

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1790

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2020

The Senate Education Committee favorably reports Senate Bill No. 1790 with committee amendments.

As amended, this bill provides that the form that must be provided to the school principal within two school days of when a school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be submitted promptly by the principal to the superintendent of schools.

Under the provisions of the bill, the form must be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.). As amended, a redacted copy of this form that removes all student identification information shall be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian pursuant to the provisions of the bill.

As amended, the bill requires a principal to report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary, because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent must notify the principal of this determination in writing.

As amended, an investigation into a violation or complaint of harassment, intimidation, or bullying must be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date the principal receives written notification from the superintendent directing the principal to initiate an investigation into an incident preliminarily determined to be outside the scope of the

definition of harassment, intimidation, or bullying. As amended, the bill provides that the superintendent of schools may seek further information following receipt of the results of an investigation.

As amended, the bill provides that a school district's anti-bullying policy must also include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The School Climate State Coordinator, a position created under the bill, will ensure that this document is updated as needed and then promptly disseminated to all school districts.

The bill establishes the position of School Climate State Coordinator within the DOE. As amended, the bill provides that the Legislature will appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of this act.

The bill provides that sections 1 and 4 of this act shall take effect immediately. As amended, the remaining sections of the bill shall take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove reference to "Mallory's Law" in the title of the bill.

The committee amended the bill to make numerous changes to the information that must be included in a school district's anti-bullying policy and to certain reporting procedures that must be followed once a report or complaint of harassment, intimidation, or bullying is made. The committee amendments provide that a copy of the written form that must be submitted to a school principal within two school days of when the school employee or contract service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be promptly submitted by a principal to the superintendent of schools.

The amendments eliminated the requirement that the principal also submit this form to the board of education no later than the date of the board of education meeting next following the submission of the copy of the form to the superintendent of schools.

The committee amended the bill to eliminate the requirements that the superintendent and members of the board of education review a copy of the form, that the superintendent and members of the board of education sign a statement attesting to the fact that they have reviewed such form, and that the signed statement be kept on file at the school with the original report. The amendments provide that a copy of the form that removes all student identification information will be

confidentially shared with the board of education after the conclusion of the investigation if a parent or guardian of a student who is a party to the investigation requests a hearing pursuant to provisions of the bill.

The committee amended the bill to provide that the principal will report to the superintendent of schools if a preliminary determination is made that the reported incident or complaint is outside the scope of the definition of harassment, intimidation, or bullying. The amendments provide that the superintendent may require the principal to conduct an investigation if the superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The amendments require the superintendent to notify the principal of this determination in writing.

The committee amended the bill to permit the investigation of a report under the district's anti-bullying policy to be completed not later than 10 school days from the date of written notification from the superintendent to the principal to initiate an investigation following a preliminary determination that the reported incident or complaint is outside the scope of the definition of harassment, intimidation, or bullying.

The committee amended the bill to allow the superintendent of schools to seek out further information following receipt of the results of the investigation.

The amendments eliminate a provision in the bill allowing a board of education to require an investigation be reopened following its receipt of the report pursuant to the provisions of the bill.

The committee amended the bill to require that a school district's anti-bullying policy include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The amendments require the School Climate State Coordinator to ensure this document is updated as needed and then promptly disseminated to all school districts.

The committee amended the bill to require the Legislature to appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of the bill.

The committee amended the effective date to provide that sections 2, 3, and 5 through 9 of the bill will take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.