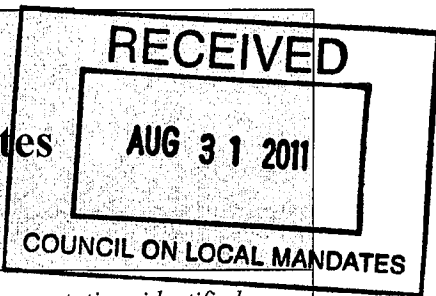




State of New Jersey Council on Local Mandates Complaint



The form is to be completed and signed by the Claimant's attorney or other authorized representative, identified under Part I (B).

I (A). Information regarding the Claimant (include title if a County Executive or Mayor):

Name of Claimant (and title if applicable):

Allamuchy Township Board of Education

Claimant contact information:

Mailing Address:

20 Johnsonburg Road, P.O. Box J

City: Allamuchy

State: New Jersey

Zip Code: 07820

Phone: 908-852-1894

Fax: 908-852-9816

E-mail address:

I (B). Name of person preparing this document, and title or relationship to Claimant (e.g., legal counsel, business administrator, superintendent):

Name: Francis Gavin

Title/Relationship: Board President

Contact information for person identified in Part I (B):

Mailing Address:

33 Sandpiper Drive

City: Hackettstown

State: New Jersey

Zip Code: 07840

Phone: 908-853-5479

Fax:

E-mail Address:

fxgavin@gmail.com

II. The Complaint:

1. Claimant alleges that the following statute, rule, or regulation is an unfunded mandate in violation of the New Jersey Constitution, article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2, because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for its implementation:

NJ Laws 2010, chapter 122, portions of which are known as the "Anti-Bullying Bill of Rights"

2. The above-cited statute, rule, or regulation became effective on:

January 5, 2011

3. The following is the basis for the claim made herein that the statute, rule, or regulation identified in paragraph II (1) is an unfunded mandate:

A. Section 14 of P.L. 2010 ch. 122 amends Section 5 of P.L.2002, c.83 (NJS18A:37-17) to require schools and school districts to annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members so as to create school-wide conditions to prevent and address harassment, intimidation, and bullying. Said section also encourages such school districts to apply to the Department of Education for a grant to be used for the acquisition or development of the programs or approaches which the law requires the districts to establish. The grant funding is made available through the Bullying Prevention Fund to the extent funds are appropriated or are made available. To date, the Legislature has not appropriated funds for the Bullying Prevention Fund thereby requiring local funding for the acquisition and development of the required programs and approaches. Moreover, the section also requires the local school district to provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students, a process that will require the expenditure of local funds. B. Section 17 of P.L. 2010 ch. 122 which is codified at NJS 18A:37-20 requires local school districts to create and staff new work titles of anti-bullying specialist and anti-bullying coordinator. The anti-bullying specialist will be either: an additional job title for a school guidance counselor, school psychologist, or another individual similarly trained who is currently employed in the school; or if one of the foregoing is not employed in a particular school, an existing staff member who will need to be trained. In addition, the act requires each district to have a district anti-bullying coordinator to which position the superintendent is to make every effort to appoint an employee of the school district. The additional job titles will require financial stipends for any employees who are members of a collective bargaining unit and therefore will be funded through local funds.

Note: The text provided in paragraph II (3) is to be used for the Pleading Summary published on the Council's web site. If more space is needed, please attach additional sheet(s).

4. State Claimant's estimate of the additional direct expenditures required to implement the statute, rule or regulation identified in paragraph II (1), together with:
- a description of the frequency of the estimated expenses (i.e. annual, monthly), and
 - a specification of the basis for the estimate.

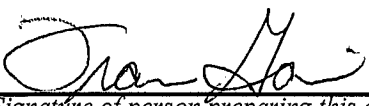
The Allamuchy Township School District anticipates the following additional direct expenditures required to implement the various unfunded statutory mandates as described in II 3 above: A. Training. There will be a required initial outlay for training materials. The district has identified the well regarded Olweus Bullying Prevention Program which will cost almost \$3,000 per school for a total of approximately \$6,000 as an initial unfunded expenditure. There will be annual updates, the subscription for which is anticipated to be \$1,000 annually. To the extent that further ongoing training will be required, it cannot be accurately predicted the annual cost for future training programs, whether for materials or presenters, as the requirements will be dependent on as yet unissued guidelines from the Department of Education.

Note: If more space is needed, please attach additional sheet(s).

5. Does Claimant seek injunctive relief? No Yes
If yes, on attached sheet(s), provide a description of the nature and extent of imminent irreparable injury that will result to Claimant in the absence of injunctive relief.

6. Claimant attaches:
 Resolution (of county/municipal governing body or of board of education), which is incorporated herein by reference, *or*
 Copy of notice of intention to file a complaint provided to governing body.

WHEREFORE, Claimant demands judgment by the Council that the statute, rule, or regulation identified in paragraph II (1) above is an unfunded mandate pursuant to the New Jersey Constitution, Art. VIII, § 2, ¶ 5 and N.J.S.A. 52:13 H-2, and that it shall cease to be mandatory in effect and expire.


[Signature of person preparing this document].
Date:

Name (typed or printed) of person signing

Title (typed or printed) of person signing

Total number of attached pages:

[Print Form](#)

Section II 3. continued:

C. Section 18 of P.L. 2010 ch. 122 which is codified at NJS 18A:37-21 requires each school district to establish a school safety team in each school. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team. This mandate will require the appointment of at least one teacher in each school. To the extent that the teacher is a member of a collective bargaining unit, a stipend will be required to be paid from local funds.

D. Section 25 of P.L. 2010 ch. 122 which is codified at NJS 18A:38-28 creates a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates. Because the Legislature has not made any appropriations for the fund, all funding for training must come from local funds. Moreover, the Fund, if the Legislature were to make sufficient appropriations, does not appear to be available for ongoing personnel requirements under the Act.

E. Section 12 of P.L. 2010 ch. 122 amends Section 3 of P.L.2002, c.83 (C.18A:37-15) to provide in section 3(b)(7) that a district's policies must make provision for "the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner." The amendment requires through the mandatory adoption of policies that will in turn require that the district provide services, all of which are not funded by the State and therefore will require local funds.

Section II 4. Continued:

B. Anti-Bullying specialists and coordinators. Allamuchy will require two Anti-Bullying Specialists and one Anti-Bullying coordinator. The district has two schools. There is one guidance counsellor in the district and she is a member of a collective bargaining unit. The other specialist position and the coordinator position will be filled with teaching staff. Therefore all three positions will require annual stipends. It is anticipated that the stipend for the specialist position will be \$4,000 annually. It is anticipated that the coordinator position will be \$4,000 annually. These positions have not been created yet nor have they been the subject of negotiations between the Allamuchy Education Association and the Board of Education.

C. School Safety Team. Allamuchy will require two School Safety Teams, one in each school. Both teacher positions on the school safety teams will require annual stipends. It is anticipated that the stipend for the safety team position will be \$2,000 annually. These positions have not been created yet nor have they been the subject of negotiations between the Allamuchy Education Association and the Board of Education.

D. Anti-Bullying Fund. Inasmuch as the State has made no appropriation to the Fund, all the statutory mandates referred to herein are unfunded. To the extent that the State funds the Fund, grants are discretionary. Moreover, it appears that ongoing personnel expenses required by the mandates are not eligible for grants from the Fund.

E. Provision of counseling, support services, intervention services, and other programs. Allamuchy cannot anticipate the scope, frequency or cost of any services required to be provided. Such services will be on a case by case basis and in accordance with requirements as yet not imposed by the Commissioner.