



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO BOX 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-6500

PAULA T. DOW
Attorney General

STEPHEN J. TAYLOR
Director

September 14, 2011

TO: County Prosecutors
Executive County Superintendents

FROM: Paula T. Dow, Attorney General 
Christopher D. Cerf, Acting Commissioner, Department of Education 

SUBJECT: Uniform State Memorandum of Agreement
Between Education and Law Enforcement Officials

Bullying is a serious problem that negatively affects victims, bullies, observers and the ability of students to learn in safe and civil school environments. The severe effects on student *victims* include behavioral problems (e.g., suicide, violence), school problems (e.g., high absenteeism, poor achievement, and poor concentration), psychological problems (e.g., depression, anxiety, and low self-esteem), physical/health problems (e.g., stomachaches, dizziness, and headaches) and social problems (e.g., difficulty making friends, difficulty adjusting to their environments, loneliness). Bullying not only isolates victims and makes their lives a misery; it coarsens and degrades the lives of students who bully others. *Bullies* are more likely to get into fights, steal and vandalize property, drink alcohol or smoke, carry weapons, receive poor grades and perceive the school environment as negative. Students who are *bullies and who also are bullied* tend to experience social isolation, poor academic performance, and engage in problem behaviors, including drinking and smoking. The U.S. Secret Service reported that 2/3 of 37 school shootings it reviewed involved youth who felt bullied or persecuted. *Observers* of bullying tend to be more likely to participate in the bullying, feel powerless to act, feel guilty for not acting and be more fearful in general. Clearly, bullying is not just "kids being kids."

As adults, we must all use our best efforts to protect our children from bullying. On January 5, 2011, New Jersey enacted the "Anti-Bullying Bill of Rights Act" (P.L. 2010, Chapter 122) to provide school staff and others with the tools for addressing this significant problem. This act sets forth standards for preventing, reporting, investigating and responding to incidents of harassment, intimidation and bullying (HIB) of students on school grounds, at any school-sponsored function, on a school bus and off school grounds in particular circumstances. Although the act primarily addresses the obligations of schools and school districts and does not create any new criminal offenses, it is important to provide for the coordination of efforts between law enforcement and school officials in harassment, intimidation and bullying case particularly those involving conduct that may constitute a crime or a disorderly persons offense under the New Jersey Code of Criminal Justice. Accordingly, the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials has



been revised to provide guidance to both school staff and law enforcement officials in the handling of such cases.

Attached please find a revised copy of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials. The Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials was developed by the Attorney General's Education and Law Enforcement Working Group, and is based upon earlier memoranda of agreement that were issued in 1988, 1992, 1999 and 2007. All school districts are required by regulations (*N.J.A.C. 6A:16-6.2(b)13* through 15) promulgated by the New Jersey State Board of Education to adopt and implement policies and procedures that are consistent with the State Memorandum of Agreement approved by the Attorney General and the Commissioner of Education.

Accordingly, all public school districts, charter schools, jointure commissions, educational services commissions and approved private schools for the disabled are required to adopt and implement the attached revised *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*. The Executive County Superintendents of Schools and County Prosecutors shall disseminate the revised agreement to local education and law enforcement officials and ensure that the agreements are signed and implemented.

The revised Memorandum of Agreement (MOA) should be discussed and subsequently signed as soon as possible for every school district and municipality. The MOA will be available as both an Adobe Acrobat file and a Microsoft Word file on the Department of Education's (DOE) (www.state.nj.us/education) and the Division of Criminal Justice's (www.njdcj.org) internet pages. For additional information, see the attachment titled *Procedures to Facilitate Updating the MOA*.

To assist in the process of completing the MOAs, the following points should be kept in mind:

Revisions to the MOA: While school districts are free to customize the MOA to include additional local provisions to address specific problems and concerns, districts are not permitted to delete or alter provisions of the uniform MOA, pursuant to *N.J.A.C. 6A:16-6.2(b)15ii*. This agreement is a product of careful and thorough negotiations conducted by state, county and local representatives throughout the educational and law enforcement communities. Attached is a summary procedure that can facilitate updating the MOA.

Charter Schools, Jointure Commissions, Educational Services Commissions and Approved Private Schools for the Disabled: These schools and educational agencies also are required to comply with the requirement for a signed MOA. Executive County Superintendents should ensure that a copy of the MOA is provided to each of these schools, in addition to all public school districts, and is completed and signed consistent with the process established for local school districts.

Private Services: Public school districts which enter into contracts with private vendors, such as bus companies or private schools, should make sure these organizations are aware of the agreement and their responsibilities under the MOA. The agreement should follow the student, thereby requiring the private vendor or other organization to adhere to the signed MOA, especially as it relates to the reporting of incidents.

Annual Updates: Once the MOA has been signed, annual updates will be required for each subsequent school year, pursuant to *N.J.A.C. 6A:16-6.2(b)15*.

Major New Features of the Revised Agreement:

- Article 3.6** **Truancy; Assistance Provided to Attendance Officers**
This new article includes information regarding the statutory duty of law enforcement officers to provide assistance to attendance officers.
- Article 8.4** **“Bias” Crimes and “Bias Related” Acts**
This article has been updated to include a reference to the “Anti-Bullying Bill of Rights Act.”
- Article 8.6** **Harassment, Intimidation and Bullying**
This new article and its subsections, 8.6.1 through 8.6.6 have been added to the MOA in order to clarify and define differing terminology, provide standards for reporting and information sharing, the preservation of evidence, the coordination of investigations and testimony at school student conduct hearings.

MOA Format: The MOA has been formatted to provide ease of access to its contents by including hyperlinks between the Table of Contents and the body of the MOA. Each Article and subsection listed in the Table of Contents can be accessed by placing the cursor over the desired Article or section in the Table of Contents and pressing the Control key and clicking the mouse on the desired item.

The MOA is a critically important vehicle for securing our schools through effective cooperation between school staff and law enforcement authorities. The assistance you provide to local schools in completing and implementing the MOA is appreciated. We are available should you have questions or require assistance.

Attachments

- c: Governor Chris Christie
 Members, State Board of Education
 Members, Attorney General’s Education and Law Enforcement Working Group
 Phillip Kwon, First Assistant Attorney General
 Col. Rick Fuentes, Superintendent of State Police
 Charles McKenna, Director, Office of Homeland Security and Preparedness
 Stephen Taylor, Director, Division of Criminal Justice
 Andrew Smarick, Deputy Commissioner, DOE
 David Hespe, Chief of Staff, DOE
 Barbara Gantwerk, Assistant Commissioner, Division of Programs and Operations, DOE
 Susan Martz, Director, Office of Student Support Services, DOE
 Gary Vermeire, Program Coordinator, Office of Student Support Services, DOE
 Hester Agudosi, SDAG
 Thomas Fiskén, SDAG

**Procedures to Facilitate Updating
the *Uniform State Memorandum of Agreement*
*Between Education and Law Enforcement Officials (MOA)***

- The chief school administrator should schedule meetings with chiefs of police to discuss the revised MOA.
- A list of school and law enforcement contacts should be attached to the updated MOA.
- At the conclusion of the meeting, four copies of the MOA are signed by the chief of police and the chief school administrator.
- The four signed copies, with copies of additional provisions attached, are forwarded to the executive county superintendent for approval.
- The executive county superintendent signs the MOAs and forwards them to the county prosecutor for approval.
- The county prosecutor signs the MOA, retains one copy for his or her files, and arranges for delivery of one copy to each chief of police. The remaining two copies are returned to the executive county superintendent. The executive county superintendent retains one copy for his or her file and arranges for the delivery of the other copy to the chief school administrator.
- Annually, at the beginning of each school year, the executive county superintendent will provide the Attorney General's Education and Law Enforcement Working Group with a report on the status of the signed MOAs, which will be provided to the Commissioner of Education and Attorney General or their designees.