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Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
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PAULA T. DOW
Attorney General

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Director

September 29, 2011

Via Electronic Mail

Shawn Slaughter
Council on Local Mandates
135 W. Hanover Street
PO Box 627
Trenton, NJ 08625-0627

Re: In the Matter of Complaint filed by the Allamuchy
Township Board of Education
Docket No: _____

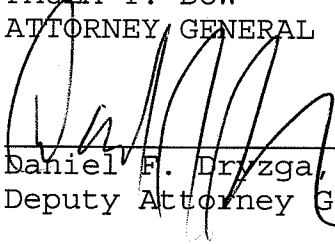
Dear Mr. Slaughter:

Enclosed for filing, please find an Answer to be filed in
regards to the above mentioned matter.

Thank you for your attention to this matter.

Respectfully submitted,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 
Daniel F. Drzyzga, Jr.
Deputy Attorney General

/sb
Enclosures



PAULA T. DOW
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Attorney for State Respondents
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P.O. Box 112
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By: Daniel F. Dryzga, Jr.
Deputy Attorney General
(609) 633-1972

BEFORE THE COUNCIL ON
LOCAL MANDATES
Docket No.

IN THE MATTER OF COMPLAINT :
FILED BY THE ALLAMUCHY :
TOWNSHIP BOARD OF EDUCATION : ANSWER
_____ :

Respondent, Acting Commissioner of the New Jersey Department of Education, by way of Answer to the Complaint filed by Claimant, Allamuchy Township Board of Education, states:

1. The allegations in paragraph II(1) constitute conclusions of law to which no response is required. Moreover, it is specifically denied that N.J.S.A. 18A:37-17 et seq. is unconstitutional.

2. To the extent the allegations in paragraph II(2) contain only the effective dates of the statutes at issue in this case, no response is required. The statute is a legislative record and speaks for itself.

3. The allegations in paragraph III(3) constitute conclusions of law to which no response is required. To the extent paragraph III(3) contains factual allegations, same are denied. Moreover, it

is specifically denied that N.J.S.A. 18A:37-17 et seq. is unconstitutional.

4. The allegations in paragraph IV(4) are denied. Moreover, it is specifically denied that N.J.S.A. 18A:37-17 et seq. is unconstitutional.

WHEREFORE, Respondent requests that the Council on Local Mandates dismiss Claimant's Complaint.

Pleading Summary

Respondent denies that the provisions of N.J.S.A. 18A:37-17 et seq. constitute an unfunded mandate. Pursuant to N.J.S.A. 18A:37-17, each school district "shall provide training on the school district's harassment, intimidation, or bullying policies to school employees and volunteers who have significant contact with students." This training "shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students." The training is meant to supplement the existing training given to employees and will not require additional expenditures. Further, State aid to local district is meant to fund at least a portion of the cost of training employees of local school districts.

In addition, while Claimant alleges that N.J.S.A. 18A:37-20

requires new job titles and therefore new expenditures, the plain language of the statute indicates that someone currently on the school's staff shall be designated as an "anti bullying" specialist. Moreover, to the extent that additional costs are incurred those costs will be reimbursed by the Department of Education. N.J.S.A. 18A:37-19 provides that "[a] school district that incurs additional costs due to the implementation of the provisions of this act shall apply to the Commissioner of Education for reimbursement."

WHEREFORE, Respondent requests that the Council on Local Mandates dismiss Claimant's Complaint.

Respectfully submitted,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 

Daniel F. Dryzga, Jr.
Deputy Attorney General

Dated: September 29, 2011.