



**TESTIMONY of EDUCATION LAW CENTER
to the NJ ANTI-BULLYING TASK FORCE
November 15, 2023**

Honorable Members of the New Jersey Anti-Bullying Task Force:

Thank you for your efforts to examine the implementation of the Anti-Bullying Bill of Rights (ABR). Yours is an important undertaking and we regret that Education Law Center (ELC) does not have the current capacity to provide more extensive testimony to the Task Force.

Intake calls to ELC involving complaints of students experiencing bullying or harassment at school are on the rise, so our perception is that there is much more work to be done to ensure that our public schools provide a safe learning environment for all students. We continue to hear accounts – from a variety of school districts and charter schools around the state -- of incidents of harassment, intimidation, and bullying (HIB) in which no written report was filed, no investigation undertaken, no results reported and, most significantly, no relief from HIB provided to the target.

Given research that connects improved student learning with improved school climate, we strongly recommend that the State underscore its commitment to safe schools by increasing the provision of dedicated resources and increasing its oversight as described below.

Need for Additional State Resources:

The current state school funding formula, the School Funding Reform Act of 2008 (SFRA), was developed from a cost study that used professional judgment panels (PJPs) to estimate the resources necessary to provide a thorough and efficient education to New Jersey students. The models that formed the basis for the SFRA were published in a [Report on the Cost of Education](#), authored by the New Jersey Department of Education (NJDOE) and the consulting firm of Augenblick, Palaich, and Associates. Unfortunately, the ABR was in its infancy when the PJPs began in January 2003, and it does not appear that the positions of Anti-Bullying Specialist (ABS) or District Anti-Bullying Coordinator

(DABC) were included in the necessary costs for the SFRA. And, at that time – now 20 years ago -- , it seems highly unlikely that social-emotional learning (SEL) and anti-bullying programs were sufficiently factored into the cost of professional development for school staff.

In fact, so much has changed since a true attempt to determine the cost of a thorough and efficient education was last conducted in New Jersey, ELC is strongly recommending that the State undertake an in-depth review of the SFRA through the next Educational Adequacy Report, due in early 2025, to examine whether the formula provides sufficient resources to meet current state standards, including updated SEL standards. At a minimum, however, this Task Force should urge the State to reconsider the cost of creating a safe and healthy school climate in New Jersey's schools and to ensure that the full cost of doing so is adequately funded in all schools. This could include dedicated funding for an ABS in every school and a DABC in every district, increased professional development in the area of SEL, plus increased ratios of counselors and social workers to address the needs of both the perpetrators and targets of HIB.

Two other areas for dedicated state resources include the School Climate State Coordinator position created by the 2022 amendments to the ABR and the Bullying Prevention Fund created by the original law in 2002.

With regard to the School Climate State Coordinator (see more under state oversight below), if the position does not have a dedicated funding stream, then one must be provided. The statutory duties are too important to go unfulfilled.

As to the Bullying Prevention Fund, to ELC's knowledge, the Legislature has appropriated monies for this fund only once in the ABR's history. Unless the cost of implementing anti-bullying programs and personnel are fully funded through the SFRA, then appropriations to this fund must be made on an annual basis so that school districts have the resources necessary to implement the ABR.

Finally, there is a need to ensure that NJDOE itself has sufficient capacity to provide the support and oversight essential for implementation of the ABR. The Task Force should examine the resources available to NJDOE for ABR implementation and ensure that those too are adequately funded.

Need for Increased and Improved State Oversight:

ELC makes two recommendations regarding State oversight of the ABR.

First, the 2022 amendments to the ABR created what should be an incredibly significant position – the School Climate State Coordinator. The ABR has assigned critical duties to

this Coordinator, so that position both serves as a meaningful resource for parents, students, and educators and provides an annual report and recommendations about school climate best practices and procedures to the Commissioner, the State Board of Education, and the Legislature. Sadly, however, ELC has no knowledge whether the position is currently funded or filled. The only information available about the position that ELC can locate on NJDOE's website is the following generic email address (which is also listed as the email for the Office of Student Support Services):

School Climate State Coordinator Contact Information: HIB@doe.nj.gov

There is no description of the Coordinator's duties and responsibilities and no information provided as to who should reach out to the Coordinator or for what purpose. This information needs to be readily available to parents, students, and school staff and should be linked to the name and phone number of the person filling this position. The Coordinator's annual report must be posted on NJDOE's website.

Second, since the ABR was initially enacted, it has required the Commissioner to establish a "formal protocol" for the investigation of complaints by the office of the executive county superintendent of schools "when the complaint has not been adequately addressed on the local level." N.J.S.A. 18A:37-25. The statute further requires the county office to report its findings and "if appropriate, issue an order for the school district to develop and implement corrective actions that are specific to the facts of the case." Id.

Use of this complaint process is potentially a user-friendly and cost-effective way for parents to bring noncompliance with the ABR to the State's attention, but, in ELC's experience, the existence of the process is very unknown and is vastly underused. If publicly available, the formal protocol for the investigation of complaints is not easily located. And nowhere on NJDOE's website is there a complaint form that parents can use to seek investigations of violations by the county office. Both of these omissions need to be remedied to ensure that NJDOE is made aware of, and addresses, any local failures to comply with the ABR.

Other:

Two issues that come up and for which clear rules are needed are: parental access to HIB records, including videos; and parental ability to ask questions of the ABS about the investigation conducted at any Board of Education hearing in an HIB case. The parents of both perpetrators and targets have an interest in obtaining information about the investigation conducted and the facts on which any school determinations are based to ensure that the rights of their children have been adequately protected and that any

necessary steps to remedy the HIB and to prevent its reoccurrence have been taken. The extent to which such information is shared with parents varies widely throughout the state. Both parents and schools would benefit from clear state rules that increase parental access to necessary information.

Again, we are sorry that ELC itself has not had the capacity to dig deeper into ABR implementation, but we hope that our perspective is nonetheless helpful to the Task Force. If we can provide additional information, please do not hesitate to reach out to Elizabeth Athos, Senior Attorney Educational Equity at eathos@edlawcenter.org or (973) 624-1815, ext. 200. Thank you for your consideration of these comments.