



North Jersey Anti-Bullying Task Force Report

**NEW RECOMMENDATIONS FOR SCHOOLS,
STATE, AND FEDERAL POLICYMAKERS**

SEPTEMBER 2020



JOSH GOTTHEIMER
New Jersey's 5th District

North Jersey Anti-Bullying Task Force Report

Executive Summary

This report's findings are a product of a task force that parents asked me to organize last year to combat the bullying that has continued to plague our schools and communities. The North Jersey Anti-Bullying Task Force, under the leadership of Jane Clementi, spent the last months speaking with experts, practitioners and teachers, reviewing academic studies and findings, and digging into New Jersey's Anti-Bullying Bill of Rights, New Jersey's Harassment, Intimidation, and Bullying laws, school bullying policies, and federal anti-bullying laws.

Members of the Task Force, which include teachers, students, parents, administrators, mental health professionals, bullying researchers, anti-bullying specialists, and members of law enforcement, drew upon their personal experiences with bullying policies to recommend changes to improve both state and federal anti-bullying laws. This report is based on their recommendations.

Among other findings, the Task Force concluded that the New Jersey State bullying law excludes many types of bullying and includes other behaviors that do not constitute bullying. Additionally, the Task Force found that the efficiency and effectiveness of investigations into bullying incidents could be improved and that teachers, staff, parents, and community members could be better equipped to address bullying situations to help achieve more positive outcomes. Furthermore, the Task Force identified missed opportunities to prevent future bullying incidents and improve the well-being of both the targets and the aggressors. Lastly, the Task Force found that increasingly prevalent cyberbullying incidents are not being prevented or resolved as successfully as they could be.

The Task Force's recommendations to schools and State and Federal policymakers fall into five major categories:

1. Redefining the New Jersey definition of bullying;
2. Improving investigations into bullying incidents;
3. Improving and expanding training for teachers and staff;
4. Incorporating mental health services into the school setting; and
5. Addressing cyberbullying earlier and beyond school settings.

The report concludes that there are a number of ways that schools, states, and the federal government could improve in how they handle bullying incidents. The Task Force is hopeful that adopting some or all these recommendations will help reduce bullying incidents throughout New Jersey and the country. On behalf of the families in the Fifth District, I am grateful for the tireless work of the Task Force and their commitment to addressing this important issue is reflected in an excellent work product. More work lies ahead, especially to confront new challenges posed by living in a COVID-19 digital world, but the foundation has now been set. I hope policy makers on all levels will take action based on these evidence-based recommendations.

Josh Gottheimer
U.S. Congressman
New Jersey's Fifth Congressional District

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On January 13, 2020, U.S. Congressman Josh Gottheimer (NJ-5) announced a Five-Point Anti-Bullying Action Plan to improve data and incident reporting, to increase conversations between schools and parents, to help schools take more proactive steps with the right policies, to find and share the best practices on the local level, and to ensure social media companies are properly combating cyberbullying.

Within his Action Plan, Congressman Gottheimer announced a new North Jersey Anti-Bullying Task Force (Task Force), consisting of a cross-section of community stakeholders, including parents, teachers, students, administrators, child advocates, and experts. The Task Force is chaired by Jane Clementi, founder of the Tyler Clementi Foundation.

Task Force Members

- Jane Clementi, Chair, Cofounder of the Tyler Clementi Foundation
- Dr. Sarah Amador, Psychological Associates of North Jersey, LLC
- Becky Carlson, Executive Director of Center for Prevention and Counseling
- Alisha De Lorenzo, Interim Deputy Director of Garden State Equality
- Aidan Holt, Ridgewood High School Student
- Tammi Kaminski, Parent and Educational Advocate
- Carrie Leonard, Dean of Students at Martin J. Ryerson Middle School
- Joe Licata, CEO of Boys & Girls Clubs of Lower Bergen County
- Carla Mancuso, Special Education Teacher Reading Specialist at High Point High School
- Dr. Vivek Singh, Associate Professor at Rutgers University
- Donna West, Nellie K. Parker Elementary School Teacher
- Daniel Young, Vernon Township Police Chief

Current New Jersey Anti-bullying Law

New Jersey has taken significant steps in combating bullying, including the passage of the Anti-bullying Bill of Rights Act (ABR), which was signed into law in 2011. This anti-bullying law is one of the strongest in the country, requiring schools to prevent, report, investigate, and respond to bullying, as well as train teachers, staff, and school board members. However, not all forms of bullying are prevented or addressed by this law, as the Task Force has outlined in this report.

Definition of Harassment, Intimidation, and Bullying (HIB): According to New Jersey law, 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 an 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; and that
- Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
- 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; or
- Has the effect of insulting or demeaning any student or group of students; or
- 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.

Definitions for the Purpose of this Report

Aggressor: A student or an adult who harasses, intimidates or bullies another person(s), where the behavior is one-sided.

Anti-Bullying Bill of Rights Act (ABR): New Jersey's anti-bullying law that includes the requirements school districts and schools must follow in preventing and responding to harassment, intimidation and bullying.

Anti-Bullying Specialist (ABS): The primary school staff member responsible for preventing, identifying, and addressing bullying incidents within his or her school. The ABS is responsible for leading a school's safety team and for investigating reported incidents of bullying, among other duties in the ABR.

Bullying: Behavior in which a student, the aggressor, acts in a way that is meant to emotionally or physically harm another student, the target.

Cyberbullying: A form of bullying that involves the use of electronic equipment, such as computers and cell phones. An example could include sending hurtful or unwanted text messages to another person's cell phone.

Digital Citizenship: The responsible use of technology by anyone who uses computers, the Internet, and digital devices to engage with society on any level.

New Jersey Department of Education (NJDOE): The State Department responsible for overseeing ABR adherence.

Target: A student who is harassed, intimidated or bullied by another student or an adult.

Trauma: An emotional response to a distressing event.

Task Force Recommendations

This report is a summary of the ideas developed by the Task Force that individual schools, school districts, the State of New Jersey, and the federal government can implement to address bullying from kindergarten through the college level. The Task Force has focused on addressing bullying by making the following recommendations:

- I. Redefine the New Jersey definition of bullying.
- II. Improve investigations into bullying incidents.
- III. Improve and expand training for teachers and staff.
- IV. Incorporate mental health services into the school setting.
- V. Address cyberbullying earlier and beyond school settings.

I. Redefine the New Jersey definition of bullying

Problem: The Task Force finds that the current harassment, intimidation and bullying (HIB) definition can leave many incidents up to the interpretation of the ABS, which varies across schools and districts. Without increased guidance, the ABS may be compelled to investigate an incident that does not reasonably constitute bullying or to dismiss incidents that do reasonably constitute bullying.

Task Force Solution: The Task Force recommends the State of New Jersey consider the following additions to the HIB definition:

1. **Specifying the bounds of a distinguishing characteristic:** “Distinguishing characteristics” can be interpreted as anything that differentiates targets from aggressors, leaving a school’s Anti-bullying Specialist (ABS) to make broad interpretations of the law.
2. **Including motivation behind aggressor actions:** Age, disability, and repetition of action can make a significant difference in whether an action is an effective use of the time and resources that an investigation requires. Allowing an ABS to factor the motivation behind an action into their evaluation can help them better manage resources that could be spent on other cases. This is regardless of whether or not the target has a distinguishing characteristic.
 - Example: A student who is six years old that says an offensive term, without realizing the meaning of it, could be managed less severely than if the student was twelve years old and understood that the name was hurtful.
3. **Including power imbalances:** Many incidents that warrant HIB investigations are caused by power imbalances or perceived power imbalances, such as social status. Such instances can fall outside the bounds of an investigation if an ABS does not interpret a power imbalance as a distinguishing characteristic.
 - Example: A group of mutual friends teasing each other would not be given the same concern as a group of students picking on a lone individual.

4. **Using language with a less negative connotation:** Using the word “target” to describe students currently referred to as “victims” is more empowering to targets of bullying incidents.
5. **Including incidents that occur outside of school:** Although the current HIB definition includes incidents that occur beyond the school campus, the Task Force would like to emphasize the importance of preventing and investigating such events. Because students interact with each other in other community settings, the Task Force believes it could be beneficial for adults who work with children outside of schools to serve on School Safety Committees.

II. Improve investigations into bullying incidents

The Task Force finds that there are multiple opportunities to improve the way bullying incidents are reported and investigated.

Distinguish Best Use of Investigation Resources

Problem: The Task Force finds that in some cases, schools are disincentivized to report incidents because of the workload this creates and the negative effect it has on the school’s reputation. In other cases, ABS feel compelled to start investigations into incidents that meet the criteria established in the definition of HIB, but, in practice, do not warrant an investigation. Targets of bullying incidents are also wary of starting intensive investigations that will draw more attention from aggressors.

Task Force Solution: The Task Force recommends that the State of New Jersey consider the following:

1. Allowing a third party to advocate on behalf of a student, parent, school district, and/or outside organization and to be used as a resource.
2. Requiring the ABS to report the school self-assessment for determining under the ABR directly to the New Jersey State Education Commissioner. This allows the ABS to bypass school administrators and other stakeholders in the individual school’s grade.
3. Providing more guidance on what constitutes a bullying incident and the intent behind the action.
4. Changing the requirements of what is involved to start investigations by creating a tiered system that requires a different level of involvement based on the type and frequency of the offense.

Commit More Resources to Investigations

Problem: In many cases, investigations into bullying incidents take an extended period of time to complete. ABS often serve in the position in addition to their other roles in the school and have limited time to address each case. This leads to investigations taking extended periods of time to resolve, which delays mediation and notification of parents.

Task Force Solution: The Task Force recommends streamlining investigations by doing the following:

1. Having one or more ABS per school district, dependent on student count, whose sole responsibility is to manage all HIB cases across schools and oversee proactive approaches to preventing bullying from occurring.
2. Providing funding for a distinct ABS role, if a district-wide ABS is not feasible.
3. Providing training or hiring ABS with mental health experience.

Improve Resolutions

Problem: Although ABS commit extensive resources to investigating and resolving bullying incidents, many aggressors continue to initiate bullying incidents and many targets remain affected by the incidents. Additionally, although parents are notified of their child's involvement in a HIB investigation, they are not required to receive information on their rights and resources. Furthermore, the ABR does not require that a school counselor or mental health professional follow up with students involved in bullying incidents.

Task Force Solutions: The Task Force recommends the following:

1. Making parents aware of their rights and additional resources when they are notified that their child is part of an investigation, as well as in back-to-school materials.
2. Integrating mental health professionals into the resolution process to address underlying personal issues that may be motivating aggressor actions.
3. Requiring consequences for an aggressor's action to include an educational component or reflective assignment that fosters empathy for the target, and striking a balance with these consequences and punitive measures.
4. Requiring mental health professionals or school counselors to follow up with students who have experienced traumatic bullying incidents.

Increase Accountability of School Assessments

Problem: Each school is given a grade by the NJDOE to reflect the school's efforts to meet the ABR requirements. The grade is partially determined by the school's self-assessment, which may not be reflective of the bullying conditions in the school.

Task Force Solution: The Task Force recommends requiring students to fill out State developed climate surveys to be submitted to the NJDOE. If student reports show signs of a significantly negative environment, the Task Force recommends that the NJDOE investigate.

III. Improve and expand training for teachers and staff

Problem: Many teachers feel uncomfortable and unequipped to help resolve conflicts between students.

Task Force Solutions: The Task Force believes this problem can be addressed through the following:

1. Improving HIB training for all staff can reduce bullying incidents and ameliorate outcomes.
2. Conducting more engaging live and preferable in-person trainings.
3. Requiring NJDOE to provide regional trainings that are also open to parents, college officials, professors, and adults involved with organizations that serve children outside of school.
4. Requiring trainings at the beginning of the school year and after winter break to take place in an accessible location.
5. Offering training on positive school climate, building relationships, and social-emotional learning (SEL) to increase their comfort in addressing conflicts in the classroom before they become bullying incidents.
6. Requiring educators to receive this training as part of their degree program.
7. Requiring training to be trauma-informed.

IV. Incorporate mental health services into the school setting

Problem: Many aggressors face mental health challenges that result in actions against other students. Many targets can face trauma-related mental health challenges as a result of bullying incidents.

Task Force Solutions: The Task Force believe the following recommendations are key to reducing bullying incidents:

1. Incorporating mental health services into schools to benefit both aggressors and targets.
2. Offering sessions with mental health professionals, social workers, or school psychologists directly in the schools or through telehealth appointments.
3. Conducting mental health screening programs to identify students at risk of being aggressors, targets, and those who might be struggling with other mental health issues.

Problem: Many schools do not have the resources to provide this level of mental health services.

Task Force Solutions: The Task Force recommends addressing limited budgets through the following:

1. Increasing federal and state investment available to support personnel and programs that directly address bullying prevention and mental health.
2. Creating more opportunities for schools to obtain resources through public-private partnerships and utilizing hybrid investing models that allow clients to use insurance.
3. Providing these services to parents and staff.

V. Address cyberbullying earlier and beyond school settings

Problem: Cyberbullying is a persistent and growing form of bullying, especially among younger students. However, some schools do not explicitly acknowledge cyberbullying in their policies or take measures to prevent this form of bullying, because the incidents are occurring at home, where they have fewer resources to address the incidents.

Task Force Solutions: The Task Force recommends the following:

1. **Investigating cyberbullying incidents affecting a student:** Supporting schools' efforts to investigate incidents of cyberbullying between students that affects the targets, including incidents that take place outside of school, is important to stopping this behavior. Additionally, adapting bullying prevention and investigation strategies to address bullying occurring on online learning platforms is increasingly critical.

2. **Addressing online digital citizenship:** Providing students with context for their actions online can help them make more positive decisions about their behavior. This could be even more effective by extending this training to students in elementary schools and having older students leading the presentations.
3. **Creating a cyberbullying training program for parents:** Parents are often the only adults who can enforce anti-cyberbullying policies in their own homes. Creating resources for parents that are included in technology permission forms and can be easily referenced could reduce cyberbullying incidents initiated by their child, as well as identify when their child has been a target of a cyberbullying incident.
4. **Encouraging federal and state representatives to start a dialogue with social media companies:** State and federal lawmakers must start a dialogue with social media companies about their responsibilities in fighting cyberbullying and the development of cyberbullying prevention guidelines.

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