

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2392 STATE OF NEW JERSEY 214th LEGISLATURE

DATED: NOVEMBER 24, 2010

SUMMARY

- Synopsis:** The “Anti-Bullying Bill of Rights Act.”
- Type of Impact:** Expenditure Increase in Local School Districts; Possible Expenditure Increase from General Fund
- Agencies Affected:** Department of Education; Local School Districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		
Local Cost	Indeterminate – See comments below		
Local Revenue	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) cannot determine the cost of implementing Senate Bill, No. 2392 (1R) of 2010, as the cost would be contingent on decisions made by the State and local school districts that cannot be predicted.
- The cost of S-2392 (1R) to local school districts is largely contingent on three factors: 1) the amount of additional compensation provided to school and district personnel for serving as anti-bullying specialists, anti-bullying coordinators, or serving on a school safety team; 2) whether or not a school has already implemented the type of program on bullying prevention required pursuant to section 14 of the bill; and 3) the manner in which schools not already having such a program choose to implement it.
- To the extent that funding is provided to the “Bullying Prevention Fund” (Fund), either through State appropriations or donations, school districts may receive an increase in revenue through grants provided by the Department of Education pursuant to section 25 of the bill.

- While S-2392 (1R) establishes the Fund in the department, nothing in the bill provides that the State will appropriate any specific amount to the Fund. As such, this analysis cannot assume any particular State cost associated with making an appropriation to the Fund.
- The OLS concludes that various other State actions required by the bill, such the provision of certain materials, developing an online tutorial, and grading a school's efforts to identify harassment, intimidation, and bullying, may have certain costs as they are developed. Other provisions, such as establishing a procedure for the executive county superintendents of schools to review claims that a district did not adequately address a case of harassment, intimidation, and bullying, would not lead to additional expenditures since a protocol already exists.

BILL DESCRIPTION

Senate Bill, No. 2392 (1R) of 2010 amends and supplements the law on harassment, intimidation, and bullying in public schools, and incorporates a number of the recommendations of the New Jersey Commission on Bullying in Schools contained in its December 15, 2009 report. More specifically, the bill, among other things, does the following:

- modifies the definition of harassment, intimidation, and bullying;
- provides additional details regarding the procedures for reporting and investigating cases of harassment, intimidation, and bullying that must be included in school districts' policies;
- requires schools to implement, document, and assess bullying prevention programs or approaches;
- stipulates that a school principal appoint a school staff member to serve as the school's anti-bullying specialist and to form a school safety team that includes the principal (or the principal's designee), a teacher, the anti-bullying specialist, a parent, and anyone else chosen by the principal;
- requires that the school district superintendent appoint, preferably from among current personnel, an anti-bullying coordinator;
- provides for more frequent reporting of incidents of harassment, intimidation, and bullying to the district board of education and requires the inclusion of data on harassment, intimidation, and bullying in the School Report Card and the violence, vandalism, and substance abuse report issued annually by the Department of Education;
- establishes harassment, intimidation, and bullying training requirements for teachers, as part of their two hour training requirement in suicide prevention, new school board members, school leaders, safe schools resource officers and public school liaisons to law enforcement, and individuals seeking certification in instruction or administration;
- requires that the Department of Education develop guidance documents explaining how complaints regarding harassment, intimidation, and bullying are to be resolved, establish inservice workshops to train anti-bullying specialists and coordinators, and create an Internet based tutorial on harassment, intimidation, and bullying;
- directs the Commissioner of Education to establish a formal protocol for the executive county superintendents of schools to address complaints of harassment, intimidation, and bullying incidents not being adequately addressed by schools and districts;

- creates a “Bullying Prevention Fund” within the Department of Education for the purpose of providing grants for training related to harassment, intimidation, and bullying prevention; and
- requires public institutions of higher education to adopt a policy in the code of student conduct prohibiting harassment, intimidation, and bullying.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS cannot determine the cost of implementing Senate Bill, No. 2392 (1R), as the cost would largely be contingent on decisions made by the State and local school districts that cannot be predicted. It is possible, however, for the OLS to discuss which provisions of the bill are likely to lead to an increase in State or local expenditures and local revenues.

Local Expenditures and Revenues

Senate Bill No. 2392 (1R) contains certain provisions that will likely lead to an indeterminate increase in expenditures by local school districts. Section 17 requires that each school principal assign a current staff member to serve as the school’s anti-bullying specialist. The bill requires that the principal appoint a guidance counselor, school psychologist, or similarly trained staff member if such an individual works in the school; otherwise, the principal must appoint another individual who is currently employed in the school. The same section of the bill requires that the superintendent appoint an individual, preferably a current employee of the district, to serve as the anti-bullying coordinator. Under section 18, the principal must assign individuals, including a teacher in the school, to serve on the school safety team. The types of personnel specified in the bill who would serve as the anti-bullying specialist or on the school safety team are generally members of collective bargaining units and have salaries that are determined pursuant to existing collective bargaining agreements. These agreements specify additional compensation that an individual will receive to perform additional duties or to serve on committees. Presumably, appointing such a staff member to serve as the anti-bullying specialist or on the school safety team would require additional compensation to be determined by the collective bargaining agreement. Since the person who would be appointed to serve as the district’s anti-bullying coordinator is not specified in the bill, it is possible that the superintendent would assign the duties to someone who is not a member of a collective bargaining unit and would not need to provide additional compensation. However, while the bill encourages the superintendent to appoint an existing staff member to be the anti-bullying coordinator, the hiring of an additional person would be permissible and would generate an additional local cost.

Current law provides that schools are “...encouraged to establish bullying prevention programs and other initiatives...” Senate Bill No. 2392 (1R) would make the implementation of such programs and approaches mandatory. The extent to which this provision may increase costs to local school districts is indeterminate; however, the fiscal effect would be contingent on two factors. First, if a school has already implemented a program or other initiative to prevent harassment, intimidation, and bullying based on current law, then the school would not incur any new costs as a result of this provision. Second, among schools that have not yet implemented

such a program, the incurrence of additional costs would depend on how the school elects to satisfy this provision. The language included in the bill appears to provide schools with flexibility in determining what program, approach, or other initiative it will implement and would appear to include the development of a “home grown” program or approach, the use of training material that is available at no cost,¹ or the purchase of a commercially available program.²

The OLS anticipates that the additional reporting requirements included in section 7 of the bill would not lead to increased school district expenditures, assuming the Department of Education makes necessary changes to the Electronic Violence and Vandalism Reporting System (EVVRS). Current law, at N.J.S.A.18A:17-46, requires that a school district superintendent annually report to the board of education at a public hearing all acts of violence and vandalism and N.J.S.A.18A:17-48 requires the Commissioner of Education to submit an annual report on violence and vandalism to the Legislature. As part of this process, districts submit the relevant data to EVVRS, which, at the prompting of the user, produces a report used in implementing the provisions of these sections of law. The bill would require that a superintendent provides two reports each school year, and also details what information must be included in the report. The EVVRS user manual³ notes that users can produce school- and district-level reports throughout the year. This functionality would appear to provide school districts with the capacity to produce the biannual reports required in the bill without requiring additional expenditures. A review of the EVVRS user manual suggests that the only data elements required by the bill that are not currently included in the EVVRS are the names of individuals who conducted any investigation into an incident of harassment, intimidation, and bullying, and the program that the school implemented to reduce harassment, intimidation, and bullying. While the department would ultimately determine its role in the implementation of this provision, it appears that the EVVRS could be modified to include a data entry field for the investigator’s name for each incident being reported by a district. Similarly, a data entry field could be added in which district personnel can identify the bullying prevention program used.

Similarly, the OLS anticipates that the additional details outlined in section 12 with respect to reporting and investigating cases of harassment, intimidation, and bullying will not lead to additional costs. Current State Board of Education regulations, at N.J.A.C.6A:16-7.9(a)(2)(viii), require that a school conduct a “prompt” investigation; the more specific timeline included in the bill would not likely add to a school’s expenditures.

Senate Bill No. 2392 (1R) may lead to increased revenue in schools. Section 25 provides for the creation of the “Bullying Prevention Fund” (Fund) that would be used to provide grants to schools to support the costs of providing training on harassment, intimidation, and bullying. The OLS cannot project how much revenue, if any, would be appropriated by the State for this purpose or how much revenue might be donated to the Fund.

State Expenditures

Senate Bill No. 2392 (1R) would establish a “Bullying Prevention Fund” (Fund) in the Department of Education that would be used to provide grants to school districts to provide training in the prevention of harassment, intimidation, and bullying. The bill notes that the fund

¹ For example, the New Jersey State Bar Foundation offers free training to school administrators and educators on dealing with bullying and related issues.

² One example of a commercially available bullying prevention program for which cost data are readily available is the Olweus Bullying Prevention Program. The cost of this program is estimated to be between \$1,500 and \$3,200 per school, depending on the size of the school.

³ Available at http://homeroom.state.nj.us/evvrs/UserMan_09.doc; accessed on 11/17/2010.

would consist of funding appropriated by the State for that purpose, donations to the Fund, and interest and investment earnings. The existence of the Fund provides a potential for an increase in State expenditures; however, the bill does not contain a specific State appropriation for the Fund and it is not possible to determine whether such an appropriation would ever be made.

The OLS anticipates that certain additional State data reporting requirements included in S-2392 (1R) will not lead to an increase in expenditures. Section 5 of the bill specifies that data indentifying the number and nature of all reports of harassment, intimidation, and bullying must be included in the annual School Report Card. Additionally, section 8 requires that the violence, vandalism, and substance abuse report issued by the commissioner pursuant to N.J.S.A.18A:17-48 must also include information on harassment, intimidation, and bullying. To the extent that the violence, vandalism, and substance abuse report already includes information on harassment, intimidation, and bullying, the latter requirement would simply codify current practice into law and would not affect State expenditures. Since the Department of Education already collects data regarding incidents of harassment, intimidation, and bullying, including such information in the School Report Card would not necessitate additional resources.

Section 7 of S-2392 (1R) requires that the department promulgate guidelines to grade schools on their efforts to implement policies and programs consistent with the law based on the biannual reports that would be produced by districts pursuant to that section. As previously noted, most of the information currently included in the report is quantitative in nature and is collected by the department through EVVRS. The OLS cannot predict how the department would elect to determine each school's grade; however, given that the grade would be based on the data required under this section of the bill, it appears that one approach would be to develop a calculation that uses the data to determine a score that measures a school's efforts in this regard, and a rubric to transform that score into a grade. Such an approach might require a one-time expenditure to determine the methodology that will be used to calculate the grade. It is plausible that the department may select an alternative procedure that is more resource intensive and requires recurring expenditures.

Various sections of S-2392 (1R) require the department to: 1) establish a protocol for the executive county superintendents of schools to investigate situations in which an incident of bullying was not properly addressed by a school or district; 2) develop guidance documents for parents and guardians, students, and school districts; 3) create an Internet-based tutorial on harassment, intimidation, and bullying; and 4) develop an inservice workshop, preferably to be made available online, that will provide training to personnel serving as anti-bullying specialists and coordinators. As a result of the enactment of the original law on school bullying, P.L.2002, c.83, the department has already developed guidance documentation and a procedure for the executive county superintendents to address circumstances in which someone believes a district has not adequately addressed an instance of harassment, intimidation, and bullying.⁴ As such, this should not lead to additional State expenditures. Developing the materials, tutorial, and inservice workshop may require an initial expenditure, but the potential cost cannot be determined.

⁴ The complaint procedures and investigation protocols can be found at <http://www.state.nj.us/education/students/safety/behavior/hib/HIBCombined.pdf>, last accessed on 11/18/2010.

Section: Education

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This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).