparation of this and other guidance documents.
(<http://www.state.nj.us/education/students/safety/behavior/hib/guidance.pdf>)
- *Harassment, Intimidation and Bullying Investigation Protocols** – In January 2012, disseminated revised HIB investigation protocol to executive county superintendents. In June 2012, the protocol was refined and disseminated to executive county superintendents.
- *Resources on Harassment, Intimidation and Bullying* – In February 2012, a comprehensive list of state and national HIB resources was posted on NJDOE's HIB website.
(<http://www.state.nj.us/education/students/safety/behavior/hib/hibresources.shtml>)
- *Online Tutorials for School Staff** – In May 2012, online tutorials for school staff were posted on the HIB website.
(<http://www.state.nj.us/education/students/safety/behavior/hib/tutorials/>)
- *Guidance for Parents on the Anti-Bullying Bill of Rights Act** – In September 2012, disseminated and posted comprehensive guidance for parents the ABR and for assisting in preventing HIB and in resolving complaints.
(<http://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf>)
- *On line Tutorials for Parents** – In September 2012, online tutorials for school staff were posted on the HIB website.
(<http://www.state.nj.us/education/students/safety/behavior/hib/tutorials/>)
- *Questions and Answers on the Anti-Bullying Bill of Rights Act* – In October 2012, the frequently asked questions document was expanded to address issues that have arisen with the implementation of the ABR and was posted on the NJDOE's website.
(<http://www.state.nj.us/education/genfo/faq/AntiBullyingQA.pdf>)

Other Resources

- *PowerPoint Presentations* – In July 2011, the PowerPoint presentation from the county HIB trainings identifying changes in the HIB law was posted on the NJDOE's website for use by schools and the public. In October 2011, the PowerPoint presentation from the ABC and ABS trainings was posted on the

NJDOE's website for use by schools and the public.

(<http://www.state.nj.us/education/students/safety/behavior/hib/overview.shtml>)

- *HIB Website* – In the summer of 2011, NJDOE reorganized its website to concentrate all of its resources on bullying in one location. The resources include the HIB statute, a frequently asked questions document, the guidance publication for school personnel, the model policy and guidance, PowerPoint presentations, tutorials for school personnel, guidance for professional development and education preparation programs, a compliance checklist, and a comprehensive list of national and state HIB resources.
- *HIB Email Account* – In September of 2011, NJDOE established a dedicated HIB email account to field the large volume of questions on the ABR.
- *New Jersey School Climate Survey* - In November 2012, the NJDOE disseminated school climate survey materials developed by the NJDOE in collaboration with the Bloustein Center for Survey Research at Rutgers, the State University of New Jersey. The materials included surveys for elementary school students, middle school/high school students, school staff and parents, a data entry display tool for each survey and a survey administration guide. The survey materials will be posted on the NJDOE website.

Reporting

- *Electronic Violence and Vandalism Reporting System (EVVRS)** – September 2011, notified districts of new information that would be collected on the EVVRS for 2011-2012 to comply with the ABR. In January 2012, the EVVRS was opened for 2011-12. Districts were notified and provided guidance on entering incidents, including HIB, and the new information required on HIB incidents.
(<http://homeroom.state.nj.us/EVVRS.htm>)
- *Commissioner's Annual Report to the Education Committees of the Senate and General Assembly on Violence, Vandalism and Substance Abuse in New Jersey Public Schools** – In December 2011, sent the report on violence and vandalism, including HIB, for 2009-2011, to the Education Committees of the Legislature. October 2012 sent the report on violence and vandalism, including HIB, for 2011-2012, to the Education Committees of the Legislature
(<http://www.state.nj.us/education/schools/vandv/index.html>)
- *County District School System (CDSS)** – In January 2012, districts were advised that the CDSS was modified to collect information on the ABS and ABC to post on the NJDOE website, as required by the ABR. In April and May 2012, reminders were forwarded to districts that had not entered the data on NJDOE's CDSS.
(<http://homeroom3.state.nj.us/cds/>)
- *Harassment, Intimidation and Bullying-Incidents, Training and Programs Data Collection and Reporting System (HIB-ITP)** – In June 2012, the HIB-ITP was opened for schools to report information that will be used to assist in assigning the HIB grade. (http://homeroom.state.nj.us/evvrs/HIB_NOV2012.pdf)
- *The Essential Dimensions for Consideration for Safe and Supportive School Conditions* (http://www.state.nj.us/education/schools/vandv/1112/HIB_11-15.pdf).
- *Reporting Verification* – In July 2012, districts were notified of the process for verifying their EVVRS data for 2011-12; reminded to certify their data reported on

the Harassment, Intimidation and Bullying-Incidents, Training and Programs Data Collection and Reporting System for report periods 1 and 2; and to advise them of the time periods for reporting HIB data to NJDOE.

Funding

- *Application for Funds to Support Implementation of the Anti-Bullying Bill of Rights Act **— In April 2012, the NJDOE disseminated the application in response to the amendments to the ABR in March 2012 designed to address the unfunded mandate issue decided by the Council on Local Mandates and to ensure the ABR does not expire.
 - \$1 million was appropriated to provide supplemental funds to districts for implementing the ABR in the 2011-12 school year.
 - Eligible costs for the grant applications were HIB Personnel (District and-Bullying Coordinator, School Anti-Bullying Specialist and School Safety Team members); HIB Training; HIB Prevention Programs, Approaches or Other Initiatives; and HIB Intervention Programs or Services.
 - In May 2012, grant applications were received from 370 school districts, requesting a total of \$4.9 million.
 - In June 2012, grant awards were issued to 370 school districts for the \$1 million appropriated for this purpose, pro-rated at 20.5%.

Appendix F

New Jersey Department of Education Materials Provided to Anti-Bullying Task Force

1. Summary of NJDOE Activities in Support of the *Anti-Bullying Bill of Rights Act*.
2. List of trainings and technical assistance sessions conducted by the NJDOE.
3. Harassment, Intimidation and Bullying (HIB) Law Policy Implementation Questions.
4. Obtaining Assistance for HIB Concerns under the *Anti-Bullying Bill of Rights Act*.
5. HIB reports from the NJDOE's Electronic Violence and Vandalism Reporting System and the Harassment, Intimidation and Bullying Initiatives, Training and Programs Data Collection System, including on the increase in the number of reported incidents, responses to reported incidents, the number of cases investigated and the number of investigated cases that were confirmed.
6. Excerpts from all NJDOE publications and resources on the HIB definition and reporting.
7. Selected case law and U.S. Department of Education on matters pertaining to HIB:
 - Davis v. Monroe County BOE;
 - Tinker v Des Moines Independent Community School District; and
 - David Warren Saxe, appellants v. state college area school district.
8. Resources posted on the NJDOE's website (<http://www.state.nj.us/education/students/safety/behavior/hib/#si>), including the following:
 - *Anti-Bullying Bill of Rights Act* (P.L. 2010, c.122), March 2012 Amendment (P.L. 2010, c.1).
 - Questions and Answers on the *Anti-Bullying Bill of Rights Act* (P.L. 2010, c. 122 and P.L.2012, c.1).
 - *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act* and Accompanying Memo to Chief School Administrators and Charter School Lead Persons.
 - *Guidance for Parents on the Anti-Bullying Bill of Rights Act*.
 - HIB Online Tutorials.
 - Teacher and Educational Leader Professional Development on Harassment, Intimidation and Bullying Guidance and Accompanying Memo to Chief School Administrators and Charter School Lead Persons.
 - Educator Preparation Programs on Harassment, Intimidation and Bullying Guidance and Accompanying Memo to Deans and Alternate Route Directors.

of Educator Preparation Programs.

- . *Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses.*
- . Resources on Harassment, Intimidation and Bullying.
- . Harassment, Intimidation and Bullying Power Point Presentations.
- . Harassment, Intimidation and Bullying Compliance Checklist.
- . Week of Respect.
- . Violence Awareness Week.
- . Commissioner's Annual Report to the Education Committees of the Senate and General Assembly on Violence, Vandalism and Substance Abuse.

Appendix G

Anti-Bullying Task Force Case Law Reviewed

Davis v. Monroe County Board of Education, 526 U.S. 629, (1999)

G.D.M. v. Board of Education of the Ramapo Indian Hills Regional High School Dist., 427 N.J.Super. 246 (App. Div. 2012)

J.S. ex rel. Snyder v. Blue Mountain School Dist., 650 F.3d 915 (3d Cir. 2011)

L.W. v. Toms River Regional Schools Board of Education, 189 N.J. 381 (2007)

Layshock ex rel. Layshock v. Hermitage School Dist., 650 F.3d 205 (3d Cir. 2011)

Saxe v. State College Area School Dist., 240 F.3d 200 (3d Cir. 2001)

Sypniewski v. Warren Hills Regional Bd. Of Educ., 307 F.3d 243 (3d Cir. 2002)

Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, (1969)

Appendix H

Anti-Bullying Task Force Resources and Websites

Anti-Bullying Bill of Rights retrieved at:

http://www.njleg.state.nj.us/2010/Bills/PL10/122_.PDF

Anti-Bullying Bill of Rights Amendment retrieved at:

http://www.njleg.state.nj.us/2012/Bills/AL12/1_.PDF

2011-2012 EVVRS Report retrieved at:

<http://www.state.nj.us/education/schools/vandv/1112/vandv.pdf>

<http://www.stopbullying.gov/>

<http://www.state.nj.us/education/students/safety/behavior/hib/>

www.findyouthinfo.gov

Cyber bullying Fact Sheet retrieved at:

http://www.cyberbullying.us/cyberbullying_fact_sheet.pdf

2011 NJ Student Health Survey of High School Students retrieved at:

<http://www.state.nj.us/education/students/yrbs/2011/full.pdf>

GLSEN 2011 National School Climate Survey Results retrieved at:

<http://www.glsen.org/cgi-bin/iowa/all/news/record/2897.html>

NCES 2011 Indicators of Crime and Safety retrieved at:

<http://nces.ed.gov/pubs2012/2012002.pdf>

Youth Risk Behavior Surveillance System: 2011 National Overview retrieved at:

http://www.cdc.gov/healthyyouth/yrbs/pdf/us_overview_yrbs.pdf

Safe Communities, Safe Schools Fact Sheet retrieved at:

<http://www.colorado.edu/cspv/publications/factsheets/safeschools/FS-SC07.pdf>

Making a Difference in Bullying by Pepler and Craig, 2000 retrieved at:

http://psycserver.psyc.queensu.ca/craigw/Craig_Pepler_2000_REPORT_Making_a_Difference_in_Bullying.pdf

SAMSHA – CSAP Prevention Pathways – The ABCs of Bullying

http://pathwayscourses.samhsa.gov/bully/bully_1_pg5.htm

Search Institute's 40 Developmental Assets retrieved at:

www.search-institute.org

National School Climate Center's 12 Dimensions of School Climate retrieved at:
http://www.schoolclimate.org/programs/documents/dimensions_chart_pagebars.pdf

NJDOE Essential Dimensions and Considerations for Safe and Supportive School Conditions retrieved at:
http://homeroom.state.nj.us/evvrs/HIB_11-15.pdf

Beadle de Palomo, F., & Luna, E. (2000). The needs assessment: Tools for long-term planning. AED Center for Community-Based Health. Retrieved September 2012 at:
<http://cyfernetsearch.org/sites/default/files/Beadle,%202000.pdf>

References

- Anti-Bullying Bill of Rights Act (*P.L.* 2010, c.122) §2 - C.18A:37-13.1 §1 – C.18A:37-13.2 §16 – C.18A:37-15.3 §§17 - 27, 29, 30 - C.18A:37-20 to 18A:37-32 §28 – C.18A:3B-68 §31 (2010).
- Anti-Bullying Bill of Rights Act (*P.L.* 2010, c.122) §2 - C.18A:37-13.1 §1 – C.18A:37-13.2 §16 – C.18A:37-15.3 §§17 - 27, 29, 30 - C.18A:37-20 to 18A:37-32 §28 – C.18A:3B-68 §31 (2011).
- Anti-Bullying Task Force (ABTF; 2012a). *Anti-Bullying Coordinator Survey*, SurveyMonkey®.
- Anti-Bullying Task Force (ABTF; 2012b). *Anti-Bullying Specialist Survey*, SurveyMonkey®.
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