

New Jersey Lawmaker Proposes Bill to Combat Bullying By School Staff

by Sean D. Dias on June 1, 2012

New Jersey has some of the strictest laws in the nation when it comes to harassment, intimidation, and bullying in schools, but what happens when the teachers are the bullies?

On the heels of several highly publicized cases of bullying by school staff, New Jersey Senator Diane Allen has introduced legislation that would enact tougher discipline.

The bill specifically extends New Jersey's Anti-Bullying Bill of Rights Act to bullying at the hands of teachers and other school employees. Below are several key provisions of the legislation, as outlined by Sen. Allen:

- The school's anti-bullying specialist must investigate reported incidents of bullying by teachers within four to ten days.
- If evidence is found to substantiate the accusation, the school's superintendent must immediately report said finding to the district's board of education, and tenure charges must be filed by the board against the employee within three days.
- With respect to a non-tenured employee, substantiated misconduct would result in immediate termination and revocation of his or her state certifications.
- Tenured employees would enter into an arbitration process with the Commissioner of Education, to last no longer than 30 days, which also could result in the revocation of state certification(s).
- Disciplinary action could also be taken against employees who fail to report knowledge of misconduct by their colleagues.

While few disagree with Sen. Allen's aim to deter bullying by teachers, some have questioned whether the anti-bullying legislation would survive legal scrutiny. New Jersey Education Association spokesman Steve Wollmer said Allen's bill threatens due process rights "because it would allow no more appeals to a neutral third party." He indicated that the union has suggested that New Jersey follow the procedure used in Massachusetts, where teacher dismissals are decided by outside employment arbitrators.