



Anti-Bullying Forum

Hosted by

The Office of U.S. Senator Frank R. Lautenberg



**Montclair State University
Conference Center, University Hall
Monday, February 7, 2011, 6pm-8pm
1 Normal Ave., Montclair, NJ**

FRANK R. LAUTENBERG

NEW JERSEY

COMMITTEES:

APPROPRIATIONS

COMMERCE, SCIENCE, AND
TRANSPORTATION

ENVIRONMENT AND
PUBLIC WORKS

United States Senate

WASHINGTON, DC 20510

February 7, 2011

Dear Friends:

Welcome to the Anti-Bullying Forum hosted by my office. It is wonderful to have so many committed teachers, guidance counselors, students, and parents here to discuss ways we can stop bullying and harassment in our schools and communities.

Bullying is a widespread problem that affects millions of students each year. In 2007, 32 percent of K-12 students reported that they had been bullied at school. Sadly, this harassment does not always end after graduation. According to a 2004 study by Rowan University, 27.5 percent of college students indicated they had seen students being bullied by other students. The ever-growing use of the Internet and social networking sites has made harassment even easier, with harassing comments and actions now only keystrokes away.

Thanks to the hard work of our State Legislature, New Jersey now has one of the toughest anti-bullying laws in the country. On the federal level, I will soon be reintroducing the *Tyler Clementi Higher Education Anti-Harassment Act*, which will ensure that harassment is specifically prohibited on all college campuses and make sure students know what steps to take if they are being harassed. The bill will also authorize a new grant program to help fund programs and initiatives that prevent the harassment of students on college campuses.

Tonight, we have an outstanding group of speakers and panelists to discuss various methods to prevent harassment and acquaint you with new anti-bullying initiatives that have been implemented by the Department of Education and other federal agencies. I encourage you to be proactive in these discussions and take advantage of the resources you are being provided with today. Thank you all for coming.

Sincerely,



TYLER CLEMENTI HIGHER EDUCATION ANTI-HARASSMENT ACT (S. 3960)

On September 22nd, Tyler Clementi, a freshman at Rutgers University, took his own life after his roommate and another student invaded his privacy and harassed him over the Internet. He was eighteen years old.

Tyler is one of thousands of college students who are harassed on campus and over the Internet. According to a 2004 study by Rowan University, 27.5 percent of college students indicated they had seen students being bullied by other students. Lesbian, gay, bisexual, and transgender (LGBT) students are particularly susceptible to bullying and abuse. According to a recent study by Campus Pride, LGBT students are twice as likely to experience harassment as their heterosexual counterparts and seven times more likely to indicate that the harassment was based on their sexual identity.

Unfortunately, there is currently no requirement that colleges and universities have policies in place to protect their students from harassment. Nor is there Federal aid dedicated to enact programs to prevent and reduce harassment against students.

Senator Lautenberg has introduced the **Tyler Clementi Higher Education Anti-Harassment Act** to require colleges and universities to prohibit harassment and to establish a grant program to support campus anti-harassment programs.

THE TYLER CLEMENTI HIGHER EDUCATION ANTI-HARRASMENT ACT WILL:

- Require colleges and universities that receive federal student aid to prohibit the harassment of enrolled students based on their actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion.
- Require colleges to distribute their anti-harassment policy to all students, along with information about the procedure to follow should an incident of harassment occur and notification of the counseling, mental health, and other student services available to victims or perpetrators of harassment.
- Ensure cyberbullying is recognized as a form of harassment at institutions of higher education.
- Create a competitive grant program at the Department of Education to help colleges and universities establish programs and initiatives to prevent the harassment of students.

The Tyler Clementi Higher Education Anti-Harassment Act has been endorsed by the Human Rights Campaign, the National Women's Law Center, the Anti-Defamation League, the American Association for University Women (AAUW), the National Gay and Lesbian Task Force Action Fund, the National Center for Transgender Equality, the Gay, Lesbian, and Straight Education Network (GLSEN), and the Trevor Project.



Anti-Bullying Bill of Rights (A-3466 / S-2392 (Vainieri Huttie / Buono)) Provisions Impacting Students & Schools

By law, New Jersey school districts are required to implement policies prohibiting harassment, intimidation and bullying (HIB). Recent law (the Anti-Bullying Bill of Rights, A-3466 / S-2392 (Vainieri Huttie / Buono)): requires training for all school employees on school climate, harassment, bullying and intimidation; establishes stringent investigation and reporting guidelines for schools; and requires new school safety or climate teams. NJPSA has outlined the various provisions of the bill for your review:

School Climate & Culture

- **Establish bullying prevention strategies:** Requires school districts to establish bullying prevention programs or approaches;
- **Institute training:** Establishes HIB training requirements for: school leaders, teachers (as part of their two hour training requirement in suicide prevention); school board members; safe schools resource officers and public school liaisons to law enforcement; and individuals seeking certification in instruction or administration (beginning in 2012-2013);
- **Amend what constitutes bullying:** Amends the definition of HIB:
 - to provide that an incident, either on or off school grounds, must substantially disrupt or interfere with the orderly operation of the school or the rights of other students to be actionable; and
 - to add additional criteria to the definition - the creation of a "hostile school or 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;
- **Permit suspension / expulsion for HIB:** Includes HIB in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- **School safety team:** Requires school districts to form a school safety team to include: the principal, a teacher, the school anti-bullying specialist, a parent and other members as determined by the principal. All members of the team, other than the parent appointed, will receive copies of HIB complaints to inform decision making of the team. The anti-bullying specialist must serve as chair. The team is to foster and maintain a positive school climate within the school by: identifying and addressing patterns of HIB in the school; reviewing and strengthening school climate and the policies of the school in order to prevent and address HIB; and educating the community, including students, teachers, staff, and parents on HIB.
- **Anti-bullying coordinator:** The superintendent must appoint a district anti-bullying coordinator who is responsible for coordinating and strengthening the school district's policies to prevent, identify, and address HIB.
- **Employment disqualification:** Adds conviction of "bias intimidation" to the list of crimes for which a person may be disqualified for employment in a school.

Investigations

- **Anti-bullying specialist:** Requires the principal to appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The specialist leads the investigation of incidents of HIB in the school; and acts as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school.

- **Investigations procedure:** Creates a detailed procedure that must be included in each district's policy concerning the investigation of incidents of HIB as follows:
 - **Initial verbal report:** Acts of HIB must verbally be reported to the school principal on the same day when the school employee, school board member or contracted service provider witnesses or receives reliable information regarding any such incident.
 - **Written report follow-up:** A school employee or contracted service provider must file a written report with the school principal within two (2) days of observing or being made aware of an act of HIB;
 - **Who investigates:** The investigation must be conducted by a school anti-bullying specialist, although the principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
 - **Student / parent rights:** The principal must inform the parents or guardians of all students involved in an alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. Parents or guardians of the students involved are entitled to receive information including the nature of the investigation, whether the district found evidence of HIB and whether discipline was imposed or services provided to address an incident of HIB. A parent or guardian may request a hearing before the board after receiving such information. If a parent requests a hearing before a board, the board must meet in executive session.
 - **Investigation timeframe:**
 - An investigation must be initiated by the principal or the principal's designee on the same day of a verbal report of an incident. A follow-up written report is required to be provided by the school employee or contracted service provider who witnessed or received reliable information of the HIB incident with two (2) school days.
 - The investigation must be completed within ten (10) days from the date of the written report. If, however, information relative to the investigation is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect this information
 - The results of the investigation must be reported to the superintendent of schools within two (2) school days of the completion of the investigation. The superintendent can provide intervention services, establish training programs to reduce HIB and enhance school climate, impose discipline, order counseling, or take or recommend other appropriate action;
 - The superintendent must report the results to the local Board of Education (BOE) at the next meeting, including information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;
 - Parents of all parties involved must be provided notice in writing within five (5) school days after the results of the investigation are reported to the board.
 - A parent or guardian may request a hearing before the board after receiving the information, and the hearing must be held within 10 days of the request.
 - The BOE must issue a decision, in writing, affirming, rejecting, or modifying the superintendent's decision at the next board meeting following the superintendent's report. The board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.
 - The board's decision may be appealed to the Commissioner of Education, within ninety (90) days after the board's decision

- A parent, student, guardian, or organization may still file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of HIB based on membership in a protected group as enumerated in the “Law Against Discrimination.”

Reporting / Grading

- The superintendent of schools must report to the BOE information on violence, vandalism and HIB twice a year, rather than annually. The report will be used by the Department of Education (DOE) to grade schools and districts in their efforts to implement policies and programs.
- Districts are also required to provide the name and contact information of the anti-bullying specialist for each school on the school’s webpage and anti-bully coordinator for the district on the district website.
- In addition, school districts must annually reevaluate/review the district HIB policy and transmit a copy of the revised policy to the executive county superintendent of schools (ECS) within 30 school days of the revision.
- Further, Data on HIB must also be included in the School Report Card and the violence, vandalism, and substance abuse report issued annually by the DOE.

Liability

- A school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, may be subject to discipline;
- Members of the school board may not engage in reprisals against victims or witnesses of HIB or face legal consequences;

DOE Responsibilities

- The DOE, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding HIB;
- The DOE must also establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing HIB in schools;
- Further, DOE must develop in-service workshops and training programs for anti-bullying coordinators and school anti-bullying specialists;
- Finally, the bill creates the “Bullying Prevention Fund” in the DOE to be used to fund grants to school districts to provide training on HIB prevention and on effective means to create a positive school climate;

Other

- The bill also includes a provision that requires all public institutions of higher education to include a policy on harassment, intimidation, or bullying as part of its student code of conduct.

AGENDA

Senator Lautenberg's Anti-Bullying Forum

Monday, February 7, 2011

Montclair State University

Conference Center, University Hall

6:00 p.m.

Welcome Message

U.S. Senator Frank R. Lautenberg

Assemblywoman Valerie Vainieri Huttle

Sponsor, NJ's "Anti-Bullying Bill of Rights"

Steven Goldstein

Chair & CEO, Garden State Equality

6:30p.m. – 7:30: p.m.

Panel Presentations

Moderator: *J. Frank Vespa-Papaleo, Esq., Adjunct Professor, Center for Child Advocacy, Montclair State University*

U.S. Department of Education Anti-Bullying Initiatives:

Kevin Jennings, Assistant Deputy Secretary for Safe and Drug-Free Schools, U.S. Department of Education

Federal Trade Commission Anti-Bullying

Resources:

Derick Rill, Congressional Specialist, FTC

Cyberbullying and Internet Safety:

Parry Aftab, Founder, Wired Safety

How the Anti-Bullying Bills of Rights Affects You:

Jennifer Keyes Maloney, Assistant Director of Govt. Relations for NJPSA

NJASRO's Anti-Bullying Initiative for Law Enforcement:

Staff Sergeant Gregory Williams, New Jersey State Police

7:30 p.m. – 8:00 p.m.

Wrap-up: Question and Answer

MEET YOUR PANELISTS

Parry Aftab

Parry Aftab has been working on cyberbullying and cyberharassment cases since 1995, 18 months after the launch of the web. She is an Internet privacy and security lawyer as well as the executive director of WiredSafety, a site where victims can receive one-on-one assistance when they have been bullied online. She also runs StopCyberbullying.org, a goldmine of information and resources on cyberbullying.

Her charity, WiredSafety, has been handling cyberharassment and cyberbullying cases since 1995, longer than any other group online. She serves on Facebook's Safety Advisory Board, as well as MTV's "A Thin Line" cyberharassment awareness program's advisory board. Parry created the Internet safety program for the Girl Scouts of the USA, which teaches young people about cyberbullying and ways to address it and improve their online world. Her "Parents Guide to the Internet," released in 1997, was the first book in the world written for parents on Internet safety.

Kevin Jennings

Kevin Jennings was appointed by Secretary of Education Arne Duncan in July 2009 as Assistant Deputy Secretary to head the Office of Safe and Drug-Free Schools. Kevin is the first career educator to hold this position and brings to this role 25 years of experience as a teacher, a writer, and a leader in the fields of K-12 education and civil rights.

A native of Winston-Salem, N.C., he became the first member of his family to graduate from college when he received his bachelor's degree from Harvard University. He taught high school history for ten years during which he served as faculty advisor for the nation's first Gay-Straight Alliance student club and also founded the Gay, Lesbian, Straight Education Network (GLSEN) in 1990, launching his life's dedication to seeking to ensure that schools are safe places where every young person can focus on learning. In 1995 he left teaching to become GLSEN's founding Executive Director, a position he held for 14 years before stepping down in late 2008.

Mr. Jennings was named in 1997 to *Newsweek* magazine's Century Club as one of 100 people to watch in the new century. He received his master's degree in interdisciplinary studies in education in 1994 from Columbia University and earned an M.B.A. from New York University's Stern School of Business in 1999. He has authored six books, the latest of which, *Mama's Boy, Preacher's Son*, was named a Book of Honor by the American Library Association in 2006. He was also a writer and producer of the documentary *Out of the Past*, winner of the 1998 Sundance Film Festival Award for Best Documentary. Among his many honors Mr. Jennings has received the Distinguished Service Award of the National Association of Secondary School Principals, the Human & Civil Rights Award of the National Education Association, and the Diversity Leadership Award of the National Association of Independent Schools.

Jennifer Keyes-Maloney

Jennifer Keyes-Maloney is an attorney who focuses on federal and state education policy as Assistant Director of Government Relations for the New Jersey Principals and Supervisors Association. Ms. Keyes-Maloney represents the interests of public school leaders before the State Board of Education, the State Legislature, the Governor's Office, and the U.S. Congress. In addition to her law degree, Ms. Keyes-Maloney holds a Masters of Business Administration Degree from Rutgers University.

Derick Rill

In October 2001, Derick Rill was appointed to the Federal Trade Commission by its chairman to implement programs that would help expand awareness about the FTC's consumer education programs and its role in fraud prevention. Derick heads the agency's efforts in working with members of Congress to develop programs that help direct people to the FTC's consumer resources and materials as well as to their assistance and complaint hotlines. Members around the country have held more than one hundred such FTC-assisted events during his tenure at the Commission, and Derick has served as the FTC speaker at several dozen of these Member-hosted town halls.

J. Frank Vespa-Papaleo, Esq.

J. Frank Vespa-Papaleo, Esq. is a practicing civil rights attorney and CEO of Beyond Consulting (www.BeyondConsultingNJ.com), which provides employers and school districts training, investigation service and school bullying consulting. The firm's consulting practice aims to assist clients in strategically mitigating potential liability in areas of school bullying, family leave and disability issues, ethics, diversity and inclusion practices, and equal employment opportunity (EEO). Frank is a known expert in school anti-bullying having investigated and prosecuted numerous bullying cases, provided training to school districts, and recently assisted the Legislature in drafting the recent New Jersey's Anti-Bullying Bill of Rights. He is a member of the West Orange Human Relations Commission and is an adjunct professor in Montclair State's University Center for Child Advocacy, where he developed and is teaching a course entitled, "Current Social Issues in Child Advocacy: School Bullying."

Staff Sergeant Gregory Williams

Staff Sergeant Gregory Williams is a twenty-three year veteran of the New Jersey State Police and a trained instructor and practitioner with the National Association of School Resource Officers. At NJSARO, he currently serves as second Vice President. Prior to becoming the first New Jersey State Trooper to instruct a School Resource Officer Course, Staff Sergeant Williams served as a DARE Officer along with his other law enforcement duties for sixteen years. He is now the Program Coordinator for the New Jersey State Police Youth Leadership Safety Program. A United States Navy Veteran, Staff Sergeant Williams is a member of the International Bullying Prevention Association and a founding member of New Jersey Association of School Resource Officers Training Team.

Anti-Bullying Resource List

Agency/Organization	Website
U.S. Department of Education	www.ed.gov
United States Department of Justice	www.cybercrime.gov
United States Department of Justice-Office of Justice Programs	www.nationalgangcenter.gov
Federal Trade Commission	www.ftc.gov
Health Resources and Services Administration	www.stopbullyingnow.hrsa.gov
New Jersey Association of School Resource Officers	www.njasro.org
New Jersey Principals and Supervisors Association	www.njpsa.org
NJ Coalition for Bullying Awareness and Prevention	www.njbullying.org
New Jersey State Police	www.state.nj.us/njsp
Bullying Info	www.Bullyinginfo.org
Web Wise Kids	www.webwisekids.org
Wired Kids	www.wiredkids.org
WiredSafety	www.wiredsafety.org

Toolkit available at
OnGuardOnline.gov/NetCetera

NET CETERA

Free online safety resources
for your community

The *Net Cetera Community Outreach Toolkit* can help you reach people with important information about keeping kids safe online.

Produced by the Federal Trade Commission — the nation's consumer protection agency — and its partners in OnGuardOnline.gov, the toolkit materials are free and in the public domain. Use them during a classroom presentation, community gathering, or PTA meeting, and consider including the information in a newsletter or on your website or blog.

The *Net Cetera Community Outreach Toolkit* is available in English at OnGuardOnline.gov/netcetera and in Spanish at AlertaenLinea.gov/netcetera.



This free toolkit includes:

- *Net Cetera*, a guide for parents
- *Heads Up*, information for kids
- Presentation slides and notes
- Videos for parents and for kids
- Ideas to help you spread the word about online safety



Order copies at
bulkorder.ftc.gov

